THE

HISTORY OF ENGLAND,

Written originally in FRENCH by

RAPIN DE THOYRAS:

TRANSLATED INTO ENGLISH,

WITH ADDITIONAL NOTES;

AND

CONTINUED FROM THE REVOLUTION

TO THE

Acceſſion of KING GEORGE II.

BY

N. TINDAL, M. A.

Late RECTOR of ALVERSTOKE IN HAMPSHIRE, and CHAPLAIN to the ROYAL HOSPITAL at GREENWICH:

With the Reign of GEORGE the II:

BY

T. SMOLLETT, M. D.

AND AN INDEX TO EACH VOLUME.

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M DCC LXXXIX.

BRITISH MUSEUM

THE HISTORY OF ENGLAND.

BOOK XIX.

Containing the first ten Years of the Reign of CHARLES I. from 1625 to 1636.

Conſiderations on the Authors who have written the Hiſtory of CHARLES I.

THE civil war between Charles I. and the parliament, gave birth to two parties, who contended for victory till the battle of Nazeby. By this battle the parliament acquired a ſuperiority, which enabled them to hold the king's party, or the cavaliers, in a ſort of ſlavery, from which they were not delivered till 1660, by the reſtoration of Charles II. After the reſtoration, the royaliſts in their turn became ſo ſuperior, that the other party durſt no longer hold up their heads. This continued till the end of the reign of James II. during the ſpace of twenty-ſeven or twenty-eight years. In one or other of theſe two intervals were penned moſt of the works, wherein the authors undertake to give an exact account of the troubles of England in the reign of Charles I. with the grounds and cauſes of the ſame. From the concluſion of the war, to the reſtoration of Charles II. the friends of the parliament had free ſcope to write and publiſh whatever they pleaſed, whilſt the king's adherents durſt not ſet their names to their writings. In this interval were publiſhed numberleſs polemical papers, with ſuch animoſity, ſo many reproaches and invectives, that it is not eaſy for a man, who is in ſearch after truth, to diſcern, in all theſe writings, the proofs which may have ſome ſolidity, and ſeparate them from the preſumptions, falſe conſequences, artful ſuppoſitions, and invectives, wherewith they abound.

One of the moſt conſiderable writings of thoſe days was Eikon Baſiliké, or the king's portraiture, publiſhed in 1649. It can hardly be doubted, that Charles I. was himſelf the author [a]. He undertakes in this work to vindicate himſelf upon all the articles laid to his charge. It is properly an abſtract of the reaſons he had before publiſhed in ſeveral papers printed by his order, or addreſſed to both houſes of parliament. I have not quoted this book in the hiſtory of his reign, becauſe it contains nothing with regard to the facts or proofs, but what is more fully expreſſed in the king's meſſages, anſwers, and declarations. An anſwer was publiſhed to this book, pretending to ſhew, the king had not ſpoken with ſincerity; and preſently after appeared a reply to this anſwer. This treatiſe has been highly eſteemed, becauſe it contains all the principal arguments in favour of the king. It may be eaſily preſumed, the king forgot nothing material, ſince no man could know his affairs better than himſelf. Accordingly, this book has ſerved for foundation to whatever has been ſince penned in his favour.

Another very conſiderable work, publiſhed a little after the death of Oliver Cromwel, and dedicated to his ſon Richard, whilſt protector, was Ruſhworth's Collections. This work may very juſtly be conſidered as a continuation of Rymer's Fœdera, of which I have made great uſe in this hiſtory. It is a collection of all that paſſed, with reſpect to the public affairs, from the year 1618, to the death of Charles I. not by way of narration, but affording materials to compoſe a regular hiſtory. It contains all the tranſactions at court and in the parliament; the king's proclamations upon ſundry matters; his ſpeeches to both houſes, and thoſe that were made by his order; the addreſſes or petitions preſented to the king by the parliament; his majeſty's anſwers; the petitions preſented to both houſes, the ſpeeches in the houſe of commons, as well as in the courts of juſtice; the votes or reſolves of the two houſes, and their conferences upon divers ſubjects; the king's meſſages to the parliament, with the anſwers; the impeachments of the commons brought before the lords againſt ſeveral illuſtrious perſons; the anſwers of the parties accuſed; the ſentences; the petitions of the commons and both houſes to the king, concerning religion, tunnage and poundage, the affairs of the militia, breaches of privilege, the affair of Hull; the king's anſwers and his ſeveral meſſages upon theſe affairs; the king's and the parliament's manifeſtos; all the events of the war; the accounts of the ſkirmiſhes, ſieges, and battles; the negotiations for peace; a great number of papers, which give a perfect knowledge of the differences between the king and his Scotch ſubjects, and of thoſe between the army and parliament, with the negotiations between the king and both houſes, after his majeſty's impriſonment; the violence exerciſed by the army upon the parliament; the king's condemnation and death. Theſe materials are the more valuable, as the author draws no conſequence from what he relates, and very ſeldom endeavours to prejudice his reader by reaſonings; ſo that every man is free to make what uſe of them he thinks fit, according to his own principles. I ſhall ſpeak a little more fully of theſe Collections hereafter.

From the reſtoration of Charles II. to the end of his reign, two other works were publiſhed upon the ſame ſubject, I mean, upon the reign of Charles I. and a third was compoſed at the ſame time, though publiſhed later.

The firſt is entitled, The Annals of King James and King Charles I. It is ſaid to be compoſed by Dr. Franklin, who has not thought fit to put his name to it. He begins his Annals at the year 1612, and continues them through the reſt of the reign of James I. and from the death of that prince to the year 1642, during the firſt eighteen years of the reign of Charles I.

The ſecond, publiſhed in 1682, was compoſed by John Nalſon, doctor in law. It is entitled, An Impartial Collection of the great Affairs of State, from the Beginning of the Scotch Rebellion to the Murder of King Charles I. This Collection begins only at the year 1639, and though probably the author intended to continue it to king Charles's death, as appears by the title, he left it imperfect, and brought it no lower than January 1641-2, in two volumes in folio.

The third is, The Hiſtory of the Rebellion and Civil Wars in England, written by the earl of Clarendon. This hiſtory was penned before Nalſon's, though it appeared not till queen Anne's reign. It begins properly with the parliament of November the 3d, 1640, the whole firſt book being a ſort of introduction, where the author gives a general account of what paſſed from the laſt years of James I. to that parliament. This hiſtory reaches to the reſtoration of Charles II. in 1660.

The three laſt works were compoſed in the reign of Charles II. at a time when that prince had carried the royal authority much higher than the king his father had ever done; at a time when thoſe who had been adherents of the long parliament, or were in the ſame principles, were cruelly perſecuted, and when it was more dangerous to be a preſbyterian than an atheiſt.

I ſhall not ſpeak here of many leſs conſiderable writings, moſt of which aſcribe to the king an unlimited power, and conſequently repreſent the war of the parliament againſt Charles I. as the blackeſt and moſt evident rebellion.

Whoever intends to write the hiſtory of the reign of Charles I. muſt take his materials from ſome one of the works I have mentioned, or from all. For this reaſon I think myſelf obliged to ſpeak a little more fully of them, to the end it may not be thought ſtrange that I have not adopted without examination whatever they contain. Was there among the

[a] This ſeems to be ſaid without ſufficient ground, for whoever reads what Dr. Walker, and Toland in his Amyntor, have publiſhed on this ſubject, muſt be inclined to believe, that the king could not poſſibly be the author. Indeed it is almoſt demonſtrable that biſhop Gauden wrote that treatiſe. See on one ſide, the aforeſaid Dr. Walker, and Toland, and alſo Ludlow, and Burnet's Hiſt. of his own Time; and on the other ſide, Dr. Hollingworth, Mr. Wagſtaffe, &c.

Engliſh ſome good neuter hiſtorian, it would be he that ſhould be taken for guide; but I know not of any. He therefore that undertakes to write at this time the hiſtory of Charles I. muſt endeavour to diſcover the truth in even the moſt partial hiſtorians, and be extremely careful to avoid the continual ſnares they lay for their readers, to favour the cauſe they maintain. One muſt know what was their deſign in writing, what ſyſtem they followed, and the artifices they uſed to engage in their principles ſuch as make but few reflections in reading a hiſtory, and are apt to be eaſily drawn into the prejudices of the hiſtorian. I ſhall begin with Ruſhworth, who was the firſt writer.

There is no hiſtorian that can appear at firſt ſight more impartial than he that contents himſelf with furniſhing materials for a hiſtory, without drawing any conſequences himſelf, and without reaſoning upon the papers he exhibits, either for or againſt what they contain. It is, however, certain, that even in this he may ſhew very great partiality; as for inſtance, in giving forged papers, in curtailing or altering thoſe that are true, in giving ſuch only as may be advantageous to the party he would favour. Ruſhworth, who was moſt certainly a friend to the parliament, clerk-aſſiſtant to the houſe of commons, and ſecretary to general Fairfax, is accuſed of three things by the contrary party. It is pretended, 1. That he has given falſe papers. 2. That he has curtailed others, under colour of abridging them. 3. That he has affected to give all thoſe that are favourable to the parliament, and to omit ſeveral which might ſerve to ſhew the king's innocence. 4. Laſtly, that not declaring from whence he received his materials, we have only his authority for what he relates. This is a general accuſation, which, were it well proved upon any important and deciſive facts, is ſufficient to ſhake the credit of the collector. The reader will judge, whether this charge is made good with regard to the particular caſes on which he is accuſed, and whether theſe caſes are of ſuch a nature, that they ought to determine the diſintereſted to neglect the generality of his collections. I ſhall take theſe particular accuſations from Nalſon's introduction, wherein his chief aim was to diſcredit Ruſhworth, and perſuade his readers that they ought not to believe any thing he advances. It is very likely, Nalſon has forgot nothing upon this ſubject. I ſhall begin with the falſe papers he accuſes Ruſhworth of inſerting in his Collections.

The firſt paper forged by Ruſhworth, according to Nalſon, is a ſpeech of king James to the parliament, the 30th of January 1620. Inſtead of giving this ſpeech entire, Ruſhworth inſerts only an abſtract. And therefore Nalſon takes care to print the true ſpeech, and Ruſhworth's abſtract in ſeparate columns, that they may be the more eaſily compared. He adds, that the whole ſpeech was communicated by William Sancroft archbiſhop of Canterbury. Upon comparing Ruſhworth's abſtract with the entire ſpeech, there appears but one material paſſage which could give occaſion to charge Ruſhworth with unfaithfulneſs. And that is, where it is ſaid in the ſpeech, "A parliament is an aſſembly compoſed of a head and a body; the monarch is the head, and the three eſtates the body." Whereas it is ſaid in the abſtract, "the parliament is a thing compoſed of a head and a body, the monarch and the two eſtates." This induces Nalſon to exclaim again Ruſhworth, for reducing by his own authority the three eſtates, namely, the lords ſpiritual, the lords temporal, and the commons, to two eſtates, meaning thereby, that the houſe of peers made but one eſtate.

This queſtion was debated with great warmth, when the excluſion of the biſhops out of the upper houſe was in agitation. For if the biſhops were one of the three eſtates of parliament, it was evident they could not be excluded without altering the conſtitution. But this opinion was not generally received. The commons pretended, that the biſhops with the peers made but one eſtate. Nalſon pretends therefore, that Ruſhworth, to countenance the commons opinion, and juſtify the excluſion of the biſhops, makes king James ſay what he did not. To prove this, beſides the whole ſpeech, communicated by the archbiſhop of Canterbury, he alleges ſeveral things to ſhew, there have always been three eſtates acknowledged in the parliament beſides the king. He anſwers the objection drawn from Charles the firſt's confeſſion, after the excluſion of the biſhops, that himſelf was one of the three eſtates of parliament, and concludes that James I. could not ſpeak in his ſpeech of two, but of three eſtates.

A ſecond inſtance of Ruſhworth's unfaithfulneſs is, that he gives only an abſtract of a letter to the king from an unknown hand, tending to ſhew, that the parliament attacked the king himſelf, in attacking the duke of Buckingham. This charge conſiſts wholly in the ſuppoſition that Ruſhworth abridged this letter to hinder his readers from perceiving all its force.

The third inſtance of Ruſhworth's unfaithfulneſs, is, that he has publiſhed in his appendix a ſcandalous paper, called, "A Propoſition for his Majeſty's Service to bridle the Impertinence of Parliaments." It is true, Ruſhworth ſays, this paper was queſtioned in the ſtar-chamber. But Nalſon pretends, this is not ſufficient to excuſe Ruſhworth, who, he ſays, ought to have ſhewn upon what grounds it was queſtioned, which he does himſelf very largely.

A fourth inſtance of Ruſhworth's unfaithfulneſs, is, that he inſerts in his Collections, a pretended letter of archbiſhop Abbot to James I. to diſſuade him from granting a toleration to the papiſts, when he was upon the point of concluding the prince his ſon's marriage with the Spaniſh infanta. Nalſon ſays upon this ſubject, that the archbiſhop being then out of favour, and having nothing to do with the management of counſels, could have no other foundation, but either his own conjecture, or the common rumour, both equally liable to deceive and be deceived. He does not poſitively ſay, however, that the letter is forged, but contents himſelf with inſinuating it, becauſe Ruſhworth not having ſaid how he came by the letter, the credit of it reſts ſolely upon his fidelity.

But the fifth and moſt crying unfaithfulneſs of Ruſhworth, according to Nalſon, are the private articles of prince Charles's marriage with the infanta of Spain. He pretends they are all forged, on purpoſe to blacken the king and prince, by intimating that their deſign was to reſtore the catholic religion in England, and alleges ſeveral arguments to prove the forgery.

1. It is not probable, the king and prince ſhould promiſe what they knew was not in their power to perform, conſidering the ſtrength and conſtitution of the Engliſh laws againſt popery, and that the Engliſh nation would never have ſuffered it. This is not one of the moſt convincing arguments.

2. The parliament never taxed Charles I. with theſe private articles, not even in the declaration, where they collected all the reaſons which could juſtify their reſolution of not preſenting any more addreſſes to his majeſty. This is a much ſtronger argument than the former.

3. In the Memoirs of Deageant it is ſaid, the king of France hearing of king James's death, ſays to the archbiſhop of Ambrun, "All our hopes of England are loſt." Which ſhews, that Charles had no intention to reſtore the catholic religion. One would think Nalſon ſhould not have alleged this reaſon, which, in clearing this prince, caſts a great blemiſh on James I.

4. He ſays, Ruſhworth, by inſinuating that Charles I. intended to reſtore the catholic religion, contradicts himſelf, ſince he tells us in another place, that the prince being in Spain, remained ſtedfaſt in his religion, what endeavours ſoever were uſed to ſeduce him.

5. Ruſhworth produces no other authority for the truth of theſe private articles, but his own, and, in all appearance, the French Mercury is his author.

The ſixth inſtance of unfaithfulneſs laid by Nalſon to Ruſhworth's charge, is, the pope's letter to the prince when in Spain, and the prince's anſwer. 1. Becauſe it was a thing of mere ceremony. 2. In his circumſtances it was no more than what common prudence and policy obliged him to, in order to get out of the king of Spain's hands. This excuſe ſhews Nalſon was not thoroughly convinced of the forgery of theſe letters. He inſinuates, however, that they might be counterfeit, by reaſon Ruſhworth alleges no other authority than his own. It is true, he ſays the copies of theſe letters were preſerved by ſome who were then at Madrid, but names no body. This made Nalſon believe, Ruſhworth took the letters out of the French Mercury.

I come now to the charge againſt Ruſhworth, of inſerting in his Collections only what was advantageous to the parliament, omitting whatever was favourable to the king. Nalſon gives three inſtances in three particular caſes.

The firſt is, that in the affair of impriſoning the members of parliament, ſeveral of the judges gave their opinions, to ſhew that the king's conduct was not againſt law. Nalſon ſays, Ruſhworth is contented to mention the ſpeeches of two judges, namely, Whitelock's and Doderidge's, which were in favour of the king, and to ſay that Hide and Jones delivered their opinions to the ſame purpoſe. This charge therefore conſiſts, in that Ruſhworth, after giving the ſpeeches of two of the judges, thought not proper to inſert thoſe of the reſt who were for the king upon the ſame principles. But Nalſon pretends, he ſhould likewiſe have given Hide's and Jones's ſpeeches, and does it himſelf. Indeed Ruſhworth may be guilty of ſome partiality in omitting the two laſt, if it be true that they are ſtronger, and better ſupported than the others, of which I cannot judge.

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The ſecond caſe is, that Ruſhworth, ſpeaking of ſerjeant Aſhley's ſpeech in the houſe of lords, ſays, he advanced the following propoſition, for which he was committed to cuſtody, and afterwards recanted: "That the lords muſt allow the king to govern by acts of ſtate, otherwiſe he is a king without a council, or a council without power." Nalſon makes it a crime in Ruſhworth, not to have given Aſhley's whole ſpeech, which would have ſhewn that the ſerjeant's fault was rather ſtemming the popular tide, than any other offence; that is, according to Nalſon, Aſhley very juſtly maintained this maxim, that the king muſt be allowed to govern by acts of ſtate. Such a charge can do no great injury to Ruſhworth.

The third caſe relates to the famous ſir Edward Coke, who, when judge, was of opinion, that if the privy-council commit a man, he is not bailable by any court of juſtice. But afterwards, being turned out of his office, and choſen member of parliament, he maintained the contrary opinion. Nalſon accuſes Ruſhworth of concealing this change in Coke, by caſtrating and abridging his ſpeeches, for fear his readers ſhould perceive that Coke, who was odious to the court, acted out of revenge, in maintaining an opinion contrary to his aſſertion when judge.

This is all Ruſhworth has been charged with. But I queſtion whether the equitable and diſintereſted will be convinced, that theſe particular accuſations ought to make him forfeit all his credit. His work is in eight volumes in folio, and contain ſo great a number of facts, votes, public ſpeeches, and papers of all kinds, that it would be a ſort of miracle to meet with nothing to cenſure. However, all poſſible endeavours have been uſed to diſcredit him, by general charges of partiality, unfaithfulneſs, and inſincerity. And it was this that induced me to ſay what I have ſaid, in order to ſhew what theſe general accuſations amounted to, when reduced to particular caſes.

It is however very certain, that Ruſhworth's aim and deſign, in publiſhing his Collections, was to diſparage the king's conduct, and favour the parliament's cauſe. But Ruſhworth's intention ſignifies nothing, to the knowing whether a man may ſafely make uſe of his Collections. The only queſtion is, whether his papers are true or falſe. If they are true, however injurious they be to the king's cauſe, whoever will write an impartial hiſtory of this reign, is not obliged to reject them for that reaſon. This is ſo true, that even the moſt devoted hiſtorians to Charles I. have been forced to make uſe of theſe papers [b], and take them for granted, becauſe otherwiſe it would be impoſſible to compoſe the hiſtory of this reign, which conſiſts only of the materials furniſhed by Ruſhworth. Had he begun his Collections no higher than with the affairs of the parliament of November the 3d 1640, the king's friends would doubtleſs have readily forgiven him. But the papers of the twenty foregoing years are too hard of digeſtion, becauſe they ill-agree with the hypotheſis of the royal party, of which I ſhall ſpeak preſently, and too clearly diſcover, that Charles I. deſigned to introduce arbitrary power, and conſequently, the long parliament had ſtrong reaſons to hinder the entire execution of ſuch a deſign.

I do not ſee therefore any reaſon for rejecting the papers inſerted by Ruſhworth in his Collections, eſpecially as both parties have equally made uſe of them, though in a very different manner. Some produce them in favour of the parliament, and others, to ſupport the king's cauſe. But even in this, both have owned, they were not only uſeful, but abſolutely neceſſary. If there are any paſſages combated or forged, they are very few; and it is ſtrange, that after ſo many exclamations againſt Ruſhworth's concealments and omiſſions, there appear in the writings of the king's favourers ſo few material papers that are not in his Collections.

I proceed now to thoſe who wrote in vindication of the king's cauſe, as Franklin, Nalſon, and the earl of Clarendon, omitting the other authors of leſs note, to avoid being tedious.

Theſe, in compiling the hiſtory of this reign, have formed two ſyſtems, directly contrary to thoſe of the friends of the parliament, though they have made uſe of Ruſhworth's materials. As theſe books were compoſed at a time when the regal authority was higher than ever, they have not ſcrupled to build upon the ſuppoſition of the king's having an abſolute power. Though they uſe not the word, there is hardly a page in their writings where this principle is not maintained or ſuppoſed. Hence it follows, that on the parliament's ſide, the civil war was a manifeſt rebellion. So, the proceedings of the parliament, which ſome repreſent as abſolutely neceſſary for the preſervation of the government, are accounted by others as rebellions and treaſons, and tending to the ſubverſion of the conſtitution of the ſtate, without any neceſſity of diſcovering the facts.

The ſecond ſyſtem of the king's party is no leſs contrary to that of the favourers of the parliament. Theſe pretend, that the parliament being ſufficiently convinced by undeniable proofs of the king's deſigns to eſtabliſh arbitrary power, and alter the conſtitution, thought themſelves obliged to uſe their utmoſt endeavours to prevent the execution of that project. This was their ſyſtem. The king's adherents form another, entirely different. They call the king's pretended efforts to eſtabliſh an arbitrary government, a chimera, affirming what was termed abſolute power, was preciſely what the laws allowed the king. Indeed this was the principle of James I. Charles I. Charles II. and James II. Conſequently, they pretend, that to hinder the king from exerciſing ſuch a power, was oppoſing the laws of the land. But as it evidently appeared in the reign of Charles I. that the parliament and the people were not of this opinion, it was neceſſary to give ſome plauſible reaſons of the troubles cauſed by this diſpute in that reign. To this end, they have eſtabliſhed a ſyſtem, which with the principle of the king's abſolute power, is the baſis and foundation of whatever they have written. And that is, the oppoſition king Charles met with, proceeded not from the people's belief that the king had exceeded the bounds of his power, but from a project long ſince formed, to alter the conſtitution of the church. That the preſbyterians, authors of this project, knowing the king's ſtedfaſtneſs upon that head, judged there was no other way to execute it than by ruining the king, and depriving him of his prerogatives. That to attain their ends, they inſtilled into the reſt of the parliament and nation, groundleſs ſuſpicions and jealouſies, which they took care to cheriſh by all imaginable means, till they came at length to an entire breach, and to a war which proved ſo fatal to the king, and gave them opportunity to eſtabliſh preſbytery on the ruins of the church of England.

The fault in theſe two ſyſtems is, that neither contains the whole truth. The parliament's ſyſtem aſcribes all the proceedings of both houſes, ſolely to the deſign of redreſſing paſt grievances, and preventing an arbitrary government. It is however certain, that ſeveral members of both houſes joined with that deſign the intention of altering the government of the church, which could not be done but by the king's ruin. The ſyſtem of the royaliſts has the ſame fault; they impute to the parliament but one ſingle view, namely, to alter the government of the church; and counting as nothing the deſign to prevent the eſtabliſhing of abſolute power, they pretend it was only a contrivance or excuſe, to arrive with more eaſe to the principal end, which was to eſtabliſh preſbyterian government.

After having thus ſhewn theſe two different ſyſtems, I think it needleſs to explain particularly in what manner Franklin, Nalſon, and the earl of Clarendon, apply theirs to the facts agreed on by all. I ſhall content myſelf with obſerving, that they omit no occaſion to combat the principles of the parliament, or to impute to them motives entirely different from thoſe they pretended to act by. Herein their aim was to hinder their readers from being poſſeſſed with a belief, that the parliament intended the good of their country, or had any other views than thoſe they aſcribe to them.

It is eaſy to perceive, by what has been ſaid, how the hiſtorians of the reign of Charles I. may be different, nay, contrary, according as the authors have cloſely followed one or other of theſe two ſyſtems. And this is what has actually happened. The hiſtories of the two parties, though founded upon the ſame facts, are ſo oppoſite to one another, that a reader, who is not very attentive, or wants leiſure, to examine what is propoſed to him, knows not where he is when he ſees this diſagreement.

For my part, who am not engaged in either of the parties, and aim only at truth, I do not think myſelf obliged blindly to follow one or other of the two ſyſtems; but have eſtabliſhed a third, compoſed of both, by ſupplying their defects. I leave it to the reader to judge, whether it be ſufficiently coherent to give him a diſtinct knowledge of the affairs of this reign. If I ſometimes ſeem to incline to one ſide, it is becauſe I have no reaſon to ſwerve from the truth, and am perſuaded, that the king and the parliament were both very much in wrong, though not always, nor on the ſame occaſions.

This has induced me to cite, throughout the hiſtory of this reign, ſcarce any author but Ruſhworth, though no reign has more writers. My reaſon was, becauſe Ruſhworth has formed no ſyſtem, but contented himſelf with furniſhing materials common to both parties, and of which both have made great uſe. But though I have carefully read and collated the

[b] As particularly Nalſon himſelf, and Franklin; the main of whoſe collections is taken out of Ruſhworth.

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works of Franklin, Nalſon, and the earl of Clarendon, I did not think proper to quote them, becauſe they ſcarce let fact or paper paſs without applying it to their ſyſtem, which is not always agreeable to mine. It would therefore very much embarraſs the reader, to quote, in proof of what I advance, facts or papers that are always followed with reaſonings, often directly contrary to my ſyſtem. I thought proper to ſay thus much in juſtification of the manner in which I have compoſed the hiſtory of this reign [c].

[c] It does not appear that Rapin ever ſaw Whitelock's Memorials, of which doubtleſs, he would have made great uſe, ſince they contain many things that never would have come to light, at leaſt, not without ſome preparation and adjuſtment. For as the author never intended his work for the public, nor meant otherwiſe by it than as a book for his memory and private uſe, he had not any temptations to prevaricate, nor can be well ſuſpected of a deſign to repreſent things otherwiſe than faithfully to himſelf. All is naked there, and the party more likely to ſuffer by the truth, than the truth to have any violence in favour of a party. His book is entitled, "Memorials of the Engliſh Affairs, or an Hiſtorical Account of what paſſed from the beginning of the Reign of Charles I. to King Charles II.'s happy Reſtoration, containing the public Tranſactions, Civil and Military, together with the private Conſultations and Secrets of the Cabinet." It is wrote by way of diary, though ſo much was the author upon the ſtage during all the time of action, that the particulars of his diary go very far towards a perfect hiſtory of thoſe times.

25. CHARLES I.

[1625.] CHARLES I. ſon and ſucceſſor of James I. was tinctured from his infancy with the principles concerning the regal authority and prerogative royal, which were ſo much inculcated by the deceaſed king during his life. He had the ſame favourite, the ſame council, the ſame miniſters, and all the places at court, and in the kingdom, continued in the hands of the duke of Buckingham's creatures. So there was nothing new but the king's perſon. Charles's journey to Spain had ſo endeared the duke of Buckingham to him, that king James's affection for that favourite was nothing, as I may ſay, in compariſon of the new king's. It was thought, and it is not unlikely, if James had lived, he would have diſcarded the duke, with whom he was diſpleaſed for ſeveral reaſons: 1. Becauſe of the journey into Spain, of which he was the ſole adviſer, and which had expoſed the king to the cenſure of all Europe. 2. On account of the breach of the Spaniſh match without any juſt cauſe. 3. For the duke's engaging him, as it were againſt his will, to break with Spain. 4. For cauſing, by the prince's credit, and his intereſt with the parliament, the lord-treaſurer Middleſex to be condemned, in ſpite of the king himſelf, who did his utmoſt to ſave him, and even ſued the prince and the duke for his pardon, without being able to obtain it. Thus James died very ſeaſonably for the favourite, who, probably, to ſupport himſelf, muſt have ſet the prince at variance with his father, which might have had terrible conſequences. This raiſed ſtrong ſuſpicions of the duke, which were farther confirmed by his preſuming to apply a plaiſter to the king's ſide, and giving him, with his own hand, a portion to drink, without the advice of his phyſicians. Indeed, the duke could not be directly accuſed of haſtening the king his benefactor's death, by the remedies he gave him. But when the time and circumſtances of this unexpected death, cauſed by a tertian ague, not uſually very dangerous in the ſpring, were jointly conſidered, with the embarraſſments it delivered the favourite from, and the advantages it procured him, it was difficult not to ſuſpect him. And yet, on the other hand, when the new king was ſeen to have an entire affection for the duke, it could not be imagined that he doubted his innocence in that reſpect. However this be, the duke of Buckingham was the ſon's favourite, as he had been the father's, with ſtill greater power and credit than he had enjoyed in the foregoing reign.

Charles I. at his acceſſion to the throne, formed two projects equally difficult to be executed. The firſt was, to wreſt from the emperor and the duke of Bavaria, both the Palatinates which had been taken from his brother-in-law the elector Palatine. The ſecond, to carry the regal authority much higher than the king his father, or any of his predeceſſors had done. Theſe two projects, which ſeparately would, in all appearance, meet with great obſtacles, became almoſt impracticable, when joined together. Nevertheleſs, Charles believed they mutually ſupported each other: that under colour of the Palatinate war, he ſhould put the parliament upon a foot not to refuſe him any thing: that in time, he ſhould have both houſes at command, and after rendering himſelf independent, diſpoſe as he pleaſed of the riches of the kingdom, in executing his deſigns in favour of the king of Bohemia. As theſe two ſchemes are the ſubject of the firſt fifteen years of this reign, it will be neceſſary to ſet them in a clear light, that the ſequel may be the better underſtood.

As to the firſt, I mean that of wreſting the two Palatinates from the emperor and the duke of Bavaria, I think it needleſs to repeat what has been ſaid in the reign of James I. It will be ſufficient to put the reader in mind, that it was by the intrigues of the prince and the duke of Buckingham, and by the duke's wrong information of what paſſed in Spain, that the parliament was induced to adviſe the king to break the treaties, which were in effect broken already, and promiſe to ſupport the war, which this breach would probably cauſe. This was the prince's and the duke's real aim in diſguiſing the truth. Afterwards the prince, when king, miſſed no opportunity to take advantage of the parliament's haſty advice and promiſe, as if the parliament had really been the ſole author of the breach, and prime cauſe of the war for the recovery of the Palatinate. King James was the firſt victim of theſe artifices. He was made to break a treaty which he had been labouring ſeven years, and to loſe the portion he had reaſon to expect for the prince's marriage with the infanta. He was engaged againſt his will and inclination, in a war with the houſe of Auſtria [d], and, what he deemed the greateſt misfortune, compelled to have recourſe to a parliament; he that was ſo diſſatisfied with the two former, that, probably, he would never have called another, had it not been for this breach. The duke of Buckingham was the ſecond victim. As ſoon as the truth was known, he became the object of the public hatred, though, before his contrivances were diſcovered, he had been conſidered as a guardian-angel, for breaking the intended match. Finally, the prince having mounted the throne, reſolved to ſupport the war, in which the parliament had unadviſely engaged. But becauſe he found not in the houſe of commons that readineſs to aſſiſt him which he expected, he diſſolved ſeveral parliaments merely for that very reaſon. This bred in the minds of his ſubjects jealouſy and diſcontent, which being enflamed by other cauſes, brought him in the end to the greateſt misfortune that can befal a king. Hitherto the prince's and the duke's real motive in breaking the treaty with Spain is unknown. It is not conceived how, after the loſs of the Palatinate, they could imagine it more eaſy to recover that country from the emperor and the duke of Bavaria, by force of arms, than by managing the king of Spain's friendſhip, by means of the marriage already concluded. But the uſe the prince, now become king, intended to make of this war, adviſed by the parliament, can be no ſecret, namely, to accuſtom the houſe of commons, under pretence of the urgent neceſſity of the war, to ſupply him in a few days with the money he demanded, without conſidering any other affair. This will evidently appear in the ſequel. But before I deſcend to the particulars of the ſecond ſcheme, it is neceſſary to premiſe ſome remarks on the ſubject.

I have ſhewn in the reign of James I. that this firſt monarch of Great Britain, laboured as long as his monarchy laſted, that is, while he was king of England, to extend the prerogative-royal. This was not only in ſome points, and on certain occaſions, but by general principles, which being once admitted, would, by neceſſary conſequences, clothe the ſovereign with an unlimited authority. Whatever had been ſaid by the moſt zealous ſticklers for the abſolute power of ſovereigns, he readily applied to the kings of England, without ever examining whether the power of a king admitted of degrees, according to the ſeveral ſtates, or according to the conſtitution of the government whereof he was head. And yet this was the point in queſtion. Otherwiſe, it followed from his principles, that the regal power was the ſame every where, and a king of Poland, for inſtance, ought to be as abſolute as a king of Perſia. This was in effect what he always ſuppoſed in the affair of Bohemia, and what hindered him to eſpouſe his ſon-in-law's quarrel. So long as he was ſatisfied with inſinuating ſuch maxims, by certain expreſſions in his public ſpeeches, the people, and even the parliament, took no great notice of them. But when he meant to practiſe

[d] King James, upon his death-bed, exhorted his ſon the prince, to take ſpecial care of the elector Palatine's children, and to endeavour to reſtore them to the eſtate and dignities of their father. Ruſhworth, tom. I. p. 155.

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the various conſequences which might thence be naturally drawn, he met with ſtrong oppoſition, which obliged him to diſſolve ſeveral parliaments, becauſe they were not ſo apt as he wiſhed to imbibe his inſtructions. This oppoſition provoked him. Nay, he began to ſpeak plainer, and aſſert, that parliaments owed their being to the royal conceſſion, and that this conceſſion might be revoked when they became unworthy of it, juſt as a charter granted to a corporation on certain expreſs terms, might be taken away, if the terms were not complied with. But the parliament would never allow of ſuch a principle. It was readily agreed, that the king had power to call, prorogue, and diſſolve the parliament: nay, that he might forbear ſummoning it for ſome time. But that England might, or ought to be governed without parliaments, if the king thought proper, is what could not be allowed, much leſs that the king could diſpenſe with, or act contrary to the laws. And yet to this height would James I. have carried his prerogative, an ambiguous term, by which he meant an abſolute power, or ſomething very near it. But the Engliſh, for the moſt part, underſtood by that word, only a power in the perſon of the ſovereign, to command or act in matters not repugnant to the law, or for which the law had not provided, and certain acts of grace and favour, which the king might exerciſe with regard to ſome private perſons, provided theſe acts were not very prejudicial to the reſt of the nation. This was the conſtant occaſion of the quarrels between James I. and the parliament. It could not be ſaid exactly, wherein conſiſted the king's prerogatives, and the people's privileges, becauſe there had never been any expreſs determination on that ſubject. Thoſe kings, who were reckoned the wiſeſt and moſt prudent, avoided as rocks ſuch ſort of diſputes, which can only breed hatred and animoſity between the king and people. On the other hand, former parliaments choſe rather to ſee the prerogative royal ſtretched ſometimes beyond its due bounds, than debate ſuch difficult points, which in caſe of obſtinacy on both ſides, muſt have been decided by arms, ſince there was no higher tribunal to appeal to. Beſides, ſince Richard II. whoſe attempt coſt him his crown and life, there had been no king who had endeavoured to carry the prerogative royal ſo far as to claim a power to act directly contrary to the laws. If there were any who, on ſome occaſions, attempted to go beyond bounds, the parliaments were under no concern, for one of theſe three reaſons: 1. Becauſe it was in things of little importance. 2. Becauſe, having a perfect confidence in their ſovereign, they believed he would not make an ill uſe of their indulgence. 3. Becauſe they ſaw the king's aim and motive were advantageous, or at leaſt not very prejudicial to the nation.

But James I. was no ſooner on the throne of England, but queſtions about the prerogative royal became frequent and abſolutely neceſſary. That monarch was continually endeavouring to eſtabliſh principles, the conſequences whereof tended to no leſs than to ſubvert the conſtitution of the government. I ſhall relate ſome that have already appeared in the hiſtory of his reign, but which it is the more neceſſary to repeat here, as Charles I. exactly followed his father's ſteps, and as it is not poſſible to have too clear an idea of theſe things, ſince they are the chief ſubject of this reign.

From the principle, that the parliament owed its being to the conceſſion of the kings, and that this conceſſion might be revoked, it followed of courſe, that the king might govern without a parliament, and conſequently, tax the people as he thought proper, for the ſupport of the government. From the principle, that the king was above the laws, it neceſſarily followed, that there was no ſecurity for the ſubjects, and their honour, fortunes. liberty, and life itſelf, where at the king's diſpoſal. From the principle, that the parliament had no right to concern themſelves with the king's affairs when their advice was not aſked, it could not but be inferred, that the king was to be ſuffered to do whatever he pleaſed, even things moſt deſtructive to the nation. From the principle, that to complain of the adminiſtration, was want of reſpect to the king, it neceſſarily followed, that the parliament could take no grievances into conſideration, nor make any complaints, ſince grievances are generally acts of injuſtice committed by the king or his miniſters. From the principle, that the parliament had at moſt but a right to repreſent the grievances to the king, after which, the redreſs was patiently to be expected from the king himſelf, it followed, that the king might harraſs his ſubjects at his pleaſure, without being obliged to redreſs their ſufferings, any further than he thought convenient. From the principle, that to diſpute the extent of his prerogative, was wounding the king in the moſt ſenſible part, the conſequence muſt have been, that the prerogative was without bounds, or that it could be limited only by the king's wiſdom and goodneſs. All theſe principles, as it is eaſy to perceive, tended to eſtabliſh a deſpotic power. Had the king been ſatisfied with doing now and then ſome extraordinary act, founded upon any of theſe principles, it might have been thought of no conſequence. But he was ſeen, upon all occaſions, to endeavour to inſtil theſe principles into the minds of his ſubjects, and to eſtabliſh them upon inſtances taken from the conduct of ſome of his predeceſſors. He himſelf was ſeen to draw from thence by his actions the moſt extenſive conſequences, to fill the kingdom with monopolies, to compel his ſubjects to lend or give him money, to diſſolve the parliaments for not allowing his principles, to impriſon ſuch members as ventured to ſpeak freely, and even to declare publicly, he would call no more parliaments. There was therefore no medium: his pretenſions were either to be complied with, or oppoſed with open force.

James I. had the happineſs to die before this diviſion was carried any farther. The breach of the Spaniſh match ſerved to reconcile the king and parliament to each other. The king perceived he could not proceed without parliaments, and the people judged that while the king was engaged in a war with the houſe of Auſtria, he would be forced to have a regard to the liberties of the nation and the privileges of the parliament. Thus both ſides ſeemed inclined to a reconciliation, and to forget all occaſions of complaint.

James being dead, Charles I. his ſon and ſucceſſor, who had greatly improved by his inſtructions, mounted the throne, poſſeſſed with the ſame principles. But as he was young and his paſſions ſtrong, he could put no conſtraint upon himſelf, nor think of managing the affection of the parliament. He ſoon diſcovered by what maxims he meant to proceed in the government of his dominions. He not only refuſed to redreſs the grievances introduced during his father's reign, but alſo added others more intolerable. He affected to let his ſubjects ſee, not only that their grievances touched him not, but that it was an offence to petition a redreſs. In a word, he very plainly intimated, both in his ſpeeches and conduct, that he looked upon parliaments, only as aſſemblies ſolely deſigned to ſupply them with money, and in caſe of refuſal, he could proceed without their aſſiſtance. Accordingly, he diſſolved ſeveral parliaments, becauſe they did not readily grant the ſums he demanded; offered violence to many members; and extorted from his ſubjects what money he wanted, by forced loans or taxes impoſed by his own authority. This ought not to ſeem ſtrange, ſince beſides the leſſons taught him by his father, he had the ſame favourite, the ſame miniſters, and the ſame council.

It is my deſign to ſhew all theſe things clearly and diſtinctly, not by reaſonings and conſequences, but by undeniable facts, by authentic vouchers of what I ſhall advance, and laſtly, by the king's own conduct, which his moſt zealous friends have no otherwiſe undertaken to juſtify, than by an affected ſilence, or at leaſt, by a very ſlight account of the firſt fifteen years of his reign. My ſole aim in thus enlarging on theſe things is, to enable the reader to underſtand the true cauſes of the war which afterwards afflicted the kingdom.

As ſoon as the deceaſed king's funeral was ſolemnized [e], Charles ſpeedily ſent eight thouſand men to Plymouth [f], to be embarked for an expedition to Spain. As he had but little money in his coffers, the charge of coat and conduct was ordered to be diſburſed by the country, and the country to be repaid out of the exchequer at a more convenient ſeaſon. This was done after the precedent of former times, though the cuſtom had now been long diſuſed. Theſe troops having committed great diſorders in their march, the king granted a commiſſion for martial-law, to puniſh the offenders [g]. This was looked upon as an innovation, which took from the uſual judges the cognizance of crimes committed by the ſoldiery, and yet, in general, it was not much conſidered.

The king's marriage having been concluded in his father's life-time, was ſolemnized at Paris with great magnificence, on a theatre erected before the church of Notre Dame, the duke of Chevreuſe performing the office of proxy for the king of England. Preſently after, the duke of Buckingham was ſent into France to conduct the queen to the king her ſpouſe. She arrived June 12, at Dover, where the king met her the next morning, and that evening the marriage was conſum-

[e] He was removed on April 23, from Theobald's to London, and buried May 7, in Henry VII.'s chapel. His ſon and ſucceſſor walked as chief mourner, being ſupported by the earls of Arundel and Pembroke. Sandf. p. 560. Ruſhworth, tom. I. p. 167.

[f] The author, by miſtake, ſays Portſmouth. There were twelve thouſand raiſed in all. Two thouſand were ſent to Holland. Idem. p. 168.

[g] The occaſion of this commiſſion was not ſo much the diſorders of theſe troops, as thoſe committed by the army king James ſent to Calais, under the command of count Mansfeldt. The remembrance whereof was the cauſe of king Charles appointing now the martial law to be in force. It ſeems, this and the point of coat and conduct money, occaſioned great debates among the judges. Whitlock, p. 1.

mated at Canterbury [h]. The 16th of the ſame month the king and queen made their entry into London, and two days after, the parliament met. The king made the following ſpeech to both houſes at the opening of this firſt parliament:

"My lords and gentlemen,

"I thank God, that the buſineſs to be treated on at this time is of ſuch a nature, that it needs no eloquence to ſet it forth; for I am neither able to do it, neither doth it ſtand with my nature to ſpend much time in words. It is no new buſineſs, being already happily begun by my father of bleſſed memory, who is with God; therefore it needeth no narrative: I hope in God you will go on to maintain it, as freely as you adviſed my father to do it. It is true, he may ſeem to ſome to have been ſlack to begin ſo juſt and ſo glorious a work; but it was his wiſdom that made him loth to begin a work, until he might find a means to maintain it: but after that he ſaw how much he was abuſed in the confidence he had with other ſtates, and was confirmed by your advice to run the courſe we are in, with your engagement to maintain it. I need not preſs to prove how willingly he took your advice; for the preparations that are made are better able to declare it, than I to ſpeak it. The aſſiſtance of thoſe in Germany, the fleet that is ready for action, with the reſt of the preparations, which I have only followed my father in, do ſufficiently prove, that he entered into this action.

"My lords and gentlemen, I hope that you do remember that you were pleaſed to employ me to adviſe my father to break off theſe two treaties that were on foot; ſo that I cannot ſay, that I came hither a free unengaged man. It is true, I came into this buſineſs willingly and freely, like a young man, and conſequently raſhly; but it was by your intereſt, your engagement: ſo that though it were done like a young man, yet I cannot repent me of it, and I think none can blame me for it, knowing the love and fidelity you have borne to your king, having myſelf likewiſe ſome little experience of your affections. I pray you remember, that this being my firſt action, and begun by your advice and entreaty, what a great diſhonour it were to you and me, if this action, ſo begun, ſhould fail, for that aſſiſtance you are able to give me. Yet knowing the conſtancy of your love both to me and this buſineſs, I needed not to have ſaid this, but only to ſhew what care and ſenſe I have of your honours and mine own. I muſt entreat you likewiſe to conſider of the times we are in, how that I muſt adventure your lives [i] (which I ſhould be loth to do), ſhould I continue you here long; and you muſt venture the buſineſs, if you be ſlow in your reſolutions. Wherefore I hope you will take ſuch grave counſel, as you will expedite what you have in hand to do: which will do me and yourſelves an infinite deal of honour; you, in ſhewing your love to me; and me, that I may perfect that work which my father hath ſo happily begun.

"Laſt of all, becauſe ſome malicious men may, and, as I hear, have given out, that I am not ſo true a keeper and maintainer of the true religion that I profeſs; I aſſure you, that I may with St Paul ſay, that I have been trained up at Gamaliel's feet: and although I ſhall never be ſo arrogant as to aſſume unto myſelf the reſt, I ſhall ſo far ſhew the end of it, that all the world may ſee, that none hath been, nor ever ſhall be more deſirous to maintain the religion I profeſs, than I ſhall be.

"Now becauſe I am unfit for much ſpeaking, I mean to bring up the faſhion of my predeceſſors, to have my lord-keeper ſpeak for me in moſt things: therefore I have commanded him to ſpeak ſomething unto you at this time, which is more for formality, than any great matter he hath to ſay unto you."

Then the lord keeper Williams [k] declared, "That the king's main reaſon of calling the parliament, beſides the beholding of his ſubjects faces, was to mind them of the great engagements for the recovery of the Palatinate, impoſed on his majeſty by the late king his father, and by themſelves, who broke off the two treaties with Spain. Alſo to let them underſtand, that the ſucceeding treaties and alliances, the armies ſent into the Low-Countries, the repairing of the forts, and the fortifying of Ireland, do all meet in one centre, the Palatinate; and that the ſubſidies granted in the laſt parliament are herein already ſpent, whereof the account is ready, together with as much more of the king's own revenue." His lordſhip further commended three circumſtances:

"Firſt, the time; all Europe being at this day at the pool of Betheſda, the firſt ſtirring of the waters muſt be laid hold on: wherefore his majeſty deſires them to beſtow this meeting on him, or rather on their actions; and the next ſhall be theirs, as ſoon, and as long as they pleaſe for domeſtic buſineſs.

"Secondly, ſupply, if ſubſidies be thought too long and backward, his majeſty deſires to hear, and not to propound the way.

"Thirdly, the iſſue of action; which being the firſt, doth highly concern his majeſty's honour and reputation, for which he relies upon their loves, with the greateſt confidence that ever king had in his ſubjects; witneis his royal poeſy, AMOR CIVIUM REGIS MVNIMENTUM: and he doubts not, but as ſoon as he ſhall be known in Europe to be their king, ſo ſoon ſhall they be known to be a loving and loyal nation to him."

Though the king affirmed in his ſpeech, that no prince was ever more deſirous to maintain the religion he profeſſed, the parliament does not ſeem to have fully believed it, ſince, at the very firſt, both houſes joined in preſenting to him a petition againſt recuſants. The king returned a very gracious anſwer, ſaying, he was very glad to ſee their zeal for religion, and was ready to concur with them in whatever they ſhould propoſe on that head. He deferred however anſwering each particular article of the petition, till he had examined it.

Richard Montague, a clergyman, had lately printed a book, entitled, "An Appeal to Cæſar," wherein were ſeveral propoſitions tending to the diſturbance of church and ſtate [l]. It was complained of to the commons, who bringing the author to the bar of their houſe, and examining him, thought proper to refer him to the archbiſhop of Canterbury. The archbiſhop, who was looked upon with no good eye at court, becauſe he was ſuſpected of being a friend to the puritans, contented himſelf with exhorting him to write no more upon ſuch ſubjects. The proceedings of the commons diſpleaſed the king, for Montague being one of his chaplains, he pretended the bringing him to their bar was an incroachment upon his prerogative. He expreſſed his diſpleaſure with the commons, and took occaſion to bring the cauſe before the council. Every one ſuſpected, that as Moutague's book contained an Arminian doctrine, Laud, biſhop of St. David's [m], the king's moſt intimate counſellor for religious affairs, had done this, to ſtop the proſecution. Laud was conſidered by many as the head and protector of the Arminians, who were now very numerous in the kingdom. He had inſinuated himſelf into Buckingham's favour, and by that means into the king's, who readily followed his counſels in the affairs of religion.

The diſpleaſure expreſſed by the king againſt the commons, hindred not the houſe from granting him two ſubſidies. The king accepted them graciouſly, but withal intimated, this ſupply was far ſhort of what was neceſſary for the war [n] to which his father was adviſed by the parliament. The act for the two ſubſidies was no ſooner paſſed, than the king adjourned the parliament to Oxford, to meet again the 1ſt of Auguſt following, by reaſon of the plague which raged in London.

King James, a little before his death, promiſed to lend the king of France five or ſix ſhips to be employed againſt the Genoeſe. At leaſt they were borrowed on that pretence. But afterwards, Lewis XIII. wanting theſe ſhips for the ſiege of Rochel, prevailed with Charles I. by Buckingham's means, that he might employ them where he pleaſed, and accordingly they were ſent to Dieppe, under the command of vice-admiral Pennington [o]. The maſters or commanders of theſe ſhips diſcovering they were to go againſt Rochel,

[h] When ſhe landed, ſhe ſent to his majeſty not to come till the morrow, becauſe ſhe had been indiſpoſed at ſea. So it was not till next day that the marriage was conſummated. Ruſhworth, tom I. p. 170.

[i] By reaſon of the plague. Rapin.

[k] Rapin, after Ruſhworth and Franklin, ſays it was the lord-keeper Coventry, but Williams was not diſplaced till October 25. See Hacket, part. 2. p. 9, 27. Phillips, p. 106, 182.

[l] Our author ſeems here to confound two diſtinct things. Montague (in 21 Jac.) publiſhed a book, which he called, A new Gag for an old Gooſe, being an anſwer to a popiſh book, entitled, A Gag for the new Goſpel: and for this book it was that he was queſtioned by the parliament, and committed to the archbiſhop; who diſmiſſed him with an admonition. Afterwards the biſhops of the Arminian party conſulting the propagation of the five articles condemned at the ſynod of Dort, concluded, that Montague ſhould publiſh his appeal to Cæſar, at firſt atteſted by their joint authorities, which they afterwards withdrew by ſubtilty. However, the book was printed and dedicated to king Charles. The houſe appointed a committee to examine the errors therein, and thanked the archbiſhop for his admonition formerly to the author, and voted his books to be contrary to the articles eſtabliſhed by the parliament, and took bond for his appearance. Ruſhworth, tom. I. p. 173.

[m] Rapin, by miſtake, ſays Bath and Wells, which he was not yet.

[n] The charges of which, by computation, amounted to 700,000l, a year. Ruſhworth, tom. I. p. 174.

[o] The Vantguard, a large man of war, with ſeven other merchant ſhips of great burthen and ſtrength. Ibid. Coke, p. 190.

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weighed anchor and ſailed back to England. Pennington informing the duke of Buckingham of it, received an expreſs order, confirmed by another from the king himſelf, to return to Dieppe with the ſhips, and put them into the hands of the French, which was done accordingly. But the mariners all deſerted, utterly refuſing to ſerve againſt Rochel.

This affair made great noiſe at Oxford, where the parliament was re-aſſembled. Buckingham's ill conduct in this and other reſpects was loudly complained of in the houſe of commons. It was ſaid, the money granted by the parliament to the late king had been miſapplied, and put to uſes very different from thoſe it was intended for: that the ſeas were ſo neglected, that the corſairs had done great damage to the Engliſh merchants: that popery and arminianiſm were countenanced by a ſtrong party in the kingdom. Neil, biſhop of Wincheſter [p], and Laud, biſhop of St. David's were chiefly looked upon as the heads and protectors of the Arminians [q], nay, as favourers of popery, by reaſon of their rigid and paſſionate zeal for all the ceremonies of the church of England, even for ſuch as ſeemed the leaſt neceſſary. This zeal appeared to many as myſterious as uncommon, and cauſed them to ſuſpect, that the two prelates, under colour of maintaining religion, had formed a project to reſtore popery. They could not imagine that men ſhould have ſo ſtrong an attachment to things in themſelves of ſo little moment without ſome hidden deſign. Wherefore Mr. Montague was ſummoned a ſecond time before the houſe of commons [r], and ſeverely reprimanded.

Mean while, the king ſeeing the parliament had ſpent the three or four firſt days of their ſeſſion in talking of grievances, without any mention of the money he expected for ſupporting the war, ſent for both houſes, and in Chriſt-church-hall ſpoke to them in the following manner:

"My lords, and you of the commons,

"WE all remember that from your deſires and advice, my father, now with God, brake off theſe two treaties with Spain that were then in hand: well you then foreſaw, that as well for regaining my diſpoſſeſſed brother's inheritance, as home defence, a war was likely to ſucceed: and that as your counſels had led my father into it, ſo your aſſiſtance in a parliamentary way to purſue it ſhould not be wanting. That aid you gave him by advice, was for ſuccour of his allies, the guarding of Ireland, and the home part, ſupply of munition, preparing and ſetting forth of his navy. A council you thought of, and appointed for the war, and treaſurers for iſſuing of the monies: and to begin this work of your advice, you gave three ſubſidies, and as many fifteenths, which with ſpeed were levied, and by direction of that council of war (in which the preparation of this navy was not the leaſt) diſburſed.

"It pleaſed God at the entrance of this preparation (by your advice begun) to call my father to his mercy, whereby I entered as well to the care of your deſign, as his crown. I did not then, as princes do of cuſtom and formality, re-aſſemble you, but that by your further advice and aid, I might be able to proceed in that which by your counſels my father was engaged in. Your love to me, and forwardneſs to further thoſe affairs, you expreſſed by a grant of two ſubſidies yet ungathered; although I muſt aſſure you, by myſelf and others, upon credit taken up, and aforehand diſburſed, and as far ſhort, as yet, to ſet forth that navy now preparing; as I have lately the eſtimate of thoſe of care, and who are ſtill employed about it, whoſe particular of all expences about this preparation ſhall be given you, when you pleaſe to take an account of it."

When the king had done ſpeaking, the lord Conway and ſir John Coke, ſecretaries of ſtate, made ſpeeches, the deſign whereof, like that of the king's, was to demonſtrate the abſolute neceſſity the commons were under, to grant his majeſty a large ſum for the war wherein he was engaged. They forgot not to repeat that the war was begun by the late king, by the advice of both houſes of parliament, for this was what the king conſidered as an unanſwerable reaſon. But the parliament being now better informed how the king and the duke procured that advice from the former parliament, theſe two ſpeeches produced no great effect. The commons being returned to their houſe, proceeded to examine grievances, and in the examination divers complaints were made againſt the duke of Buckingham. It was alſo complained, that popery was not only tolerated, but even countenanced, contrary to the king's expreſs promiſe: That pardons were granted to recuſants, ſigned by the lord Conway, ſecretary of ſtate, who pretended to be authoriſed by the king, and that theſe pardons ſtopped the courſe of juſtice, and the execution of the laws. Whereupon the king thought himſelf obliged to return poſitive anſwers to the petition preſented to him at London by the two houſes, to which he had hitherto only anſwered in general. It is abſolutely neceſſary to inſert the petition, with the king's anſwers to each article, that the reader may the better judge how the king's promiſes were afterwards performed.

Petition againſt recuſants, with the king's anſwers to each article.

"Moſt gracious ſovereign,

"It being infallibly true, that nothing can more eſtabliſh the throne, and aſſure the peace and proſperity of the people, than the unity and ſincerity of religion; we your moſt humble and loyal ſubjects, the lords ſpiritual and temporal, and commons of this preſent parliament aſſembled, hold ourſelves bound in conſcience and duty to repreſent the ſame to your ſacred majeſty, together with the dangerous conſequences of the increaſe of popery in this land, and what we conceive to be the principal cauſes thereof, and what may be the remedies.

The dangers appear in theſe particulars.

"I. In their deſperate ends, being, both the ſubverſion of the church and ſtate, and the reſtleſſneſs of their ſpirits to attain theſe ends; the doctrine of their teachers and leaders, perſuading them that therein they do God good ſervice.

"II. Their evident and ſtrict dependency upon ſuch foreign princes as no way affect the good of your majeſty and this ſtate.

"III. The opening a way of popularity to the ambition of any who ſhall adventure to make himſelf head of ſo great a party."

The principal cauſe of the increaſe of papiſts.

"I. The want of the due execution of the laws againſt jeſuits, ſeminary-prieſts, and popiſh recuſants; occaſioned partly by the connivency of the ſtate, partly by defects in the laws themſelves, and partly by the manifold abuſe of officers.

"II. The interpoſing of foreign princes by their embaſſadors and agents in favour of them.

"III. Their great concourſe to the city, and frequent conferences and conventicles there.

"IV. The open and uſual reſort to the houſes and chapels of foreign embaſſadors.

"V. The education of their children in ſeminaries, and houſes of their religion in foreign parts, which of late have been greatly multiplied and enlarged for the entertainment of the Engliſh.

"VI. That in ſome places of your realm, your people be not ſufficiently inſtructed in the knowledge of true religion.

"VII. The licentious printing and diſperſing of popiſh and ſeditious books.

"VIII. The employment of men ill-affected in religion in many places of government, who do, ſhall, or may, countenance the popiſh party."

[p] He was now biſhop of Durham, and not of Wincheſter till about 1627.

[q] Rapin, as well as moſt of our writers, eſpecially thoſe of the puritan party, ſeem to confound two things, which have no manner of relation to each other, viz. arminianiſm and highchurch-principles. The arminian doctrine, condemned by the ſynod of Dort, held in 1618, was in ſubſtance reduced to theſe five articles: I. God does not in an arbitrary manner predeſtinate any perſon to be ſaved or damned. II. Chriſt died for all men, that is, all are partakers of the benefits of Chriſt's paſſion, who ſincerely perform the goſpel-terms of faith and repentance. III. How neceſſary ſoever grace may be towards our good actions, yet, IV. It is not irreſiſtible, that is, we are ſtill free-agents; conſequently, V. The faithful may finally fall away, or depart from a ſtate of grace. Now nothing can be more evident, than that a man may embrace all theſe opinions without being one jot the more a friend to popery or arbitrary power. Wherefore, though the firſt aſſertors of arminianiſm happened likewiſe to be zealous ſticklers for ſomething like a deſpotic power in the king, yet is the one no conſequence at all of the other, as abundance of our hiſtorians would inſinuate. Doubtleſs, Laud, Neile, Montague, and the reſt, who were for ſetting the king above the laws, would have been of that mind, whether they had been Arminians or not. Even at this time, the five articles above, which are now generally received in the church of England, are believed by thouſands, who are not for carrying the authority of the king or church beyond its due bounds. The reaſon why arminianiſm was condemned in the reigns of James I. and Charles I. was, becauſe our articles and homilies (in the points above mentioned) were generally underſtood in a calviniſtical ſenſe.

[r] According to the condition of his bond. Montague's cauſe was recommended to the duke of Buckingham, by Buckeridge biſhop of Rocheſter, Howſon biſhop of Oxford, and Laud of St. David's, who obſerved, that learned men ought to be left to abound in their own ſenſe, it being the great fault of the council of Trent, to require a ſubſcription to ſchool-opinions, &c. See Ruſhworth, tom. I. p. 176.

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The remedies againſt this outrageous diſeaſe we conceive to be theſe enſuing.

" I. That the youth of this realm be carefully educated by able and religious ſchool-maſters, and they to be enjoined to catechiſe and inſtruct their ſcholars in the grounds and principles of true religion. And whereas by many complaints from divers parts of the kingdom, it doth plainly appear, that ſundry popiſh ſcholars, diſſembling their religion, have craftily crept in, and obtained the places of teaching in divers counties, and thereby infected and perverted their ſcholars, and ſo fitted them to be tranſported to the popiſh ſeminaries beyond the ſeas; that therefore there be great care in choice and admitting ſchool-maſters, and that the ordinaries make diligent enquires of their demeanors, and proceed to the removing of ſuch as ſhall be faulty, or juſtly ſuſpected."

His majeſty's anſwer.

" This is well allowed of; and for the better performance of what is deſired, letters ſhall be written to the two archbiſhops, and from them, letters to go to all the ordinaries of their ſeveral provinces to ſee this done; the ſeveral ordinaries to give account of their doings herein to the archbiſhops reſpectively, and they to give account to his majeſty of their proceedings herein."

" II. That the antient diſcipline of the univerſities be reſtored, being the famous nurſeries of literature and virtue."

Anſwer. " This is approved by his majeſty, and the chancellor of each univerſity ſhall be required to cauſe due execution of it."

" III. That ſpecial care be taken to enlarge the word of God, throughout all the parts of your majeſty's dominions, as being the moſt powerful means for planting of true religion, and rooting out of the contrary: To which end, among other things, let it pleaſe your majeſty to adviſe your biſhops by fatherly intreaty and tender uſage, to reduce to the peaceable and orderly ſervice of the church, ſuch able miniſters as have been formerly ſilenced, that there may be a profitable uſe of their miniſtry in theſe needful and dangerous times; and that non-reſidency, pluralities and commendams, may be moderated. Where we cannot forbear, moſt humbly to thank your majeſty for diminiſhing the number of your own chaplains; not doubting of the like princely care for the well-beſtowing of the reſt of your beneſices, both to the comfort of the people, and the encouragement of the unverſities; being full of grave and able miniſters unfurniſhed of livings."

Anſwer. " This his majeſty likes well, ſo as it be applied to ſuch miniſters as are peaceable, orderly, and conformable to the church-government. For pluralities and non-reſidencies, they are now ſo moderated, that the archbiſhops affirm, there be now no diſpenſation for pluralities granted; nor no man now is allowed above two beneſices, and thoſe not above thirty miles diſtant: And for avoiding non-reſidence, the canon in that caſe provided, ſhall be duly put in execution. For commendams, they ſhall be ſparingly granted, only in ſuch caſe where the exility and ſmallneſs of the biſhopric requireth. Alſo his majeſty will cauſe that the beneſices belonging to him ſhall be well beſtowed. And for the better propagating of religion, his majeſty recommendeth to the houſe of parliament, that care may be taken, and proviſion made, that every pariſh ſhall allow a competent maintenance for an able miniſter; and that the owners of parſonages impropriate would allow to the vicars, curates, and miniſters in villages and places belonging to their parſonage, ſufficient ſtipend and allowances for preaching miniſters."

" IV. That there may be ſtrict proviſion againſt tranſporting Engliſh children to the ſeminaries beyond the ſeas, and for the recalling of them who are already there placed, and for the puniſhment of ſuch your ſubjects as are maintainers of thoſe ſeminaries, or of the ſcholars; conſidering, that beſides the ſeducing of your people, great ſums of money are yearly expended upon them, to the impoveriſhing of this kingdom."

Anſwer. " The law in this caſe ſhall be put in execution: And farther, there ſhall be letters written to the lord treaſurer, and alſo to the lord admiral, that all the ports of this realm, and the creeks and members thereof, be ſtrictly kept, and ſtrait ſearches made to this end: A proclamation ſhall be, to recall both the children of noblemen, and the children of any other men, and they to return by a day; alſo maintainers of ſeminaries of ſcholars there, ſhall be puniſhed according to law."

" V. That no popiſh recuſant be permitted to come within the court, unleſs your majeſty be pleaſed to call him upon ſpecial occaſion, agreeable to the ſtatute of 3 Jac. And whereas your majeſty, for preventing of apparent miſchiefs both to your majeſty and the ſtate, hath in your princely wiſdom taken order, that none of your naturalborn ſubjects, not profeſſing the true religion, as by law eſtabliſhed, be admitted into the ſervice of your royal conſort the queen. We give your majeſty moſt humble thanks, and deſire that your order herein may be obſerved."

Anſwer. " If his majeſty ſhall find, or be informed of any concourſe of recuſants to the court, the law ſhall be ſtrictly followed: And his majeſty is pleaſed, that by proclamation the Britiſh and Iriſh ſubjects ſhall be put in the ſame caſe. And as his majeſty hath provided in his treaty with France, ſo his purpoſe is to keep it, that none of his ſubjects ſhall be admitted into his ſervice, or into the ſervice of his royal conſort the queen, that are popiſh recuſants."

" VI. That all the laws now ſtanding in force againſt jeſuits, ſeminary prieſts, and others, having taken orders by authority derived from the ſee of Rome, be put in due execution. And to the intent they may not pretend to be ſurpriſed, that a ſpeedy and certain day be prefixed by your majeſty's proclamation, for their departure out of this realm, and all other your dominions, and not to return upon the ſevereſt penalties of the laws now in force againſt them; and that all your majeſty's ſubjects may be thereby admoniſhed, not to receive, comfort, entertain, or conceal any of them, upon the penalties which may be lawfully inflicted: And that all ſuch papiſts, jeſuits, and recuſants, who are and ſhall be impriſoned for recuſancy, or any other cauſe, may be ſo ſtrictly reſtrained, as that none ſhall have conference with them, thereby to avoid the contagion of their corrupt religion: And that no man that ſhall be ſuſpected of popery, be ſuffered to be a keeper of any of his majeſty's priſons."

Anſwer. " The law in this caſe ſhall be put in execution, and a proclamation ſhall be to the effect deſired: and ſuch reſtraint ſhall be made, as is deſired, and no man that is juſtly ſuſpected of popery, ſhall be ſuffered to be a keeper of any of his majeſty's priſons."

" VII. That your majeſty be pleaſed to take ſuch order as to your princely wiſdom ſhall be expedient, that no natural born ſubject, or ſtrange biſhops, nor any other by authority from the ſee of Rome, confer any eccleſiaſtical orders, to exerciſe any eccleſiaſtical function whatſoever, toward or upon your majeſty's natural ſubjects within your dominions."

Anſwer. " This is fit to be ordered according as is provided, and it ſhall be ſo publiſhed by proclamation."

" VIII. That your majeſty's learned council may receive order and commandment, to conſider of all former grants of recuſants lands, that ſuch of them may be avoided as are made to the recuſants uſe or intereſt, out of which the recuſant receiveth any benefit, which are either void or voidable by the law."

Anſwer. " The king will give order to his learned council, to conſider of the grants, and will do according as is deſired."

" IX. That your majeſty will be likewiſe pleaſed ſtrictly to command all your judges and miniſters of juſtice, eccleſiaſtical and temporal, to ſee the laws of this realm againſt popiſh recuſants, to be duly executed; and namely, that the cenſure of excommunication be declared and certified againſt them; and that they be not abſolved upon public ſatisfaction by yielding to conformity."

Anſwer. " His majeſty leaves the laws to their courſe, and will order in the point of excommunication as is deſired."

" X. That your majeſty will be pleaſed to remove from places of authority and government, all ſuch perſons as are either popiſh recuſants, or, according to direction of former acts of ſtate, to be juſtly ſuſpected."

Anſwer. " This his majeſty thinks fit, and will give order for it."

" XI. That the preſent order to be taken for diſarming all popiſh recuſants, legally convicted, or juſtly ſuſpected, according to the laws in that behalf, and the orders taken by his majeſty's privy council upon reaſon of ſtate."

Anſwer, " The laws and acts in this caſe ſhall be followed, and put in due execution."

" XII. That your majeſty be alſo pleaſed in reſpect to the great reſort of recuſants to and about London, to command forthwith, upon pain of your indignation, and ſevere execution of the laws, that they retire themſelves to their ſeveral countries, there to remain confined within five miles of their places."

Anſwer. " For this the laws in force ſhall be forthwith executed."

" XIII. And

"XIII. And whereas your majeſty hath ſtrictly commanded and taken order, that none of the natural born ſubjects repair to the hearing of maſſes, or other ſuperſtitious ſervices at the chapels, or houſes of foreign embaſſadors, or in any other places whatſoever; we give your majeſty moſt humble thanks, and deſire that your order and commandment therein may be continued and obſerved, and that the offenders herein may be puniſhed according to the laws."

Anſwer. "The king gives aſſent thereto, and will ſee that obſerved which herein hath been commanded by him."

"XIV. That all ſuch inſolencies, as any that are popiſhly affected, have lately committed, or ſhall hereafter commit, to the diſhonour of our religion, or to the wrong of the true profeſſors thereof, be exemplarily puniſhed."

Anſwer. "This ſhall be done as is deſired."

"XV. That the ſtatute of 1 Eliz. for the payment of twelve pence every Sunday, by ſuch as ſhall be abſent from divine ſervice in the church, without a lawful excuſe, may be put in due execution, the rather for that the penalty by law is given to the poor, and therefore not to be diſpenſed withal."

Anſwer. "It is fit that this ſtatute be executed, and the penalties ſhall not be diſpenſed withal."

"XVI. Laſtly, That your majeſty would be pleaſed to extend your princely care all over the kingdom of Ireland, that the like courſes may be there taken for the reſtoring and eſtabliſhing of true religion."

Anſwer. "His majeſty's cares are, and ſhall be, extended over the kingdom of Ireland; and he will do all that a religious king ſhould do for the reſtoring and eſtabliſhing of true religion there."

"And thus (moſt gracious ſovereign) according to our duty, and zeal to God and religion, to your majeſty and your ſafety, to the church and commonwealth, and their peace and proſperity, we have made a faithful declaration of the preſent eſtate, the cauſes and remedies of this encreaſing diſeaſe of popery; humbly offering the ſame to your princely care and wiſdom. The anſwer of your majeſty's father, our late ſovereign of famous memory, upon the like petition, did give us great comfort of reformation; but your majeſty's moſt gracious promiſes made in that kind, do give us confidence and aſſurance of the continual performance thereof. In which comfort and confidence repoſing ourſelves, we moſt humbly pray for your majeſty's long continuance in all princely felicity."

Theſe gracious anſwers of the king to the ſeveral articles of the petition of both houſes, wanted only the performance of the promiſes. But if it may be judged by the continual complaints of the parliament throughout this whole reign, concerning theſe articles, on which the king ſeems to have given entire ſatisfaction, it will eaſily be ſeen that Charles's promiſes were no better performed than his father's. The king expected, that his anſwers to the petition would gain him the affection of the commons. But theſe anſwers, though ſo gracious and poſitive, could not engage them to do what he deſired, that is, to lay aſide all other buſineſs, and think only of granting him money. He was engaged in a war, to which he pretended the parliament had induced his late majeſty, from whence he inferred, it was great injuſtice not to enable him ſpeedily to ſupport it. This was true in one ſenſe. The parliament adviſed king James to break off the treaties with Spain, and promiſed to aſſiſt him in caſe the breach ſhould occaſion a war, as it was very likely. But, on the other ſide, it was now no longer a ſecret in England, that the former parliament was moved to give ſuch advice to the king, by the duke of Buckingham's narrative, a narrative falſe in every particular, though atteſted by the late king and prince. So the former parliament's advice being grounded on a wrong foundation, and as I may ſay, extorted by a mere artifice, the preſent parliament did not think themſelves obliged to perform very punctually a promiſe which the court had obtained rather by art, than by fairly ſtating the caſe. Nevertheleſs, this promiſe ſtill ſubſiſted; and if the commons had ſhewn the public they were not obliged to keep it, they could not have done it without grievouſly affronting the king, by the diſcovery of the artifices he had uſed to procure it. Th y were willing to avoid that extremity. And therefore, letting the promiſe ſubſiſt without any diſobliging reflection on the king, their aim was to excuſe themſelves from granting him freſh ſupplies for a war raſhly undertaken, and without any likelihood of ſucceſs. At leaſt, if they ſhould be forced to give any more money, rather than enter into a diſcuſſion of the cauſes which had engaged the kingdom in this war, they intended the king ſhould purchaſe them, in ſome meaſure, with the redreſs of the grievances the nation groaned under. Wherefore, inſtead of the money-bill, as the king deſired, they began with examining and even inquiring after the grievances of the nation, and the ſtate of religion [s]. In this inquiry, the duke of Buckingham and the reſt of the miniſters were not ſpared.

The king ſeeing what courſe the commons were taking, was extremely offended. Firſt, As by their ſlowneſs they broke all his meaſures for the preſent campaign. Secondly, He deemed it a manifeſt affront and contempt of his perſon, to preſume openly to attack his favourite and miniſters, or rather himſelf under their name. So, perceiving no likelihood of a ſpeedy ſupply, which was the ſole end of calling the parliament, he was determined to diſſolve it. The commons having ſome notice of it, haſtily drew up the following declaration, in order to throw the blame of the diſſolution on the king, for fear he ſhould himſelf lay it on them, under colour that they were not very ready to perform their promiſe.

The Commons Declaration.

"We the knights, citizens, and burgeſſes, of the commons houſe of parliament, being the repreſentative body of the whole commons of this realm, abundantly comforted in his majeſty's late gracious anſwer touching religion, and his meſſage for the care of our health, do ſolemnly proteſt and vow before God and the world, with one heart and voice, that we are all reſolved, and do hereby declare, that we will ever continue moſt loyal and obedient ſubjects to our moſt gracious ſovereign lord king Charles: and that we will be ready in convenient time, and in a parliamentary way, freely and dutifully to do our utmoſt endeavours, to diſcover and reform the abuſes and grievances of the realm and ſtate, and in like ſort to afford all neceſſary ſupply to his moſt excellent majeſty, upon his preſent, and all other his juſt occaſions and deſigns; moſt humbly beſeeching our moſt dear and dread ſovereign, in his princely wiſdom and goodneſs, to reſt aſſured of the true and hearty affections of his poor commons, and to eſteem the ſame to be (as we conceive it is indeed) the greateſt worldly reputation and ſecurity that a juſt king can have; and to account all ſuch as ſlanderers of the people's affections, and enemies to the commonwealth, that ſhall dare to ſay the contrary."

It evidently appears in this declaration, that the commons aim was to intimate to the people, that they intended not to deny the king money for his juſt occaſions: but believed to have a right to demand firſt the redreſs of grievances as a condition, though they avoided uſing that term. This is the method conſtantly obſerved by the parliaments on the like occaſions, and which is ſo neceſſary, that otherwiſe they would never be ſure of procuring the people any ſatisfaction with reſpect to their grievances. For grievances being properly acts of injuſtice, and breaches of the laws committed by the king or his miniſters, the deſire of obtaining money from the parliament is commonly the only inducement to the court to deſiſt from injuring the people. Of this there are frequent examples in the hiſtory of England. But James I. and Charles I. took a different courſe from that of their predeceſſors. They choſe to diſſolve their parliaments, rather than yield to redreſs their grievances. This gave occaſion to aſcribe to them a formal deſign to free themſelves from the yoke of the parliaments, or confine the uſe of them to the granting ſupplies and aſſeſſing the people. They could not underſtand, that what flowed from the royal authority ſhould be accounted a grievance. This firſt parliament was therefore diſſolved for this ſole reaſon the 12th of Auguſt, not having ſat to do buſineſs above three weeks both at Weſtminſter and Oxford. The king pretended to diſſolve it on account of the ſpreading of the plague, but the true reaſon was, becauſe he found not in this parliament a compliance and diſpoſition fit for his purpoſe [t].

The diſſolution of the parliament hindered not the king from purſuing his deſign of continuing, or rather of beginning, the war with Spain. For though the late king had taken ſome meaſures tending to a war, there had been however no action ſince the breach of the treaty. The ſending of count Mansfeldt into the Low-Countries, in order to march into the Palatinate, was almoſt the only thing that could be conſidered as a declaration againſt Spain, though the project had miſcarried. Charles reſolving therefore to undertake this war, of which he was the principal author and promoter, ſent the duke of Buckingham and the earl of Holland to the

[s] They reſolved, that religion ſhould have the firſt place in their debates; next the kingdom's ſafety; and then ſupplies. Ruſhworth, tom. I. p. 180.

[t] The few acts made in this ſhort parliament were theſe: 1. An act forbidding ſports and paſtimes, ſuch as bear or bull-baiting, plays, or other unlawful exerciſes, on Sundays. 2. An act for the farther reſtraint of tippling in inns, alehouſes, and victualling-houſes.—The clergy granted the king three entire ſubſidies, and the laity two. See Statut.

Hague, to negotiate a league with the United Provinces. In the mean time, a fleet was equipping in England to act againſt Spain. But as he wanted money, he found no ſpeedier or better method to raiſe it, than by borrowing of perſons able to lend, to whom he directed letters under his privy-ſeal, requiring by way of loan ſuch ſums as each were taxed at [u]. This was the firſt effect of the diſſolution of the parliament. Theſe forced loans, practiſed by ſome kings of England, have ever been conſidered as great grievances, and tended to render parliaments uſeleſs. It will hereafter appear, that the next parliament did not ſuffer theſe to paſs uncomplained of. However, to ſoften people's minds, and induce them to lend their money more freely, a proclamation was publiſhed, to call home all ſuch children as were now educating in foreign countries, as well as all the Engliſh, Scots, and Iriſh, in the ſervice of the houſe of Auſtria. On the other hand, the privy council iſſued out warrants to diſarm recuſants [w]. I do not know whether theſe warrants were ſtrictly executed: but it is certain however, that afterwards the houſe of commons frequently required the diſarming of the papiſts.

The fleet deſigned againſt Spain was not ready to ſail till the beginning of October, under the command of Edward Cecil [x], lately made viſcount Wimbleton, who had the earl of Eſſex for vice admiral. The fleet conſiſted of eighty ſail, with ten regiments on board. The intent of the expedition was to wait in ſome convenient place for the Spaniſh plate-fleet which was expected from the Indies in November. As the admiral had ſufficient time, he might have attacked a great number of ſhips in the Bay of Cadiz, but the difficulty of the enterpriſe, or ſome other reaſon, cauſed him to neglect that advantage. He was contented with landing ſir John Burroughs with ſome troops, who meeting no oppoſition, only plundered ſome villages, and abuſed themſelves with wine, to their own, more than to their enemies prejudice. Whereupon they were forced to be re-embarked with all ſpeed. After that, the contagion ſpreading among the troops, the fleet returned to England in November, without the king's reaping any benefit from this armament, which had been very chargeable to him. This ill ſucceſs did great injury to the king as well as to Buckingham, who was looked upon as the contriver and director of the court-projects.

The king, finding himſelf without money, and conſequently unable to continue the war, reſolved at length to call a new parliament. But to avoid the inconvenience of ſeeing in the lower houſe ſuch members as had moſt oppoſed him and exclaimed againſt the duke in the late parliament, the court invented this ſtratagem. All theſe perſons were made ſheriffs, and ſo could not be choſen members of parliament. Sir Edward Coke was of this number: but, however, he and ſome others were choſen, preferring the ſervice they owed their country in parliament to that which they could render it as ſheriffs [y]. The parliament was ſummoned to meet on the 6th of February 1625-6, and on the 2d, being Candlemas-day, the king was crowned by archbiſhop Abbot; William Laud biſhop of Bath and Wells, the king's favourite biſhop, officiating as dean of Weſtminſter, in the room of biſhop Williams, who, through the king's diſfavour, was ſequeſtered from that ſervice [z]. Before the coronation, the king ordered by proclamation all ſuch as had forty pounds a year or more, and were not yet knights, to come and receive the order of knighthood. This was conſidered as a new grievance, of which I ſhall ſpeak hereafter. It ſuffices to ſay at preſent, that when this cuſtom was firſt authoriſed by an act of parliament, with regard to ſuch as had twenty pounds a year in land, twenty pounds then were equal to three hundred at the time I am ſpeaking of. But the king thought it a favour to his ſubjects to include ſuch only in his order as had forty pounds a year.

The coronation was performed with the uſual ceremonies. But when all was over, the king being ſeated on his throne ready to receive the homages of the lords, Laud approached him, and read an extraordinary paſſage, of which there appeared no inſtance in former coronations. It contained the following words:

"Stand and hold faſt, from henceforth, the place to which you have been heir by the ſucceſſion of your forefathers, being now delivered to you by the authority of almighty God, and by the hands of us, and all the biſhops and ſervants of God: and as you ſee the clergy to come nearer to the altar than others, ſo remember that (in all places convenient) you give them greater honour, that the mediator of God and man may eſtabliſh you in the kingly throne to be a mediator betwixt the clergy and the laity, and that you may reign for ever with Jeſus Chriſt, the King of kings, and Lord of lords."

The parliament being aſſembled on the 6th of February, the lord keeper Coventry ſpoke thus to both houſes in the king's name:

"My lords, and you the knights, citizens, and burgeſſes of the houſe of commons.

"YOU are here aſſembled by his majeſty's writs and royal authority to hold a new parliament, the general, antient, and powerful council of this renowned kingdom; whereof if we conſider aright, and think of that incomparable diſtance between the ſupreme height and majeſty of a mighty monarch, and the ſubmiſſive awe and lowlineſs of a loyal ſubject, we cannot but receive exceeding comfort and contentment in the frame and conſtitution of this higheſt court; wherein not only the prelates, nobles, and grandees, but the commons of all degrees have their part, and wherein that high majeſty doth deſcend to admit, or rather to invite the humbleſt of his ſubjects to conference and council with him, of the great, weighty, and difficult affairs of the king and kingdom; a benefit and favour whereof we cannot be too ſenſible and thankful; for ſure I am, that all good hearts would be both ſenſible and ſorrowful, if we did want it; and therefore it behoveth all, with united hearts and minds, free from diſtraction and diverſion, to fix their thoughts upon counſels and conſultations worthy of ſuch an aſſembly; remembering, that in it is preſented the majeſty and greatneſs, the authority and power, the wiſdom and knowledge, of this great and famous nation; and it behoveth us to magnify and bleſs God, that hath put the power of aſſembling parliaments in the hands of him, the virtue of whoſe perſon doth ſtrive with the greatneſs of his princely lineage and deſcent, whether he ſhould be accounted major or melior, a greater king, or a better man; and of whom you have had ſo much trial and experience, that he doth as affectionately love, as he doth exactly know and underſtand the true uſe of parliaments; witneſs his daily and unwearied acceſs to this houſe, before his acceſs to the crown; his gracious readineſs to all conferences of importance; his frequent and effectual interceſſion to his bleſſed father of never-dying memory, for the good of the kingdom, with ſo happy ſucceſs, that both this and future generations ſhall feel it, and have cauſe to rejoice at the ſucceſs of his majeſty's interceſſion. And when the royal diadem deſcended upon himſelf preſently, in the midſt of his tears and ſighs for the departure of his moſt dear and royal father, in the very firſt conſultation with his privy council, was reſolved to meet his people in parliament: and no ſooner did the heavy hand of that deſtroying angel

[u] The method was thus: firſt, the king wrote to the lord-lieutenants of the counties, to ſend him in the names of ſuch perſons as were of ability to furniſh him with money, and what ſums they thought they could ſpare. Then the comptroller of the king's houſhold, by the council's order, iſſued forth letters in the king's name, under the privy-ſeal, to the ſeveral perſons returned for the loan of money, in form as follows: "Truſty and well-beloved, &c. having obſerved in the cuſtoms of former times, that all the kings of this realm, upon extraordinary occaſions, have uſed either to reſort to thoſe contributions, which ariſe from the generality of ſubjects, or to private helps of ſome well-affected in particular, by way of loan.—As we are enforced to proceed in the latter courſe—we doubt not but we ſhall receive ſuch a teſtimony of your good affection from you, and that with ſuch alacrity as may make the ſame ſo much more acceptable, eſpecially ſeeing we require but that ſum which few men would deny a friend—The ſum we require of you by theſe preſents is----which we promiſe in the name of us, our heirs, &c. to repay to you or your aſſigns, within eighteen months after payment thereof," &c. Purſuant to this privy-ſeal, the monies required were generally according to this proportion following, viz. for the Weſt-riding of Yorkſhire, ſir Thomas Wentworth 20l. ſir John Jackſon 20l. ſir Edward Oſborn 30l. Godfrey Copley, eſq; 15l. George Weſtby, eſq; 10l. ſir Henry Savil 30l. ſir John Savil 15l. Urſula Wentworth 10l. &c. Ruſhworth, tom. I. p 193.

[w] Particularly the marquis of Wincheſter, and his ſon; the earl of Caſtlehaven; the viſcounts Montague and Colcheſter; the lords Peter, Morley, Vaux, Eures, Arundel of Warder, Tenham, Herbert, and Windſor. Ruſhworth, tom. I. p. 194. The biſhops were likewiſe commanded to proceed againſt the papiſts by excommunication, and other cenſures. Ibid. p. 198.

[x] Third ſon of the earl of Exeter.

[y] The three perſons chiefly aimed at were, ſir Edward Coke, ſir Robert Phillips, and ſir Thomas Wentworth, made ſheriffs of Bucks, Somerſet, and Yorkſhire. Coke, p. 216. Sir Edward Coke taking exceptions againſt the ſheriff's oath, theſe words were ever after left out: "You ſhall do all your pain and diligence to deſtroy and make to ceaſe all manner of hereſies and errors, commonly called lollardies, within your bayliwick from time to time, and aſſiſt all ordinaries and commiſſioners of the holy church, and favour and maintain them as often as you ſhall be required." Ibid. p. 198.

[z] Biſhop Laud had the chief hand in compiling the form of the coronation, and officiated as dean of Weſtminſter, but did not crown the king, as Rapin ſays, by miſtake. The abbots of Weſtminſter, it ſeems, had formerly, and afterwards the deans, a conſiderable ſhare in the ſolemnities of the coronation. They had among other things, the cuſtody of the old regalia, that is, the crown, the ſword, the ſceptre, the ſpurs, &c. of king Edward the confeſſor. Theſe things it was the dean's buſineſs to prepare and ſet in order. Laud finding an old crucifix among the regalia, took care to place it upon the altar. Collier's Eccl. Hiſt. tom. II. p. 736.—He was afterwards charged of having made ſome alterations in the coronation oath; but ſee what anſwer he makes to this, in State-trials, tom. I. p. 866, &c.

He

forbear thoſe deadly ſtrokes, which for ſome time did make this place inacceſſible [a], but his majeſty preſently reſolved to recall it, and hath now brought you together, and in a happy time I truſt, to treat and conſult, with uniform deſires and united affections, of thoſe things that concern the general good.

"And now being thus aſſembled, his majeſty hath commanded me to let you know, that his love and affection to the public moved him to call this parliament; and looking into the danger, and the ſpreading of that mortality, and weighing the multitude of his majeſty's preſſing occaſions, and urging affairs of ſtate, both at home and abroad, much importing the ſafety and ſtate of this kingdom; the ſame affection that moved him to call it, doth forbid him to prolong the ſitting of this parliament: and therefore his majeſty reſolving to confine this meeting to a ſhort time, hath confined me to a ſhort errand; and that is, that as a thing moſt agreeable to the kingly office, to the example of the beſt times, and to the frame of modern affairs, his majeſty hath called you together to conſult and to adviſe of provident and good laws, profitable for the public, and fitting for the preſent times and actions: for upon ſuch depends the aſſurance of religion, and of juſtice, which are the ſureſt pillars and buttreſſes of good government in a kingdom: for his majeſty doth conſider, that the royal throne, on which God out of his mercy to us hath ſet him, is the fountain of all juſtice, and that good laws are the ſtreams and quits by which the benefit and uſe of this fountain is diſperſed to his people; and it is his majeſty's care and ſtudy, that his people may ſee with comfort and joy of heart, that this fountain is not dry, but that they and their poſterity may reſt aſſured and confident in his time, to receive as ample benefit from this fountain, by his majeſty's mercy and juſtice, as ever ſubjects did in the time of the moſt eminent princes amongſt his noble progenitors; wherein as his majeſty ſhews himſelf moſt ſenſible of the good of the public, ſo were it an injury to this great and honourable aſſembly, if it ſhould be but doubted, that they ſhall not be as ſenſible of any thing that may add to his majeſty's honour; which cannot but receive a high degree of love and affection, if his majeſty ſucceeding ſo many religious, wiſe, and renowned princes, ſhould begin his reign with ſome additions unto thoſe good laws which their happy and glorious times have afforded. And this his majeſty hath cauſed me to deſire, at this time eſpecially above others; for his majeſty having at his royal coronation lately ſolemnized the ſacred rites of that bleſſed marriage between his people and him; and therein by a moſt holy oath vowed the protection of the laws and maintenance of peace, both to church and people, no time can be ſo fit for his majeſty to adviſe and conſult at large with his people, as at this preſent time, wherein ſo lately his majeſty hath vowed protection to his people, and they have proteſted their allegiance and ſervice to him.

"This is the ſum of that charge which I have received from his majeſty to deliver unto you; wherein you ſee his majeſty's intent to the public: and therefore his deſire is, that according to that conveniency of time which his affairs may afford, you may apply yourſelves to diſpatch the buſineſs of this parliament."

Though it did not appear in this ſpeech, that the king intended to aſk a ſupply of the commons, that was however, as was afterwards ſeen, the real motive of calling the parliament. But the commons did not think themſelves obliged to gueſs the king's intention, or prevent his demand. So, after chuſing their ſpeaker [b], the firſt care was to thank the king for his gracious anſwer to the petition againſt recuſants, preſented to him at Oxford. Then they ſpent ſome days in examining the public grievances, amongſt which were reckoned the miſcarriage of the fleet to Cadiz, evil counſellors about the king, and the miſemployment of the three ſubſidies, and three fifteenths, granted to the late king, for the recovery of the Palatinate. To examine the grievances with more order and clearneſs, committees were appointed, one for ſecret affairs, another for grievances, and another for religion. The laſt, whereof Mr. Pym was chairman, called in queſtion again Montague's books, intitled, An Anſwer to the late Gagg of Proteſtants, An Appeal to Cæſar, and A Treatiſe of the Invocation of Saints, and reported to the houſe, the falſe, erroneous, papiſtical, Arminian, opinions found therein, repugnant to the articles of the church of England. For inſtance, "That the church of Rome hath ever remained firm upon the ſame foundation of ſacraments and doctrines inſtituted by God. That the controverted points between the church of England and the church of Rome are of a leſſer and inferior nature, of which a man may be ignorant without any danger of his ſoul at all. That images may be uſed for the inſtruction of the ignorant, and the excitation of devotion. That there are tutelar ſaints as well as angels. That men juſtified may fall away and depart from the ſtate of grace; and ſome other Arminian tenets."

[1625-6] The king ſeeing the commons bent upon the examination of religious matters, ordered his attorney general to acquaint the judges of the circuit, that it was his pleaſure they ſhould proceed with rigour againſt recuſants. He had promiſed this ſix months before, in his anſwer to the former parliament's petition: but, in all appearance, this article had been neglected by the court, or by thoſe who were commiſſioned to execute the orders. It is certain, during this reign, ſuch kind of orders were never punctually executed.

The king had demanded a ſupply of money to carry on the war; but the commons were in no haſte to grant it. On the contrary, they ſtill proceeded in the examination of grievances, and, among others, of certain repriſals made upon France with two much precipitation, to the great damage of the Engliſh merchants [c]. The council of war, appointed by the parliament to manage the three ſubſidies granted to king James, were alſo obliged to give an account of their conduct.

The king bearing this delay very impatiently, preſſed the commons to conſider of the ſupply. The lords alſo endeavoured to perſuade them to it, in a conference which they deſired on that occaſion; but it was to no purpoſe. On the contrary, they heard the report of the committee concerning the nation's grievances, wherein they had always the duke of Buckingham in view, and even cauſed him to be informed of the articles on which the complaints againſt him were grounded. Whereupon the king ſent a letter to the ſpeaker, with a meſſage to the houſe by ſir Richard Weſton.

"Truſty and well-beloved,

"HAVING aſſembled the parliament early in the beginning of the year, for the more timely help and advice of our people in our great and important affairs: and having of late, not only by meſſage, but alſo of ourſelf, put our houſe of commons in mind of our preſſing occaſions, and of the preſent eſtate of Chriſtendom, wherein they have equal intereſt with us, as well in reſpect of their own former engagements, as of the common cauſe: we ſhall not need to tell them with what care and patience we have in the midſt of our neceſſities attended their reſolutions; but becauſe their unreaſonable ſlowneſs may produce at home as ill effects as a denial, and hazard the whole eſtate of things abroad; we have thought fit by you the ſpeaker, to let them know, that without more loſs of time, we look for a full and perfect anſwer of what they will give for our ſupply, according to our expectation, and their promiſes; wherein, as we preſs for nothing beyond the preſent ſtate and condition of our ſubjects, ſo we accept no leſs than is proportionable to the greatneſs and goodneſs of the cauſe: neither do we preſs them to a preſent reſolution in this, with a purpoſe to precipitate their counſels, much leſs to enter upon their privileges, but to ſhew that it is unfit to depend any longer upon uncertainties, whereby the whole weight of the affairs of Chriſtendom may break in upon us upon the ſudden, to our diſhonour, and the ſhame of this nation. And for the buſineſs at home, we command you to promiſe them in our name, that after they have ſatisfied us in this our reaſonable demand, we ſhall not only continue them together at this time, ſo long as the ſeaſon will permit, but call them ſhortly again to perfect thoſe neceſſary buſineſſes which ſhall be now left undone; and now we ſhall willingly apply fit and ſeaſonable remedies to ſuch juſt grievances which they ſhall preſent unto us in a dutiful and mannerly way, without throwing an ill odour upon our preſent government, or upon the government of our late bleſſed father. And if there be yet who deſire to find fault, we ſhall think him the wiſeſt reprehender of errors paſt, who, without reflecting backward, can give us counſel how to ſettle the preſent eſtate of things, and to provide for the future ſafety and honour of the kingdom."

The meſſage brought at the ſame time and delivered to the houſe by Weſton, contained five articles of expence to be provided for, namely,

[a] He means the plague, of which there died this year, in London and the out-pariſhes, thirty-five thouſand four hundred and ſeven perſons. Whitlock, p. 3.

[b] Sir Heneage Finch.

[c] It ſeems a report was made to the houſe, that the reaſon why our merchant ſhips and goods were ſeized in France, was, becauſe ſir James Bagg, vice-admiral of Cornwal, and others, had ſeized upon the goods of the French in our ports, particularly a ſhip called the Peter of Newhaven, by Buckingham's order, after the king and council had ordered the ſhip to be reſtored upon a juſt claim. That twenty-three bags of ſilver, and eight of gold, were by ſir Francis Steward delivered to the duke, who ſaid, he would juſtify the ſtay of the ſhip by order from the king. Ruſhworth, tom. I. p. 213.

Sir

" 1. That his majeſty's fleet being returned, and the victuals ſpent, the men muſt of neceſſity be diſcharged, and their wages paid, or elſe an aſſured mutiny will follow, which may be many ways dangerous at this time.

" 2. That his majeſty hath made ready about forty ſhips, to be ſet forth on a ſecond voyage, to hinder the enemy, which want only victuals and ſome men, which, without preſent ſupply of money, cannot be ſet forth and kept together.

" 3. That the army which is appointed in every coaſt, muſt preſently be diſbanded, if they be not preſently ſupplied with victuals and clothes.

" 4. That if the companies of Ireland, lately ſent thither, be not provided for, inſtead of defending that country, they will prove the authors of rebellion.

" 5. That the ſeaſon of providing healthful victuals will be paſt, if this month be neglected.

" And therefore his majeſty commandeth me to tell you, that he deſired to know without further delaying of time, what ſupply you will give him for theſe his preſent occaſions, that he may accordingly frame his courſe and counſel."

The commons were not very well pleaſed with the letter or meſſage, wherein were ſeveral things they could not approve. 1. The manner of demanding a ſupply, which ſhewed it to be not ſo much a free gift on their part as an obligation. 2. The king ſet them a time, by ordering it to be done without delay, and before all other things. 3. He would not accept of leſs than was neceſſary, and this could relate only to the five articles of expence, which was properly ſpecifying to them the ſum they were to give. 4. The king demanded money with an extraordinary and unprecedented haughtineſs. 5. The king grounded his demands upon the parliament's engagement to king James, an engagement fraudulently obtained by the duke of Buckingham's falſe narration. 6. The war, for which ſo much money was to be given, had been raſhly undertaken, at a time when there was no proſpect of ſucceſs; and the king and the duke of Buckingham were known to be the authors of it, though the king perpetually inſiſted upon the parliament's advice to his father. Had it been undertaken, at the beginning of the quarrel between the king of Bohemia and the emperor, or even before the loſs of the Palatinate, when there was room to hope for the aſſiſtance of the proteſtant princes, it might have been expected to be crowned with ſucceſs. But it was begun at a time, when all the princes of Germany were either ſubdued by or united to the emperor; at a time when there was not a ſingle place left that might afford the Engliſh entrance into the Palatinate, or could poſſibly be approached by them. How then could it be expected to wreſt the two Palatinates from the emperor and the duke of Bavaria? The whole therefore was reduced to the attacking of the Spaniard. Upon what account? It was either to oblige him to uſe his intereſt for the reſtitution of the Palatinate, in which caſe a war was needleſs, ſince he had promiſed his mediation, and even engaged to render it effectual, before the breach of the marriage: or elſe to conſtrain him to employ his arms in wreſting the Palatinates from the two princes in poſſeſſion, a project which appeared extravagant, and would have drained England of men and money to no purpoſe. Beſides, the late expedition of the fleet, was no great encouragement to proſecute that undertaking. 7. Finally, though the commons did not care openly to enter into all theſe diſcuſſions, they were willing however to ſhew the king, they did not mean to be amuſed with a promiſe extorted by a mere artifice, and, if they granted him money, would reap at leaſt the advantage of procuring the redreſs of the national grievances. But the king took care to ſhut that door againſt them, by deferring the redreſs of the grievances to another time. As they perceived, and the king himſelf intimated to them, that the deſired ſupply would not be the laſt, they could not be ſure, but in the next ſeſſion of parliament the king would again expect the money-bill to paſs before the grievances, and ſo there would be no end. Theſe were the true reaſons of the tardineſs of the commons, and their little ardour for the king's affairs, though they would not openly declare them for fear of engaging in debates offenſive to his majeſty. Nevertheleſs they were willing to intimate them to him, and, very likely, he perceived them well enough, though it was thought proper on both ſides to conceal them from the public. For this cauſe the commons reſolved to ſend an anſwer to the king's meſſage, full of reſpect, ſubmiſſion, expreſſions of zeal for his ſervice, and even promiſes of aiding him in his wants, though in a general manner. But withal, they artfully intimated to him, that redreſs of grievances ought to precede the ſupply they intended to grant him. Their anſwer was as follows:

" Moſt gracious ſovereign,

" Your majeſty's dutiful and loyal ſubjects, the commons now aſſembled in parliament, in all humility, preſent unto your royal wiſdom, this their loyal anſwer to the meſſage, which your majeſty was pleaſed by the chancellor of the exchequer to ſend unto them, deſiring to know, without any further deferring of time, what ſupply they would give to your majeſty, for your preſent and extraordinary occaſions, that you might accordingly frame your courſes and counſels. Firſt of all, they moſt humbly beſeech your majeſty, to know and reſt aſſured, that no king was ever dearer to his people than your majeſty; no people more zealous to maintain and advance the honour and greatneſs of their king than they; which, as upon all occaſions they ſhall be ready to expreſs, ſo eſpecially in the ſupport of that cauſe, wherein your majeſty and your allies are now juſtly engaged. And becauſe they cannot doubt, but your majeſty in your great wiſdom, even out of juſtice, and according to the example of your moſt famous predeceſſors, will be pleaſed graciouſly to accept the faithful and neceſſary information and advice of your parliament, which can have no end but the ſervice of your majeſty, and ſafety of your realm, in diſcovering the cauſes, and propoſing the remedies of theſe great evils, which have occaſioned your majeſty's wants, and your people's grief.

" They therefore in confidence and full aſſurance of redreſs therein, do with one conſent propoſe (though in former time ſuch courſe hath been unuſed) that they really intend to aſſiſt and ſupply your majeſty in ſuch a way, and in ſo ample a meaſure, as may make you ſafe at home, and feared abroad; for the diſpatch whereof they will uſe ſuch diligence as your majeſty's preſſing and preſent occaſions ſhall require."

The king fully perceived the intention of the houſe in ſending him this anſwer. But he had not the ſame reaſons as the commons to be reſerved in his expreſſions. It was rather his intereſt to ſpeak freely, for fear, by diſſembling his principles and pretenſions, he ſhould encourage the commons to attack the duke of Buckingham, who was counted the prime author of the grievances. His majeſty therefore makes this reply to the commons anſwer:

" Mr. Speaker,

" The anſwer of the commons delivered by you, I like well of, and do take it for a full and ſatisfactory anſwer, and I thank them for it, and I hope you will with all expedition take a courſe for performance thereof, the which will turn to your own good as well as mine; but for your clauſe therein, of preſenting of grievances, I take that but for a parentheſis in your ſpeech, and not a condition; and yet for anſwer to that part, I will tell you, I will be as willing to hear your grievances, as my predeceſſors have been, ſo that you will apply yourſelves to redreſs grievances, and not to enquire after grievances. I muſt let you know, that I will not allow any of my ſervants to be queſtioned amongſt you, much leſs ſuch as are of eminent place, and near unto me. The old queſtion was, " What ſhall be done to the man whom the king will honour?" But now it hath been the labour of ſome, to ſeek what may be done againſt him whom the king thinks fit to honour. I ſee you ſpecially aim at the duke of Buckingham; I wonder what hath ſo altered your affections towards him. I do well remember, that in the laſt parliament in my father's time, when he was the inſtrument to break the treaties, all of you (and yet I cannot ſay all, for I know ſome of you are changed, but yet the houſe of commons is always the ſame) did ſo much honour and reſpect him, that all the honour conferred on him was too little; and what he hath done ſince to alter and change your minds, I wot not; but can aſſure you, he hath not meddled or done any thing concerning the public or commonwealth, but by ſpecial directions and appointment, and as my ſervant; and is ſo far from gaining or improving his eſtate thereby, that I verily think he hath rather impaired the ſame. I would you would haſten for my ſupply, or elſe it will be worſe for yourſelves; for if any ill happen, I think I ſhall be the laſt ſhall feel it."

This letter hindered not the commons from proceeding in the examination of the duke of Buckingham's conduct, it being reſolved to impeach him in form. The queſtion was moved by Dr. Turner, a phyſician, " Whether common fame be a good ground of proceeding for the houſe?" The queſtion was decided in the affirmative, after conſulting ſome lawyers [d], at which the king was extremely offended, and ſhewed his diſpleaſure to the commons, demanding withal, that Turner might be puniſhed for moving ſuch a queſtion [e].

[d] Sir Thomas Wentworth, Mr. Noy, Mr. Selden, and others. Whit. p. 3.

[e] The king, in his meſſage, demanded juſtice alſo againſt Mr. Clement Coke,

But this meſſage ſignified but little, and the houſe ſtill continuing to proceed againſt the duke, it was the general opinion of the members, that, in granting the king money, the redreſs of the grievances was not to be neglected.

Mean while, to take from the king the pretence which all theſe delays might furniſh him with, the commons unanimouſly voted him three ſubſidies and three fifteenths, to which, a month after, was added a fourth ſubſidy. Moreover they fixed the payment of the firſt to the laſt day of June [f]. Nothing a is clearer evidence of the deſign aſcribed by me to the commons, namely, that in granting money to the king, they meant to render their liberality ſubſervient to the redreſs of grievances. By this expedient they ſhewed the public, how ready they were to aſſiſt the king in his neceſſities; but at the ſame time reſerved to themſelves the liberty of paſſing this vote into an act (without which it was of no uſe to the king) when they ſhould think fit. Now, according to their intention, this act was not to paſs till the grievances were preſented to, and anſwered by the king. Thus he was deprived of the pretence to complain of their delays, though indeed what they did for him could be advantageous to him, but on ſuppoſition he would regard their deſires. This greatly embarraſſed the king. He plainly ſaw the commons deſign, and was the more offended, as all their proceedings was levelled at the duke of Buckingham, or rather at the king himſelf, who had publicly declared, the duke had only followed his orders, without being able to prevail for his being left unmoleſted. As he found they acted with too little reſpect, he reſolved to let them know how much he was diſpleaſed with their proceedings, doubtleſs, to frighten them into another courſe. He ſent therefore for both houſes to Whitehall, where he made the following ſpeech:

"My Lords and Gentlemen,

[1626] "I have called you hither to-day, I mean both houſes of parliament; but it is for ſeveral and diſtinct reaſons: mylords, you of the upper houſe, to give you thanks for the care of the ſtate of the kingdom now; and not only for the care of your own proceedings, but enticing your fellow houſe of the commons, to take that into their conſideration. Therefore (my lords) I muſt not only give you thanks, but I muſt alſo avow, that if this parliament do not redound to the good of this kingdom (which I pray God it may) it is not your faults. And you, gentlemen of the houſe of commons, I am ſorry that I may not juſtly give the ſame thanks to you; but that I muſt tell you, that I am come here to ſhew you your errors, and, as I may call it, unparliamentary proceedings in this parliament. But I do not deſpair, becauſe you ſhall ſee your faults ſo clearly by the lord keeper, that you may ſo amend your proceedings, that this parliament ſhall end comfortably and happily, though at the beginning it hath had ſome rubs."

Then the lord keeper, by the king's command, ſpoke next.

"My lords, and you the knights, citizens, and burgeſſes of the houſe of commons.

"YOU are here aſſembled by his majeſty's commandment, to receive a declaration of his royal pleaſure; which although it be intended only to the houſe of commons, yet his majeſty hath thought meet, the matter being of great weight and importance, it ſhould be delivered in the preſence of both houſes, and both houſes make one general council: and his majeſty is willing, that the lords ſhould be witneſſes of the honour and juſtice of his reſolutions. And therefore the errand, which by his majeſty's direction I muſt deliver, hath relation to the houſe of commons. I muſt addreſs myſelf therefore to you, Mr. Speaker, and the reſt of that houſe.

"And firſt, his majeſty would have you to underſtand, that there was never any king more loving to his people, or better affectioned to the right uſe of parliaments, than his majeſty hath approved himſelf to be, not only by his long patience ſince the ſitting down of this parliament, but by thoſe mild and calm directions which from time to time that houſe hath received by meſſage and letter, and from his royal mouth; when the irregular humours of ſome particular perſons wrought diverſions and diſtractions there, to the diſturbance of thoſe great and weighty affairs, which the neceſſity of the times, the honour and ſafety of the king and kingdom, called upon. And therefore his majeſty doth aſſure you, that when theſe great affairs are ſettled, and that his majeſty hath received ſatisfaction of his reaſonable demands, he will, as a juſt king, hear and anſwer your juſt grievances, which in a dutiful way ſhall be preſented unto him; and this his majeſty doth avow.

"Next his majeſty would have you know of a ſurety, That as never any king was more loving to his people, nor better affectioned to the right uſe of parliaments, ſo never king more jealous of his honour, nor more ſenſible of the neglect and contempt of his royal rights, which his majeſty will by no means ſuffer to be violated by any pretended colour of parliamentary liberty; wherein his majeſty doth not forget, that the parliament is his council, and therefore ought to have the liberty of a council; but his majeſty underſtands the difference betwixt council and controlling, and between liberty and the abuſe of liberty.

"This being ſet down in general, his majeſty hath commanded me to relate ſome particular paſſages and proceedings, whereat he finds himſelf aggrieved.

"Firſt, Whereas a ſeditious ſpeech was uttered amongſt you by Mr. Coke, the houſe did not as they ought to do, cenſure and correct him. And when his majeſty underſtanding it, did, by a meſſage by mr. chancellor of the exchequer, delivered to the houſe, require juſtice of you, his majeſty has ſince found nothing but protracting and delays. This his majeſty holds not agreeable to the wiſdom and the duty which he expected from the houſe of commons.

"Secondly, Whereas doctor Turner, in a ſtrange unparliamentary way, without any ground of knowledge in himſelf, or offering any particular proof of the houſe, did take upon him to adviſe the houſe to enquire upon ſundry articles againſt the duke of Buckingham, as he pretended, but in truth, to wound the honour and government of his majeſty, and of his renowned father; and his majeſty, firſt by a meſſage, and after by his own royal mouth, did declare, That that courſe of enquiry was an example which by no way he could ſuffer, though it were againſt his meaneſt ſervant, much leſs againſt one ſo near him; and that his majeſty did much wonder at the fooliſh inſolency of any man, that can think, that his majeſty ſhould be drawn out of any end to offer ſuch a ſacrifice, ſo unworthy of a king, or a good maſter; yet for all this, you have been ſo far from correcting the inſolency of Turner, that ever ſince that time your committees have walked in the ſteps of Turner, and proceeded in an unparliamentary inquiſition, running upon generals, and repeating that whereof you have made ſame the groundwork. Here his majeſty hath cauſe to be exceeding ſenſible, that upon every particular he finds the honour of his father ſtained and blemiſhed, and his own no leſs; and withal you have manifeſted a great forwardneſs, rather to pluck out of his boſom thoſe who are near about him, and whom his majeſty hath cauſe to affect, than to truſt his majeſty with the future reformation of theſe things which you ſeem to aim at: And yet you cannot deny but his majeſty hath wrought a greater reformation in matters of religion, execution of the laws, and concerning things of great importance, than the ſhortneſs of his reign (in which he hath been hindered, partly through ſickneſs, and the diſtraction of things, which we could have wiſhed had been otherwiſe) could produce.

"Concerning the duke of Buckingham, his majeſty hath commanded me to tell you, That himſelf doth better know than any man living, the ſincerity of the duke's proceedings; with what cautions of weight and diſcretion he hath been guided in his public employments, from his majeſty and his bleſſed father; what enemies he hath procured at home and abroad; what peril of his perſon, and hazard of his eſtate, he ran into, for the ſervice of his majeſty, and his ever-bleſſed father; and how forward he hath been in the ſervice of this houſe, many times ſince his return from Spain. And therefore his majeſty cannot believe, that the aim is at the duke of Buckingham, but findeth that theſe proceedings do directly wound the honour and judgment of himſelf and his father. It is therefore his majeſty's expreſs and final commandment, that you yield obedience unto thoſe directions which you have formerly received, and ceaſe this unparliamentary inquiſition, and commit unto his majeſty's care, and wiſdom, and juſtice, the future reformation of theſe things which you ſuppoſe to be otherwiſe than they ſhould be: And his majeſty is reſolved, that before the end of this ſeſſion, he will ſet ſuch a courſe, both for the amending of any thing that may be found amiſs, and for the ſettling of his own eſtate, as he doubteth not but will give you ample ſatisfaction and comfort.

"Next to this, his majeſty takes notice, that you have ſuffered the greateſt council of ſtate to be cenſured and traduced in the houſe, by men whoſe years and education cannot attain to that depth: That foreign buſineſſes have been entertained in the houſe, to the hindrance and diſadvantage of his majeſty's negotiations: That the ſame

Coke, ſir Edward's ſon, and member for Aileſbury, who ſaid in the houſe, "That it was better to die by an enemy than to ſuffer at home." Ruſhworth, tom. I. p. 218.

[f] And the laſt of October. Idem. p. 221.

year, yea, the firſt day of his majeſty's inauguration, you ſuffered his council, government, and ſervants, to be paralleled with the times of moſt exception: That your committees have preſumed to examine the letters of ſecretaries of ſtate, nay, his own; and ſent a general warrant to his ſignet office, and commanded his officers, not only to produce and ſhew the records, but their books and private notes, which they made for his majeſty's ſervice. This his majeſty holds as unſufferable, and it was in former times unuſual.

"Next I am to ſpeak concerning your ſupply of three ſubſidies, and three fifteenths, which you have agreed to tender to his majeſty. You have been made acquainted with the greatneſs of his affairs, both at home and abroad, with the ſtrong preparation of the enemy, with the importance of upholding his allies, ſtrengthening and ſecuring both England and Ireland; beſides the encountering and annoying the enemy by a powerful fleet at ſea, and the charge of all: This having been calculated unto you, you have profeſſed unto his majeſty, by the mouth of your ſpeaker, your carefulneſs to ſupport the cauſe wherein his majeſty and his allies are juſtly engaged; your unanimous conſent and real intention to ſupply his majeſty in ſuch a meaſure as ſhould make him ſafe at home, and feared abroad; and that in the diſpatch hereof you would uſe ſuch diligence as his majeſty's preſſing and preſent occaſions did require.

"And now his majeſty having erected a proceeding ſuitable to this engagement, he doth obſerve, that in two days only of twelve, this buſineſs was thought of, and not begun till his majeſty by a meſſage put you in mind of it, whilſt your inquiſition againſt his majeſty's direction proceeded day by day.

"And for the meaſure of this ſupply, his majeſty findeth it ſo far from making himſelf ſafe at home, and feared abroad; as contrariwiſe it expoſeth him both to danger and diſeſteem; for his majeſty cannot expect, without better help, but that his allies muſt preſently diſband, and leave him alone to bear the fury of a provoked and powerful enemy: So as both he and you ſhall be unſafe at home, and aſhamed and deſpiſed abroad. And for the manner of the ſupply, it is in itſelf very diſhonourable, and full of diſtruſt; for although you have avoided the literal word of a condition, whereof his majeſty himſelf did warn you, when he told you of your parentheſis; yet you have put to it the effect of a condition, ſince the bill is not come into your houſe until your grievances be both preferred and anſwered. No ſuch thing was in that expreſſion and engagement delivered by your ſpeaker, for which his majeſty holdeth, that you have receded both in matter and manner, to his great diſadvantage and diſhonour. And therefore his majeſty commandeth, that you go together, and by Saturday next return your final anſwer, what further ſupply you will add to this you have already agreed on, and that to be without condition, either directly or indirectly, for the ſupply of theſe great and important affairs of his majeſty; which for the reaſons formerly made known unto you, can endure no longer delay; and if you ſhall not by that time reſolve on a more ample ſupply, his majeſty cannot expect a ſupply this way, nor promiſe you to ſit longer together; otherwiſe, if you do it, his majeſty is well content that you ſhould ſit ſo long as the ſeaſon of the year will permit; and doth aſſure you, that the preſent addition to your ſupply to ſet forward the work, ſhall be no hindrance to your ſpeedy acceſs again.

"His majeſty hath commanded me to add this, That therein he doth expect your cheerful obedience, which will put a happy iſſue to this meeting, and will enable his majeſty, not only to a defenſive war, but to employ his ſubjects in foreign actions, whereby will be added to them both experience, ſafety, and honour.

"Laſt of all, his majeſty hath commanded me, in explanation of the gracious goodneſs of his royal intention, to ſay unto you, That he doth well know, that there are among you many wiſe and well-tempered men, well affected to the public, and to his majeſty's ſervice; and that thoſe that are willingly faulty are not many: And for the reſt his majeſty doubteth not, but after his gracious admonition, they will in due time obſerve and follow the better ſort; which if they ſhall do, his majeſty is moſt ready to forget whatſoever is paſt."

Then his majeſty ſpoke again.

"I muſt withal put you in mind a little of times paſt; you may remember, that in the time of my bleſſed father, you did with your counſel and perſuaſion perſuade both my father and me to break off the treaties: I confeſs I was your inſtrument, for two reaſons: one was, the fitneſs of the time; the other was, becauſe I was ſeconded by ſo great and worthy a body, as the whole body of parliament: Then there was no body in ſo great favour with you as this man, whom you ſeem now to touch, but indeed my father's government and mine. Now that you have all things according to your wiſhes, and that I am ſo far engaged, that you think there is no retreat; now you begin to ſet the dice, and make your own game: But I pray you be not deceived, it is not a parliamentary way, nor it is not a way to deal with a king.

"Mr. Coke told you, It was better to be eaten up by a foreign enemy, than to be deſtroyed at home. Indeed I think it more honour for a king to be invaded, and almoſt deſtroyed by a foreign enemy, than to be deſpiſed by his own ſubjects.

"Remember, that parliaments are altogether in my power for their calling, ſitting, and diſſolution; therefore as I find the fruits of them good or evil, they are to continue, or not to be: And remember, that if in this time, inſtead of mending your errors, by delay you perſiſt in your errors, you make them greater and irreconcileable: whereas, on the other ſide, if you do go on cheerfully to mend them, and look to the diſtreſſed ſtate of Chriſtendom, and the affairs of the kingdom, as it lieth now by this great engagement, you will do yourſelves honour, you ſhall encourage me to go on with parliaments, and I hope all Chriſtendom ſhall feel the good of it."

The king's and keeper's ſpeeches were ſo plain, that they could not be miſunderſtood. The king's aim in general was to intimate to the parliament, they were only his council, whoſe advice he might follow or reject, and he could either not aſſemble this council, or govern without it. The commons immediately turned the houſe into a grand committee, ordering the doors to be locked, and no member to depart till the houſe came to a reſolution concerning theſe ſpeeches. His majeſty having notice thereof, and perceiving this could not but retard his affairs, ordered a conference between the two houſes, and commanded the duke of Buckingham to explain his intentions, and give his words a ſenſe leſs offenſive than what they obviouſly bore. The duke ſpoke in the manner following:

"WHEREAS it is objected by ſome, who wiſh good correſpondency betwixt the king and people, that to prefix a day to give or to break was an unuſual thing, and might expreſs an inclination to the king to break; to remove this, as his majeſty was free from ſuch thoughts, he hath deſcended to make this explanation.

"That as his majeſty would not have you condition with him directly or indirectly, ſo he will not lie to a day, for giving farther ſupply; but it was the preſſing occaſion of Chriſtendom that made him to pitch upon a day.

"His majeſty hath here a ſervant of the king of Denmark, and another from the duke of Weymer, and yeſterday received a letter from his ſiſter the queen of Bohemia; who ſignified, that the king of Denmark hath ſent an embaſſador, with power to perfect the contract which was made at the Hague; ſo it was not the king, but time, and the things themſelves that preſſed a time.

"Therefore his majeſty is pleaſed to give longer time, hoping you will not give him cauſe to put you in mind of it again; ſo that you have a greater latitude, if the buſineſs require to think further of it.

"I am commanded further to tell you, That if his majeſty ſhould accept of a leſs ſum than will ſuffice, it will deceive your expectations, diſappoint his allies, and conſume the treaſure of the kingdom: Whereas, if you give largely now, the buſineſs being at the criſis, it comes ſo ſeaſonably, it may give a turn to the affairs of Chriſtendom.

"But while we delay and ſuffer the time to paſs, others abroad will take advantage of it, as the king of Spain hath done, by concluding a peace, as it is thought, in Italy, for the Valtoline, whereby our work is become the greater, becauſe there can be no diverſion that way.

"As it was a good rule to fear all things and nothing, and to be liberal was ſometimes to be thrifty; ſo in this particular, if you give largely, you ſhall carry the war to the enemy's door, and keep that peace at home that hath been: Whereas, on the contrary, if you draw the war at home, it brings with it nothing but diſturbance and fear, all courſes of juſtice ſtopped, and each man's revenue leſſened, and nothing that can be profitable.

"Another explanation I am commanded to make, touching the grievances; wherein his majeſty means no way to interrupt your proceedings, but hopes you will proceed in the

the antient way of your predeceſſors; and not ſo much ſeek faults, as the means to redreſs them.

"I am farther commanded to tell you, That his majeſty intends to elect a committee of both houſes, whom he will truſt, to take the view of his eſtate, the defects of which are not fit for the eyes of a multitude; and this committee will be for your eaſe, and may ſatisfy you, without caſting any ill odour on his government, or laying open any weakneſs that may bring ſhame upon us abroad. That which is propoſed is ſo little, that when the payment comes, it will bring him to a worſe eſtate than now he is in; therefore wiſhes you to enlarge it, but leaves the augmentation to yourſelves; but is ſorry, and touched in conſcience, that the burthen ſhould lie on the pooreſt, who want too much already; yet he will not preſcribe, but wiſh that you, who were the abettors and counſellors of this war, would take a greater part of the burthen to yourſelves; and any man that can find out that way, ſhall ſhew himſelf beſt affected, and do the beſt ſervice to the king and ſtate."

After the duke had thus ſpoken for the king, he made his addreſs to them in his own behalf, taking this occaſion to vindicate his conduct, or rather to extol the ſervice he had done the ſtate. The lord Conway, ſecretary of ſtate, ſpoke next, and pretended among other things, to ſhew, that the three ſubſidies and three fifteenths, granted to the late king, had been employed according to the parliament's intention, becauſe nothing was diſburſed but by the king's expreſs orders, a reaſon which muſt have appeared frivolous to the houſe of commons[g].

The explanation of the king's intentions ſeemed to pacify the commons a little. How great ſoever their diſcontent was, at what the king ſaid about parliaments, they did not think proper to cenſure it, whether they feared to enter into ſo dangerous a diſcuſſion, or expected that the lords would take the affair in hand, ſince they were no leſs concerned. The commons contented themſelves therefore with preſenting to the king a remonſtrance, to juſtify their proceedings. The remonſtrance was preceded by an addreſs on the ſame ſubject. But as the addreſs was only an abſtract of the remonſtrance they were preparing, I ſhall paſs it over in ſilence, and inſert only the remonſtrance, which was thus worded:

"Moſt gracious ſovereign,

"WHEREAS your majeſty hath been pleaſed of late at ſundry times, and by ſeveral means, to impart unto us your royal pleaſure, touching ſome paſſages and proceedings in this preſent parliament: We do firſt, with unſpeakable joy and comfort, acknowledge your majeſty's grace and favour, in that it hath pleaſed you to cauſe it to be delivered unto us by the lord keeper of the great ſeal, in your own royal preſence, and before both houſes of parliament, That never king was more loving to his people, nor better affected to the right uſe of parliaments; withal, profeſſing your moſt gracious reſolution, to hear and redreſs our juſt grievances. And with like comfort, we acknowledge your majeſty's goodneſs ſhining at the very entrance of your glorious reign, in commanding the execution of the laws eſtabliſhed to preſerve the true religion of Almighty God, in whoſe ſervice conſiſteth the happineſs of all kings and kingdoms.

"Yet let it not diſpleaſe your majeſty, that we alſo expreſs ſome ſenſe of juſt grief, intermixed with that great joy, to ſee the careful proceedings of our ſincere intentions ſo miſreported, as to have wrought effects unexpected, and we hope, undeſerved.

"Firſt, touching the charge againſt us in the matter concerning Mr. Coke, We all ſincerely proteſt, that neither the words mentioned in your majeſty's meſſage, nor any other of ſeditious effect, were ſpoken by him, as hath been reſolved by the houſe, without one negative voice. Howſoever, in a ſpeech occaſionally uttered, he let fall ſome few words, which might admit an ill conſtruction; whereat the houſe being diſpleaſed at the delivery of them, as was expreſſed by a general and inſtant check, he forthwith ſo explained himſelf and his intention, that, for the preſent, we did forbear to take them into conſideration, which ſince we have done: and the effect thereof had before this appeared, if by importunate buſineſs of your majeſty's ſervice we had not been interrupted.

"The like interruption did alſo befal us in the caſe of Dr. Turner; wherein the queſtion being formerly ſtated, a reſolution was ordered to have been taken that very day, on which we received your majeſty's command to attend you.

"But for our own proceedings, we humbly beſeech your majeſty to be truly informed, that before the overture from Dr. Turner (out of our great and neceſſary care for your honour, and welfare of your realm), we had taken into ſerious conſideration, the evils which now afflict your people, and the cauſes of them, that we might apply ourſelves unto the fitteſt remedies: in the purſuit whereof, our committees (whatſoever they might have done) have in no particular proceeded otherwiſe, than either upon ground of knowledge in themſelves, or proof by examination of witneſſes, or other evidence. In which courſe of ſervice for the public good, as we have not ſwerved from the parliamentary way of our predeceſſors, ſo we conceive, that the diſcovery, and reforming of errors, is ſo far from laying an aſperſion upon the preſent time and government, that it is rather a great honour and happineſs to both, yielding matter to great princes, wherein to exerciſe and illuſtrate their nobleſt virtues.

"And although the grievous complaints of the merchants from all parts, together with the common ſervice of the ſubjects well affected to thoſe who profeſs our religion, gave us occaſion to debate ſome buſineſſes that were partly foreign, and had no relation to affairs of ſtate; yet we beſeech your majeſty to reſt aſſured, it was exceeding far from our intention, either to traduce your counſellors, or diſadvantage your negotiations. And though ſome examples of great and potent miniſters of princes, heretofore queſtioned in parliament, have been alleged, yet was it without paralleling your majeſty's government or councils, to any times at all, much leſs to times of exception.

"Touching the letter of your majeſty's ſecretary, it was firſt alleged by your advocate for his own juſtification, and after, by the direction of the committee, produced to make good his allegation.

"And for the ſearch at the ſignet-office, the copy of a letter being divulged, as in your majeſty's name, with pregnant cauſe of ſuſpicion, both in the body and direction thereof, to be ſuppoſitious, the committee, out of deſire to be cleared therein, did by their order ſend ſome of themſelves to the ſignet-office, to ſearch whether there were any records of letters of that nature, without warrant to the officer for any, much leſs for a general ſearch.

"But touching public records, we have not forborne, as often as our buſineſſes have required, to make ſearch into them, wherein we have done nothing unwarranted by the laws of your realm, and the conſtant uſage of parliaments. And if, for the eaſe of their labours, any of our committees have deſired the help of the officers repertories, or breviates of direction, we conceive it is no more than any ſubject in his own affairs might have obtained for ordinary fees.

"Now concerning your majeſty's ſervants, and namely, the duke of Buckingham, we humbly beſeech your majeſty to be informed by us your faithful commons; who can have no private end but your majeſty's ſervice, and the good of your country; that it hath been the antient, conſtant, and undoubted right and uſage of parliaments, to queſtion and complain of all perſons of what degree ſoever, found grievous to the commonwealth, in abuſing the power and truſt committed to them by their ſovereign. A courſe approved not only by the examples in your father's days, of famous memory, but by frequent precedents in the beſt and moſt glorious reigns of your noble progenitors, appearing both in records and hiſtories; without which liberty in parliament, no private man, no ſervant to a king, perhaps no counſellor, without expoſing himſelf to the hazard of great enmity and prejudice, can be a means to call great officers into queſtion for their miſdemeanours, but the commonwealth might languiſh under their preſſures without redreſs; and whatſoever we ſhall do accordingly in this parliament, we doubt not but it ſhall redound to the honour of the crown, and welfare of your ſubjects.

"Laſtly, we moſt humbly beſeech your majeſty graciouſly to conceive, that though it hath been the long cuſtom of parliaments to handle the matter of ſupply with the laſt of their buſineſſes, yet at this time, out of extraordinary reſpect to your perſon, and care of your affairs, we have taken the ſame into more ſpeedy conſideration, and moſt happily, on the very day of your majeſty's inauguration, with great alacrity and unanimous conſent: After a ſhort debate we grew to the reſolution for a preſent ſupply, well known to your majeſty.

"To which, if addition may be made of other great things for your ſervice, yet in conſultation amongſt us, we doubt not but it will appear, that we have not receded from the truth of our firſt intention, ſo to ſupply you, as to make you ſafe at home, and feared abroad, eſpecially

[g] He ſhewed, that there had been paid, for the four regiments in the Low-Countries; for the navy: for the ordnance and forts in England and Ireland; and for the ſervice under count Mansfeldt; in all, 278,479l. Ruſhworth. tom. I. p. 232.

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if your majeſty ſhall be pleaſed to look upon the way intended in our promiſe, as well as to the meaſure of the gift agreed.

"With like humility we beſeech your majeſty, not to give ear to the officious reports of private perſons for their own ends, which hath occaſioned ſo much loſs of time, nor to judge our proceedings whilſt they are in agitation, but be pleaſed to expect the iſſue and concluſion of our labours, which we are confident will manifeſt and juſtify to your majeſty the ſincerity and loyalty of our hearts, who ſhall ever place in a high degree of happineſs, the performing of that duty and ſervice in parliament, which may moſt tend to your majeſty's honour, and the good of your kingdom."

By this remonſtrance it appears, the commons did not look upon Coke's offence as a crime deſerving ſo ſevere a puniſhment as the king imagined, eſpecially as the king had been miſinformed. Moreover, in ſhewing reſentment againſt Coke, they were afraid of diſcouraging their members, and hindering them from freely ſpeaking their minds, beſides that they ſhould thereby authorize the king to make continual complaints on the like pretences. But on the other hand, if they declared Coke entirely innocent, they were apprehenſive of engaging in a diſcuſſion they were willing to avoid. As for Turner, they could not condemn him, ſince his motion was approved by the houſe. So, they only evaded the king's demand, for fear of offending him by a refuſal, imagining, the king would underſtand them. But as to the duke of Buckingham, the caſe was different. The king having eſtabliſhed for a principle, that the commons had not power to accuſe any of his ſervants without his permiſſion, they could not ſpeak too plainly, by reaſon of the importance of the king's pretenſions, which tended to deprive the houſe of one of their greateſt privileges. As to the ſupply, it is very viſible, the commons did not intend the king ſhould have it in his power to preſcribe them terms, but were reſolved to preſerve the right of granting what they thought proper, and when they ſaw fit. Indeed, it is of ſo great conſequence to the commons, not to loſe this right, that ſhould they ſuffer the leaſt encroachment upon it, they would aſſuredly become an empty name without any authority.

The king did not think proper to anſwer the remonſtrance, or at leaſt required time to examine it. Mean while he deſired the commons to adjourn for a week, as the lords had done; and they did ſo accordingly.

The king was extremely embarraſſed. He wanted money, and the commons had voted him three ſubſidies and three fifteenths, to which they had lately added a fourth ſubſidy. But it evidently appeared they meant not to paſs the bill, till the duke of Buckingham's affair was finiſhed. So, the king not being able to divert the charge againſt the duke, without hindering at the ſame time the ſubſidy-bill, conſented at length, that the houſe ſhould proceed in the examination of his favourite's conduct, but it was with intention to put a ſtop to it, if the affair was carried too far [h].

A few days after, the commons ſent word to the duke of Buckingham, that they were paſſing articles of accuſation againſt him, of which he might be informed by the clerk's book, and take a copy thereof, and that they expected his anſwer, if he pleaſed to ſend any [i]. Whereupon the duke applied to the lords for leave to anſwer. But the lords did not think it convenient to permit him, under colour that he would thereby give the commons occaſion to defer the ſubſidy-bill, which they were preſently to take into conſideration. But the commons, without regarding the reaſon alleged by the lords, which was ſignified to them by the duke, continued their proceedings. Nay, they reſolved to annex to the charge, an article concerning the plaiſter and portion applied and given by the duke to king James in his ſickneſs, without the advice of the phyſicians. The king hearing of this, ſent a meſſage to the commons, "That he having conſented to their proceedings againſt the duke of Buckingham, and hearing there is new matter intended to be brought againſt him, nevertheleſs leaves the houſe to their own way to preſent the buſineſs to him, or to the lords, withal adviſing them to conſider of the ſeaſon of the year, and to avoid all loſs of time." He would probably have been glad, as he was chiefly concerned in the article relating to the king his father's life, the commons would have left it to his determination. But they feigned not to underſtand him, and only thanked him for his meſſage.

Some interruption was given to the duke of Buckingham's accuſation, and conſequently to the ſubſidy-bill, by a new affair which unexpectedly aroſe, and which it will be neceſſary briefly to mention, though I deſign not here to deſcend to particulars. The earl of Briſtol, who had been embaſſador in Spain for the affair of the marriage, which he had at length almoſt brought to a concluſion according to king James's deſire, had however the misfortune to diſpleaſe the prince and duke. As their aim was to hinder the earl from giving the parliament an exact account of what paſſed in Spain, they ſo managed, that at his return he was confined to his houſe, and afterwards ſent to the Tower. King James was fully ſatisfied of the earl's innocence, but was ſo little maſter of his actions the two laſt years of his life, that he dared not openly protect him. So, the prince and duke conſtrained him, on divers pretences, to keep him in priſon, that he might not ſpeak with him. After king James's dath, the earl's caſe became ſo much the worſe, as the new king and favourite, his profeſſed enemies, were no longer obliged to uſe any ceremony. He remained therefore in priſon till this ſecond parliament, that is, about two years, without being brought to a trial, or even any charge entered againſt him. At laſt, knowing how the commons ſtood affected to the duke, he reſolved to embrace this opportunity, and try to recover his liberty. He wiſhed alſo to be in a condition to juſtify his conduct, which the duke had aſperſed in order to caſt on him the whole blame of what had paſſed in the negotiation of the prince's marriage with the infanta of Spain. He preſented therefore a petition to the houſe of lords, ſhewing, that being peer of the realm, he had received no ſummons to the parliament, deſiring them to intercede for him, that he might enjoy his privilege. Whereupon the lords prayed his majeſty to ſend a writ of ſummons as well to the earl of Briſtol as to ſome other peers, whoſe writs were alſo ſtopped, which the king granted. A ſummons was therefore ſent to the earl, but withal, he received a letter from the lord keeper [k], acquainting him, that his majeſty would have him forbear his perſonal attendance. Upon this, the earl ſent a ſecond petition to the lords with the keeper's letter, telling them, it was done by the duke of Buckingham's credit, whoſe aim was to prevent him from diſcovering his crimes. Moreover, he beſought the lords to permit him to bring an accuſation againſt the duke, wherein he would demonſtrate how much the duke had abuſed the late king, his preſent majeſty, the ſtate, and the parliament. The king was ſo offended with the earl of Briſtol's boldneſs, that he ſent a meſſage to the lords, declaring, he was determined to exhibit before them a charge of high-treaſon againſt the earl of Briſtol. After this declaration, the lords could not avoid putting the earl into the cuſtody of the black-rod. Some days after, the earl being brought to the bar of the houſe, the attorney general read the charge againſt him in the king's name, who had corrected it in ſeveral places with his own hand. Nevertheleſs, the lords received the accuſation entered by the earl of Briſtol againſt the duke of Buckingham and the lord Conway, ſecretary of ſtate. The king's charge againſt the earl was divided into three heads: namely, his offences, before the prince's going to Spain; during the prince's being in Spain; and after the prince's return. But the earl made ſuch a defence, as covered his accuſers with confuſion. He plainly ſhewed, how much the duke of Buckingham had deceived the parliament in his narrative of what paſſed in Spain. This reflected on the king himſelf, who had not only atteſted the narration, but perſiſted ſtill to atteſt it as true. Wherefore he did not think fit to proſecute a ſentence againſt the earl. As the charge againſt the earl of Briſtol, his defence, and his accuſation againſt the duke of Buckingham and the lord Conway, relate rather to the reign of king James, than to that of king Charles, I think it unneceſſary to inſiſt any farther upon this affair, which would lead me too far. However, as this is a curious point: as in the earl's defence there is an exact account of what paſſed in Spain in the negotiation of the projected marriage: and as the character of James I. Charles I. and the duke of Buckingham, may be there clearly ſeen, I ſhall inſert at the end of this book ſeveral papers upon this ſubject, which to me ſeem worthy the curioſity of the public.

Some days after the earl of Briſtol had given his anſwer, and preſented his charge againſt the duke and the lord Conway, the commons brought up to the lords their declaration and impeachment againſt the duke of Buckingham. It contained thirteen articles, which were explained and aggravated by the managers appointed by the commons. It is cuſtomary for the commons on ſuch occaſions, to divide the taſk among

[h] At this time the king ſent for the biſhops, and fourteen of them repairing to him, he charged them, that in the cauſe of Briſtol and Buckingham, their conſciences being their guides, they ſhould follow only proofs, and not rumours. Ruſhworth, tom. I. p. 247. Annals, p. 122.

[i] He was proxy for no leſs than fourteen lords, which being found of ill conſequence, it was ordered, that for the future no lord ſhould be capable of receiving above two proxies. See Journ. Procer. and Ruſh. t. I. p. 269.

[k] Rapin, by miſtake, ſays, under the great ſeal. See Ruſhworth, tom. I. p. 260, 261.

It

ſeveral of their members, each of whom prepares to ſpeak to the article aſſigned him [l]. Sir Dudley Diggs, who was appointed to explain and ſupport the beginning of the charge, after a ſhort prologue, read the following preamble:

"For the ſpeedy redreſs of great evils and miſchiefs, and of the chief cauſe of theſe evils and miſchiefs which the kingdom of England now grievouſly ſuffereth, and of late years hath ſuffered; and to the honour and ſafety of our ſovereign lord the king, and of his crown and dignity; and to the good and welfare of his people, the commons in this preſent parliament, by the authority of our ſaid ſovereign lord the king, aſſembled, do, by this their bill, ſhew and declare againſt George, duke, marquis, and earl of Buckingham, earl of Coventry, viſcount Villiers, baron of Whaddon, great admiral of the kingdom of England and Ireland, and of the principality of Wales, and of the dominions and iſlands of the ſame, of the town of Calais, and of the marches of the ſame, and of Normandy, Gaſcoign, and Guienne, general governor of the ſeas and ſhips of the ſaid kingdom, lieutenant-general-admiral, captain-general and governor of his majeſty's royal fleet and army lately ſet forth, maſter of the horſe of our ſovereign lord the king, lord warden, chancellor, and admiral of the cinque-ports, and of the members thereof, conſtable of Dover-caſtle, juſtice in eyre of the foreſts and chaces on this ſide the river Trent, conſtable of the caſtle of Windſor, gentleman of his majeſty's bed-chamber, one of his majeſty's moſt honourable privy-council in his realms, both in England, Scotland, and Ireland, and knight of the moſt honourable order of the garter: The miſdemeanours, miſpriſions, offences, crimes, and other matters, compriſed in the articles following; and him the ſaid duke do accuſe and impeach of the ſaid miſdemeanours, miſpriſions, offences, and crimes."

The preamble being read, ſir Dudley Diggs gave a general knowledge of the impeachment, without inſiſting upon any particular article. He only reduced the charge to four principal heads. In the firſt, he ſhewed the grievances which ſprung from ſo many offices conferred on a ſingle perſon, and pretended it was one of the chief cauſes of the evils which afflicted England, as decay of trade, loſſes at ſea, and the contempt the nation was fallen into. In the ſecond, he ſpoke in general of honours being ſold or procured by the duke for undeſerving perſons. In the third, he ſaid, as the duke had raiſed all his poor kindred to honours, ſo he had exhauſted and miſemployed his majeſty's lands and revenues. In the fourth, he ſpoke of the remedies applied and given to the late king in his laſt ſickneſs; but he only juſt mentioned them, becauſe that article was to be enlarged upon by another manager.

As this charge was never decided, I think it needleſs to relate the particulars, or give an account of what was ſaid by each of the managers on the ſeveral articles. But that the reader may ſee in general what the duke was accuſed of, I ſhall inſert an abſtract of each article.

I. He was accuſed of ingroſſing into his hands a great number of offices, ſome whereof could hardly be executed by a ſingle perſon: and of procuring them by ill means.

II. Of purchaſing the office of high-admiral of the earl of Nottingham, [for the ſum of 3000l. and an annuity of 1000l.]

III. Of buying the office of lord-warden of the cinque-ports, of the late lord Zouch, [for the ſum of 1000l. and an annuity of 500l.]

IV. Of having neglected to guard the ſeas and protect the merchants.

V. Of confiſcating a French ſhip, called the St. Peter of Newhaven, worth 40,000l. ſterling: Of detaining the ſaid ſhip, after the king's order to reſtore her to the owner, and of taking out ſeveral things for his uſe.

VI. Of oppreſſing the Eaſt India company, by detaining under falſe pretences their ſhips which were ready to ſail, and of compelling them to give him ten thouſand pounds, that they might not loſe their voyage.

VII. and VIII. Of delivering ſeveral merchant ſhips and a man of war into the hands of the French king, againſt the will of the owners, to ſerve at the ſiege of Rochel.

IX. Of conſtraining ſeveral perſons to purchaſe titles of honour [m].

X. Of ſelling the office of high-treaſurer (to Henry Montague viſcount Mandeville) for 20,000l. and the office of maſter of the wards and liveries, [to ſir Lionel Cranfield] for 6000l.

XI. Of procuring to his kindred and allies titles of baron, viſcount, earl, without their having done the ſtate any ſervice.

XII. Of embezzling and ingroſſing the king's money and lands.

XIII. Of applying a plaiſter to the late king's ſide in his laſt ſickneſs, and of giving him a potion with his own hand at ſeveral times, in the abſence, and without the order of the phyſicians.

Theſe articles were enlarged upon by the ſeveral managers [n], and ſir John Elliot was appointed to make the epilogue to the impeachment, wnerein he ſummed up what had been ſaid againſt the duke, and ſpoke of him in very offenſive terms, but however mentioned not the plaiſter or potion.

The ſame or the next day, Diggs and Elliot were by the king's command ſent to the Tower [o]; and two days after the king went to the houſe of lords, and ſpoke to them after the following manner:

"My lords,

"THE cauſe and only cauſe of my coming to you this day, is to expreſs the ſenſe I have of all your honours; for he that toucheth any of you, toucheth me in a very great meaſure. I have thought fit to take order for the puniſhing of ſome inſolent ſpeeches lately ſpoken. I have been too remiſs heretofore in puniſhing ſuch ſpeeches as concern myſelf; not that I was greedy of their monies, but that Buckingham, through his importunity, would not ſuffer me to take notice of them, leſt he might be thought to have ſet me on, and that he might come the forwarder to his trial. And to approve his innocency as touching the matters againſt him, I myſelf can be a witneſs to clear him in every one of them.

"I ſpeak not this to take any thing out of your hands; but to ſhew the reaſon why I have not hitherto puniſhed thoſe inſolent ſpeeches againſt myſelf. And now I hope you will be as tender of my honour, when time ſhall ſerve, as I have been ſenſible of yours."

The king's aim in this ſpeech was, firſt, to perſuade the lords they were all concerned in the diſreſpectful things ſpoken by the managers againſt the duke of Buckingham and ſome other members of their houſe, and that he had committed Diggs and Elliot to the Tower on purpoſe to vindicate their injured honour: but he ſucceeded not in his deſign. Secondly, by offering to be a witneſs for the duke of Buckingham, and to clear his innocence in every article of his impeachment, he propoſed to the lords a kind of dilemma, which he thought they would not be able to get clear of; for they were either to declare the duke innocent upon the king's evidence, or, by condemning him, openly reject his royal teſtimony, to which he imagined they would not eaſily be perſuaded. But they were not impoſed upon by this artifice, as will hereafter appear.

The king was no ſooner departed from the houſe, but the commons ſent a meſſage to the lords, to deſire the duke of Buckingham might be taken into ſafe cuſtody; but the lords durſt not commit him for fear of offending the king.

Mean while the impriſonment of Diggs and Elliot made a terrible impreſſion in the houſe of commons, who conſidered it as an expreſs breach of their privileges. Sir Dudley Carleton, one of the court party, obſerving the unuſual, and, as he termed it, ſullen ſilence of the houſe, ſtood up and juſtified the king, ſaying, "his majeſty conceived that Diggs went beyond his commiſſion, when ſpeaking of the plaiſter and potion given to king James, he ſaid, That he did forbear to ſpeak farther in regard of the king's honour. And as for ſir John Elliot, he affected to ſpeak of the duke with great contempt, and in very injurious terms. What diſpleaſed the king moſt was, that Elliot, in ſpeaking of the plaiſter and potion, uſed expreſſions intimating as if there was ſomething hidden, which it was not proper to reveal, and in ſo doing exceeded the commiſſion he had received from the houſe."

[l] It was managed by eight members, and ſixteen more as aſſiſtants. The eight chief members were ſir Dudley Diggs, Mr. Herbert, Mr. Selden, Mr. Glanville, Mr. Pym, Mr. Sherland, Mr. Wandesford, and ſir John Elliot. Ruſhworth, tom. I. p. 302.

[m] Particularly the lord Roberts of Truro, whom he forced to pay ten thouſand pounds for the title of baron. Ibid. p. 334.

[n] I. II. III. were enlarged upon by Mr. Herbert; IV. V. by Mr. Selden; VI. VII. VIII. by Mr. Glanville; IX. X. XI. by Mr. Pym; XII. by Mr. Sherland; XIII. by Mr. Wandesford. Ibid. p. 304, &c.

[o] Upon the impeachment of the duke, a paper was privately conveyed to the king, importing, that this great oppoſition againſt the duke was ſtirred up and maintained by ſuch as ſeek the deſtruction of this free monarchy. That ſince the time of Henry VI. theſe parliamentary diſcourſings might never be ſuffered, as being ſymptoms of rebellions, and dethroning our king, and no one patriot daring to oppoſe them, leſt he incur the reputation of a fool or coward in his country's cauſe. His majeſty therefore ſtrengthened himſelf ever with ſome favourite, as whom he might better truſt than many of the nobility, tainted with this oligarchy. It behoveth his majeſty to uphold the duke, who, if he be decourted, it will be the corner-ſtone, on which the demoliſhing of his monarchy will be built. For if they prevail in this, they will pull the other feathers of royalty: they will appoint him counſellors, ſervants, &c. That the king and his father are concerned in the duke's accuſation; and if he ſuffers for obeying his ſovereign, the next attempt will be to call the king to an account, &c. Idid.. p. 356.

Unhappily, there was nothing of truth in what was aſcribed to theſe two members, except the little reſpect they had ſhewn for the duke of Buckingham; for Elliot had not mentioned the plaiſter or potion, and Diggs had ſaid nothing like what he was accuſed of: wherefore the houſe of commons, taking advantage of theſe falſe charges, ordered that all the members there preſent ſhould ſign the following proteſtation:

"I proteſt before Almighty God and this houſe of parliament, that I never gave conſent that ſir Dudley Diggs ſhould ſpeak theſe words that he is now charged withal, or any words to that effect, and I have not affirmed to any that he did ſpeak ſuch words, or any to that effect."

Beſides this, thirty-ſix lords who were preſent at the conference, where the impeachment of the duke was preſented, atteſted under their hands, that they did not hear ſir Dudley Diggs ſpeak any ſuch words. It followed therefore from the teſtimony of the lords, and the proteſtation of the commons, either that the king was falſely and maliciouſly informed, or that the charge againſt Diggs was invented to have an opportunity of puniſhing him for ſpeaking of the duke in ſo diſreſpectful a manner.

Elliot's crime was of the ſame nature, that is, he had ſpoken of the duke in uncivil terms, though he was falſely accuſed of mentioning the plaiſter in terms injurious to the king. But the commons took care to clear their two members, by declaring publicly, that neither had exceeded his commiſſion. All this was not for the king's honour, who ſeeing no way to ſupport what he had done, cauſed the two impriſoned members to be releaſed: In all appearance, his deſign was to terrify the commons, but he was diſappointed.

The king's condeſcenſion to the commons drew upon him an affair of the like nature from the lords. He had ſent the earl of Arundel to the Tower for much the ſame crime as that of Diggs and Elliot, and the lords had not complained of it: but when they ſaw the commons had obtained the releaſe of their members by inſiſting upon their privileges, they thought proper to take this occaſion to maintain their rights alſo. They preſented therefore a petition to the king, praying him to releaſe the earl of Arundel, according to the tenour of their privileges. The king perceiving how prejudicial to him this petition was, the lords pretending by means of their privileges, to limit the prerogative royal; for which reaſon he long reſiſted before he granted the lords requeſt. There were ſeveral remonſtrances from the lords to the king, and ſeveral meſſages from the king to the lords: nay, the peers went ſo far as to declare it an expreſs breach of their privileges to impriſon any of their members, the parliament ſitting, without ſentence or order of their houſe[p], and to reſolve to take no other buſineſs into conſideration till they had received ſatisfaction. At laſt the king was forced to releaſe the priſoner, though againſt his will. As by the cuſtom of England, members of parliament are not privileged from arreſt in caſes of treaſon and felony, the king pretended the houſe of lords ought not to take exception at his having committed one of their members; his reaſon was, becauſe the priſoner might poſſibly be guilty of felony or treaſon, and conſequently the houſe ought to wait till it ſhould pleaſe the king to declare the cauſe of his impriſonment. But as under colour of this poſſibility, the king had ſent the earl of Arundel to the Tower, and had not yet declared the cauſe, the lords plainly ſaw the poſſibility alleged by the king, was but an artifice to evade their moſt undoubted privileges. So, the king affirmed, that as the untimely diſcovery of a treaſon might happen to be extremely prejudicial to the ſtate, he could not allow to this pretended privilege of the members of parliament, all the extent required by the lords; becauſe there were caſes, wherein, for the good of the ſtate, it was abſolutely neceſſary to limit it. But the lords replied, if, on pretence of ſuch caſes, which were very rare, the king could impriſon a peer without the conſent of the houſe and declaration of the cauſe, it would follow, that in all ſorts of caſes he might detain a peer in cuſtody as long as he pleaſed, and thereby abridge the lords of their privileges. If it is aſked, why this diſpute was never raiſed in the former reigns, the queſtion is eaſily anſwered: for if a king happened to ſend a peer to the Tower, the parliament ſitting, either the cauſe was known, or, if a ſecret, the houſe took no offence, becauſe the lords not miſtruſting the king, did not fear he would draw it into a precedent to aboliſh their privilege. But it was not the ſame in the reign of Charles I. Beſides, that the earl of Arundel was known to be ſent to the Tower only for ſpeaking too freely in the houſe[q], what the king's principles were concerning the privileges of the people was no ſecret, and it was manifeſt that upon a bare poſſibility he was endeavouring to eſtabliſh a principle which added to render the privilege in queſtion entirely uſeleſs; and therefore the lords being warranted by the example of the commons, would not omit this opportunity to maintain their privilege.

Before the duke of Buckingham had given in his anſwer to the commons impeachment, the chancellorſhip of the univerſity of Cambridge becoming void by the earl of Suffolk's death, the king cauſed the duke his favourite to be elected in the room of the late chancellor. The houſe of commons were extremely offended at this election, conſidering it as a manifeſt contempt, that the duke ſhould be choſen whilſt under an impeachment, and when one of the articles againſt him was plurality of offices. Beſides, they maintained, there was a ſort of contradiction in this choice, ſince the univerſity themſelves, by their repreſentatives in parliament, had given their conſent to the duke's impeachment. But the king openly ſupported the election in ſpite of the commons.

At length, on the 8th of June, the duke gave in his anſwer to the impeachment of the houſe of commons. As I have not given the particulars of the accuſation, it would be needleſs to inſert here the anſwers, which had a neceſſary reference to what was alleged againſt the duke. This affair having never been decided, it is eaſy to judge that as the accuſation was very much aggravated, ſo the anſwers were palliated with great care: the proofs and evidences of the facts, produced for or againſt, would be the only means to inform us of the truth; but the affair was not carried ſo far. It will ſuffice therefore to ſay, that the commons deſiring a copy of the anſwer, the next day the king wrote the following letter to the ſpeaker:

"Truſty and well-beloved, &c.

"OUR houſe of commons cannot forget how often and how earneſtly we have called upon them for the ſpeeding of that aid which they intended us for our great and weighty affairs, concerning the ſafety and honour of us and our kingdoms; and now the time being ſo far ſpent, that unleſs it be preſently concluded, it can neither bring us money nor credit by the time which themſelves have fixed, which is the laſt of this month, and being further deferred would be of little uſe, we being daily advertiſed from all parts, of the great preparations of the enemy ready to aſſail us; we hold it neceſſary by theſe our letters to give them our laſt and final admonition, and to let them know that we ſhall account all farther delays and excuſes to be expreſs denials. And therefore we will and require you to ſignify unto them, that we do expect that they forthwith bring in their bill of ſubſidy to be paſſed without delay or condition, ſo as it may fully paſs the houſe by the end of the next week at the fartheſt: which if they do not, it will force us to take other reſolutions. But let them know, if they finiſh this according to our deſire, that we are reſolved to let them ſit together for the diſpatch of their other affairs ſo long as the ſeaſon will permit, and after their receſs to bring them together again the next winter. And if by their denial or delay, any thing of ill conſequence ſhall fall out either at home or abroad, we call God and man to witneſs, that we have done our part to prevent it, by calling our people together to adviſe with us, by opening the weight of our occaſions unto them, and by requiring their timely help and aſſiſtance in theſe actions wherein we ſtand engaged by their own counſels. And we will and command you that this letter be read publicly in the houſe."

It was manifeſt this letter, written at the time the duke of Buckingham was going to be tried, was but an artifice to evade it. For it was not poſſible, that if the ſubſidy bill was paſſed by the time fixed by the king, the duke's affair could be diſpatched by the ſame time. It is true, the king promiſed to let the parliament ſit "ſo long as the ſeaſon would permit." But by that very thing he reſerved to himſelf the liberty of proroguing it when he pleaſed, on pretence the ſeaſon was too far advanced to ſit any longer, eſpecially as he feigned to preſs the ſubſidy-bill purely out of fear of a pretended invaſion, which he ſaid the kingdom was threatened with. It was therefore to be expected, that the duke of Buckingham's affair would be dropped, and be forced to be

[p] Unleſs it be for treaſon or felony, or refuſing to give ſecurity of the peace. Ruſhworth, tom. I. p. 365.

[q] It does not appear that the earl of Arundel was committed for any thing ſaid in the houſe, but, as it is thought, for his ſon's marrying the duke of Lenox's ſiſter, whom the king deſigned for the lord Lorn. The earl of Arundel had five proxies, which were loſt by his impriſonment. Ruſhworth, tom. I. p. 363, 364.

Among

London: Engravd for Harrisons Edition of Rapin.

THOMAS HOWARD.
Earl of Arundel

P.P. Rubens Pinx.t *Goldar. sculp.t*

In the Collection of D.r Mead.

Pub.d as the Act directs April.29. 1786.

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revived in the next ſeſſion, ſince a prorogation puts an end to all affairs.

The commons not thinking fit to comply with the king's will, preſented a freſh petition to him againſt popiſh recuſants. This was to ſhew the public, the king's anſwer to the petition of the Oxford parliament contained only empty promiſes, without being followed by any effects: they had a mind alſo to ſhew that the duke of Buckingham's ill adminiſtration was not the only grievance they deſired to be redreſſed. The petition was as follows:

"To the king's moſt excellent majeſty,

"YOUR majeſty's moſt obedient and loyal ſubjects the commons, in this preſent parliament aſſembled, do with great comfort remember the many teſtimonies which your majeſty hath given of your ſincerity and zeal of the true religion eſtabliſhed in this kingdom, and in particular your gracious anſwer to both houſes of parliament at Oxford, upon their petition concerning the cauſes and remedies of the increaſe of popery; that your majeſty thought fit, and would give order to remove from all places of authority and government, all ſuch perſons as are either popiſh recuſants, or, according to the direction of former acts of ſtate, juſtly to be ſuſpected; which was then preſented as a great and principal cauſe of that miſchief. But not having received ſo full redreſs herein as may conduce to the peace of this church, and ſafety of this regal ſtate, they hold it their duty once more to reſort to your ſacred majeſty, humbly to inform you that upon examination, they find the perſons under-written to be either recuſants, papiſts, or juſtly ſuſpected according to the former acts of ſtate, who now do, or ſince the ſitting of the parliament, did remain in places of government and authority and truſt, in your ſeveral counties of this your realm of England, and dominion of Wales."

Then followed a liſt of fifty-nine recuſants and ſuſpected papiſts, who were in places of truſt and authority in ſeveral counties [r].

"Wherefore they humbly beſeech your majeſty not to ſuffer your loving ſubjects to continue any longer diſcouraged by the apparent ſenſe of that increaſe both in number and power, which by the favour and countenance of ſuch like ill-affected governors accrueth to the popiſh party; but that, according to your own wiſdom, goodneſs, and piety (whereof they reſt aſſured) you will be graciouſly pleaſed to command that anſwer of your majeſty's to be effectually obſerved, and the parties above named, and all ſuch others, to be put out of ſuch commiſſions and places of authority wherein they are now in your majeſty's realm of England, contrary to the acts and laws of ſtate in that behalf."

It was not for the king's honour to be preſſed ſo often to perform what he had ſo poſitively promiſed. But it muſt be conſidered, it was not eaſy for him to withſtand the ſollicitations and intrigues of the queen, of the duke of Buckingham, whoſe mother was a profeſſed papiſt, of ſir Richard Weſton his chief counſellor, and of the lord Conway ſecretary of ſtate, both likewiſe papiſts, ſince theſe were the men that were neareſt his perſon, and by whom he was in a manner beſet.

A few days after, the commons reſolved to wait upon the king, and preſent to him by their ſpeaker, a declaration of their conduct, ſerving for anſwer to his letter, and a petition to remove the duke of Buckingham from his perſon. The audience they had deſired being granted, the ſpeaker, before he preſented the anſwer, made the following ſpeech to him [s]:

"Moſt gracious and dread ſovereign,

"ACCORDING to that liberty of acceſs, and liberty of ſpeech, which your majeſty and your royal progenitors have ever vouchſafed to your houſe of commons, your majeſty's moſt humble and loyal ſubjects, the commons now aſſembled in parliament, have been ſuitors for this acceſs to your royal throne.

"And out of their conſideration of the nature, and of the weight and importance of the buſineſs, they have thought the attendance of the whole houſe, with their ſpeaker, not too ſolemn; and yet they have not thought fit barely to commit thoſe words which expreſs their thoughts to the truſt of any man's ſpeech, but are bold to preſent them in writing to your gracious hands, that they may not vaniſh, but be more laſting than the moſt powerful words of a more able ſpeaker are like to be.

"I have much to read, and ſhall therefore, as little as I can, weary your majeſty with ſpeeches.

"This parchment contains two things: the one by way of declaration, to give your majeſty an account, and humble ſatisfaction of their clear and ſincere endeavours and intentions in your majeſty's ſervice; and the other an humble petition to your majeſty, for the removal of that great perſon the duke of Buckingham, from acceſs to your royal preſence.

"For the firſt, they beſeech your moſt excellent majeſty to believe, that no earthly thing is ſo dear and precious to them, as that your majeſty ſhould retain them in your grace and good opinion; and it is grief to them, beyond my expreſſion, that any miſinformation or miſinterpretation ſhould at any time render their words or proceedings offenſive to your majeſty.

"It is not proper for any one to hear the eccho of a voice, that hears not the voice; and if ecchos be ſometimes heard to double and redouble, the eccho of the eccho is ſtill fainter, and ſounds not louder.

"I need not make the application; words miſreported, though by an eccho, or but an eccho of an eccho, at a third or fourth hand, have oft a louder ſound than the voice itſelf, and may ſound diſloyalty, though the voice had nothing undutiful or illoyal in it.

"Such miſinformations, they fear, have begot thoſe interruptions and diverſions which have delayed the ripening and expediting of thoſe great counſels, which concern your majeſty's important ſervice, and have inforced this declaration.

"I paſs from that to the petition, in which my purpoſe is not to urge thoſe reaſons, which your majeſty may hear expreſſed in their own words in the language of the people.

"I am only directed to offer to your great wiſdom, and deep judgment, that this petition of theirs is ſuch, as may ſtand with your majeſty's honour and juſtice to grant.

"Your majeſty hath been pleaſed to give many royal teſtimonies and arguments to the world, how good and gracious a maſter you are; and that which the queen of Sheba once ſaid to the wiſeſt king, may without flattery be ſaid to your majeſty, 'Happy are thoſe ſervants which ſtand continually before you.'

"But the relations by which your majeſty ſtands in a gracious aſpect towards your people, do far tranſcend, and are more prevalent and binding, than any relation of a maſter towards a ſervant; and to hear and ſatisfy the juſt and neceſſary deſires of your people, is more honourable than any expreſſion of grace to a ſervant.

"To be a maſter to a ſervant, is communicable to many of your ſubjects; to be a king of people, is regal, and incommunicable to ſubjects.

"Your majeſty is truly ſtiled with that name, which the greateſt emperors, though they borrowed names and titles from thoſe countries which they gained by conqueſt, moſt delighted in, Pater Patriæ. And deſires of children are preferred before thoſe of ſervants, and the ſervant abideth not in the houſe for ever, but the ſon abideth ever.

"The government of a king was truly termed by your royal father, a politic marriage betwixt him and his people; and I may ſafely ſay, there was never a better union between a married pair, than is between your majeſty and your people."

Having ended his ſpeech, the ſpeaker put into the king's hands the declaration and petition, which his majeſty was ſo diſpleaſed with, that he determined to diſſolve the parliament. The commons having intimation of it, reſolved to preſent a remonſtrance to him, of which every member was ordered to have a copy. Whilſt the remonſtrance was preparing, the lords being informed by the king himſelf of his reſolution, preſented a petition to him to divert him from his purpoſe. But he would hearken to nothing; and, on the 15th of June, cauſed the parliament to be diſſolved by a commiſſion under the great ſeal.

It was not doubted that the duke of Buckingham's intereſt was the ſole cauſe of the diſſolution. The commons were ſo perſuaded of it, that they chiefly inſiſted upon the great prejudice of the duke's credit occaſioned to the kingdom, in the remonſtrance they had prepared, but were hindred from preſenting by the diſſolution of the parliament. It will not be amiſs however to inſert here this remonſtrance.

[r] Among whom were the earl of Rutland; the viſcounts Montague and Dunbar; the lords Eure, Abergavenny, Tenham, Wotton, Morley, Mordant, St. John of Baſing, Scroop; the reſt were commoners. Ruſhworth, tom. I. p. 392.

[s] Rapin, by miſtake, ſays two papers; but it was but one, as appears by the ſpeaker's ſpeech. Though the copy of this anſwer, containing a declaration and petition, is not to be found, it was ingroſſed and allowed of, and the ſubſtance was delivered by the ſpeaker ſir Heneage Finch. Ruſhworth, tom. I. p. 396.

Mr.

" Moſt gracious ſovereign,

" WE your loyal and faithful ſubjects, the commons aſſembled by your majeſty's moſt royal authority in this preſent parliament, having with all dutiful affection, from the time of our firſt meeting, earneſtly endeavoured to proceed ſpeedily in thoſe affairs, that might beſt and ſooneſt conduce to our diſpatch of the intended ſupply, of your majeſty's great deſigns, to the enlargement of your ſupport, and to the enabling of ourſelves, and them whom we repreſent, to the full and timely performance of the ſame; have, notwithſtanding, by reaſon of divers informations, interruptions, and other preventions, been hitherto ſo retarded in the proſecution of theſe affairs, that we now thought it a neceſſary part of our moſt humble duties thus to declare, both thoſe interruptions and preventions, with the true original and continual cauſe of them; as alſo our moſt earneſt devotion of the parliamentary ſervice of your moſt excellent majeſty, and of the careful ſafety and defence of your dominions, crown, and dignity; and we moſt humbly therefore beſeech your moſt excellent majeſty, to be graciouſly pleaſed here to caſt your eye on ſome particulars, that have relation as well to your firſt parliament as to this; out of which we cannot doubt, but that your great goodneſs may receive an ample ſatisfaction, touching our moſt loyal and faithful intentions,

" In the firſt parliament of the firſt year of your majeſty's moſt happy reign over us, the commons then aſſembled, after they had cheerfully preſented to your majeſty, as the firſt-fruits of their affections, two entire ſubſidies, were exceedingly preſſed by the means of the duke of Buckingham, and for his own ends, as we conceive, to enlarge that ſupply: which when he conceived would not be there effected, he procured, for the ſame ends, from your majeſty, an adjournment of the parliament to the city of Oxford; where the commons then taking into juſt conſideration the great miſchiefs which this kingdom variouſly hath ſuffered, and that chiefly by reaſon of the exorbitant power and frequent miſdoings of the ſaid duke, were entering into a parliamentary courſe of examination of thoſe miſchiefs, power, and miſdoings: but no ſooner was there any mention made of his name to this purpoſe, but that he, fearing leſt his actions might ſo have been too much laid open to the view of your moſt excellent majeſty, and to the juſt cenſure that might have then followed, preſently, through his miſinformations to your majeſty, of the intentions of your commons (as we have juſt cauſe to believe) procured a diſſolution of the ſaid parliament: and afterwards alſo in the ſame year, through divers miſreports made to your majeſty in his behalf, touching ſome of the members of the ſaid commons, who had more particularly drawn his name into juſt queſtion, and juſtly profeſſed themſelves averſe to his ends there, procured (as we cannot but conceive) the ſaid members to be made the ſheriffs of ſeveral counties for this year that followed, to the end that they might have all been precluded from being choſen members of the preſent parliament, leſt they ſhould again have there queſtioned him; and by the like practice alſo (as we are perſuaded) he procured, ſoon after the ſaid diſſolution, another member of the ſaid houſe[t], becauſe he had juſtly profeſſed himſelf againſt his ends, to be ſent as ſecretary of your majeſty's laſt fleet, hereby indeed to puniſh him, by ſuch drawing him from his practice of the law, which was his profeſſion, under colour of an honourable employment.

" It pleaſed your majeſty afterwards, in February laſt, to call this preſent parliament, wherein though none of thoſe whom the ſaid duke had ſo procured to be made high-ſheriffs have ſat as members; yet we finding in ourſelves the like affection, firſt to the ſervice of your majeſty, and next to the good of the commonwealth, we took into ſerious conſideration ſeveral propoſitions, how far the ſafety and happineſs of your majeſty's kingdoms and allies, we might enlarge your ſupports, and add to the military ſtrength without charge to the poorer ſort of your ſubjects, and give a larger ſupply to your majeſty for your inſtant and preſſing occaſions, than hath ever yet but once been given in parliament: whereupon, for the enabling of ourſelves, and thoſe whom we repreſent, we conceive it firſt neceſſary to ſearch into the cauſes of thoſe miſchiefs which this your kingdom ſuffereth, and divers of the grievances that overburden your ſubjects; without doing of which, we could neither be faithful to your majeſty, nor to the country that doth truſt and employ us; as your royal father alſo, of bleſſed memory, admoniſhed the houſe of commons in the fourth ſeſſion of his firſt parliament. In this conſideration we found, that the moſt preſſing and comprehenſive miſchief and grievance that he ſuffered, was fundamentally ſettled in the vaſt power and enormous actions of the ſaid duke, being ſuch, that by reaſon of his plurality of offices, all gotten by ambition, and ſome for money, expreſly againſt the laws of your realm; his breach of truſt in not guarding the ſeas; his high injuſtice in the admiralty, his extortion; his delivering over the ſhips of this kingdom into the hands of a foreign prince; his procuring of the compulſory buying of honour for his own gain; his unexampled exhauſting of the treaſures and revenues of the kingdom; his tranſcendent preſumption of that unhappy applying of phyſic to your royal father of bleſſed memory, few days before his death; and ſome other his offences carefully and maturely examined by us, we made a parliamentary charge of the ſame matters and offences againſt him, to the lords, by your majeſty aſſembled in parliament, there expecting ſome remedy to a ſpeedy proceeding againſt him: but, may it pleaſe your moſt excellent majeſty, not only during the time of our examination of the matters and offences of the ſame charge, we were diverſly interrupted and diverted by meſſages procured through miſinformation from your majeſty, which with moſt humble duty and reverence we did ever receive; whence it firſt fell out, that ſo not only much time was ſpent amongſt us, before the ſame charge was perfected, but alſo within two days next after the ſame charge was tranſmitted by us to the lords, upon untrue and malicious informations, privately and againſt the privilege of parliaments, given to your majeſty, of certain words ſuppoſed to have been ſpoken by ſir Dudley Diggs and ſir John Elliot, knights, two of the members of our houſe, in their ſervice of the tranſmitting of the ſaid charge, both of them having been eſpecially employed in the chairs of committees with us, about the examination of the ſaid matters and offences, they were both by your majeſty's command committed to cloſe impriſonment in the Tower of London, and their lodgings preſently ſearched, and their papers there found, preſently taken away; by reaſon whereof not only our known privileges of parliament were infringed, but we ourſelves, that, upon full hope of ſpeedy courſe of juſtice againſt the ſaid duke, were preparing with all dutiful affection to proceed to the diſpatch of the ſupply, and other ſervices to your majeſty, were wholly, as the courſe and privilege of parliament binds us, diverted for divers days, to the taking only into conſideration ſome courſes for the ratifying and preſervation of the privileges ſo infringed; and we think it our duties, moſt gracious ſovereign, moſt rightly to inform hereby your moſt excellent majeſty, of the courſe held in the commitment of the two members: for, whereas by your majeſty's warrant to your meſſengers for the arreſting of them, you were pleaſed to command, that they ſhould repair to their lodgings, and there take them; your majeſty's principal ſecretary, the lord Conway, gave the ſaid meſſengers (as they affirmed) an expreſs command, contrary to the ſaid warrants, that they ſhould not go to their lodgings, but to the houſe of commons, and there take them; and if they found them not there, they ſhould ſtay until they were come into the houſe, and apprehend them whereſoever elſe they ſhould find them. Which, beſides that it is contrary to your majeſty's command, is an apparent teſtimony of ſome miſchievous intention there had againſt the whole houſe of commons, and againſt the ſervice intended to your majeſty. All which, with the ſeveral interruptions that preceded it, and the miſinformation that hath cauſed all of them, we cannot doubt but they were wrought and procured by the duke, to his own behoof, and for his advantage, eſpecially becauſe the ſaid interruptions have through miſinformation, come amongſt us, only at ſuch times wherein we have had the matters and offences charged againſt him in agitation; but your majeſty, out of your great goodneſs and juſtice, being afterwards informed truly of our privilege, and the demerit of the cauſe that concerned our two members, graciouſly commanded the delivery of them out of the Tower, for which we render unto your majeſty moſt humble thanks; and were then again, by reaſon of our hopes of the diſpatch of proceedings with the lords upon our charge againſt him the ſaid duke, in a cheerful purpoſe to go on with the matter of ſupply, and other ſervices to your majeſty, when again theſe hopes failed in us, by reaſon of ſome new exorbitances now lately ſhewed in the exerciſe of his ſo great power and ambition; for by ſuch his power and ambition, notwithſtanding our declaration againſt him for his ſo great plurality of offices, he alſo procured to himſelf, by the ſollicitation of his agents, and of ſuch as depended upon him, the office of chancellor of the univerſity of Cam-

[t] Mr. Glanville.

Sir

bridge; whereas the ſame univerſity having two burgeſſes in parliament, did, by the ſame burgeſſes, a few weeks before, conſent with us in the charge againſt him for his ambition, for procuring ſuch a plurality of offices; ſuch was his ambition to ſue for it, ſuch was his power to make them give it him, contrary to what themſelves had agreed in parliament with all the commons of England. And he procured alſo the ſame office, by the ſpecial labours and endeavours (as we are informed) of a factious party, who adhereth to that dangerous innovation of religion, publiſhed in the ſeditious writings of one Richard Montague, clerk; of whom it is thence alſo, and heretofore upon other reaſons it hath been, conceived, that the ſaid duke is, and long hath been, an abetter and protector.

"Theſe actions of the ſaid duke have thus among us hindered the ſervice of your majeſty, by reaſon both of the interruptions that have ſo neceſſarily accompanied them, and of the prevention of our cheerfulneſs, which otherwiſe had long ſince been moſt effectually ſhewed in us, that having nothing elſe in our cares, next our duty to God, but the loyal ſervice of your majeſty, the ſafety of your kingdom, and the ſubſiſtence of ourſelves, and thoſe whom we repreſent, for the continuance of that ſervice and ſafety which we cannot hope for: and we beſeech your moſt excellent majeſty, graciouſly to receive this our humble and free proteſtation, that we cannot hope for it, ſo long as we thus ſuffer under the preſſures of the power and ambition of the ſaid duke, and the divers and falſe informations ſo given to your majeſty on his behalf, and for his advantage; eſpecially when we obſerve alſo, that in ſuch his greatneſs, he preventeth the giving of true information to your majeſty, in all things that may any ways reflect to his own miſdoings, to ſhew unto your majeſty, the true ſtate of your ſubjects and kingdoms, otherwiſe than as it may be repreſented for his own ends. And to that purpoſe alſo hath he procured ſo many perſons depending on him, either by alliance or advancement, to places of eminency near your ſacred perſon. Through his miſinformation of that kind alſo, and power, we have ſeen, to our great grief, both in the time of your majeſty's royal father of bleſſed memory, and of your majeſty, divers officers of the kingdom, ſo often by him diſplaced and altered, that within theſe few years paſt, ſince the beginning of his greatneſs, more ſuch diſplacings and alterations have by his means happened, than in many years before them: neither was there in the time of your royal father of bleſſed memory, any ſuch courſe held, before it was by the practice of the ſaid duke thus induced. And ſince that time, divers officers of the crown, not only in this your kingdom of England, but alſo in Ireland, as they have been made friends, or adverſe to the ſaid duke, have been either ſo commended, or miſrepreſented by him to his ſovereign, and by his procurement ſo placed or diſplaced, that he hath always herein, as much as in him lay, made his own ends and advantage the meaſure of the good or ill of your majeſty's kingdoms.

"But now at length, may it pleaſe your moſt excellent majeſty, we have received from the lords, a copy of the ſaid duke's anſwer to our charge tranſmitted againſt him; whereupon we ſhall preſently in ſuch ſort reply, according to the laws of parliament, that unleſs his power and practice again undermine our proceedings, we do not doubt, but we ſhall upon the ſame have judgment againſt him.

"In the times alſo (moſt gracious ſovereign) of theſe interruptions which came amongſt us, by reaſon of the procurement of two of our members committed, a gracious meſſage was formerly received from your majeſty, wherein you had been pleaſed to let us know, that if you had not a timely ſupply, your majeſty would betake yourſelf to new counſels; which we cannot doubt were intended by your moſt excellent majeſty to be ſuch as ſtood with juſtice and the laws of this realm. But theſe words, New Counſels, were remembered in a ſpeech made amongſt us, by one of your majeſty's privy council, and lately a member of us [u], who in the ſame ſpeech told us, he had often thought of thoſe words, New Counſels; that in his conſideration of them, he remembered, that there were ſuch kinds of parliaments antiently among other nations, as are now in England; that in England he ſaw the country-people live in happineſs and plenty, but in theſe other nations he ſaw them poor both in perſons and habit, or to that effect; which ſtate and condition happened (as he ſaid) to them, where ſuch New Counſels were taken, as that the uſe of their parliaments ended.

"This intimation, may it pleaſe your majeſty, was ſuch, as alſo gave juſt cauſe to fear, there were ſome ill miniſters near your majeſty, that in behalf of the ſaid duke, and together with him, who is ſo ſtrangely powerful, were ſo much againſt the parliamentary courſe of this kingdom, as they might perhaps adviſe your moſt excellent majeſty ſuch new counſels as theſe, that fell under the memory and conſideration of that privy counſellor. And one eſpecial reaſon among others hath increaſed that fear among us, for that whereas the ſubſidies of tonnage and poundage, which determined upon the death of your moſt royal father, our late ſovereign, and were never payable to any of your majeſty's anceſtors, but only by a ſpecial act of parliament, and ought not to be levied without ſuch an act; yet ever ſince the beginning of your majeſty's happy reign over us, the ſaid ſubſidies have been levied by ſome of your majeſty's miniſters, as if they were ſtill due; although alſo one parliament hath been ſince then begun, and diſſolved by procurement of the ſaid duke, as is before ſhewed, wherein no act paſſed for the ſame ſubſidies. Which example is ſo much againſt the conſtant uſe of former times, and the known right and liberty of your ſubjects, that it is an apparent effect of ſome new counſels given againſt the ancient ſettled courſe of government of this your majeſty's kingdom, and chiefly againſt the right of your commons; as if there might be any ſubſidy, tax, or aid, levied upon them, without their conſent in parliament, or contrary to the ſettled laws of this kingdom. But if any ſuch do ſo ill an office, as by the miſ-repreſentation of the ſtate, and right of your majeſty's loyal ſubjects, adviſe any ſuch new counſels, as the levying any aid, tax, or ſubſidy, among your people, contrary to the ſettled laws of your kingdom, we cannot, moſt gracious ſovereign, but eſteem them that ſhall ſo adviſe, not only as vipers, but peſts to their king and commonwealth (as all ſuch were to both houſes of parliament, expreſly ſtiled by your moſt royal father), but alſo capital enemies, as well to your crown and dignity, as to the commonwealth. And we ſhall, for our parts, in parliament ſhew, as occaſion ſhall require, and be ready to declare their offences of this kind, ſuch as that may be rewarded with the higheſt puniſhment, as your laws inflict on any offenders.

"Theſe, and ſome of theſe things, amongſt many other (moſt gracious ſovereign), are thoſe which have ſo much prevented a right underſtanding between your majeſty and us, and which have poſſeſſed the hearts of your people and loyal commons with unſpeakable ſorrow and grief, finding apparently all humble and hearty endeavours miſinterpreted, hindered, and now at laſt almoſt fruſtrated utterly, by the interpoſition of the exceſſive and abuſive power of one man; againſt whom we have juſt cauſe to proteſt, not only in regard of the particulars wherewith he hath been charged, which parliamentary way we are enforced to inſiſt upon, as matters which lie in our notice and proof, but alſo becauſe we apprehend him of ſo unbridled ambition, and ſo averſe to the good and tranquillity of the church and ſtate, that we verily believe him to be an enemy to both: And therefore unleſs we would betray our own duties to your majeſty, and thoſe from whom we are truſted, we cannot but expreſs our infinite grief, that he ſhould have ſo great power and intereſt in your princely affections, and under your majeſty, wholly in a manner to engroſs to himſelf the adminiſtration of your affairs of the kingdom, which by that means is drawn into a condition moſt miſerable and hazardous.

"Give us then leave, moſt dear ſovereign, in the name of all the commons of this your kingdom, proſtrate at the feet of your ſacred majeſty, moſt humbly to beſeech you, even for the honour of Almighty God, whoſe religion is directly undermined by the practice of that party whom this duke ſupports; for your honour, which will be much advanced in the relieving of your people, in this their great and general grievance; for the honour, ſafety, and welfare of your kingdom, which by this means is threatened with almoſt unavoidable dangers; and for the love which your majeſty, as a good and loving father, bears unto your good people, to whom we profeſs, in the preſence of Almighty God (the ſearcher of all hearts), you are as highly eſteemed and beloved as ever any of your predeceſſors were, that you would be graciouſly pleaſed to remove this perſon from acceſs to your ſacred preſence, and that you would not balance this one man with all theſe things, and with the affairs of the chriſtian world, which do all ſuffer ſo far as they have relation to this kingdom, chiefly by his means. For we proteſt to your majeſty, and to the whole world, that until this great perſon be removed from intermeddling with the great affairs of ſtate, we are out of hope of any good ſucceſs; and do fear that any money we ſhall or can give, will, through his miſemployment, be turned rather

[u] Sir Dudley Carleton; who was, on May 22, 1626, created baron Carleton of Imbercourte. Rymer, tom. XVIII. p. 715.

to the hurt and prejudice of your kingdom, than otherwiſe, as by lamentable experience we have found, in thoſe large ſupplies we have formerly and lately given.

" But no ſooner ſhall we receive redreſs and relief in this (which, of all others, is our moſt inſupportable grievance), but we ſhall forthwith proceed to accompliſh your majeſty's own deſire, for ſupply, and likewiſe with all cheerfulneſs apply ourſelves to the perfecting of divers other great things, ſuch as we think no one parliament in one age can parallel, tending to the ſtability, wealth, and ſtrength, and honour, of this your kingdom, and the ſupport of your friends and allies abroad: And we doubt not but through God's bleſſing, as you are the beſt, ſo ſhall you ever be the beſt beloved, and greateſt monarch that ever ſat on the royal throne of this famous kingdom."

Having thus ſeen the complaints of the houſe of commons againſt the duke of Buckingham, or rather againſt the king himſelf, who was governed by his favourite, and had ſeveral times declared, that the duke did nothing without his orders, it is but juſt we ſhould now ſee the king's complaints againſt the commons, and the grounds and cauſes of his diſſolving this, and the former parliament. Though his declaration publiſhed on this occaſion be very long, as well as the foregoing remonſtrance, I believed it neceſſary to inſert the whole, that the reader, by comparing them together, may be able to form a clearer idea of the cauſes and origin of the diviſions between the king and the parliament, through the whole courſe of this reign.

The king's declaration, notifying the cauſes of aſſembling and diſſolving the two laſt parliaments.

" THE king's moſt excellent majeſty, ſince his happy acceſs to the imperial crown of this realm, having by his royal authority ſummoned and aſſembled two ſeveral parliaments; the firſt whereof was in Auguſt laſt, by adjournment held at Oxford, and there diſſolved; and the other begun in February laſt, and continued until the fifteenth day of this preſent month of June, and then, to the unſpeakable grief of himſelf, and (as he believeth) of all his good and well-affected ſubjects, diſſolved alſo: Although he well knoweth that the calling, adjourning, proroguing, and diſſolving of parliaments, being his great council of the kingdom, do peculiarly belong unto himſelf by an undoubted prerogative inſeparably united to his imperial crown; of which, as of his other royal actions, he is not bound to give an account to any but to God only, whoſe immediate lieutenant and vicegerent he is in theſe realms and dominions, by the divine providence committed to his charge and government: yet foraſmuch as by the aſſiſtance of the Almighty, his purpoſe is ſo to order himſelf and all his actions, eſpecially in the great and public actions of ſtate, concerning the weal of his kingdoms, as may juſtify themſelves, not only to his own conſcience, and to his own people, but to the whole world; his majeſty hath thought it fit and neceſſary, as the affairs now ſtand both at home and abroad, to make a true, plain, and clear declaration of the cauſes which moved his majeſty to aſſemble, and after enforced him to diſſolve theſe parliaments, that ſo the mouth of malice itſelf may be ſtopped, and the doubts and fears of his own good ſubjects at home, and of his friends and allies, abroad may be ſatisfied, and the deſerved blame of ſo unhappy accidents may juſtly light upon the authors thereof.

" When his majeſty, by the death of his dear and royal father of ever bleſſed memory, firſt came to the crown, he found himſelf engaged in a war with a potent enemy; not undertaken raſhly, nor without juſt and honourable grounds, but enforced for the neceſſary defence of himſelf and his dominions, for the ſupport of his friends and allies, for the redeeming of the ancient honour of this nation, for the recovery of the patrimony of his dear ſiſter, her conſort, and their children, injuriouſly, under colour of treaties and friendſhip, taken from them, and for the maintenance of the true religion, and invited thereunto, and encouraged therein, by the humble advice of both the houſes of parliament, and by the large promiſes and proteſtations to his late majeſty, to give him full and real aſſiſtance in thoſe enterpriſes, which were of ſo great importance to this realm, and to the general peace and ſafety of all his friends and allies: but when his majeſty entered into a view of his treaſure, he found how ill provided he was to proceed effectually with ſo great an action, unleſs he might be aſſured to receive ſuch ſupplies from his loving ſubjects, as might enable him to manage the ſame.

" Hereupon his majeſty, being willing to tread in the ſteps of his royal progenitors, for the making of good and wholeſome laws, for the better government of his people, for the right underſtanding of their true grievances, and for the ſupply of monies to be employed for thoſe public ſervices, he did reſolve to ſummon a parliament with all convenient ſpeed he might, and finding a former parliament already called in the life of his father, he was deſirous, for the ſpeedier diſpatch of his weighty affairs, and gaining time, to have continued the ſame without any alteration of the members thereof, had he not been adviſed to the contrary by his judges and council at law, which he deſired to avoid. But as ſoon as poſſible he could, he ſummoned a new parliament, which he did with much confidence and aſſurance of the love of his people, that thoſe (who had, not long before, with ſome importunity won his father to break off his former treaties with Spain, and to effect it, had uſed mediation of his now majeſty, being then prince, and a member of the parliament, and had promiſed in parliament their utmoſt aſſiſtance, for the enabling of his late majeſty to undergo the war, which they then foreſaw might follow) would aſſuredly have performed it to his now majeſty, and would not have ſuffered him, in his firſt enterpriſe of ſo great an expectation, to have run the leaſt hazard through their defaults.

" This parliament (after ſome adjournment, by reaſon of his majeſty's unavoidable occaſions interpoſing) being aſſembled on the 18th day of June, it is true, that his commons in parliament taking into their due and ſerious conſideration the manifold occaſions, which at his firſt entry did preſs his majeſty, and his moſt important affairs, which both at home and abroad were then in action, did with great readineſs and alacrity, as a pledge of their moſt bounden duty and thankfulneſs, and as the firſt-fruits of the moſt dutiful affections of his loving and loyal ſubjects, devoted to his ſervice, preſent his majeſty with the free and cheerful gift of two entire ſubſidies; which their gift, and much more the freeneſs and heartineſs expreſſed in the giving thereof, his majeſty did thankfully and lovingly accept: But when he had more narrowly entered into the conſideration of his great affairs, wherein he was embarqued, and from which he could not, without much diſhonour and diſadvantage, withdraw his hand, he found that this ſum of money was much ſhort of that which of neceſſity muſt be preſently expended, for the ſetting forward of thoſe great actions, which by advice of his council, he had undertaken, and were that ſummer to be purſued. This his majeſty imparted to his commons houſe of parliament; but before the ſame could receive that debate and due conſideration which was fit, the fearful viſitation of the plague in and about the cities of London and Weſtminſter, where the lords and the principal gentlemen of quality of this whole kingdom were, for the time of this their ſervice, lodged and abiding, did ſo much increaſe, that his majeſty, without extreme peril to the lives of his good ſubjects, which were dear unto him, could not continue the parliament any longer in that place.

" His majeſty therefore on the 11th day of July then following, adjourned the parliament from Weſtminſter, until the 1ſt day of Auguſt then following, at the city of Oxford. And his highneſs was ſo careful to accommodate his lords and commons there, that as he made choice of that place, being then the freeſt of all others from the danger of that grievous ſickneſs, ſo he there fitted the parliament men with all things convenient for their entertainment; and his majeſty himſelf being in his own heart ſincere and free from all ends upon his people, which the ſearcher of hearts beſt knoweth, he little expected that any miſconſtruction of his actions would have been made as he there found. But when the parliament had been a while aſſembled, and his majeſty's affairs opened unto them, and a further ſupply deſired as neceſſity required, he found them ſo ſlow, and ſo full of delays and diverſions in their reſolutions, that before any thing could be determined, the fearful contagion daily increaſed, and was diſperſed into all parts of this kingdom, and came home even to their doors where they aſſembled. His majeſty therefore rather preferred the ſafety of his people from that preſent and viſible danger, than the providing for that which was more remote, but no leſs dangerous to the ſtate of this kingdom, and of the affairs of that part of Chriſtendom which then were, and yet are, in friendſhip and alliance with his majeſty. And thereupon his majeſty, not being then able to diſcern when it might pleaſe God to ſtay his hand of viſitation, nor what place might be more ſecure than other, at a time convenient for their re-aſſembling, his majeſty diſſolved that parliament.

" That parliament being now ended, his majeſty did not therewith caſt off his royal care of his great and important affairs; but by the advice of his privy council, and of his council of war, he continued his preparations and former reſolutions; and therein not only expended thoſe monies, which by the two ſubſidies aforeſaid were given unto him

for

for his own private uſe, whereof he had too much occaſion, as he found the ſtate of his exchequer at his firſt entrance, but added much more of his own, as by his credit, and the credit of ſome of his ſervants, he was able to compaſs the ſame. At laſt, by much diſadvantage, by the retarding of proviſions, and uncertainty of the means, his navy was prepared and ſet to ſea, and the deſigns unto which they were ſent, and eſpecially directed, were ſo probable, and ſo well adviſed, that had they not miſcarried in the execution, his majeſty is well aſſured, they would have given good ſatisfaction, not only to his own people, but to all the world, that they were not lightly or unadviſedly undertaken and purſued. But it pleaſed God, who is the Lord of Hoſts, and unto whoſe providence and good pleaſure his majeſty doth, and ſhall ſubmit himſelf, and all his endeavours, not to give that ſucceſs which was deſired; and yet were thoſe attempts not altogether ſo fruitleſs, as the envy of the times hath apprehended, the enemy receiving thereby no ſmall loſs, nor our party no little advantage. And it would much avail to further his majeſty's great affairs, and the peace of Chriſtendom, which ought to be the true end of all hoſtility, were theſe firſt beginnings, which are moſt ſubject to miſcarry, well ſeconded and purſued, as his majeſty intended, and as in the judgment of all men, converſant in his actions of this nature, were fit not to have been neglected.

"Theſe things being thus acted, and God of his infinite goodneſs, beyond expectation, aſſwaging the rage of the peſtilence, and in a manner, of a ſudden reſtoring health and ſafety to the cities of London and Weſtminſter, which are the fitteſt places for the reſort of his majeſty, his lords and commons, to meet in parliament; his majeſty, in the depth of winter, no ſooner deſcried the probability of a ſafe aſſembling of his people, and in his princely wiſdom and providence foreſaw, that if the opportunity of ſeaſon ſhould be omitted, preparations both defenſive and offenſive could not be made in ſuch ſort, as was requiſite for their common ſafety, but he adviſed and reſolved of the ſummoning of a new parliament, where he might freely communicate the neceſſities of the ſtate, and the counſel and advice of the lords and commons in parliament, who were the repreſentative body of the whole kingdom, and the great council of the realm, might proceed in theſe enterpriſes, and be enabled thereunto, which concern the common good, ſafety, and honour, both of prince and people; and accordingly the 6th of February laſt, a new parliament was begun. At the firſt meeting, his majeſty did forbear to preſs them with any thing which might have the leaſt appearance of his own intereſt, but recommended unto them the care of making good laws, which are the ordinary ſubject for a parliament.

"His Majeſty believing, that they could not have ſuffered many days, much leſs many weeks, to have paſſed by, before the apprehenſion and care of the common ſafety of this kingdom, and the true religion profeſſed and maintained therein, and of our friends and allies, who muſt proſper or ſuffer with us, would have led them to a due and timely conſideration of all the means which might beſt conduce to thoſe ends; which the lords of the higher houſe, by a committee of that houſe, did timely and ſeaſonably conſider of, and invited the commons to a conference concerning that great buſineſs: At which conference, there were opened unto them the great occaſions which preſſed his majeſty, which making no impreſſion with them, his majeſty did, firſt by meſſage, and after by letters, put the houſe of commons in mind of that which was moſt neceſſary, the defence of the kingdom, and due and timely preparations for the ſame.

"The commons houſe after this, upon the 27th of March laſt, with one unanimous conſent at firſt, agreed to give unto his majeſty three entire ſubſidies, and three fifteenths, for a preſent ſupply unto him; and upon the 26th of April after, upon ſecond cogitations, they added a fourth ſubſidy, and ordered the days of payment for them all, whereof the firſt ſhould have been on the laſt day of this preſent June. Upon this, the king of Denmark, and other princes and ſtates, being engaged with his majeſty in this common cauſe, his majeſty fitted his occaſions according to the times which were appointed for the payment of thoſe ſubſidies and fifteenths, and haſted on the lords committees, and his council of war, to perfect their reſolutions for the ordering and ſettling of his deſigns; which they accordingly did, and brought them to that maturity, that they found no impediment to a final concluſion of their counſels, but want of money, to put things into action. His majeſty hereupon, who had with much patience expected the real performance of that which the commons had promiſed, finding the time of the year poſting away, and having intelligence not only from his own miniſters and ſubjects in foreign parts, but from all parts of Chriſtendom, of the great and powerful preparations of the king of Spain, and that his deſign was upon this kingdom, or the kingdom of Ireland, or both (and it is hard to determine which of them would be of worſe conſequence), he acquainted the houſe of commons therewith, and laid open unto them truly and clearly, how the ſtate of things then ſtood, and yet ſtand, and at ſeveral times and upon ſeveral occaſions reiterated the ſame: but that houſe being abuſed by the violent and ill-adviſed paſſions of a few members of the houſe, for private and perſonal ends, ill beſeeming public perſons, truſted by their country, as then they were, not only neglected, but wilfully refuſed to hearken to all the gentle admonitions which his majeſty could give them, and neither did nor would intend any thing, but the proſecution of one of the peers of this realm, and that in ſuch a diſordered manner, as being ſet at their own inſtance into a legal way, wherein the proofs on either part would have ruled the cauſe, which his majeſty allowed, they were not therewith content, but in their intemperate paſſions and deſires to ſeek for errors in another, fell into a greater error themſelves, and not only neglected to give juſt ſatisfaction to his majeſty in ſeveral caſes which happened concerning his regality, but wholly forgot their engagements to his majeſty for the public defence of the realm: whereupon his majeſty wrote the forementioned letter to the ſpeaker, dated the 9th day of June 1626.

"Notwithſtanding which letter read in the houſe, being a clear and gracious manifeſt of his majeſty's reſolutions, they never ſo much as admitted one reading to the bill of ſubſidies; but inſtead thereof, they prepared and voted a remonſtrance or declaration, which they intended to prefer to his majeſty, containing (though palliated with gloſſing terms) as well diſhonourable aſperſions upon his majeſty and upon the ſacred memory of his deceaſed father, as alſo dilatory excuſes for their not proceeding with the ſubſidies, adding thereto alſo coloured conditions, croſſing thereby his majeſty's direction; which his majeſty underſtanding, and eſteeming (as he had cauſe) to be a denial of the promiſed ſupply, and finding that no admonitions could move, no reaſons or perſuaſions could prevail, when the time was ſo far ſpent, that they had put an impoſſibility upon themſelves to perform their promiſes, which they eſteemed all gracious meſſages unto them to be but interruptions: his majeſty, upon mature adviſement, diſcerning that all further patience would prove fruitleſs, on the fifteenth day of this preſent month he hath diſſolved this unhappy parliament: the acting whereof, as it was to his majeſty an unexpreſſible grief, ſo the memory thereof doth renew the hearty ſorrow, which all his good and well-affected ſubjects will compaſſionate with him.

"Theſe paſſages his majeſty hath at the more length, and with the true circumſtances thereof, expreſſed and publiſhed to the world, leſt that which hath been unfortunate in itſelf, through the malice of the author of ſo great a miſchief, and the malevolent report of ſuch as are ill-affected to this ſtate, or the true religion here profeſſed, or the fears or jealouſies of friends and dutiful ſubjects, might be made more unfortunate in the conſequences of it, which may be of worſe effect than at the firſt can be well apprehended; and his majeſty being beſt privy to the integrity of his own heart, for the conſtant maintaining of the ſincerity and unity of the true religion profeſſed in the church of England, and to free it from the open contagion of popery, and ſecret infection of ſchiſm, of both which, by his public acts and actions, he hath given good teſtimony, and with a ſingle heart, as in the preſence of God, who can beſt judge thereof, purpoſeth reſolutely and conſtantly to proceed in the due execution of either; and obſerving the ſubtilty of the adverſe party, he cannot but believe, that the hand of Joab hath been in this diſaſter, that the common incendiaries of Chriſtendom have ſubtilly and ſecretly inſinuated thoſe things, which unhappily (and, as his majeſty hopeth, beyond the intentions of the actors) have cauſed theſe diverſions and diſtractions: And yet notwithſtanding, his moſt excellent majeſty, for the comfort of his good and well-affected ſubjects, in whoſe loves he doth repoſe himſelf with confidence, and eſteemeth it as his greateſt riches; for the aſſuring of his friends and allies, with whom, by God's aſſiſtance, he will not break in the ſubſtance of what he hath undertaken; for the diſcouraging of his adverſaries, and the adverſaries of his cauſe, and of his dominions, and religion, hath put on this reſolution, which he doth hereby publiſh to all the world, that as God hath made him king of this great people, and large dominions, famous in former ages both by land and ſea, and truſted him to be a father and protector both of their perſons and fortunes, and a defender of the faith and true religion; ſo he will go on cheerfully and conſtantly in the

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defence thereof, and (notwithſtanding ſo many difficulties and diſcouragements) will take his ſceptre and ſword into his hand, and not expoſe the perſons of the people committed to his charge, to the unſatiable deſires of the king of Spain, who hath long thirſted after the univerſal monarchy, nor their conſciences to the yoke of the pope of Rome: and that at home he will take that care to redreſs the juſt grievances of his good ſubjects, as ſhall be every way fit for a good king.

"And in the mean time his majeſty doth publiſh this to all his loving ſubjects, that they may know what to think with truth, and ſpeak with duty of his majeſty's actions and proceedings in theſe two laſt diſſolved parliaments.

"Given at his majeſty's palace at Whitehall, this 13th day of June, in the ſecond year of his majeſty's reign of Great Britain, France, and Ireland."

This declaration, which ſeems to be in the ſame ſtile with the lord-keeper Coventry's ſpeeches, full of long periods and parentheſis', contained, under a vaſt heap of words, but two things to the purpoſe, namely, the two reaſons which obliged the king to diſſolve the two laſt parliaments. It is ſaid there, the plague which approached Oxford, occaſioned the diſſolution of the firſt. But this reaſon, which ſeems plauſible, proves at moſt but a neceſſity to diſcontinue the parliament, which might have been done by prorogation, as eaſily as by an entire diſſolution. In the ſecond place, when this declaration was publiſhed, every one knew what the commons had ſaid in their remonſtrance, that the end of diſſolving the firſt was to preclude from the following parliament ſuch members as had been againſt the duke of Buckingham, by cauſing them to be made ſheriffs of their ſeveral counties. As to the diſſolution of the ſecond, it is wholly grounded in the declaration, upon the king's being pleaſed to conſider as an abſolute denial the commons delay to ſupply him with money, though they affirmed the contrary. But none were ſo blind as not to ſee that the commons demand, that the king would be pleaſed to remove the duke of Buckingham from his preſence, and the fear of the ill ſucceſs of the impeachment againſt the duke, were the true cauſes of this diſſolution. So, the declaration had no great effect among the people, who, beſides, were not apprehenſive of the pretended invaſion of England or Ireland by the Spaniards, though the king did his utmoſt to inſpire them with ſuch a dread. It was very extraordinary, that within little more than a year, the war which was undertaken for the recovery of the Palatinate, ſhould be changed into a defenſive war for the preſervation of the king's dominions, and ſupport of the church of England, though the Engliſh had not yet received any check.

A few days after the declaration was publiſhed, two proclamations appeared, which afforded ample matter of diſcourſe to ſuch as were not of the court party. By the firſt, the king commanded all perſons who had any copies of the commons remonſtrance to burn the ſame, on pain of his higheſt diſpleaſure. But ſuch precautions ſerve generally only to cauſe the prohibited writings to be more carefully preſerved. The king's injunction could not hinder the remonſtrance from being tranſmitted to poſterity.

The ſecond proclamation contained very expreſs commands, not to preach or diſpute upon the controverted points of Arminianiſm, either for or againſt them, under colour that ſuch ſort of diſputes ſerved only to breed contention. But many were of opinion, that Laud biſhop of London, and Neil biſhop of Wincheſter, had procured this injunction, to oppreſs the orthodox miniſters, who ſhould take the liberty to break it, whilſt the diſobedience of the contrary party ſhould be connived at. It is certain, the next parliament complained to the king, that the orthodox miniſters were ſilenced for diſobeying the proclamation, and the Arminians tolerated and countenanced. Theſe matters belonged to the high commiſſion, almoſt wholly compoſed of Laud's and Neil's creatures, the heads and protectors of the Arminians, or at leaſt they were reputed as ſuch.

Mean while, an information was preferred by the king's ſpecial command in the ſtar-chamber againſt the duke of Buckingham for applying the plaiſter to the late king. But withal, it was ſo ordered, that the cauſe came not to a hearing.

The king receiving no aid from the parliament, becauſe he was unwilling to purchaſe it at the rate ſet by the commons, was in great ſtraits[w]. He was to maintain a war againſt the houſe of Auſtria, to ſupply his allies with the promiſed ſuccours, and to put his kingdom in a poſture of defence. As all this could not be done by his ordinary revenues, recourſe was to be had to expedients to raiſe money. I ſhall mention ſome of them here, though they were not all uſed at the ſame time.

The firſt was a proclamation forbidding all perſons for two years to preſent or ſollicit any ſuit for any thing, tending to the diminution of the king's revenues.

The ſecond was a commiſſion directed to the archbiſhop of York and others, to compound with popiſh recuſants, not only for all forfeitures[x] due ſince the tenth year of king James, but alſo for ſuch as ſhall become due hereafter. This commiſſion was directed contrary to his promiſe to the parliament at Oxford. But, as he could not obtain money of the late parliament, only upon ſuch conditions as he did not think fit to comply with, he thought himſelf authoriſed to ſupply his occaſions ſome other way.

The third was a proclamation, declaring the king's reſolution to make his revenue certain, by granting his lands, as well holden in copy as otherwiſe, to be holden in fee-farm.

The fourth was a loan from every peer of a certain ſum for the defence of the kingdom. But his attempt to borrow a hundred thouſand pounds of the city of London did not ſucceed, the city deſiring to be excuſed.

The fifth was an impoſition upon the ſeveral ports, and maritime counties, to furniſh and ſet out a certain number of ſhips to protect the trade. The city of London having refuſed to lend the king money, was appointed to equip twenty ſhips, or at leaſt to find a ſum ſufficient for that purpoſe. As this tax was peculiar to the maritime towns, many of the inhabitants of ſuch places retired elſewhere: but they were commanded by proclamation to return to their reſpective towns.

Laſtly, the council ordered very ſtrictly that the payment of tonnage and poundage ſhould be continued, though the king had yet no grant from the parliament, though he had never demanded any ſuch thing, and though the commons had complained of the levying theſe impoſts as a grievance in the remonſtrance they had prepared.

But to let the people ſee, it was purely out of neceſſity that the king made uſe of theſe extraordinary methods to raiſe money, his majeſty ordered a general faſt to be held on the 5th of July, to divert the judgments of God ready to fall on the kingdom, by the pretended invaſion it was threatened with. This afforded him alſo a pretence to require the lords lieutenants of the ſeveral counties to muſter and arm the militia, and put them in condition to withſtand the invaſions of enemies from abroad, and quell the rebellion of ſubjects at home, if any ſhould happen[y]. For the court was under ſome fears of commotions[z].

The means hitherto uſed by the king to raiſe money, were not ſufficient to free him from a freſh incumbrance cauſed by an unexpected event. The king of Denmark his uncle, whom he had engaged in a war with the emperor, was defeated the 27th of Auguſt by count Tilly, with the loſs of all his baggage and train of artillery. This accident obliged Charles to find money to ſupport his uncle, who was in a very ill ſituation, and could not avoid making a peace with the emperor, unleſs ſpeedily relieved. The way which was thought moſt proper to raiſe money on this urgent occaſion, was by a general loan from the ſubject, according as every man was aſſeſſed in the rolls of the laſt ſubſidy. It is true the king gave his royal word, that all the money ſhould be repaid without fee or charge: but the performance of his promiſe, as afterwards appeared, was not relied on. The king himſelf as well as his council expected to meet with many obſtacles in executing this project, ſuch forced loans not being agreeable to the nation. It was feared beſides, that this way of raiſing money upon the ſubject, would in the end render parliaments uſeleſs. For this reaſon the council judged it proper to make uſe of three methods to ſucceed in their deſign: 1. Of ſome artifice to oblige the people as much as poſſible to lend freely: 2. Of fear, to terrify the irreſolute: 3. Of rigour, to compel the moſt obſtinate. Theſe were the grounds of the inſtructions the council gave the commiſſioners, who were appointed in the ſeveral counties to levy the loan. The inſtructions were to this effect:

[w] By this haſty diſſolution of the parliament, he loſt four ſubſidies, and three fifteenths, which had been voted him by the commons. Coke. p. 229.

[x] With ten northern counties, ſpecified in the commiſſion. Ruſhworth. tom. I. p. 414.

[y] This year the king raiſed the ſailors wages, from fourteen to twenty ſhillings a month. Rymer's Fœd. tom. XVIII. p. 721.

[z] On February 5, this year, George lord Carew was created earl of Totneſs; Robert lord Carey earl of Monmouth; Thomas lord Wentworth earl of Cleveland; Edmund lord Sheffield earl of Mulgrave; Thomas Howard viſcount Andover earl of Berkſhire; Henry lord Danvers earl of Danby; Henry Montague viſcount Mandeville earl of Manchester; and James lord Ley earl of Marleburgh. Rymer's Fœd, tom. XVIII. p. 278---290.---Within the courſe of this year died the learned Lancelot Andrews biſhop of Wincheſter, and Francis Bacon lord Verulam. Echard.

He

" I. That they ſhould themſelves, for a good example to others, lend unto his majeſty the ſeveral ſums of money required of them, teſtifying it by their names, with their own hands, that when they ſhall in his majeſty's name require others to lend, they may diſcern the ſaid commiſſioners forwardneſs.

" II. To take for their guide thoſe rates, at which men were aſſeſſed in the book of the laſt ſubſidy, and to require the loan of ſo much money, as the entire rate and value comes to, at which they are rated and ſet; as (namely) he that is ſet an hundred pounds in goods, to lend an hundred marks; and he that is ſet an hundred pounds in land, to lend an hundred pounds in money; and ſo 'per rata' for a greater or leſſer ſum.

" III. To uſe all poſſible endeavours to cauſe every man willingly and cheerfully to lend, opening unto them, the neceſſity and unavoidableneſs of this courſe; the honour and reputation of the nation; the true religion, and common ſafety of prince and people, of our friends and allies engaged in the common cauſe; that there is no time now of diſputing but of acting.

" IV. That they appoint the days of payment to be within fourteen days, and perſwade ſuch as ſhall be able, to pay it at one entire payment, the better to accommodate his majeſty's occaſion; otherwiſe to accept of the one half at fourteen days, and the other to be paid before the 20th of December now next coming.

" V. That they treat apart with every one of thoſe that are to lend, and not in the preſence or hearing of any other, unleſs they ſee cauſe to the contrary. And if any ſhall refuſe to lend, and ſhall make delays or excuſes, and perſiſt in their obſtinacy, that they examine ſuch perſons upon oath, whether they have been dealt with to deny or refuſe to lend, or make any excuſe for not lending? Who hath dealt ſo with him, and what ſpeeches or perſuaſions he or they have uſed to him tending to that purpoſe? And that they ſhall alſo charge every ſuch perſon in his majeſty's name, upon his allegiance, not to diſcloſe to any other, what his anſwer was.

" VI. That they ſhew their diſcretion and affections, by making choice of ſuch to begin with, who are likely to give the beſt examples; and when they have a competent number of hands to the roll or liſt of the leaders, that they ſhew the ſame to others to lead them in like manner.

" VII. That they endeavour to diſcover, whether any, publicly or underhand, be workers or perſwaders of others to diſſent from, or diſlike of this courſe, or hinder the good diſpoſition of others. And that as much as they may, they hinder all diſcourſe about it, and certify to the privy council in writing, the names, qualities, and dwelling-places, of all ſuch refractory perſons, with all ſpeed, and eſpecially if they ſhall diſcover any combination or confederacy againſt theſe proceedings.

" VIII. That they let all men know whom it may concern, that his majeſty is well pleaſed upon lending theſe ſums required, to remit all that which by letters, in his name, was deſired upon the late benevolence for free grant; and whatever hath been already paid upon that account, ſhall be accepted for part of this loan; and if it exceed the ſum deſired, that the overplus ſhall be repaid without fee or charge; ſo likewiſe for privy ſeals, if any have been already paid; but if not, that the agreeing of the loan of the ſum required, be excuſed of the payment of the privy ſeal.

" IX. That they admit of no ſuit to be made, or reaſons to be given, for the abating of any ſum, the time and inſtant occaſion not admitting any ſuch diſpute, which would but diſturb and protract the ſheriff.

" Laſtly, Commiſſioners were required and commanded, upon their faith and allegiance to his majeſty, to keep ſecret to themſelves, and not impart or diſcloſe theſe inſtructions to others."

For the advancement of the loan, care was taken to publiſh a liſt of ſuch as had freely ſubſcribed, for a good example to others; and all the peers and gentlemen were ordered to repair to their country ſeats, that their abſence might cauſe no delay or obſtacle to the ſubſcriptions. Sir Randolf Crew, lord chief juſtice, ſhewing no zeal for advancing the loan, was removed from his place, which was given to ſir Nicholas Hide[b]. The king believing it neceſſary to ſhew by this example, that he would admit of no excuſe[c].

Beſides this example, the court uſed, to promote the loan, ſome other ways, which, probably, would not be leſs effectual. The firſt was, the billeting of ſoldiers upon private houſes, contrary to the conſtant cuſtom of England, where all, but ſuch as keep public houſes, have the privilege of not being obliged to lodge ſoldiers againſt their wills. It is eaſy to perceive, that thoſe who ſhewed any reluctance to lend the king money, were not ſpared on this occaſion, and that the ſoldiers quartered upon them, took care to let them ſee what they expoſed themſelves to by diſobeying the king. Moreover, ſuch as were ſufferers by theſe troubleſome gueſts, could not ſummon them before the uſual judges; but by the king's expreſs orders, they were obliged to apply to a council of war, ſo that the officers were the ſole judges of their ſoldiers. This is never practiſed in England, where councils of war have no juriſdiction but what the parliament allows them by an act on purpoſe, limiting both the time and the occaſions. In ſhort, it evidently appeared, that the king would not be contradicted, and was reſolved to raiſe money upon the ſubjects as he pleaſed. It is true, he grounded his proceedings upon former precedents. But that ſome of his predeceſſors had, many ages before, practiſed theſe methods, whether out of neceſſity or otherwiſe, was ſufficient for him to conſider ſuch a precedent as the foundation of his right, and a prerogative of the crown. Notwithſtanding all this, the people in general were ſo averſe to the loan, that the money flowed but ſlowly into the king's exchequer. [1627] The court therefore was obliged to uſe a more violent remedy to force the moſt obſtinate: and that was, to order ſuch of the common ſort as refuſed to ſubſcribe to the loan, to be enrolled as ſoldiers to ſerve in his majeſty's troops. As for perſons of birth and rank, they were ſummoned to appear before the council, and upon a ſecond refuſal to lend money, were confined to places at a great diſtance from their habitations, and ſuch as refuſed to be thus confined, were committed to the ſeveral priſons in London. Sir Thomas Wentworth, afterwards earl of Strafford, and a zealous adherent of the king, was among the impriſoned[d].

Beſides theſe means, the court practiſed another, from whence they expected great advantages, but which proved more detrimental than beneficial to the king. And that was, to cauſe miniſters, gained for that purpoſe, to preach, as a ſcripture doctrine, that ſubjects were obliged to obey the king's commands without examination. Two of theſe miniſters diſtinguiſhed themſelves by their ſermons on this ſubject. Dr. Sibthorp, who was one, ſays, among other things, in a ſermon preached at Northampton, at Lent aſſizes:

" That the prince, who is the head, and makes his court and council, it is his duty to direct and make laws, Eccleſ. viii. 3, 4. He doth whatever pleaſes him. Where the word of a king is, there is power; and who may ſay unto him, What doſt thou?---If princes command any thing which ſubjects may not perform, becauſe it is againſt the laws of God, or of nature, or impoſſible, yet ſubjects are bound to undergo the puniſhment, without either reſiſting, or railing, or reviling, and ſo to yield a paſſive obedience where they cannot exhibit an active one---I know no other caſe, but one of thoſe three, wherein a ſubject may excuſe himſelf with paſſive obedience; but in all other he is bound to active obedience."

But Dr. Manwaring ſpoke ſtill more plainly in one of his ſermons. He ſaid, " That the king is not bound to obſerve the laws of the realm concerning the ſubjects rights and liberties, but that his royal will and command in impoſing loans and taxes, without common conſent in parliament, doth oblige the ſubjects conſcience upon pain of eternal damnation. That thoſe who refuſed to pay his loan, offended againſt the law of God, and the king's ſupreme authority, and became guilty of impiety, diſloyalty, and rebellion. And that the authority of parliament is not neceſſary for the raiſing of aids and ſubſidies; and that the ſlow proceedings of ſuch great aſſemblies, were not fitted for the ſupply of the ſtates urgent neceſſities, but would rather produce ſundry impediments to the juſt deſigns of princes."

It can hardly be thought, that ſuch a doctrine was publicly preached in England, or at leaſt, it is apt to be imagined, that theſe preachers were men of no name, who ſought

[b] He drew the duke's anſwer in parliament. Ruſhworth. tom. I. p. 420.

[c] The papiſts contributed very freely in the loan, but the puritans were very backward in it. Whitelock. p. 8. This did beget in the king at firſt a tenderneſs towards the papiſts, and afterwards a truſt and confidence in them: which was unhappily miſtaken by his other ſubjects, as if he inclined to their religion. Welwood, p. 37.

[d] The following gentlemen were appointed to ſeveral confinements, not in their own, but diſtinct counties: George Ratcliffe, eſq; ſir Walter Earl, ſir John Strangeways, ſir Thomas Grantham, ſir John Hevingham, ſir Nathaniel Bernardiſton, William Coriton, eſq; Richard Knightly, eſq; Sir Harbottle Grimſtone, ſir Robert Points, John Hampden. Theſe, with many others, were ſecured in foreign counties for refuſing the loan. Many of thoſe gentlemen were afterwards ſent for by purſuivants out of the counties where they were confined by order of the council, and committed to ſeveral priſons; ſome to the Fleet, ſome to the Marſhalſea, and Gate-houſe. From which laſt place, ſir John Elliot ſends a petition to his majeſty, which the reader may ſee in Ruſhworth, tom. I. p. 429.

to pleaſe the court, and were not openly approved. But this belief muſt be changed, when it is conſidered, that archbiſhop Abbot was ſuſpended from all his archiepiſcopal functions, and confined to one of his country-houſes [e], for refuſing to licenſe Sibthorp's ſermon: that Manwaring, after having been ſentenced by the lords in the next parliament to pay a thouſand pounds fine, to make a public ſubmiſſion to the bars of the two houſes, and to be impriſoned during the pleaſure of the lords, after having been ſuſpended for three years, and declared incapable of holding any eccleſiaſtical dignity, or ſecular office, obtained, nevertheleſs, the king's pardon, with a good benefice, and afterwards a biſhopric. One cannot therefore help thinking, that the doctrine preached by theſe miniſters, was approved, favoured, and countenanced by the court. Indeed, the king's and his miniſter's conduct plainly ſhewed, it was their intention to eſtabliſh an arbitrary power, and ſet the king above the laws. Of this we ſhall ſee farther proofs in the ſequel.

Notwithſtanding the king's hopes to ſucceed at length in his project, he was not eaſy: the war he had undertaken for the recovery of the Palatinate was ſo ſlowly and unſucceſsfully carried on, that it was evident he would never compaſs his ends by continuing it in ſuch a manner. Hitherto, every thing had miſcarried. The twelve thouſand men intended for the Palatinate, under the command of count Mansfeldt, were loſt for want of proper meaſures for their paſſage, as was ſhewn in the reign of king James. The projected expedition againſt Cadiz and the Spaniſh Weſt-India fleet, had met with no better ſucceſs. The king of Denmark beginning a war with the emperor, at the inſtance of his nephew the king of England, was entirely defeated. The United Provinces, in alliance with England, were rather in want of aſſiſtance, than able to give any. Lewis XIII. had flattered the king of England with hopes of a league againſt the houſe of Auſtria, only to obtain the better terms from the Spaniards in Italy; and ſince he had concluded a peace in that country, did not ſhew the leaſt inclination to join with England for the recovery of the Palatinate. Thus Charles ſaw himſelf farther than ever from the execution of his grand projects. To this may be added, that the diſſolution of his two firſt parliaments, without obtaining the expected ſupplies, rendered him contemptible to his neighbours. There was no ſtate deſirous to enter into a ſtrict alliance with a prince who had imprudently quarelled with his ſubjects, when he moſt wanted their aſſiſtance. In ſhort, though he had intended to free himſelf from the yoke of parliaments, and put himſelf in a condition to raiſe what money he pleaſed upon his ſubjects, by the methods he had deviſed, he daily perceived he had taken wrong meaſures. The loan-money came in but very ſlowly. To raiſe it, he was obliged continually to uſe rigour and violence, the Engliſh for the moſt part refuſing voluntarily to ſubmit to a power, they believed contrary to their liberties and laws. The court therefore was forced to be cautious in the examples of rigour againſt the diſobedient, that it might not cauſe an open rebellion, for fear if a flame broke out in any part, it would ſpread over the whole kingdom.

The king in his preſent ſituation, ſeems to have had but one of theſe two courſes to take, either to agree with his people, or make peace with Spain. By the firſt courſe, he would have been enabled to puſh the war he had undertaken more vigorouſly. By the ſecond, he would have been freed from the trouble of demanding extraordinary ſupplies of his parliament, or of raiſing money by unuſual methods, which gained him the hatred of his people. But both theſe courſes were contrary to his temper, his character, his projects, the intereſts of his favourite and miniſters. As to the firſt, I believe I may affirm, he had formed the project of eſtabliſhing in England a deſpotic power. I ſhall not loſe time in proving it. I had rather the reader would judge for himſelf, by the king's own ſpeeches, by his meſſages to the houſe of commons, by his conduct, and by that of his miniſters and council. What has been hitherto ſeen, may ſerve to give ſome idea of it; but what will appear hereafter, will, as I think, afford undeniable proofs. This being ſuppoſed, Charles could not diveſt himſelf of the principles imbibed from his infancy, and deeply rooted in him by his father's inſtructions and example, without relinquiſhing his projects, and forming a new plan of government, directly contrary to his temper and inclination. In a reconciliation with his people, he muſt have ſubmitted to the maxims of the parliament, who were continually urging the laws of the land, and the liberties of the people, and been obliged to become, if I may ſo ſay, leſs a king than he had hitherto been, and than he thought he had a right to be. The ſuffering the extent of the prerogative royal to be queſtioned on all occaſions, was a thing too oppoſite to his temper. This was a point of which he was no leſs, or rather more, tender than his father. Beſides, the duke of Buckingham, who had a great influence over him, plainly ſaw, that an agreement between the king and the people, would infallibly be followed with his own ruin. The reſt of the miniſters, who were all his creatures, perceived likewiſe, that their welfare depended on the favourite's, and that the favourite's credit could not ſubſiſt with a good underſtanding between the king and his parliament. It was neceſſary therefore, that the king, to extricate himſelf out of this labyrinth, ſhould become, as I may ſay, quite another man, ſhould alter his principles, ſhould have ſtrength of mind ſufficient to diſcern clearly his true intereſts from thoſe of his favourites and miniſters, and reſolution to proceed without their aſſiſtance, and follow councils more agreeable to his ſubjects. But this was a thing impoſſible, conſidering the king's character, who ſeemed then of an inflexible temper. He perceived in the end, he had taken a wrong courſe, but not till it was too late to forſake it.

As to the other courſe, which was to make peace with Spain, beſides that the king thought himſelf bound in honour to ſupport a war of which he was the ſole author, though he always affected to impute it to the parliament, this peace was entirely contrary to his private intereſt. How little ſucceſs ſoever he had reaſon to expect from the continuance of the war, in his preſent circumſtances, it ſerved him for pretence to levy money upon his people, and afforded him means to put in practice his projects to eſtabliſh an abſolute power. On the other hand, it being the intereſt of his favourite and miniſters to keep him at variance with his people, to whom they were all very odious, they could not do it better than by putting him under an indiſpenſible neceſſity of raiſing money upon the ſubject, without conſent of parliament.

The effect of this policy evidently appeared at the very time I am ſpeaking of. Inſtead of perſuading the king to make peace with Spain, they engaged him by degrees to proclaim war with France, at a time when he knew not how to continue the war he had begun with the houſe of Auſtria. To engage France to afford ſome pretence for the rupture, which was meditating in England, the king upon ſome diſguſt concerning the queen's French chaplains and domeſtics [f], diſmiſſed them all, having firſt paid what was due for wages or ſalaries. The king of France highly reſented this manifeſt breach of the marriage-treaty; but however, did nothing that ſhewed deſign to be revenged by way of arms. So the diſguſt received from the queen's domeſtics, who were ſufficiently puniſhed, could not ſerve for pretence of a rupture on the ſide of England, ſince on the contrary, France had reaſon to complain of the breach of the treaty. Nevertheleſs, it was intended to make war upon France, under colour of ſupporting the Hugonots who were oppreſſed, and threatened with utter deſtruction [g]. But when the character of the king, of the favourite, and of the miniſtry is conſidered, it can hardly be thought, that the deſire of maintaining the proteſtant religion, ſuch as it was in France, was the real motive of this war. The king and his whole court mortally hated the preſbyterians. The duke of Buckingham had properly no religion at all. Weſton and Conway were catholics. Laud and Neile thought it impoſſible to be ſaved out of the church of England. How then can it be imagined that all theſe men, who were the king's moſt intimate counſellors, ſhould combine to ſupport in France a religion for which they had the utmoſt contempt? It is much more probable, that the king's miniſters ſeeing little likelihood of recovering the Palatinate by arms, and fearing the king would at length be tired of a fruitleſs war with Spain, induced him to carry his arms into France, in order ſtill to keep him under a neceſſity of raiſing money by extraordinary methods, and thereby perpetuating his miſunderſtanding with his ſubjects, on which the continuance of their credit entirely depended. But I own this is only conjecture. Another cauſe is alleged of this war with France, namely the duke of Buckingham's pride, who being ſent to Paris to conduct the queen into England, became amorous of Anne of Auſtria, wife to Lewis XIII. and had the confidence to diſcloſe his paſſion. It is ſaid, the court of France threatened him with a puniſhment ſuitable to his inſolence, and refuſed to let him ſee the queen any more, but that he ſwore, he would ſee her in ſpite of them all. To this oath is aſcribed the reſolution inſtilled into the king his maſter to make war

[e] At Ford, a mooriſh, unhealthy place, five miles beyond Canterbury. Coke.

[f] They maintained, that king Charles had no power to intermeddle with his queen's family, becauſe he was an heretic; and beſides, they had made the queen walk to Tyburn in devotion to pray there. Ruſhworth, tom. I. p. 423, 424.

[g] This affair was managed and promoted by an abbot, related to the duke of Orleans, who had been diſobliged by cardinal Richelieu. Ibid. p. 424.

The

upon France, in hopes it would give him an opportunity to perform his oath. I own, I ſee very little probability in this pretended project, which however the lord Clarendon has thought fit to mention [h].

The war with France being reſolved, the king declared the grounds of it to his council; namely,

"I. That the houſe of Auſtria had ſuch an influence upon the council of France, as to prevail with them to obſtruct the landing of count Mansfeldt's army, contrary to promiſe, with whom the French ſhould have joined forces for the relief of the Palatinate, and the German princes; which failure of performance in them, proved the ruin of that army."

I have ſpoken of this affair in the reign of king James I. and ſhewed that it was an error in the council of England to depend upon a general promiſe as upon a treaty. Beſides, it was too late for the king to think of revenging this pretended affront, which had not prevented his eſpouſing the French king's ſiſter.

"II. That having by his mediation prevailed for a peace between the French king and his proteſtant ſubjects, and engaged his word, that the proteſtants ſhould obſerve the articles of agreement: nevertheleſs the king of France, contrary to the ſaid articles, blocked up their towns, garriſons, and forts, and had committed many ſpoils upon them, when they had done nothing in violation of the edict of peace."

It is very true, it was the intereſt of England to ſupport the Hugonots, who were unjuſtly oppreſſed. But by what law is a prince, who procures a peace between two enemies, but is not guarantee for performance of articles, empowered to go to war with one of the parties that breaks it? Had the king been ſatisfied with ſaying, the intereſt of England would not ſuffer the Hugonots to be oppreſſed, this political reaſon might have been allowed: but in ſuch caſes, there is a wide difference between intereſt and right.

"III. That the king of France had committed an example of great injuſtice in full peace, to ſeize upon one hundred and twenty Engliſh ſhips, with all their merchandiſe and artillery."

The king paſſes over in ſilence, that the French acted only by way of repriſal, and that the Engliſh were the aggreſſors, as the parliament had complained to the king himſelf. It is evident therefore, that the grounds of this war could not be more frivolous.

The king's deſign was to ſend a fleet to Rochel, under colour of relieving that place, which was threatened with a ſiege. This affair had been managed at the court of England by the duke of Soubize and monſieur St. Blancard, a gentleman of Languedoc, without the knowledge of the Rochellers. This gives occaſion to ſuſpect, that their intention was to deliver the town to the Engliſh, on pretence of relieving it. However, the affair was kept very private, and ever ſince April a fleet had been equipping with all expedition, without any poſſibility of gueſſing for what it was intended. When it was ready, the king gave the duke of Buckingham a commiſſion, which plainly ſhewed, the affair was to be a ſecret. By this commiſſion, the duke was made admiral of the fleet, and commander in chief of the land forces, which ſhould be embarked for the recovery of the Palatinate, according to ſuch private inſtructions as he ſhould receive from his majeſty.

This fleet, conſiſting of above an hundred ſhips, having on board ſeven thouſand ſoldiers, ſailed from Portſmouth the 7th of June, and on the 20th of July appeared before Rochel. At the duke's approach, the Rochellers ſhut their gates for fear of a ſurprize, as having no notice that an Engliſh fleet was to come ſo near them. Preſently after were ſeen to arrive the duke of Soubize, with Sir William Beecher, who told them from the duke of Buckingham, that the king of England, out of compaſſion to their ſufferings, had ſent a fleet and army to their aſſiſtance, and if they refuſed his aid, he declared he was fully quit of his engagement of honour and conſcience for their relief. The mayor replied in the name of the inhabitants, that they moſt humbly thanked his majeſty for the care he had of them; but that being in ſtrict union with all the reſt of the proteſtants in the kingdom, they could not receive into the city the offered ſuccours, without conſulting their friends, and without the previous conſent of the whole body of the Hugonots. The duke of Buckingham finding by this anſwer, it would not be eaſy to get his troops into Rochel, directed his courſe to the iſle of Rhee, where Toiras commanded. Toiras endeavoured at firſt to hinder the landing of the Engliſh; but as his forces were few, he was obliged to retreat to his citadel at St. Martin's, which was in a good ſtate of defence. Had the duke underſtood the art of war, he would, without loſing a moment, have marched to the fort, and thereby hindered Toiras from getting in proviſions. But he ſpent ſo much time in landing and in preparing to march, that Toiras had leiſure to ſtore the place with ammunition. At laſt he marched to St. Martin's, and beſieged it in form, but with little ſucceſs. He had to deal with one more expert than himſelf, and who found means to keep him employed in the ſiege till November, though he had ſent the king word he ſhould be maſter of the place in eight days. Mean while, the king of France, who had not expected this invaſion, ordered his troops to march with all ſpeed towards the ſea, and came in perſon to haſten the relief of the iſle of Rhee. When all was ready, count Schomberg paſſed into the iſle with ſix or ſeven thouſand men, without any oppoſition from the Engliſh fleet. Then he marched to St. Martin's, the ſiege whereof the duke of Buckingham raiſed with precipitation, being vigorouſly puſhed by the French to the very ſea-ſide, ſo that it was with great difficulty that he re-embarked his remaining troops. It is ſaid, of the ſeven thouſand men he brought from England, near five thouſand periſhed in this unfortunate expedition. It was rumoured however in England, that not above fifteen hundred were loſt; and ſome even ſay, the king was made to believe it.

Whilſt the duke of Buckingham was employed in this expedition, ſir John Elliot, impriſoned for refuſing to lend the king money, preſented to his majeſty a petition for his liberty, which he did not aſk as a favour, but as juſtice. He grounded his requeſt upon ſeveral ſtatutes which he cited, and by which he pretended to ſhew, that the king could not exact money from the ſubject by way of loan, nor were the ſubjects bound to ſubmit to it. As the king then ſtood diſpoſed, this petition could be of no ſervice to the perſon that preſented it. In November following, ſome other gentlemen [i], committed for the ſame reaſon, brought their Habeas Corpus, that is, deſired to be diſcharged upon bail, a privilege enjoyed by all Engliſhmen [k]. This cauſe was pleaded very ſolemnly before all the judges of the realm. There were two points to be decided. The firſt, whether the priſoners were committed by the ſpecial command of the king, ſince the warden ſaid only, "that the priſoners were detained by command of the king, ſignified to him by warrant of ſeveral of the privy-council." Now the priſoners pleaded, that, according to law, the king's order ſhould be produced not barely for detaining them, but for committing them; and that beſides, the ſignifying of the order by the lords of the council, ſhewed, it was not by ſpecial command of his majeſty. The ſecond point was, whether the king could impriſon any ſubject without declaring the cauſe of the commitment, and whether in ſuch caſe the priſoners ought not to have the benefit of a Habeas Corpus, that is, to be diſcharged upon bail. The council for the priſoners repreſented the terrible conſequences of ſuch a power in the king, ſince thereby the liberty of every ſubject would be at the king's mercy, who could detain them in priſon as long as he pleaſed, and there would be no remedy by law. But the judges unanimouſly decided againſt the priſoners, who were all remanded to their ſeveral priſons.

The ill ſucceſs of the iſle of Rhee expedition raiſed numberleſs complaints and murmurs againſt the duke of Buckingham, who had many enemies. Multitudes were loſt in that unfortunate undertaking, and among the reſt, major-general Burroughs, one of the beſt officers in England; and theſe misfortunes were imputed to the duke of Buckingham's incapacity, who had never been in the wars, and knew nothing

[h] The duke of Buckingham is reaſonably ſuppoſed to have been the author of this war; either out of revenge for having been excepted againſt by Lewis XIII. when he was appointed to go embaſſador to France; or on account of ſome affronts put upon him by that court, when he was ſent to bring the queen over. For, from that time, "he took all the ways he could to undervalue and exaſperate that court and nation; and omitted no opportunity to incenſe king Charles againſt France, and even againſt his queen; and behaved himſelf very rudely to her." See Claren. tom. I. p. 38, 39.

[i] Sir Thomas Darnel, ſir John Corbet, ſir Walter Earl, ſir John Hevingham, ſir Edward Hampden. Ruſhworth, tom. I. p. 458.

[k] For the better underſtanding of what follows, it muſt be obſerved, that when any perſon is committed (unleſs for treaſon or felony) upon his ſending a copy of the mittimus to the chancellor, or any of the judges of the exchequer, they are obliged to grant him a writ called Habeas Corpus, upon the receipt of which, the head gaoler or keeper muſt carry up the priſoner, and return the cauſes of his commitment and detainer to the court, to which the writ is returnable. Then the judge determines whether the caſe be bailable. If not, the priſoner is remanded back to priſon. In the preſent caſe, the warden of the Fleet made this return: "That ſir Walter Earl, knight, named in the writ, is detained in the priſon of the Fleet in his cuſtody, by ſpecial command of the king, to him ſigned by warrant of ſeveral of the privy council." Now it was pleaded in behalf of the priſoners, that the form of the returns was not good, the cauſe of the commitment not being ſpecified as the writ requires. And therefore, if the priſoners were not bailed, but remanded, the ſubjects of the kingdom may be reſtrained of the liberty for ever, and by law there can be no remedy. See Ruſhworth, tom. I. p. 459.

There

of the ſea ſervice, though the king had made him both admiral and captain-general. To theſe complaints were added others upon other accounts. The mariners complained, they had received no wages for three years paſt, and deſerted in great numbers, not to be forced to ſerve any longer without pay. The merchants made bitter complaints, that the ſeas were neglected, that within three years they had loſt a great number of ſhips, and that the fiſhermen were taken almoſt in the very harbours. In a word, no one ventured to build any new ſhips, becauſe as ſoon as they were ready the king ſeized them for his ſervice, againſt the will of the owners.

Though the king did not much regard all theſe complaints, which perhaps reached him not; he was however very attentive to the petition which the Rochellers, upon the point of being beſieged, ſent him by their deputies for relief. He had engaged in a war with France, upon his good opinion of his fleet and of his favourite's ability, and though experience ſhewed him this opinion was ill-grounded, he would proceed, let what would be the conſequence. Mean while he ſaw himſelf without money, and the oppoſition he met with in the affair of the loan made him ſenſible how difficult it would be to raiſe it by ſuch methods. For that reaſon he conſulted ſir Robert Cotton upon the preſent ſituation of his affairs. Cotton adviſed him to call a parliament, as the beſt means to free himſelf from all difficulties. But as ſir Robert foreſaw the houſe of commons would attack the duke of Buckingham, he adviſed withal, that the duke might be the firſt, who in full council ſhould move the calling of a parliament. This advice was followed, and the duke having acted his part, the parliament was ſummoned by the unanimous reſolution of the council to meet the 17th of March 1628. Immediately after, warrants were ſent to all parts to releaſe the impriſoned and confined gentlemen for the affair of the loan-money, and the king had the mortification to ſee almoſt all of them, to the number of twenty-ſeven, choſen to ſerve for repreſentatives in the enſuing parliament[1]. He ſent writs of ſummons to the archbiſhop of Canterbury, who was confined to one of his houſes, to the biſhop of Lincoln, priſoner in the Tower, and to the earl of Briſtol. At the ſame time, the council ordered the lord-mayor of London to uſe moderation in demanding the loan-money. This ſhews that there were ſtill ſome people who ſtood out, and that violence was hitherto uſed to compel them.

[1627-8] The parliament being aſſembled the 17th of March, the king made the following ſpeech to both houſes:

"My lords and gentlemen,

"THESE times are for action; wherefore, for example ſake, I mean not to ſpend much time in words; expecting accordingly, that your (as I hope) good reſolutions will be ſpeedy, not ſpending time unneceſſarily, or (that I may better ſay) dangerouſly: for tedious conſultations at this conjuncture of time are as hurtful as ill reſolutions.

"I am ſure you now expect from me, both to know the cauſe of your meeting, and what to reſolve on: yet I think that there is none here but knows, that common danger is the cauſe of this parliament, and that ſupply at this time is the chief end of it: So that I need but point to you what to do. I will uſe but few perſuaſions: for if to maintain your own advices, and as now the caſe ſtands for the following thereof, the true religion, laws, and liberties of this ſtate, and the juſt defence of our true friends and allies be not ſufficient, then no eloquence of men nor angels will prevail.

"Only let me remember you, that my duty moſt of all, and every one of yours according to his degree, is to ſeek the maintenance of this church and commonwealth: and certainly, there never was a time in which this duty was more neceſſarily required than now.

"I therefore judging a parliament to be the antient, ſpeedieſt, and beſt way in this time of common danger, to give ſuch ſupply as to ſecure ourſelves, and to ſave our friends from imminent ruin, have called you together. Every man now muſt do according to his conſcience; wherefore if you (as God forbid) ſhould not do your duties, in contributing what the ſtate at this time needs, I muſt, in diſcharge of my conſcience, uſe thoſe other means which God hath put into my hands, to ſave that, which the follies of particular men may otherwiſe hazard to loſe.

"Take not this as a threatening, for I ſcorn to threaten any but my equals, but an admonition from him, that both out of nature and duty, hath moſt care of your preſervations and proſperities: and (though I thus ſpeak) I hope that your demeanours at this time will be ſuch, as ſhall not only make me approve your former counſels, but lay on me ſuch obligations, as ſhall tie me by way of thankfulneſs to meet often with you: for be aſſured that nothing can be more pleaſing unto me, than to keep a good correſpondence with you.

"I will only add one thing more, and then leave my lord-keeper to make a ſhort paraphraſe upon the text I have delivered you, which is, 'To remember a thing, to the end we may forget it.' You may imagine that I came here with a doubt of ſucceſs of what I deſire, remembering the diſtractions of the laſt meeting: but I aſſure you, that I ſhall very eaſily and gladly forget and forgive what is paſt, ſo that you will at this preſent time leave the former ways of diſtractions, and follow the council late given you, To maintain the unity of the ſpirit in the bond of peace."

The lord-keeper ſeconded his majeſty in this manner:

"My lords and gentlemen,

"YE are here in parliament by his majeſty's writ and royal command, to conſult and conclude of the weighty and urgent buſineſs of this kingdom. Weighty it is and great, as great as the honour, ſafety, and protection of religion, king, and country: and what can be greater? Urgent it is; it is little pleaſure to tell or think how urgent: and to tell it with circumſtances, were a long work; I will but touch the ſum of it in few words.

"The pope and houſe of Auſtria have long affected, the one a ſpiritual, the other a temporal monarchy: and to effect their ends, to ſerve each other's turn, the houſe of Auſtria, beſides the rich and vaſt territories of both the Indies, and in Africa, joined together, are become maſters of Spain and Italy, and the great country of Germany. And although France be not under their ſubjection, yet they have environed all about it; the very bowels of the kingdom ſwayed by the popiſh faction: They have gotten ſuch a part, and ſuch interceſſion in the government, that under pretence of religion, to root out the proteſtants and our religion, they have drawn the king to their adherence, ſo far, that albeit upon his majeſty's interpoſition by his embaſſadors, and his engagement of his royal word, there was between the king and his ſubjects articles of agreement, and the ſubjects were quiet; whereof his majeſty, intereſted in that great treaty, was bound to ſee a true accompliſhment; yet againſt that ſtrict alliance, that treaty hath been broken, and thoſe of the religion have been put to all extremity, and undoubtedly will be ruined without preſent help. So as that king is not only diverted from aſſiſting the common cauſe, but hath been miſled to engage himſelf in hoſtile acts againſt our king and other princes, making way thereby for the houſe of Auſtria, to the ruin of his own and other kingdoms.

"Other potentates, that in former time did balance and interrupt the growing greatneſs of the houſe of Auſtria, are now removed and diverted. The Turk hath made peace with the emperor, and turned himſelf wholly into wars with Aſia. The king of Sweden is embroiled in a war with Poland, which is invented by Spaniſh practices, to keep that king from ſuccouring our part. The king of Denmark is chaced out of his kingdom, on this and on that ſide the Zound; ſo as the houſe of Auſtria is on the point to command all the ſea-coaſts from Dantzick to Embden, and all the rivers falling into the ſea in that great extent: ſo, as beſides the power by land, they begin to threaten our part by ſea, to the ſubverſion of all our ſtate.

"In the Baltick ſea, they are providing and arming all the ſhips they can build or hire; and have at this time their embaſſadors treating at Lubeck, to draw into their ſervice the Hanſe towns, whereby taking from us and our neighbours the eaſt-land trade, by which our ſhipping is ſupplied, they expect, without any blow given, to make themſelves maſters of that ſea. In theſe weſtern parts, by the Dunkirkers, and by the now French and Spaniſh admiral, to the ruin of fiſhing (of infinite conſequence both to us and the Low-Countries), they infeſt all our coaſt, ſo as we paſs not ſafely from port to port. And that fleet which lately aſſiſted the French at the at the iſle of Rhee, is now preparing at St. Andrews, with other ſhips built in the coaſt of Biſcay to re-inforce it, and a great fleet is making ready at Liſbon; where, beſides their own, they do ſerve themſelves upon all ſtrangers bottoms coming to that coaſt for trade: and theſe great preparations are, no doubt, to aſſault us in England or Ireland, as they ſhall find advantage, and a place fit for their turn.

"Our friends in the Netherlands, beſides the fear that juſtly troubles them, leſt the whole force of the emperor may fall down upon them, are diſtracted by their voyages into the eaſt, which hath carried both men and money into another world, and much weakened them at home.

[1] There were releaſed in all ſeventy-eight. See Ruſhworth, tom. I. p. 473. where they are all named.

"Thus

"Thus are we even ready on all ſides to be ſwallowed up; the emperor, France, and Spain, being in open war againſt us; Germany over-run; the king of Denmark diſtreſſed; the king of Sweden diverted; and the Low-countrymen diſabled to give us aſſiſtance.

"I ſpeak not this to increaſe fear, unworthy of Engliſh courages, but to preſs to proviſion worthy the wiſdom of a parliament: and for that cauſe his majeſty hath called you hither, that by a timely proviſion againſt thoſe great imminent dangers, ourſelves may be ſtrengthened at home, our friends and allies encouraged abroad, and thoſe great cauſes of fear ſcattered and diſpelled.

"And becauſe, in all warlike preparations, treaſure bears the name, and holds the ſemblance of the nerves and ſinews; and if a ſinew be too ſhort or too weak, if it be either ſhrunk or ſtrained, the part becomes unuſeful: it is needful that you make good and timely ſupply of treaſure, without which all counſels will prove fruitleſs. I might preſs many reaſons to this end, but I will name but few.

"Firſt, for his majeſty's ſake, who requires it. Great is the duty which we owe him by the law of God; great by the law of nature, and our own allegiance; great for his own merit, and the memory of his ever bleſſed father. I do but point at them: but methinks our thoughts cannot but recoil on one conſideration touched by his majeſty, which to me ſeems to ſound, like a parliamentary pact or covenant.

"A war was deviſed here, aſſiſtance profeſſed, yea, and proteſted here: I do but touch it. I know you will deeply think on it; and the more, for the example the king hath ſet you; his lands, his plate, his jewels, he hath not ſpared, to ſupply the war: What the people hath proteſted, the king, for his part hath willingly performed.

"Secondly, for the cauſe ſake. It concerns us in chriſtian charity, to tender the diſtreſſes of our friends abroad; it concerns us in honour not to abandon them, who have ſtood for us. And if this come not cloſe enough, you ſhall find our intereſt ſo woven and involved with theirs, that the cauſe is more ours than theirs. If religion be in peril, we have the moſt flouriſhing and orthodox church: if honour be in queſtion, the ſtories and monuments in former ages will ſhew, that our anceſtors have left as much as any nation: if trade and commerce be in danger, we are iſlanders, it is our life. All theſe at once lie at ſtake, and ſo doth our ſafety and being.

"Laſtly, in reſpect of the manner of his majeſty's demand, which is in parliament, the way that hath ever beſt pleaſed the ſubjects of England. And good cauſe for it: for aids granted in parliament work good effects for the people; they be commonly accompanied with wholeſome laws, gracious pardons, and the like. Beſides, juſt and good kings finding the love of their people, and the readineſs of their ſupplies, may the better forbear the uſe of their prerogatives, and moderate the rigour of the laws towards their ſubjects.

"This way, as his majeſty hath told you, he hath choſen; not as the only way, but as the fitteſt; not as deſtitute of others, but as moſt agreeable to the goodneſs of his own moſt gracious diſpoſition, and to the deſire and weal of his people. If this be deferred, neceſſity and the ſword of the enemy make way to the others. Remember his majeſty's admonition; I ſay, remember it.

"Let me but add, and obſerve God's mercy towards this land above all others. The torrent of war hath overwhelmed other churches and countries; but God hath hitherto reſtrained it from us, and ſtill gives us warning of every approaching danger, to ſave us from ſurpriſe. And our gracious ſovereign, in a true ſenſe of it, calls together his high court of parliament, the lively repreſentation of the wiſdom, wealth, and power of the whole kingdom, to join together to repel thoſe hoſtile attempts, which diſtreſſed our friends and allies, and threatened ourſelves.

"And therefore it behoves all to apply their thoughts unto counſel and conſultations, worthy the greatneſs and wiſdom of this aſſembly; to avoid diſcontents and diviſions, which may either diſtemper or delay; and to attend that Unum neceſſarium, the common cauſe; propounding for the ſcope and work of all the debates, the general good of the king and kingdom, whom God hath joined together with an indiſſoluble knot, which none muſt attempt to cut or untie. And let all, by unity and good accord, endeavour to pattern this parliament by the beſt that have been, that it may be a pattern to future parliaments, and may infuſe into parliaments a kind of multiplying power and faculty, whereby they may be more frequent, and the king our ſovereign may delight to ſit on his throne, and from thence to diſtribute his graces and favours amongſt his people.

"His majeſty hath given you cauſe to be confident of this, you have heard from his royal mouth: which nevertheleſs he hath given me expreſs command to redouble: If this parliament, by their dutiful and wiſe proceedings, ſhall but give this occaſion, his majeſty will be ready, not only to manifeſt his gracious acceptation, but to put out all memory of thoſe diſaſters that have troubled former parliaments.

"I have but one thing more to add, and that is, as your conſultations be ſerious, ſo let them be ſpeedy. The enemy is beforehand with us, and flies on the wings of ſucceſs. We may dally and play with the hour-glaſs that is in our power, but the hour will not ſtay for us; and an opportunity once loſt, cannot be arraigned.

"And therefore reſolve of your ſupplies, that they may be timely and ſufficient, ſerving the occaſion: Your counſel, your aid, all is but loſt, if your aid be either too little, or too late: And his majeſty is reſolved, that his affairs cannot permit him to expect it over long."

Theſe two ſpeeches need no comment, ſince they plainly ſpeak both the king's principles concerning the uſe of parliaments, and his intention, in caſe he received not from the preſent parliament the ſatisfaction he expected. The king does not ſeem to have uſed a proper means to gain the goodwill of the commons. But it muſt be obſerved, that nothing was more oppoſite to his temper, than to ſtoop to his parliament. He thought it great condeſcenſion to declare, that though he had other ways of raiſing money, he was very willing to follow the old method of demanding a ſupply from the parliament. But for fear the commons ſhould think he was forced to it by a kind of neceſſity, he took care to intimate, that in caſe the money he demanded was not granted, he could raiſe it other ways. This was the ſole aim of theſe two ſpeeches.

As to the arguments alleged by the lord-keeper to excite the commons to give a plentiful ſupply to the king, they were too much exaggerated to produce a great effect. The pretended preparations of the Spaniards to invade England were a groundleſs chimera. Indeed, during this whole war, the Spaniards made no attempt upon Great Britain or Ireland. Nay, it was in the king's power to make peace with the Spaniard, who had no demands upon him, and yet, he would make believe that England was in imminent danger. As to the arguments ſo often repeated, that the parliament adviſed the war, it was ſo worn out, that it could not make the leaſt impreſſion. There was not then a man in England, but what was perfectly informed that the king and duke of Buckingham were the real authors of the Spaniſh war, and had fraudulently obtained from the parliament the advice continually inſiſted upon by the king.

Before the commons had entered into any debates, there was a long letter communicated to them, directed, "To my noble friends of the lower houſe of parliament," and diſperſed under the title of "A ſpeech without doors." The author, who was unknown, pretended to have been formerly a member of the lower houſe, though he was not choſen to ſerve in the preſent parliament. His aim was to adviſe the commons how they were to proceed, and to lay before them the ſundry grievances complained of by the people. This writing made a great noiſe at that time, but I do not think it neceſſary to inſert the contents, ſince they were only the ſentiments of a private perſon.

After the two houſes had preſented a petition to the king for a faſt, the commons began to examine the grievances of the nation, and ſeemed determined to grant no ſupply till theſe grievances were redreſſed. The firſt they took into conſideration were, billeting of ſoldiers, loans by benevolence and privy ſeals, impriſonment of gentlemen refuſing to lend, denial of releaſe upon Habeas Corpus; and ſeveral ſpeeches were made upon theſe occaſions. Sir Francis Seymour among other things ſaid---"How can we think of giving ſubſidies, till we know whether we have any thing to give or no? For if his majeſty be perſuaded by any to take from his ſubjects what he will, and where it pleaſeth him; I would gladly know what we have to give?---Hath it not been preached in our pulpits, that all we have is the king's JURE DIVINO?"---Sir Thomas Wentworth, afterwards ſo well known by the name of earl of Strafford, diſtinguiſhed himſelf by a ſpeech againſt the government. He ſaid truly, theſe things were not to be imputed to the king, but to the projectors, that is, to the miniſters or others who had formed the deſign of ſtretching the prerogative beyond its due bounds, of whom he ſpoke in this manner: "They have brought the crown into greater want than ever, by anticipating the revenues: And can the ſhepherd be thus ſmitten, and the ſheep not ſcattered? They have introduced a privy council, raviſhing at once the ſpheres of all ancient government, impriſoning us without either bail or

bond: they have taken from us, what? What ſhall I ſay indeed, what have they left us? All means of ſupplying the king and ingratiating ourſelves with him, taking up the root of all propriety."---Sir Edward Coke, a great lawyer, ſpoke chiefly to the grievance of the loans, and ſaid, among other things: "Who will give ſubſidies, if the king may impoſe what he will? And if after parliament, the king may inhance what he pleaſeth?---The king cannot tax but by way of loans."---Thereupon he quoted the ſtatute of 25 Edward III. wherein it is ſaid, "That loans againſt the will of the ſubject, are againſt reaſon, and the franchiſes of the land;"---and concluded with this paragraph out of Magna Charta---"Nullus liber homo capiatur vel impriſonetur aut diſſeiſietur de libero tenemento ſuo, &c. niſi per legale judicium parium ſuorum, vel per legem terræ." Another, ſpeaking of the impriſonment of thoſe who had refuſed to lend the king money, ſaid,---"O improvident anceſtors! O unwiſe forefathers! to be ſo curious in providing for the quiet poſſeſſion of our lands, and liberties of parliament, and to neglect our perſons and bodies, and to let them die in priſon, and that durante bene placito, remedileſs: If this be law, what do we talk of our liberties! Why do we trouble ourſelves with the diſpute of law, franchiſes, propriety of goods? What may a man call his, if not liberty?"

I intend not to enlarge any farther upon what was ſaid in the houſe of commons upon theſe points. This ſuffices to ſhew how the majority were diſpoſed. All their arguments tended to demonſtrate, that if the king had power to take the goods of his ſubjects by a bare act of his will, whether by way of loan or otherwiſe, and to impriſon ſuch as refuſed to obey his orders without being admitted to bail, they were either to be entirely ſubject to the king's pleaſure, or to begin with firmly eſtabliſhing the rights of the people, to the prevention of tyranny. The court-party durſt not directly oppoſe this general ſentiment, but endeavoured by ſeveral arguments to intimate, that to gain his majeſty's good will, ſupplies were in the firſt place to be granted. Then, they gave hopes, that the king, moved with ſuch a mark of affection for his perſon, would not be againſt redreſſing the grievances [m]. But this made little impreſſion upon the reſt, who were by far the majority, and who verily believed, that to begin with the ſubſidies was the ready way to have the grievances unredreſſed. Mean while to make a diverſion, ſecretary Coke preſented to the houſe certain propoſitions from the king, concerning ſupply; but it was reſolved, that the reading thereof ſhall be deferred till the houſe had taken ſome reſolution with reſpect to the grievances, eſpecially the impriſonment of the ſubjects, and denial of bail. There were very great debates upon theſe points, and the judges themſelves were heard. At laſt, the houſe came to the following reſolutions, directly contrary to the king's pretenſions, and the judges determinations: That is, they eſtabliſhed maxims oppoſite to thoſe of the king; namely,

"I. That no freeman ought to be detained or kept in priſon, or otherwiſe reſtrained by the command of the king or privy council, or any other, unleſs ſome cauſe of the commitment, detainer, or reſtraint, be expreſſed, for which by law he ought to be committed, detained, or reſtrained.

"II. That the writ of Habeas Corpus may not be denied, but ought to be granted to every man that is committed or detained in priſon, or otherwiſe reſtrained, though it be by the command of the king, the privy council, or any other, he praying the ſame.

"III. That if a freeman be committed or detained in priſon, or otherwiſe reſtrained by the command of the king, the privy council, or any other, no cauſe of ſuch commitment, detainer, or reſtraint being expreſſed, for which by law he ought to be committed, detained, or reſtrained, and the ſame being returned upon a Habeas Corpus, granted for the ſaid party, then he ought to be delivered or bailed.

"IV. That it is the ancient and indubitable right of every freeman, that he hath a full and abſolute property in his goods and eſtate; that no tax, tallage, loan, benevolence, or other like charge, ought to be commanded or levied by the king, or any of his miniſters, without common conſent by act of parliament [n]."

The propoſitions tendered the day before by ſecretary Coke from his majeſty, were now received and read, but the debate thereof was referred to another day. The propoſitions were theſe:

"1. To furniſh with men and victuals thirty ſhips to guard the narrow ſeas, and along the coaſts.

"2. To ſet out ten other ſhips for relief of the town of Rochel.

"3. To ſet out ten other ſhips for the preſervation of the Elbe, the Sound, and the Baltick ſea.

"4. To levy arms, cloth, victual, pay, and tranſport an army of ten thouſand horſe, and ten thouſand foot, for foreign ſervice.

"5. To pay and ſupply ſix thouſand more for the ſervice of Denmark.

"6. To ſupply the forts of the office of ordnance.

"7. To ſupply the ſtores of the navy.

"8. To build twenty ſhips yearly for the increaſe of the navy.

"9. To repair the forts within the land.

"10. To pay the arrears of the office of ordnance.

"11. To pay the arrears of the victuallers office.

"12. To pay the arrears of the treaſure of the navy.

"13. To pay the arrears due for the freight of divers merchant-ſhips employed in his majeſty's ſervice.

"14. To provide a magazine for victuals for land and ſea ſervice."

The houſe eaſily perceived by the reading of theſe articles, that it would be a work of infinite labour, to examine the neceſſity and juſtice of each, and as there were no eſtimates made, they plainly ſaw, if they ſhould take the particulars into conſideration, the court would mount the expence very high. Wherefore, without entering into any diſcuſſion, they reſolved in general to grant the king a large ſupply [o].

After that, they returned to the examination of this particular grievance, that the king's council, by their bare authority, had confined to their houſes, ſome that refuſed to lend money; had ſent away others to diſtant places from their homes; and conſtrained ſome on the ſame account, to go and ſerve the king in foreign countries [p]. Upon this point, ſir Thomas Wentworth ſaid, "If any man owes a man a diſpleaſure, and ſhall procure him to be put into foreign employment, it will be a matter of high concernment to the ſubject: We know the honour and juſtice of the king, but we know not what his miniſters, or the mediation of embaſſadors may do, to work their own wrath upon any man." Theſe debates produced this reſolultion:

"That no freeman ought to be confined by any command from the king, or privy council, or any other, unleſs it be by act of parliament, or by other due courſe, or warrant of law."

[1628] All theſe determinations promiſed the king no good with reſpect to his prerogative; and as he feared the commons would again attack the duke of Buckingham, he tried to divert them from it by a meſſage delivered to the houſe by ſecretary Coke. It was upon a rumour, that the duke had ſpoken ill of the parliament at the council board. The king aſſured, it was not true; and the ſecretary added, if the duke had ſo ſpoken, he would have contradicted himſelf, for the whole council could bear him witneſs, he was the firſt mover of calling the parliament. But he took care not to tell them, it was merely out of policy, purſuant to Cotton's advice.

The next day the king ſent another meſſage to the commons, deſiring them to take the affair of ſupply into conſideration. He told them likewiſe, that as to the freedom of perſons, and propriety of goods, he was willing to come into any expedients which ſhould be judged convenient, by way of bill, or otherwiſe; and that the more confidence they ſhould ſhew in his grace and goodneſs, the more they ſhould prevail to obtain their deſires.

Upon this meſſage, the houſe unanimouſly voted five ſubſidies to the king [q], but returned immediately to the examination of grievances, and held a conference with the lords upon that ſubject.

Eaſter holidays approaching, the king ſent and deſired the commons not to adjourn, that affairs might be the more ſpeedily diſpatched. This meſſage occaſioned a debate, ſome

[m] Mr. ſecretary Coke in particular made two ſpeeches, on March 22, and 24, wherein he allowed that grievances ought to be redreſſed, but adviſed the houſe to let ſupplies take the precedency. Ruſhworth, tom. I. p. 502.

[n] This year were the following creations: March 9, John lord Mordant was created earl of Peterburgh. March 14, William Maynard, baron Maynard of Eſtaynes. The 25th, Thomas Belaſis baron Fauconberge. The 26th, Henry lord Graye of Groby earl of Stanford. June 23d, John Powlett baron Powlett of Hinton St. George. And the 29th, Robert Pierrepont baron Pierrepont, and viſcount Newark. Rymer's Fœd. tom. XVIII. p. 983, &c.

[o] March 31, the commons preſented a petition to the king againſt recuſants, which, together with the king's anſwers, is to be ſeen in Ruſhworth, tom. I. p. 516, &c.

[p] Sir Peter Hayman, who was ſent into the Palatinate for refuſing to lend money, opened his own caſe. Ibid. p. 522.

[q] The king thankfully received them, acknowledging it the greateſt gift that ever was given in parliament. He added, that he liked parliaments at the firſt, though, ſince, he was grown to a diſtaſte of them; but now he loves them, and ſhall rejoice to meet with his people often. Ibid. p. 525.

He

members fearing ſuch a precedent might be a prejudice to the privileges of the houſe, and the king for the future think he had power to hinder an adjournment when he pleaſed. But at length it was reſolved to do as the king deſired.

The 11th of April, ſecretary Coke moved the diſpatch of the ſubſidies, ſaying, the votes to grant the king money were nothing till turned into a bill. But being oppoſed by ſeveral, it was reſolved, that grievances and ſupply ſhould go hand in hand.

The day following, Coke brought another meſſage from the king to the houſe, to this effect: "That his majeſty had long ſince expected ſome fruit of that which was ſo happily begun; but finding a ſtop beyond all expectation, his command was, that without any further delay they ſhould proceed in the affair of ſupply. For notwithſtanding his conſenting that ſupply and grievances ſhould go together, his meaning was not, that the one ſhould give interruption to the other, nor the time be ſpun out on any pretence. And therefore bid them take heed, that they did not force him to make an unpleaſing end of what was ſo well begun."

This meſſage did the king great injury. 1. Becauſe of the threatening. 2. By reaſon of his inſtances, that the affair of ſupply ſhould be diſpatched before that of grievances; for it was not doubted, that if the firſt were finiſhed, the parliament would be immediately prorogued. 3. Laſtly, The king's unwillingneſs to redreſs the grievances, was a clear evidence, he would never be brought to it of his own accord, and conſequently it was neceſſary to conſtrain him thereto. This was the more probable, as Coke, when he delivered the meſſage, added, "That the king would willingly hear any thing concerning the abuſes of power, but not about power itſelf." Theſe expreſſions were liable to many cavils, and plain intimations, that the king reſerved to himſelf, by this reſtriction, a means to evade the grievances. And indeed, Coke being moved to explain what he meant by the word Power, refuſed it[r].

Two days after, the ſecretary delivered another meſſage from the king, to haſten the affair of ſupply. Theſe meſſages, which came thus one upon another, gave frequent occaſions to the court party to preſs the houſe to content his majeſty. All their ſpeeches upon this head, met in one point, namely, to inſpire the houſe with a dread, that a quarrel between them and the king would be fatal to parliaments, and give the king occaſion to proceed without them for the future. As the king himſelf, and the lord keeper (by his order) had frequently made uſe of the ſame means to frighten the commons, it could not be doubted, that theſe men ſpoke purſuant to the intentions, and perhaps by the order of the court. A privy counſellor's ſpeech in the lower houſe laſt parliament was not yet forgot, and of which the commons had thought fit to take notice, in the remonſtrance they would have preſented to the king. The deſign of that ſpeech was to intimate to the commons, that if they did not content the king, they would run the riſque of being the cauſe of no more parliaments in England. This threat ſo often inſinuated by the king himſelf, by the lord keeper, by the members of the houſe known to be devoted to the court, ſometimes in dark, ſometimes in plain terms, had a quite contrary effect to what the king expected. Inſtead of terrifying the commons, it convinced them, how watchful they ought to be of the king's proceedings, leſt their condeſcenſion, or even their ſilence, ſhould authoriſe ſome things very prejudicial to the liberties of the nation, whom they repreſented. "What! (ſaid moſt of the members among themſelves) we are threatened, that if we do not grant the king whatever he requires, and when he pleaſes, if we oppoſe his pleaſure, even when contrary to the laws, he will govern without a parliament, that is, with an unlimited power: he will impriſon our perſons, ſeize our eſtates, and conſider the whole kingdom as his property! But he does not only threaten us, he has put his threats in execution already. Which then is beſt, either for him to uſurp an abſolute power againſt our will, or for us to ſuffer it, nay, approve it by our ſilence, and ſervile fears? Of the two, certainly the firſt is leaſt dangerous. A time may come, when the king ſhall have occaſion for parliaments, and then we ſhall be able to recover the ground we ſhall have loſt. But if we betray the intereſt of our country, by tamely yielding to the king the power he would aſſume, our liberty will be irrecoverably loſt. We ſhall lay upon ourſelves and poſterity, a yoke which our forefathers could never bear, and be held in abhorrence by the whole nation. And after all, what ſhall we gain by our condeſcenſion? Why, the king will continue the uſe of parliaments, provided he ſhall be abſolute maſter; order them to give him ſuch a ſum, and by ſuch a time; forbid them to examine grievances; in a word, manage them entirely as he pleaſes. Thus we ſhall prevent the king's governing without a parliament, but ſhall eſtabliſh a precedent which ſhall render parliaments for ever ſlaves to the king and his miniſters."

Such were the reaſonings of the greateſt part of the commons, and though they did not openly ſay theſe very words, the houſe ſhewed by their whole conduct, that theſe conſiderations were the real foundation of all their proceedings. For this reaſon it was reſolved to deſire an audience, in order to anſwer all his majeſty's meſſages, and to preſent him withal a petition concerning billeting of ſoldiers upon the ſubject. Their repreſentation to the king by the mouth of their ſpeaker, was as follows:

"Moſt gracious and dread ſovereign,

"YOUR dutiful and loyal commons here aſſembled, were lately humble ſuitors to your majeſty for acceſs to your royal preſence; the occaſion that moved their deſires herein, was a particular of importance, worthy your princely conſideration; which, as it well deſerves, ſhould have been the only ſubject of my ſpeech at this time.

"But ſince your gracious anſwer for this acceſs, obtained by a meſſage from your majeſty, they have had ſome cauſe to doubt, that your majeſty is not ſo well ſatisfied with the manner of their proceedings, as their hearty deſire is you ſhould be, eſpecially in that part which concerns your majeſty's preſent ſupply, as if in the proſecution thereof, they had of late uſed ſome ſlackneſs or delay.

"And becauſe no unhappineſs of theirs can parallel with that which may proceed from a miſunderſtanding in your majeſty, of their clear and loyal intentions, they have commanded me to attend your majeſty, with an humble and ſummary declaration of their proceedings, ſince this ſhort time of their ſitting, which they hope will give your majeſty abundant ſatisfaction, that never people did more truly deſire to be endeared in the favour and gracious opinion of their ſovereign; and withal to let you ſee, that as you can have no where more faithful counſel, ſo your great deſigns and occaſions can no way be ſo ſpeedily or heartily ſupported, as in this old and ancient way of parliament.

"For this purpoſe they humbly beſeech your majeſty to take into your royal conſideration, that although by ancient right of parliament, the matters there debated are to be diſpoſed in their true method and order, and that their conſtant cuſtom hath been to take into their conſiderations the common grievances of the kingdom, before they enter upon the matter of ſupply; yet to make a full expreſſion of that zeal and affection which they bear to your royal majeſty, equalling at leaſt, if not exceeding the beſt affections of their predeceſſors to the beſt of your progenitors; they have in their aſſembly, contrary to the ordinary proceedings of parliament, given your majeſty's ſupply precedence, before the common grievance of the ſubject, how preſſing ſoever, joining with it only thoſe fundamental and vital liberties of the kingdom, which give ſubſiſtence and ability to your ſubjects.

"This was their original order and reſolution, and was grounded upon a true diſcerning, that theſe two conſiderations could not be ſerved, but did both of them entirely concern your majeſty's ſervice, conſiſting no leſs in enabling and encouraging the ſubject, than in proportioning a preſent ſuiting to your majeſty's occaſions, and their abilities; nay, ſo far have they been from uſing any unneceſſary delays, as though, of the two, that of the ſupply were the latter propoſition amongſt them, the grand committee to which both were referred, hath made that of your majeſty's ſupply firſt ready for concluſion.

"And, to be ſure your majeſty's ſupply might receive no interruption by the other, differing from uſage and cuſtom (in caſes of this nature) ſent up of thoſe that concern the ſubjects by parcels, ſome to your majeſty, and ſome to the lords, to the end your majeſty might receive ſuch ſpeedy content as ſuited with the largeſt and beſt extent of their firſt order.

"Sir, you are the breath of our noſtrils, and the light of our eyes, and beſides thoſe many comforts, which under you and your royal progenitors, in this frame of government, this nation hath enjoyed, the religion we profeſs hath taught us whoſe image you are; and we do all moſt humbly beſeech your majeſty to believe that nothing is or can be more dear unto us than the ſacred rights and prerogatives of your crown; no perſon or council can be greater lovers of you, nor be more truly careful to maintain them; and the preſerving

[r] He anſwered, "I cannot deſcend to particulars, or go from that his majeſty gave me warrant or power to deliver. Ruſhworth, tom. I. p. 539.

ſerving of thoſe fundamental liberties which concern the freedom of our perſons, and propriety of goods and eſtates, is an eſſential means to eſtabliſh the true glory of a monarchy.

" For rich and free ſubjects, as they are beſt governed, ſo they are moſt liable to do your majeſty ſervice either in peace or war, which next under God hath been the cauſe of the happy and famous victories of this nation, beyond other kingdoms of larger territories and greater number of people.

" What information ſoever contrary to this ſhall be brought unto your majeſty, can come from no other than ſuch, as for their own ends, under colour of advancing the prerogative, do indeed undermine and weaken royal power by impoveriſhing the ſubjects, render this monarchy leſs glorious, and the people leſs able to ſerve your majeſty.

" Having (by this that hath been ſaid) cleared our hearts and proceedings to your majeſty, our truſt is, that in your royal judgment we ſhall be free from the leaſt opinion of giving any unneceſſary ſtop to our proceedings in the matter of your ſupply, and that your majeſty will be pleaſed to entertain belief of our alacrity and cheerfulneſs in your ſervice, and that hereafter no ſuch misfortune ſhall befal us, to be miſunderſtood by your majeſty in any thing.

" We all moſt humbly beſeech your majeſty to receive no information in this or any other buſineſs from private relations, but to weigh and judge of our proceedings by thoſe reſolutions of the houſe that ſhall be repreſented from ourſelves.

" This, rightly and graciouſly underſtood, we are confident from the knowledge of your goodneſs and our own hearts, that the ending of this parliament ſhall be much more happy than the beginning, and be to all ages ſtiled the bleſſed parliament, for making perfect union between the beſt king and the beſt people, that your majeſty may ever delight in calling us together, and we in the comforts of your gracious favour towards us.

" In this hope I return to my firſt errand, which will beſt appear by that which I ſhall humbly deſire you to hear, and being an humble petition from the houſe of commons, for redreſſing of thoſe many inconveniencies and diſtractions that have befallen your ſubjects by the billeting of ſoldiers in private men's houſes againſt their wills.

" Your royal progenitors have ever held our ſubjects hearts the beſt garriſon of this kingdom; and our humble ſuit to your majeſty is, that our faith and loyalty may have ſuch a place in your royal thoughts, as to reſt aſſured, that all your ſubjects will be ready to lay down their lives for the defence of your ſacred perſon, and this kingdom.

" Not going ourſelves into our countries this Eaſter, we ſhould think it a great happineſs to us, as we know it would be a ſingular comfort and encouragement to them that ſent us hither, if we might but ſend them the news of a gracious anſwer from your majeſty in this particular, which the reaſons of the petition we hope will move your moſt excellent majeſty graciouſly to vouchſafe us."

The petition concerning the billeting of ſoldiers, preſented to the king's moſt excellent majeſty.

" IN all humility complaining, ſheweth unto your moſt excellent majeſty your loyal and dutiful commons now in parliament aſſembled, that whereas by the fundamental laws of this realm, every freeman hath, and of right ought to have, a full and abſolute propriety in his goods and eſtate, and that therefore the billeting and placing the ſoldiers in the houſe of any ſuch freeman againſt his will, is directly contrary to the ſaid laws, under which we and our anceſtors have been ſo long and happily governed; yet in apparent violation of the ſaid ancient and undoubted right of all your majeſty's loyal ſubjects of this your kingdom in general, and to the grievous and inſupportable vexation and detriment of many counties and perſons in particular, a new and almoſt unheard-of way hath been invented and put in practice, to lay ſoldiers upon them, ſcattered in companies here and there, even in the heart and bowels of this kingdom; and to compel many of your majeſty's ſubjects to receive and lodge them in their own houſes, and both themſelves and others to contribute towards the maintenance of them, to the exceeding great diſſervice of your majeſty, the general terror of all, and utter undoing of many of your people, inſomuch as we cannot ſufficiently recount, or in any way proportionable to the lively ſenſe that we have of our miſeries herein, are we able to repreſent unto your majeſty, the innumerous miſchiefs and moſt grievous vexations that by this means alone we do now ſuffer, whereof we will not preſume to trouble your ſacred ears with particular inſtances; only, moſt gracious ſovereign, we beg leave to offer to your moſt gracious view, a compaſſionate conſideration of a few of them in particular.

" 1. The ſervice of Almighty God is hereby greatly hindered, the people in many places not daring to repair to the church, leſt in the mean time the ſoldiers ſhould riſle their houſes.

" 2. The ancient and good government of the country is hereby neglected and almoſt contemned.

" 3. Your officers of juſtice in performance of their duties have been reſiſted and endangered.

" 4. The rents and revenues of your gentry greatly and generally diminiſhed; farmers to ſecure themſelves from the ſoldiers inſolence, being by the clamour of ſollicitation of their fearful and injured wives and children, enforced to give up their wonted dwellings, and to retire themſelves into places of more ſecure habitation.

" 5. Huſbandmen, that are as it were the hands of the country, corrupted by ill example of the ſoldiers, and encouraged to idle life, give over work, and rather ſeek to live idly at another man's charges, than by their own labours.

" 6. Tradeſmen and artificers almoſt diſcouraged, and being inforced to leave their trades, and to employ their time in preſerving themſelves and their families from cruelty.

" 7. Markets unfrequented, and our ways grown ſo dangerous, that the people dare not to paſs to and fro upon their uſual occaſions.

" 8. Frequent robberies, aſſaults, batteries, burglaries, rapes, rapines, murders, barbarous cruelties, and other moſt abominable vices, and outrages, are generally complained of from all parts, where theſe companies have been and had their abode, few of which inſolencies have been ſo much as queſtioned, and fewer according to their demerit puniſhed.

" Theſe, and many other lamentable effects (moſt dread and dear ſovereign) have by the billeting of ſoldiers already fallen upon us your loyal ſubjects, tending no leſs to the diſſervice of your majeſty, than to their impoveriſhing and deſtruction, ſo that thereby they are exceedingly diſabled to yield to your majeſty thoſe ſupplies for your urgent occaſions, which they heartily deſire; and yet they are further perplexed with apprehenſion of more approaching dangers, one in regard of your ſubjects at home, the other of enemies from abroad, in both which reſpects it ſeems to threaten no ſmall calamity to the meaner ſort of your people, being exceeding poor, whereof in many places are great multitudes, and therefore in times of more ſettled and moſt conſtant adminiſtration of juſtice, not eaſily ruled, are moſt apt upon this occaſion to caſt off the reigns of government, and by joining themſelves with thoſe diſordered ſoldiers, are very likely to fall into mutiny and rebellion; which in faithful diſcharge of our duties we cannot forbear moſt humbly to preſent to your high and excellent wiſdom, being preſſed with probable fears that ſome ſuch miſchief will ſhortly enſue, if an effectual and ſpeedy courſe be not taken to remove out of the land, or otherwiſe to diſband, thoſe unruly companies.

" For the ſecond, we do moſt humbly beſeech your majeſty to take into your princely conſideration, that many of thoſe companies, beſides their diſſolute diſpoſitions and carriages, are ſuch as do openly profeſs themſelves papiſts, and therefore to be ſuſpected, that if occaſion ſerve they will rather adhere to a foreign enemy of that religion, than to your majeſty, their liege lord and ſovereign, eſpecially ſome of their captains and commanders being as popiſhly affected as themſelves, and having ſerved in the wars on the part of the king of Spain and archduchеſs againſt your majeſty's allies; which of what pernicious conſequence it may prove, and how prejudicial to the ſafety of your kingdom, we leave to your majeſty's high and princely wiſdom.

" And now upon theſe, and many more which might be alleged, moſt weighty and important reaſons, grounded on the maintenance of the worſhip and ſervice of Almighty God, the continuance and advancement of your majeſty's high honour and profit, the preſervation of the ancient and undoubted liberties of your people, and therein of juſtice, induſtry, valour, which nearly concern the glory and happineſs of your majeſty and all your ſubjects, and the preventing of calamity and ruin both of church and commonwealth:

" We your majeſty's moſt humble and loyal ſubjects the knights, citizens, and burgeſſes of your houſe of commons, in the name of all the commonalty of your kingdom, who are upon this occaſion moſt miſerably diſconſolate and afflicted, proſtrate at the throne of your grace and juſtice, do moſt ardently beg a preſent remove of this inſupportable burden, and that your majeſty would be graciouſly pleaſed to ſecure us from the like preſſure in the time to come."

The

The manner in which the king and the commons tranſacted together is very pleaſant. There was nothing but evaſion and artifice on both ſides: they expreſſed not their thoughts when they ſpoke to each other, and yet underſtood one another perfectly, though they made as if they did not. The commons knew that the reaſons to juſtify the delay of ſupply, alleged in their repreſentation, were not valid, and that the king was perſuaded of the ſame: but they thought he would ſeem to be ſatisfied with them, in order not to oblige them to tell him to his face they could not rely on his promiſes, and conſidered this delay as the only way to have their grievances redreſſed. The king feigned to be ignorant of this motive, and took advantage of the commons uſing obſcure inſinuations inſtead of ſpeaking plainly. On the other hand, though the king had no deſign to redreſs grievances, he would however have it thought he intended it as ſoon as the affair of ſupply was diſpatched. The commons on their part feigning not to know his intention, had a mind to make believe that the delay of ſupply proceeded from quite another cauſe, though they were ſure the king could not miſtake. But as the king did not think himſelf obliged to uſe the ſame ceremony with the commons as they ought to uſe with him, he talked to them in a higher tone, knowing they would not, without neceſſity, be induced to ſpeak more clearly. To their repreſentation therefore he made this reply:

"Mr. ſpeaker, and gentlemen,

"WHEN I ſent you my laſt meſſage, I did not expect a reply, for I intended it to haſten you: I told you at your firſt meeting, this time was not to be ſpent in words, and I am ſure it is leſs fit for diſputes, which if I had a deſire to entertain, Mr. ſpeaker's preamble might have given me ground enough: the queſtion is not now what liberty you have in diſpoſing of matters handled in your houſe, but rather at this time what is fit to be done.

"Wherefore I hope you will follow my example, in eſchewing diſputations, and fall to your important buſineſs. You make a proteſtation of your affection and zeal to my prerogative, grounded upon ſuch good and juſt reaſons, that I muſt believe you: but I look that you uſe me with the like charity, to believe what I have declared more than once, ſince your meeting with us, that I am as forward as you for the neceſſary preſervation of your true liberties. Let us not ſpend ſo much time in this, that may hazard both my prerogative and your liberties to our enemies.

"To be ſhort, go on ſpeedily with your buſineſs, without any more apologies, for time calls faſt on you, which will neither ſtay for you nor me. Wherefore it is my duty to haſten, as knowing the neceſſity of it, and yours to give credit to what I ſay, as to him that ſits at the helm.

"For what concerns your petition, I ſhall make anſwer in a convenient time."

The commons, as I ſaid, meant to reap ſome advantage by the five ſubſidies they were willing to grant the king; and this was a neceſſary condition, which they continually inſinuated, though they avoided uſing that expreſſion[s]. To that end they had prepared a petition to be preſented to the king, in the name of both houſes, to which they deſired the concurrence of the lords. This petition was termed the Petition of Right, becauſe it was pretended not to deſire of the king any grace or favour, but only the maintenance of the liberties of the ſubject. For this reaſon it was to be ſolemnly preſented to the king on his throne by way of bill, and the king was to reply to it in a parliamentary manner. A draught of it had been ſent to the lords for their concurrence[t]. The king was alarmed at it. He was deſirous to avoid receiving ſuch a petition, which too plainly eſtabliſhed the rights of the people, becauſe he ſaw, if he rejected it, he ſhould loſe the five ſubſidies, the bill not being yet paſſed. On the other hand, in granting the contents of the petition, he himſelf tied up his hands for the future, and confeſſed withal, that the acts of authority he had hitherto exerciſed, were contrary to law. Into this ſtreight preciſely it was that the commons meant to draw him by the petition of right. Whereof he omitted nothing in his power to divert the blow. As he had a great influence in the upper houſe, he ſo managed, that the lords, by pretending to agree with the commons upon the ſubſtance of the petition, moved the praying his majeſty to make the following declarations:

"1. That the good old law called Magna Charta, and the ſix ſtatutes, conceived to be declarations and explanations of that law, do ſtill ſtand in force to all intents and purpoſes.

"2. That his majeſty would be pleaſed graciouſly to declare, that according to Magna Charta, and the ſtatutes aforenamed, as alſo according to the moſt ancient cuſtoms and laws of this land, every free ſubject of this realm hath a fundamental propriety in his goods, and a fundamental liberty of his perſon.

"3. That his majeſty would be graciouſly pleaſed to declare, that it is his royal pleaſure to ratify and confirm unto all and every his loyal and faithful ſubjects, all their ancient, ſeveral, juſt liberties, privileges, and rights, in as ample and beneficial manner, to all intents and purpoſes, as their anceſtors did enjoy the ſame under the beſt of his moſt noble progenitors.

"4. That his majeſty would be further pleaſed graciouſly to declare, for the good content of his loyal ſubjects, and for the ſecuring them from future fear, that in all caſes within the cognizances of the common law, concerning the liberties of the ſubject, his majeſty would proceed according to the common law of this land, and according to the laws eſtabliſhed in the kingdom, and in no other manner or wiſe.

"5. As touching his majeſty's royal prerogative, intrinſical to his ſovereignty, and betruſted him withal from God, 'ad communem totius populi ſalutem, & non ad deſtructionem,' That his majeſty would reſolve, not to uſe or divert the ſame, to the prejudice of any his loyal people in the propriety of their goods, or liberty of their perſons: and in caſe for the ſecurity of his majeſty's royal perſon, the common ſafety of his people, or the peaceable government of this kingdom, his majeſty ſhall find juſt cauſe, for reaſon of ſtate, to impriſon or reſtrain any man's perſon, his majeſty would graciouſly declare, that within a convenient time he ſhall and will expreſs the cauſe of the commitment or reſtraint, either general or ſpecial; and upon a cauſe ſo expreſſed, will leave him immediately to be tried according to the common juſtice of the kingdom."

But the commons avoided this ſnare, plainly perceiving it was only an artifice to evade the petition of right, which would become as uſeleſs, after theſe declarations. Indeed, there was a great difference, as we ſhall ſee preſently, between theſe declarations, and what was required in the petition. The declarations were all expreſſed in general terms, which gave the king room to cavil upon the performance of each article, as he had done in the affair of the loans, and the impriſonment of thoſe that refuſed to comply. In thoſe caſes, the king did not pretend to act contrary to theſe laws, but rather thought himſelf authorized by the law; and the judges of the realm had countenanced his pretenſions. But the petition of right was more full and expreſs, and left but little room for cavils. On the other hand, the difference was not leſs between the direct and parliamentary reply demanded by the commons, and the bare and general declarations which were not capable of contenting the people. So, the commons entirely rejected the propoſition of the lords.

The king not ſucceeding in his deſign by means of the upper-houſe, tried to ſatisfy the commons by making them, of his own accord, the ſame offers the lords had ſeemed only to deſire of him. To that purpoſe, having ſent for both houſes to Whitehall, the lord keeper, in his preſence, ſpoke to them in the following manner:

"My lords, and ye the knights, citizens and burgeſſes of the houſe of commons.

"YE cannot but remember the great and important affairs, concerning the ſafety both of ſtate and religion, declared firſt from his majeſty's own mouth, to be the cauſes of the aſſembling of this parliament; the ſenſe whereof, as it doth daily increaſe with his majeſty, ſo it ought to do, and and his majeſty doubts not but it doth ſo with you, ſince the danger increaſeth every day, both by effluxion of time, and preparations of the enemy.

"Yet his majeſty doth well weigh, that this expence of time hath been occaſioned by the debate which hath ariſen in both houſes, touching the liberty of the ſubject; in which, as his majeſty takes in good part the purpoſe and intent of the houſes, ſo clearly and frequently profeſſed, that they would not diminiſh or blemiſh his juſt prerogative; ſo he preſumes that ye will all confeſs it a point of extraordinary grace and juſtice in him, to ſuffer it to reſt ſo long in diſpute without interruption; but now his majeſty, conſidering the length of time which it hath taken, and fearing

[s] From the 21ſt to the 25th of April, in a grand committee, they ſpent moſt of their time in debate about martial law, and about the petition of right. Ruſhworth, tom. I. p. 545.

[t] The king's ſerjeant Aſhley ſaid in his diſcourſe, that "the propoſitions made by the commons tended rather to anarchy than monarchy, and that they muſt allow the king to govern by acts of ſtate." For which the lords committed him, and he recanted. Ruſhworth, tom. I. p. 545. Whitelock, p. 10.

nothing ſo much as any future loſs of that, whereof every hour and minute is ſo precious; and foreſeeing that the ordinary way of debate, though never ſo carefully huſbanded, in regard of the form of both houſes, neceſſarily takes more time than the affairs of Chriſtendom can permit; his majeſty out of great princely care, hath thought of this expedient to ſhorten the buſineſs, by declaring the clearneſs of his own heart and intention: and therefore hath commanded me to let you know, "That he holdeth the ſtatute of Magna Charta, and the other ſix ſtatutes inſiſted upon for the ſubjects liberty, to be all in force, and aſſures you, that he will maintain all his ſubjects in the juſt freedom of their perſons, and ſafety of their eſtares; and that he will govern according to the laws and ſtatutes of this realm; and that ye ſhall find as much ſecurity in his majeſty's royal word and promiſe, as in the ſtrength of any law ye can make; ſo that hereafter ye ſhall never have cauſe to complain." The concluſion is, that his majeſty prayeth God, who hath hitherto bleſſed this kingdom, and put into his heart to come to you this day, to make the ſucceſs thereof happy both to king and people: and therefore he deſires that no doubt or diſtruſt may poſſeſs any man, but that ye will all proceed unanimouſly to the buſineſs."

The commons avoided this ſnare, as the former, and firmly adhered to the petition of right. A few days after ſecretary Coke brings them a freſh meſſage from the king, to know whether the houſe will reſt on his royal word, declared to them by the lord keeper, which if they do, he aſſures them, it ſhall be royally performed.

This meſſage occaſioned great debates [u], becauſe Coke and the reſt of the court-party uſed their utmoſt endeavours, to perſuade the houſe to what the king propoſed, that is, to lay aſide the petition of right, and reſt upon his majeſty's promiſe. Sir Thomas Wentworth concluded the debate, ſaying, "That never houſe of parliament truſted more in the goodneſs of their king, for their own private, than the preſent, but we are ambitious that his majeſty's goodneſs may remain to poſterity, and we are accountable to a public truſt: and therefore ſeeing there hath been a public violation of the laws by his miniſters, nothing will ſatisfy him but a public amends; and our deſires to vindicate the ſubjects right by bill, are no more than are laid down in former laws with ſome modeſt proviſion for inſtruction, performance and execution." This ſo well agreed with the ſenſe of the houſe, that they made it the ſubject of a meſſage to be delivered by the ſpeaker to his majeſty.

Amidſt thoſe deliberations, another meſſage was delivered from his majeſty by ſecretary Coke, to this effect: "That howſoever we proceed in this buſineſs we have in hand, which his majeſty will not doubt, but to be according to our conſtant profeſſion, and ſo as he may have cauſe to give us thanks; yet his reſolution is, that both his royal care, and hearty and tender affection towards all his loving ſubjects, ſhall appear to the whole kingdom, and all the world, that he will govern us according to the laws and cuſtoms of this realm; that he will maintain us in the liberties of our perſons, and properties of our goods, ſo as we may enjoy as much happineſs as our forefathers in their beſt times: and that he will rectify what hath been, or may be found amiſs amongſt us, ſo that hereafter there may be no juſt cauſe to complain. Wherein, as his majeſty will rank himſelf amongſt the beſt of kings, and ſhew he hath no intention to invade or impeach our lawful liberties, or right; ſo he will have us to match ourſelves with the beſt ſubjects, not by incroaching upon that ſovereignty or prerogative, which God hath put into his hands for our good, but by containing ourſelves within the bounds and laws of our forefathers, without reſtraining them, or enlarging them by new explanations, interpretations, expoſitions, or additions in any ſort, which, he telleth us he will not give way unto.

"That the weight of the affairs of the kingdom and Chriſtendom do preſs him more and more, and that the time is now grown to that point of maturity, that it cannot endure long debate or delay; ſo as this ſeſſion of parliament muſt continue no longer than Tueſday come ſevennight at the furtheſt: In which time his majeſty, for his part, will be ready to perform what he promiſed; and if the houſe be not as ready to do that is fit for themſelves, it ſhall be their own faults.

"And upon aſſurance of our good diſpatch and correſpondence, his majeſty declareth, that his royal intention is to have another ſeſſion of parliament at Michaelmas next, for the perfecting of ſuch things as cannot now be done."

All this was not able to divert the commons from their purpoſe of turning the petition of right into an act of parliament. The threat of putting an end to the ſeſſion frightened them not, the king having gone too far to recede. The only point was to know, whether he would grant by bill, what he was willing to grant any other way; and he could not break with the parliament on that account, without forfeiting entirely the love of his people, and loſing the five ſubſidies. So the commons would not miſs this opportunity of firmly eſtabliſhing the rights of the ſubjects. Here follows what the ſpeaker ſaid to the king, in the name of the commons, having firſt thanked him for his gracious aſſurance, that he would govern according to the laws, and told him, that the commons greateſt confidence was in his goodneſs.

"—True it is, they cannot but remember the public truſt, for which they are accountable to preſent and future time; and their deſires are, that your majeſty's goodneſs might, in fruit and memory, be the bleſſing and joy of poſterity.

"They ſay alſo, that of late there hath been public violation of the laws, and the ſubjects liberties, by ſome of your majeſty's miniſters, and thence conceive, that no leſs than a public remedy will raiſe the dejected hearts of your loving ſubjects, to a cheerful ſupply of your majeſty, or make them receive content in the proceedings of this houſe.

"From thoſe conſiderations, they moſt humbly beg your majeſty's leave, to lay hold of that gracious offer of yours, which gave them aſſurance, that if they thought fit to ſecure themſelves in their rights and liberties, by way of bill, or otherwiſe, ſo it might be provided with due reſpect to God's honour, and the public good, you would be graciouſly pleaſed to give way unto it. Far from their intentions it is, any way to incroach upon your ſovereignty or prerogative; nor have they the leaſt thought of ſtretching or enlarging the former laws in any ſort, by any new interpretations or additions; the bounds of their deſires extend no farther, than to ſome neceſſary explanation of that which is truly comprehended within the juſt ſenſe and meaning of thoſe laws, with ſome moderate proviſion for execution and performance, as in times paſt upon like occaſion hath been uſed.

"The way how to accompliſh theſe their humble deſires, is now in ſerious conſideration with them, wherein they humbly aſſure your majeſty, they will neither loſe time, nor ſeek any thing of your majeſty, but that they hope may be fit for dutiful and loyal ſubjects to aſk, and for a gracious and juſt king to grant."

His majeſty's anſwer was delivered by the lord keeper, as follows:

"Mr. ſpeaker, and you gentlemen of the houſe of commons.

"HIS majeſty hath commanded me to tell you, that he expected an anſwer by your actions, and not delay by your diſcourſe: ye acknowledge this truſt and confidence in your proceedings, but his majeſty ſees not how you requite him by your confidence of his word and actions: for what need explanations, if ye doubted not the performance of the true meaning? For explanations will hazard an incroachment upon his prerogative. And it may well be ſaid, what need a new law to confirm an old, if you repoſe confidence in the declaration his majeſty, made by me to both houſes? and yourſelves acknowledge that your greateſt truſt and confidence muſt be in his majeſty's grace and goodneſs, without which nothing ye can frame will be of ſafety, or avail to you: yet, to ſhew clearly the ſincerity of his majeſty's intentions, he is content that a bill be drawn for a confirmation of Magna Charta, and the other ſix ſtatutes, inſiſted upon for the ſubjects liberties, if ye ſhall chuſe that as the beſt way, but ſo as it may be without additions, paraphraſes, or explanations.

"Thus if you pleaſe you may be ſecured from your needleſs fears, and this parliament may have a happy wiſhed for end: whereas by the contrary, if you ſeek to tie your king by new, and indeed impoſſible, bonds, you muſt be accountable to God and the country for the ill ſucceſs of this meeting. His majeſty hath given his royal word, that ye ſhall have no cauſe to complain hereafter; leſs than which hath been enough to reconcile great princes, and therefore ought much more to prevail between a king and his ſubjects.

"Laſtly, I am commanded to tell you, that his majeſty's pleaſure is, that without further replies or meſſages, or other unneceſſary delays, ye do what ye mean to do ſpeedily, remembering the laſt meſſage that ſecretary Coke brought you in point of time; his majeſty always intending to perform his promiſe to his power."

To this anſwer the king preſently after adds the following

[u] During the debates ſome ſaid, that the king's word was to be taken in a parliamentary way. Whitelock, p. 10.

Rapin

meſſage, brought by ſecretary Coke, to preſs the houſe to rely on the king's word, notwithſtanding the intimation of his good pleaſure for a bill. "That he had rather follow others, than begin to enter into this buſineſs; loſs of time hath been the greateſt complaint; the matter fallen now into conſideration, is what way to take, whether to rely on his majeſty's word, or on a bill: If we will conſider the advantage we have in taking his majeſty's word, it will be of the largeſt extent, and we ſhall chuſe that, that hath moſt aſſurance; an act of parliament is by the conſent of the king and parliament; but this aſſurance by word, is, that he will govern us by the laws; the king promiſes that, and alſo, that they ſhall be ſo executed, that we ſhall enjoy as much freedom as ever: this contains many laws, and a grant of all good laws; nay, it contains a confirmation of thoſe very laws, aſſurance, which binds the king further than the law can: firſt it binds his affection, which is the greateſt bond between king and ſubject, and that binds his judgment alſo, nay, his honour, and that not at home, but abroad; the royal word of a king, is the ground of all treaty; nay, it binds his conſcience: this confirmation between both houſes, is in nature of a vow: for my part, I think it is the greateſt advantage to rely on his majeſty's word. He further added, this debate was fitter to be done before the houſe, and not before the committee, and that it was a new courſe to go to a committee of the whole houſe [w]."

This anſwer and meſſage clearly ſhew, how much the king dreaded the petition of right, which was preparing for him. He juſtly ſuppoſed, it would contain not only the ſubſtance of Magna Charta and the ſix ſtatutes, but alſo explanations which would prevent all cavils concerning the true meaning of theſe laws, which was what he would have avoided to approve, for fear of tying up his hands. The great charter and the ſix ſtatutes had long been in force; but that had not prevented his exacting money from his ſubjects by way of loan, and impriſoning ſuch as refuſed to comply. He was ſo far from owning, he had acted contrary to the laws, that he had cauſed his proceedings to be approved by the judges of the realm. In offering therefore to confirm Magna Charta by a bill, he left things in their preſent ſtate, and the people would have reaped no benefit from the new bill. This is what the lord keeper could not forbear intimating, when he ſaid, he did not ſee any occaſion for a new law to confirm an old. But that he would have inſinuated, that the old law was not infringed, and therefore the king was very willing to confirm it, provided there were no additions, explanations, and interpretations. But nothing was more apt to ſhew the commons the neceſſity of theſe explanations, than the king's endeavours to avoid them. His extreme deſire, that his word ſhould be relied on, was a very ſtrong reaſon to ſecure the liberties of the ſubject, by ſomething more binding. It is true indeed, the words of princes are capable of reconciling them to each other, when at variance; but this ſuppoſes a mutual confidence, without which the bare word cannot beget a perfect reconciliation. Now the point was to know, whether the king's word might be ſafely taken, which the commons did not believe, though they durſt not openly declare it. Beſides, their having been told, that the king's promiſe to govern according to law, was a greater ſecurity than the laws themſelves, was a plain indication, that the king did not think it impracticable to evade the law. Hence therefore they drew a freſh argument for binding the king by a more expreſs and poſitive law than thoſe hitherto enacted.

We may further obſerve, that it is very ſurpriſing, the ſecretary, in the concluſion of the meſſage, ſhould teach the commons how this matter ought to be debated in the houſe, inſinuating that to go to a committee of the whole houſe was a new courſe. For the better underſtanding the deſign of this inſinuation, the reader muſt know, that before the houſe a member cannot ſpeak but once upon the ſame point, and having aſſerted his opinion, is not allowed to anſwer or reply. But when the houſe is turned into a committee, there is greater freedom. Every one may argue, anſwer, reply, as he thinks fit. By this means the points in debate are fully cleared, ſo that it is eaſy for each to form his opinion upon the arguments, anſwers, and replies he has heard. It ſeems therefore, by what the ſecretary inſinuated to the commons, the king feared all explanations that might ariſe from this way of debating. But they did not think proper to receive his inſtructions, or alter their uſual method [x]. The houſe therefore was turned into a committee to take into conſideration, all that could be ſaid for or againſt what the king deſired. The general ſenſe of the houſe was expreſſed as follows, by one of the members, with whom the majority agreed:

"Was it ever known (ſaid he) that general words were a ſufficient ſatisfaction to particular grievances? Was ever a verbal declaration of the king, Verbum Regni? When grievances be, the parliament is to redreſs them. Did ever parliament rely on meſſages? They put up petitions of their grievances, and the king never anſwered them: the king's anſwer is very gracious; but what is the law of the realm? that is the queſtion. I put no diffidence in his majeſty; the king muſt ſpeak by a record, and in particulars, and not in general. Did you ever know the king's meſſage come into a bill of ſubſidies? All ſucceeding kings will ſay, ye muſt truſt me as well as ye did my predeceſſors, and truſt my meſſages; but meſſages of love never came into parliament. Let us put up a petition of right: not that I diſtruſt the king, but that I cannot take his truſt, but in a parliamentary way."

As the commons had reſolved, that ſupply and grievances ſhould go hand in hand, the petition of right was no ſooner ready, but they made a farther progreſs in the affair of the ſubſidies, ordering that the two firſt ſhould be paid the 10th of July, one more the 12th of October, another the 20th of December, and the laſt the 1ſt of March. This was done to take from the king all pretence of complaining, that the affair of ſupply was neglected; but this did not ſatisfy him. He wiſhed the ſubſidy bill to be drawn and paſſed, before the petition of right was preſented to him, which the commons were fully reſolved not to do, being perſuaded that as ſoon as the ſubſidy bill ſhould be paſſed, the parliament would be prorogued or diſſolved. So that ſame day, they ſent the petition of right to the lords for their concurrence [y]. But, before it was obtained, the commons ſaw themſelves obliged to ſuſtain two freſh attacks, one from the king, the other from the houſe of lords, where the court party was very ſtrong.

The lords being employed in examining the petition of right, deſired a conference with the commons, where the lord keeper ſaid, he had propoſed to the houſe ſome alterations in the petition, to render it leſs harſh, and more agreeable to his majeſty, to the end, what was deſired might be the more readily obtained: that whilſt the lords were debating upon the commitments, they received a letter from his majeſty, which they deſired to communicate to the commons; and it was read to them accordingly.

To the right truſty and right well-beloved, the lords ſpiritual and temporal, of the higher houſe of parliament.

"Carolus Rex.

"WE being deſirous of nothing more than the advancement of the peace and proſperity of our people, have given leave to free debate upon the higheſt points of our prerogative-royal, which in the time of our predeceſſors, kings and queens of this realm, were ever reſtrained as matters that they would not have diſcuſſed; and in other things we have been willing ſo far to deſcend to the deſires of our good ſubjects, as might fully ſatisfy all moderate minds, and free them from all juſt fears and jealouſies, which thoſe meſſages we have hitherto ſent into the commons houſe, will well demonſtrate unto the world; yet we find it ſtill inſiſted upon, that in no caſe whatſoever, ſhould it never ſo nearly concern matters of ſtate government, we, or our privy-council, have no power to commit any man without the cauſe ſhewed; whereas it often happens, that ſhould the cauſe be ſhewed, the ſervice itſelf would thereby be deſtroyed and defeated, and the cauſe alleged muſt be ſuch as may be determined by our judges of our courts of Weſtminſter, in a legal and ordinary way of juſtice; whereas the cauſes may be ſuch, as thoſe judges have not capacity of judicature, nor rules of law to direct and guide their judgment in caſes of that tranſcendent nature; which happening ſo often, the very incroaching on that conſtant rule of government, for ſo many ages within this kingdom practiſed, would ſoon diſſolve the very foundation and frame of our monarchy. Wherefore as to our commons, we made fair propoſitions, which might equally preſerve the juſt liberty of the ſubject: ſo, my lords, we have thought good to let you know, that without the overthrow of ſovereignty, we cannot ſuffer this power to be impeached; notwithſtanding, to clear our conſcience and juſt

[w] Rapin has confounded this anſwer and meſſage, as if delivered at the ſame time by the lord keeper. See Ruſhworth, tom. I. p. 557.

[x] Sir John Elliot replied to the king's meſſage, that the proceeding in a committee, is more honourable and advantageous to the king and the houſe, for that way leads moſt to truth, and it is a more open way, and where every man may add his reaſon, and make anſwer upon the hearing of other men's reaſons and arguments. Ibid.

[y] It was carried up by ſir Edward Coke, ſir Dudley Diggs, and Mr. Littleton. Six weeks were ſpent in hearing the king's counſel againſt the petition, and the commons defence of it. The managers for the petition were, ſir Edward Coke, Mr. Selden, ſir Dudley Diggs, ſerjeant Glanvile, ſir Henry Martin, and Mr. Maſon. Coke, p. 207. Edit. 1697.

By

intentions, this we publiſh, that it is not in our heart, nor will we ever extend our royal power, lent unto us from God, beyond the juſt rule of moderation, in any thing which ſhall be contrary to our laws and cuſtoms, wherein the ſafety of our people ſhall be our only aim. And we do hereby declare our royal pleaſure and reſolution to be, which God willing, we ſhall ever conſtantly continue and maintain, that neither we nor our privy council ſhall, or will, at any time hereafter, commit, or command to priſon, or otherwiſe reſtrain the perſon of any, for not lending money to us, nor for any juſt cauſe, which in our conſcience doth not concern the public good and ſafety of us and our people, we will not be drawn to pretend any cauſe, wherein our judgment and conſcience is not ſatisfied with; baſe thoughts, we hope, no man can imagine will fall into our royal breaſt; and that in all caſes of this nature, which ſhall hereafter happen, we ſhall, upon the humble petition of the party, or addreſs of our judges unto us, readily and really expreſs the true cauſe of their commitment or reſtraint, ſo ſoon as with conveniency and ſafety the ſame is fit to be diſcloſed and expreſſed; and that in all cauſes criminal, of ordinary juriſdiction, our judges ſhall proceed to the deliverance or ballment of the priſoner, according to the known and ordinary rules of the laws of this land, and according to the ſtatutes of Magna Charta, and thoſe other ſix ſtatutes inſiſted upon, which we do take knowledge, ſtand in full force, and which we intend not to abrogate and weaken againſt the true intention thereof. This we have thought fit to ſignify, the rather to ſhorten any long debate upon this great queſtion, the ſeaſon of the year being ſo far advanced, and our great occaſions of ſtate, not lending any more days for longer continuance of this ſeſſion of parliament."

Given under our ſignet, at our palace at Weſtminſter, 20 Maii, the fourth year of our reign.

The commons took no notice of this letter, or rather, diſſembled their vexation at the king's artifices, who by obſcure and doubtful expreſſions, and by ſundry reſtrictions, was preparing means to evade his promiſes, at the very time he would have them to be received as ſolemn, authentic, and ſatisfactory. This may be plainly ſeen, if the terms of the letter be carefully conſidered, as well as the king's intent in writing it: which was to evade the petition of right, and be left at liberty to uſe his prorogative as he had hitherto done.

The ſecond attack the commons had to ſuſtain, came from the lords. They moved, at a conference, the adding to the petition of right, a clauſe which would have rendered it uſeleſs, at leaſt, according to the court's intention, by whom, very probably, the houſe of lords was directed. The additional clauſe was as follows:

"We preſent this our humble petition to your majeſty, with care not only of preſerving our own liberties, but with due regard to leave entire that ſovereign power wherewith your majeſty is truſted for the protection, ſafety, and happineſs of the people."

This addition was examined and debated with great exactneſs in the houſe of commons[z]; and the general opinion was, that it ought to be rejected, chiefly for three reaſons. The firſt, becauſe of the ambiguity of the words Sovereign Power, which the parliamets had never uſed in ſpeaking of the king's prerogatives. The ſecond, becauſe this addition was in the nature of a ſaving of the king's ſovereignty, which rendered the petition of no force. It was alleged, that in the reign of Edward I. the parliament having preſented the like petition to the king, he would have added theſe words, "ſaving the king's right and ſovereignty;" but the parliament would not conſent to it, becauſe ſuch ſavings render uſeleſs whatever they are annexed to. It was ſaid likewiſe, that for the ſame reaſon the kings would never ſuffer the clergy to inſert in any of their acts, "ſaving the honour of God and the church." The third reaſon was, that if this addition was general, and had no reference to the petition, there was no need of admitting it. But if, on the contrary, it did refer to the petition, it evidently rendered the petition of no effect.

The clauſe being thus rejected by the commons, the lords durſt not throw out the petition[a], on account of that addition, which, in truth, was not abſolutely neceſſary. So, being ſatisfied with giving the king this teſtimony of their affection for his ſervice, they inſiſted no longer upon the additional clauſe. Then the two houſes reſolved to preſent the petition to the king, and to pray his majeſty to give his anſwer in full parliament, that it might be enrolled, and ſerve hereafter for rule to the courts of juſtice as an act of parliament. The 2d of June the king came to the parliament to give the royal aſſent to the petition of right, and ſpoke thus to both houſes:

"Gentlemen,

"I am come hither to perform my duty. I think no man can think it long, ſince I have not taken ſo many days in anſwering the petition, as ye ſpent weeks in framing it: and I am come hither to ſhew you, that as well in formal things as in eſſential, I deſire to give you as much content as in me lies."

The lord keeper added ſomething farther; but, as there is nothing material in his ſpeech, I do not think it neceſſary to inſert it. After he had done ſpeaking, the petition was read aloud, being expreſſed in theſe words[b]:

To the king's moſt excellent majeſty.

"HUMBLY ſhew unto our ſovereign lord the king, the lords ſpiritual and temporal, and commons, in parliament aſſembled, that, whereas it is declared and enacted by a ſtatute, made in the time of the raigne of king Edward the firſt, commonly called Statutum de Tallagio non concedendo, that no tallage or aide ſhould be laid or levied, by the king or his heirs, in this realm, without the good-will and aſſent of the archbiſhopps, biſhopps, earles, barons, knights, burgeſſes, and other the freemen of the cominalty of this realme: and by authority of parliament houlden in the five and twentieth yere of the raigne of king Edward the third, it is declared and enacted, that from thenceforth noe perſon ſhall be compelled to make any loanes to the king againſt his will, becauſe ſuch loanes were againſt reaſon, and the franchiſe of the land; and by other lawes of this realm it is provided, that none ſhall be charged by any charge or impoſition, called a benevolence, nor by ſuch like charge, by which the ſtatuts before mentioned, and other good laws and ſtatuts of this realme, your ſubjects have inherited this freedom, that they ſhould not be compelled to contribute to any tax, tallage, aide, or other like charge, nor ſett by common conſent in parliament.

"Yet nevertheleſs of late divers commiſſions, directed to ſundrie commiſſioners in ſeveral counties, with inſtructions, have been iſſued, by means whereof your people have bene in divers places aſſembled, and required to lend certain ſummes of money unto your majeſtie, and many of them upon their refuſal ſoe to doe, have had an oath adminiſtered unto them, not warrantable by the lawes and ſtatuts of this realme, and have been conſtrained to become bound to make appearance, and give attendance before your privie-councell, and in other places, and others of them have bene therefore impriſoned, confined, and ſundrie other wayes moleſted and diſquieted: and divers other charges have been laide and leavied upon your people in ſeverall counties, by lord-lieutenants, deputie-lieutenants, commiſſioners for muſters, juſtices of peace, and others, by commaunde or direction from your majeſtie, or your privy-councell, againſt the laws and free cuſtomes of the realme.

"And where alſoe by the ſtatute called, The Greate Charter of the Liberties of England, it is declared and enacted, That no freeman may be taken or impriſoned, or be diſſeized of his freehold or liberties, or his free cuſtomes, or be outlawed or exiled, or in any manner deſtroyed, but by the lawfull judgment of his peeres, or by the lawe of the land.

"And in the eight and twentieth yere of the reigne of king Edward the Third, it was declared and enacted by authoritie of parliament, that no man of what eſtate or condition that he be, ſhould be put out of his lands or tenements, nor taken, nor impriſoned, nor diſherited, nor putt to death without being brought to anſwer by due proceſs of law.

"Nevertheleſs againſt the tenor of the ſaid ſtatuts, and other the good lawes and ſtatuts of your realme, to that end provided, divers of your ſubjects have of late beene impriſoned, without any juſt cauſe ſhewed; and when for their deliverance they were brought before your juſtices, by your majeſty's writs of Habeas Corpus, there to undergo and receive as the court ſhould order, and their keepers commanded to certify the cauſes of their detayner; noe cauſe was certified, but that they were detained by your majeſtie's ſpecial commaund, ſignified by the lords of your privie-council, and yet were returned back to ſeveral priſons without

[z] By Mr. Aiſford, Mr. Pimm, Mr. Hackwell, ſir Edward Coke, ſir Thomas Wentworth, Mr. Noy, Mr. Selden, Mr. Maſon, Mr. Glanvile, and ſir Henry Martin. See Ruſhworth, tom. I. p. 562.

[a] In a committee of the whole houſe, the lord Say moved, that thoſe lords who ſtood for the liberties of the nation, might make their proteſtation, to remain upon record; and that the oppoſite party ſhould, with their names, enter their reaſons, to remain upon record; that poſterity might not be to ſeek, who they were that ſo ignobly betrayed the freedom of our nation. This ſtruck ſuch a damp upon the other party, that not one of them oppoſed it. Coke, p. 252.

[b] This petition was drawn up by ſir Edward Coke. Ibid. p. 297. Edit. 1697.

being

being charged with any thinge to which they might anſweare according to law.

" And whereas of late greate companies of ſouldiers and marriners have been diſperſed into divers counties of the realme, and the inhabitants againſt their wills have beene compelled to receive them into their houſes, and there to ſuffer them to ſojorne, againſt the lawes and cuſtomes of this realme, and to the great grievance and vexation of the people.

" And whereas alſoe by authority of parliament in the 25th yere of the raigne of king Edward III. it is declared and enacted, that noe man ſhould be fore-judged of life or lymbe, againſt the forme of the great charter, and other the lawes and ſtatuts of this your realme, no man ought to be adjudged to death, but by the lawes eſtabliſhed in this your realme, either by the cuſtomes of the ſame realme, or by acts of parliament: and whereas noe offender of what kind ſoever, is exempted from the proceedings to be uſed, and puniſhments to be inflicted by the lawes and ſtatuts of this your realme; nevertheleſs of late time, divers commiſſions under your majeſtie's great-ſeale have iſſued forth, by which certaine perſons have been aſſigned and appointed commiſſioners, with power and authoritie to proceed within the land, according to the juſtice of martiall lawe againſt ſuch ſouldiers, and marriners, or other diſſolute perſons joyninge with them, as ſhould commit any murder, robbery, felonie, mutiny, or other outrage or miſdemeanor whatſoever; and by ſuch ſummarie courſe and order as is agreeable to martiall lawe, and as is uſed in armies in tyme of war, to proceed to the tryal and condemnation of ſuch offenders, and them to cauſe to be executed and putt to death according to the lawe-martiall.

" By pretext whereof, ſome of your majeſtie's ſubjects have bene by ſome of the ſaid commiſſioners putt to death, when and where, if by the lawes and ſtatuts of the land they had deſerved death, by the ſame lawes and ſtatuts alſoe they might, and by none other ought, to have been judged and executed.

" And alſo ſundrie grievous offendors by colour thereof, clayming an exemption, have eſcaped the puniſhments due to them by the lawes and ſtatuts of this your realme, by reaſon that divers of your officers and miniſters of juſtice have unjuſtly refuſed, or forborne to proceed againſt ſuch offenders according to the ſame lawes and ſtatuts, upon pretence that the ſaid offenders were puniſhable only by martiall lawe, and by authority of ſuch commiſſions as aforeſaid; which commiſſions, and all others of like nature, are wholly and directlie contrary to the ſaid lawes and ſtatuts of this your realm.

" They doe therefore humbly pray your moſt excellent majeſtie, that no man hereafter be compelled to make or yeilde any guifte, loane, benevolence, tax, or ſuch like charge, without common conſent by act of parliament; and that none be called to make anſweare, or take ſuch oath, or to give attendance, or be confyned, or otherwiſe moleſted or diſquieted concerning the ſame, or for refuſall thereof; and that no freeman, in any ſuch manner as is before mentioned, be impriſoned or detayned: and that your majeſtie would be pleaſed to remove the ſaid ſouldiers and marriners, and that your people may not be ſo burthened in the tyme to come: and that the aforeſaid commiſſions for proceedinge by martiall lawe, may be revoaked and annulled; and that hereafter, noe commiſſions of like nature may iſſue forth to any perſon or perſons whatſoever, to be executed as aforeſaid, leaſt by colour of them, any of your majeſtie's ſubjects be deſtroyed or putt to death, contrary to the lawes and franchiſe of the land.

" All which they moſt humbly pray of your moſt excellent majeſtie, as their rights, and liberties, accordinge to the lawes and ſtatuts of this realme: and that your majeſtie would alſo vouchſafe to declare, that the awardes, doeings, and proceedings to the prejudice of your people in any of the premiſſes, ſhall not be drawne hereafter into conſequence or example: and that your majeſty would be alſo graciouſly pleaſed, for the further comfort and ſafetie of your people, to declare your royal will and pleaſure, that in the things aforeſaid, all your officers and miniſters ſhall ſerve you, according to the lawes and ſtatuts of this realme, as they tender the honour of your majeſtie and the proſperity of this kingdom."

The king, as hath been ſeen, had uſed all poſſible endeavours to hinder this petition from being preſented, and to ſatisfy the commons with general promiſes, which properly bound him to nothing, and did not deſtroy his ſyſtem of government; ſo, though he feigned to come to the parliament on purpoſe to paſs the petition of right, and give a ſatisfactory anſwer, he purſued however his plan, and ſhewed by his anſwer how much he dreaded to promiſe. Here follows his anſwer, wherein may be eaſily perceived the ſame general promiſes, and the ſame reſtrictions as in what he had offered already:

The king's anſwer to the petition of rights.

" THE king willeth, that right be done according to the laws and cuſtoms of the realm; and that the ſtatutes be put in due execution, that his ſubjects may have no cauſe to complain of any wrong or oppreſſions, contrary to their juſt rights and liberties, to the preſervation whereof he holds himſelf in conſcience as well obliged, as of his prerogative."

It would be needleſs to make any remarks on this anſwer, ſince the king's intention appears ſo very plainly: it ſuffices only to obſerve, the king had endeavoured to content the parliament with general promiſes, and the commons not thinking that ſufficient, had inſiſted upon the petition of right, where ſeveral particular caſes were ſpecified. Now the king, inſtead of giving the parliament the ſatisfaction they deſired, kept in his anſwer to his general promiſes, without touching upon any of the particular caſes ſpecified in the petition.

The commons not being ſatisfied with the king's anſwer, made no haſte to finiſh the affair of ſupply: on the contrary, they deſired a conference with the lords, where the point of commitments was thoroughly diſcuſſed [c]. The point in queſtion was, the power aſſumed by the king to impriſon the ſubjects without declaring the cauſe, which the king had not leſſened by his anſwer, though it was one of the chief motives of the petition of right: wherefore the commons, willing to ſhew the king their diſſatisfaction, inſtead of proceeding with the ſubſidy bill, returned to the conſideration of grievances. On this occaſion, and at the inſtance of the commons, the lords paſſed upon Dr. Manwaring the ſentence I have mentioned in another place.

The king ſeeing the commons otherways employed than in the buſineſs of ſubſidies, ſent them the following meſſage by their own ſpeaker:

" That his majeſty having, upon the petition exhibited by both houſes, given an anſwer full of juſtice and grace, for which we and our poſterity have juſt cauſe to bleſs his majeſty, it is now time to grow to a concluſion of the ſeſſion; and therefore his majeſty thinks fit to let you know, that as he doth reſolve to abide by that anſwer, without further change or alteration, ſo he will royally and really perform unto you what he hath thereby promiſed: and further, that he reſolves to end this ſeſſion upon Wedneſday the 11th of this month; and therefore wiſheth that the houſe will ſeriouſly attend thoſe buſineſſes which may beſt bring the ſeſſion to a happy concluſion, without entertaining new matters, and ſo huſband the time, that his majeſty may with the more comfort bring us ſpeedily together again: at which time, if there be any further grievances not contained or expreſſed in the petition, they may be more maturely conſidered, than the time will now permit."

This meſſage made the commons believe [d] the duke of Buckingham had done them ill offices with the king. This was mentioned in the houſe, and ſir John Elliot ſtanding up, and beginning to ſpeak in ſuch a manner that it was thought he was going to attack the favourite and miniſtry, the ſpeaker ſtarted from the chair and ſaid, " There is a command laid upon me, that I muſt command you not to proceed." Whereupon Elliot ſat down. But others more bold, propoſed to go and ſhew their dangers to the lords, and then carry their complaints together to the king. Some of the court-party ſaying that the ſpeech lately ſpoken by ſir John Elliot [e] had given offence to his majeſty, the houſe declared, " That every member is free from any undutiful ſpeech, from the beginning of the parliament to that day; and ordered, that the houſe be turned into a committee, to conſider what is fit to be done for the ſafety of the kingdom; and that no man go out upon pain of going to the Tower." But the ſpeaker deſiring leave to go out, obtained it, and im-

[c] The king's anſwer being read in the houſe of commons, and ſeeming too ſcanty, ſir John Elliot roſe up, and in a long ſpeech ſet forth a full and lively repreſentation of all grievances; which done, ſir Edward Coke moved, that an humble remonſtrance be preſented to his majeſty, touching the dangers and means of ſafety of king and kingdom. Whereupon they turned themſelves into a grand committee, and the committee for the bill of ſubſidies was ordered to expedite the ſaid remonſtrance. Mean while comes the meſſage from the king by the ſpeaker, and after reading the meſſage, the houſe proceeded with a declaration againſt Manwaring, which was the ſame day preſented to the lords, at a conference managed by Mr. Pym, betwixt the committees of both houſes. After Manwaring's ſentence, the king ſent another meſſage of the ſame import by the ſpeaker. Ruſhworth, tom. I. p. 595, 605.

[d] It was not this meſſage, but another, ſent June 5, wherein the king required the commons " not to enter into, or proceed with any new buſineſs, which might ſpend greater time, or lay any ſcandal or aſperſion upon the ſtate, government, or miniſters thereof." Ibid. p. 605.

[e] The ſpeech (after the reading of the king's anſwer to the petition) concerning grievances, mentioned in the note above.

mediately informed the king of what was paſſing in the houſe. In his abſence it was debated, and going to be voted by a majority, to make a remonſtrance to the king, wherein it ſhould be ſaid that the duke of Buckingham was the chief cauſe of all the miſeries of the kingdom. But before the debate was ended, the ſpeaker returned with a meſſage from the king, commanding the houſe to adjourn till the next day, and all committees to ceaſe in the mean time. The lords received the ſame order. On the morrow the ſpeaker brings the following meſſage from the king:

"Whereas his majeſty underſtanding, that ye did conceive his laſt meſſage to reſtrain you in your juſt privileges, to complain of any of his miniſters; theſe are to declare his intentions, that he had no meaning of barring you from what hath been your right, but only to avoid all ſcandals on his council and actions paſt, and that his miniſters might not be, nor himſelf, under their names, taxed for their counſel unto his majeſty, and that no ſuch particulars ſhould be taken in hand, as would aſk a longer time of conſideration than what he hath prefixed, and ſtill reſolves to hold, that ſo for this time all chriſtendom might take notice of a ſweet parting between him and his people; which if it fall out, his majeſty will not be long from another meeting, when ſuch (if there be any) at their leiſure and convenience may be conſidered."

It may have been hitherto obſerved, in king Charles's whole conduct, that he was ſo firm in his principles concerning government, that he could not reſolve to recede from any thing; or if he ſeemed to make any conceſſion, he immediately rendered it uſeleſs by ſome reſtriction. This may be ſeen in his anſwer to the petition of right, but ſtill more particularly in this laſt meſſage to the commons: he would not (as he ſaid) bar them from the privilege to complain of his miniſters, but would not have them caſt any blame on their counſels: that is, properly ſpeaking, he would not have them attacked; or, at moſt, would only ſuffer them to be proſecuted for private offences which they might be guilty of, like all the reſt of the ſubjects, but not for ſtate affairs as miniſters and counſellors. The commons not being more ſatisfied with this meſſage than the former, the houſe was again turned into a committee, and conſidered of ſome more heads to be inſerted in the remonſtrance, particularly the king's deſign to bring into the nation foreign forces. This complaint was grounded upon a diſcovery the houſe had made of a privy ſeal, expreſſed in theſe words [f]:

"Charles, by the grace of God, &c.
"To the treaſurer and under treaſurer for our exchequer for the time being, greeting:
"WE do hereby will and command you, out of our treaſury, remaining in the receipt of our ſaid exchequer, forthwith to pay, or cauſe to be paid, unto Philip Burlemack of London, merchant, the ſum of thirty thouſand pounds, to be paid by him over by bill of exchange into the Low-Countries and Germany, unto our truſty and well-beloved ſir William Balfour, knight, and John Dolbier, eſq; or either of them, for levying and providing certain numbers of horſes, with arms for horſe and foot, to be brought over into this kingdom for our ſervice, viz." &c.

At the ſame time the commons ſent a meſſage to the lords, to deſire their concurrence in an humble petition to the king, that a clear and ſatisfactory anſwer be given by his majeſty in full parliament to the petition of right; to which the lords conſented. The king knew then it was not poſſible for him to avoid giving ſuch an anſwer as the parliament deſired, and therefore reſolved at laſt to do it with a good grace, otherwiſe he ſaw plainly the affair of ſupply would be for ever delayed; ſo coming to the parliament the 7th of June, both houſes preſented the following petition to him:

"MAY it pleaſe your moſt excellent majeſty, the lords ſpiritual and temporal, and commons in parliament aſſembled, taking in conſideration, that the good intelligence between your majeſty and your people doth much depend upon your majeſty's anſwer upon their petition of right formerly preſented; with unanimous conſent do now become moſt humble ſuitors unto your majeſty, that you would be pleaſed to give a clear and ſatisfactory anſwer thereunto in full parliament."

To which the king replied: "The anſwer I have already given you, was made with ſo good deliberation, and approved by the judgments of ſo many wiſe men, that I could not have imagined but it ſhould have given you full ſatisfaction: but to avoid all ambiguous interprepations, and to ſhew you there is no doubleneſs in my meaning, I am willing to pleaſure you as well in words as in ſubſtance: read your petition, and you ſhall have anſwer that I am ſure will pleaſe you."

Here the petition was read, and this anſwer was returned, "Soit droit fait comme il eſt deſiré. C.R." [g].

Then ſaid his majeſty, "This I am ſure is full, yet no more than I granted you in my firſt anſwer; for the meaning of that was to confirm your liberties, knowing, according to your own proteſtations, that you neither mean nor can hurt my prerogative. And I aſſure you my maxim is, that the people's liberties ſtrengthen the king's prerogative, and the king's prerogative is to defend the people's liberties.

"You ſee how ready I have ſhewed myſelf to ſatisfy your demands, ſo that I have done my part; wherefore if this parliament have not a happy concluſion, the ſin is yours, I am free from it."

The commons being ſatisfied upon this point, began ſeriouſly to proceed with the bill of ſubſidies, but in ſuch a manner however, that they made the conſideration of grievances go hand in hand with it [h], knowing, as ſoon as the money bill was paſſed, the king would put an end to the ſeſſion: they began therefore with examining a commiſſion, whereby the king had authorized and required a certain number of lords and gentlemen to conſider of the beſt and ſpeedieſt means for raiſing money upon the people by way of impoſition or otherwiſe [i]. This commiſſion had been granted after the ſummons to the parliament, but before the meeting. Probably the king fearing he ſhould be obliged to diſſolve this parliament for the ſame reaſons he had diſſolved the former, was willing to be ſecured beforehand of means to raiſe money in caſe the parliament refuſed to grant a ſupply. Be this as it will, the commons, after a conference with the lords, voted that the commiſſion ſhould be inſerted in the remonſtrance they were to preſent to the king.

Then they entered upon the examination of Buckingham's conduct, an examination by no means favourable to the duke. He was charged with being the cauſe of all the evils to the kingdom, of the loſſes at ſea, of the decay of trade, of the diſaſters of the armies, and of countenancing Arminianiſm and popery. Upon this article it was obſerved, that the duke's mother was a papiſt, and had a great influence over her ſon, who had himſelf an abſolute ſway over the king: and that Dr. Montague, who was reckoned a zealous Arminian, made his court to him with great diligence. In ſhort, the houſe came to this reſolution, "that the exceſſive power of the duke of Buckingham is the cauſe of the evils and dangers to the king and kingdom, and that this be added to the remonſtrance:" and a few days after voted, "that Dr. Neile biſhop of Wincheſter, and Dr. Laud biſhop of Bath and Wells, be named to be thoſe about the king, who are ſuſpected to be Arminians." As this remonſtrance clearly and diſtinctly diſcovers the occaſions of the commons complaints againſt the government, I think it neceſſary to inſert it.

"Moſt dread ſovereign,
"AS with humble thankfulneſs, we your dutiful commons now aſſembled in parliament, do acknowledge the great comfort which we have in your majeſty's pious and gracious diſpoſition, ſo we think it a meet and moſt neceſſary duty, being called by your majeſty, to conſult and adviſe of the great and urgent affairs of this church and commonwealth, finding them at this time in apparent danger of ruin and deſtruction, faithfully and dutifully to inform your majeſty thereof, and with bleeding hearts and bended knees, to crave your ſpeedy redreſs therein, as to your own wiſdom (unto which we moſt humbly ſubmit ourſelves and our deſires) ſhall ſeem moſt meet and convenient. What the mul-

[f] Burlemack was called into the houſe, and confeſſed he received thirty thouſand pounds by privy ſeal for the buying of horſes; that one thouſand of them were levied; that thoſe horſes and their riders were to come over, and arms provided for them in Holland; but that he heard a countermand was gone to ſtay them. Ruſhworth, tom. I. p. 612.

[g] This (ſays Whitelock) ſatisfied the commons and all good men, and is the ſame in the printed act, and ſo that excellent law paſſed, p. 10.

[h] The houſe ordered that the committees for religion, trade, grievances, and courts of juſtice, ſhould ſit no longer; and that only the grievances of moſt moment ſhould be taken into conſideration. Ruſh. tom. I. p. 613.

[i] The commons ſending for this commiſſion to the lord keeper, he returned anſwer, he received a warrant at the council table for the ſealing thereof; and when it was ſealed he carried it back to the council table: however, it was ſent and read. It was dated the laſt day of February, and directed to all the court lords and biſhops, and ſuch gentlemen as were thought well affected to the miniſtry. The reader may ſee it in Ruſhworth, tom. I. p. 614.---It was ſuppoſed that the ſending for foreign troops from Germany, as mentioned above, was in order to ſupport this commiſſion, in caſe of reſiſtance. Ibid. tom. I. p. 474.

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titude and potency of your majeſty's enemies are abroad; what be their malicious and ambitious ends; and how vigilant and conſtantly induſtrious they are in purſuing the ſame, is well known to your majeſty; together with the dangers thereby threatened to your ſacred perſon and your kingdoms, and the calamities which have already fallen and do daily increaſe upon your friends and allies, of which we are well aſſured your majeſty is moſt ſenſible, and will accordingly, in your great wiſdom, and with the graveſt and moſt mature council, according to the exigency of the times and occaſions, provide to prevent and help the ſame.

"To which end we moſt humbly intreat your majeſty, firſt, and eſpecially, to caſt your eyes upon the miſerable condition of this your own kingdom, of late ſo ſtrangely weakened and dejected, that unleſs, through your majeſty's moſt gracious wiſdom, goodneſs, and juſtice, it be ſpeedily raiſed to a better condition, it is in no little danger to become a ſudden prey to the enemies thereof; and of the moſt happy and flouriſhing, to be the moſt miſerable and contemptible nation in the world. In the diſcoveries of which dangers, miſchiefs, and inconveniencies lying upon us, we do freely proteſt that it is far from our thoughts to lay the leaſt aſperſion upon your ſacred perſon, or the leaſt ſcandal upon your government; for we do in all ſincerity of our hearts, not only for ourſelves, but in the name of all the commons of the realm (whom we repreſent) aſcribe as much duty, as a moſt loyal and affectionate people can do unto the beſt king (for ſo ye are, and ſo have been pleaſed abundantly to expreſs yourſelf this preſent parliament, by your majeſty's clear and ſatisfactory anſwer to our petition of right: for which both ourſelves and our poſterity ſhall bleſs God for you, and ever preſerve a thankful memory for your great goodneſs and juſtice therein); and we do verily believe, that all, or moſt of theſe things, which we ſhall now preſent unto your majeſty, are either unknown unto you, or elſe by ſome of your majeſty's miniſters offered under ſuch ſpecious pretences, as may hide their own ill intentions, and ill conſequences of them, from your majeſty: but we aſſure ourſelves, according to the good example of your majeſty's predeceſſors, nothing can make your majeſty (being a wiſe and judicious prince, and above all things deſirous of the welfare of your people) more in love with parliaments than this, which is one of the principal ends of calling them, that therein your majeſty may be truly informed of the ſtate of all the ſeveral parts of your kingdom, and how your officers and miniſters do behave themſelves in the truſt repoſed in them by your majeſty, which is ſcarce able to be made known unto you but in parliament, as was declared by your bleſſed father, when he was pleaſed to put the commons in parliament aſſembled, in mind, That it would be the greateſt unfaithfulneſs and breach of duty to his majeſty, and of the truſt committed to them by the country, that could be, if in ſetting forth the grievances of the people, and the condition of all the parts of this kingdom from whence they come, they did not deal clearly with him, without ſparing any, how near and dear ſoever they were unto him, if they were hurtful or dangerous to the commonwealth.

"In confidence therefore of your majeſty's gracious acceptation in a matter of ſo high importance, and in faithful diſcharge of our duties, we do firſt of all moſt humbly beſeech your majeſty to take notice, that howſoever we know your majeſty doth with your ſoul abhor that any ſuch thing ſhould be imagined or attempted; yet there is a general fear conceived in your people, of ſecret working and combination, to introduce into their kingdom innovation and change of our holy religion, more precious unto us than our lives, and whatever this world can afford. And our fears and jealouſies herein are not merely conjectural, but ariſing out of ſuch certain and viſible effects as may demonſtrate a true and real cauſe; for notwithſtanding the many good and wholeſome laws, and the proviſions made to prevent the increaſe of popery within this kingdom; and notwithſtanding your majeſty's moſt gracious and ſatisfactory anſwer to the petition of both houſes in that behalf, preſented to your majeſty at Oxford, we find there hath followed no good execution or effect, but on the contrary, (at which your majeſty, out of the quick ſenſe of your own religious heart, cannot but be in the higheſt meaſure diſpleaſed) thoſe of that religion do find extraordinary favours and reſpect in court from perſons of great quality and power, whom they continually reſort unto, and in particular to the counteſs of Buckingham, who herſelf openly profeſſing that religion, is a known favourer and ſupporter of them that do the ſame; which we well hoped, upon your majeſty's anſwer to the aforeſaid petition at Oxford, ſhould not have been permitted, nor that any of your majeſty's ſubjects of that religion juſtly to be ſuſpected, ſhould be entertained in the ſervice of your majeſty, or your royal conſort the queen. Some likewiſe of that religion have had honours, offices, and places of command and authority lately conferred upon them. But that which ſtriketh the greateſt terror into the hearts of your loyal ſubjects concerning this, is, that letters of ſtay of legal proceedings againſt them have been procured from your majeſty (by what indirect means we know not): and commiſſions under the great ſeal, granted and executed for compoſition to be made with popiſh recuſants, with inhibitions, and reſtraint, both to the eccleſiaſtical and temporal courts, and officers to intermeddle with them; which is conceived to amount to no leſs than a toleration, odious to God, full of diſhonour, and extreme diſprofit to your majeſty, of extreme ſcandal and grief to your good people, and of apparent danger to the preſent ſtate of your majeſty, and of this kingdom; their numbers, power, and inſolency, daily increaſing in all parts of your kingdom, and eſpecially about London, and the ſuburbs thereof, where exceeding many families do make their abode publicly, frequent maſs at Denmark-houſe, and other places; and by their often meetings and conferences, have opportunities of combining their counſels and ſtrength together, and to the hazard of your majeſty's ſafety and the ſtate, and moſt eſpecially in theſe doubtful and calamitous times. And as our fear concerning change or ſubverſion of religion, is grounded upon the daily increaſe of papiſts, the open and profeſſed enemies thereof, for the reaſons formerly mentioned; ſo are the hearts of your good ſubjects no leſs perplexed, when with ſorrow they behold a daily growth and ſpreading of the faction of the Arminians, that being, as your majeſty well knows, but a cunning way to bring in popery, and the profeſſors of thoſe opinions, the common diſturbers of the proteſtant churches, and incendiaries in thoſe ſtates, wherein they have gotten any head, being proteſtants in ſhew, but jeſuits in opinion; which cauſed your royal father, with ſo much pious wiſdom, and ardent zeal, to endeavour the ſuppreſſing of them, as well at home, as in the neighbour countries. And your gracious majeſty imitating his moſt worthy example, hath openly, and by your proclamation, declared your miſlike of thoſe perſons, and of their opinions; who, notwithſtanding are much favoured and advanced, not wanting friends even of the clergy, near to your majeſty; namely, Dr. Neile biſhop of Wincheſter, and Dr. Laud biſhop of Bath and Wells, who are juſtly ſuſpected to be unſound in their opinions that way. And it being now generally held the way to preferment and promotion in the church, many ſcholars do bend the courſe of their ſtudies to maintain thoſe errors; their books and opinions are ſuffered to be printed and publiſhed; and on the other ſide, the imprinting of ſuch as are written againſt them, and in defence of the orthodox church, are hindered and prohibited: and (which is a boldneſs almoſt incredible) this reſtraint of orthodox books, is made under colour of your majeſty's formerly mentioned proclamation, the intent and meaning whereof, we know, was quite contrary. And farther, to increaſe our fears concerning innovation of religion, we find, that there hath been no ſmall labouring to remove that which is the moſt powerful means to ſtrengthen and encreaſe our own religion, and to oppoſe both thoſe, which is the diligent teaching and inſtruction of the people in the true knowledge and worſhip of Almighty God. And therefore means hath been ſought out to depreſs and diſcountenance pious, and painful, and orthodox preachers; and how conformable ſoever, and peaceable in their diſpoſition and carriage they be, yet the preferment of ſuch is oppoſed, and inſtead of being encouraged, they are moleſted with vexatious courſes and purſuits, and hardly permitted to lecture. And in thoſe places where are no conſtant preaching miniſters, whereby many of our good people (whoſe ſouls, in this caſe, we beſeech your majeſty to commiſerate) are kept in ignorance, and are apt to be eaſily ſeduced to error and ſuperſtition. It doth not a little alſo increaſe our dangers and fears this way, to underſtand the miſerable condition of your kingdom of Ireland, where, without controul, the popiſh religion is openly profeſſed, and practiſed in every part thereof, popiſh juriſdiction being there generally exerciſed and avowed, monaſteries, nunneries, and other ſuperſtitious houſes newly erected, re-edified, and repleniſhed with men and women of ſeveral orders, and in a plentiful manner maintained at Dublin, and moſt of the great towns, and divers other places of the kingdom; which, of what ill conſequence it may prove, if not ſeaſonably repreſſed, we leave to your majeſty's wiſdom to judge: but moſt humbly beſeech you (as we aſſure ourſelves you will) to lay the ſerious conſideration thereof to your royal and pious heart, and that ſome ſpeedy courſe may be taken for redreſs therein.

And

" And if now to all theſe your majeſty will be pleaſed to add the conſideration of the circumſtances of time, wherein theſe courſes, tending to the deſtruction of true religion, within theſe your kingdoms, have been taken here, even then when the ſame is with open force and violence proſecuted in other countries, and all the reformed churches in Chriſtendom, either depreſſed, or miſerably diſtreſſed: we do humbly appeal unto your majeſty's princely judgment, whether there be not juſt ground of fear, that there is ſome ſecret and ſtrong co-operating here with the enemies of our religion abroad, for the utter extirpation thereof? and whether, if thoſe courſes be not ſpeedily redreſſed, and the profeſſion of true religion more encouraged, we can expect any other but miſery and ruin ſpeedily to fall upon us? eſpecially, if beſides the viſible and apparent dangers wherewith we are compaſſed about, you would be pleaſe to remember the diſpleaſure of Almighty God, always bent againſt the neglect of his holy religion, the ſtrokes of whoſe divine juſtice we have already felt, and do ſtill feel with ſmart and ſorrow in great meaſure.

" And beſides this fear of innovation in religion, we do in like faithful diſcharge of our duties, moſt humbly declare to your majeſty, that the hearts of your people are full of fear of innovation and change of government, and accordingly poſſeſſed with extreme grief and ſorrow; yet in this point, by your majeſty's late anſwer to our petition of right touching our liberties, much comforted, and raiſed again out of that ſadneſs and diſcontent, which they generally had conceived throughout the whole kingdom, for the undue courſes which were the laſt year taken for raiſing of monies by loans, than which (whatever your majeſty hath been informed to the contrary) there were never any monies demanded nor paid with greater grief, and general diſlike of all your faithful ſubjects; though many, partly out of fear, partly out of other reſpects (yet moſt unwillingly), were drawn to yield to what was required.

" The billeting of ſoldiers did much augment both their fears and grief; wherein likewiſe they find much comfort upon your gracious anſwer to our petition of right, and to that we preſented to your majeſty concerning this particular. Yet we moſt humbly beſeech your majeſty, that we may inform you, that the ſtill continuance and late reinforcing of thoſe ſoldiers, the conditions of their perſons (many of them not being natives of this kingdom, nor of the ſame, but of an oppoſite religion), the placing them upon the ſea-coaſt, where making head amongſt themſelves, they may unite with the popiſh party at home, if occaſion ſerve, and join with an invading enemy to do extreme miſchief; and that they are not yet diſmiſſed, both ſtill miniſter cauſe of jealouſy in your loving ſubjects: for that the ſoldiers cannot be continued without exceeding great danger of the peace and ſafety of your kingdom.

" The report of the ſtrange and dangerous purpoſe of bringing in German horſe, and riders, would have turned our doubts into deſpair, and our fears into a certainty of confuſion, had not your majeſty's gracious meſſage (for which we humbly give you thanks) comforted us by the aſſurance of your royal word, that they neither are, nor were intended by your majeſty for any ſervice in England, but that they were deſigned for ſome other foreign employment. Yet the ſight of the privy ſeal, by which, it ſeemeth, they were to be levied; the great ſum of money, which, upon examinations, we found to be paid for that purpoſe, gave us juſt cauſe of fear, that much about the ſame time there was a commiſſion under the great ſeal granted unto the lords, and others of the privy-council, to conſider of other ways for raiſing of monies, ſo particularly by impoſitions, gave us juſt cauſe to ſuſpect, that whatſoever was your majeſty's gracious intention, yet there wanted not thoſe, that under ſome colourable pretence, might ſecretly by this, or by other ways, contrive to change the frame of both religion and government, and thereby undermine the ſafety of your majeſty and your kingdoms.

" Theſe men could not be ignorant, that the bringing in of ſtrangers for aid, hath been pernicious to moſt ſtates, where they have been admitted, but to England fatal. We do bleſs God that hath given your majeſty a wiſe underſtanding heart to diſcern of thoſe courſes, and that ſuch power produceth nothing but weakneſs and calamity. And we beſeech your majeſty to pardon the vehemency of our expreſſion, if in the loyal and zealous affections we bear to your majeſty and your ſervice, we are bold to declare to your majeſty and the whole world, that we hold it far beneath the heart of any free Engliſhman to think, that this victorious nation ſhould now ſtand in need of German ſoldiers to defend their now king and kingdom.

" But when we conſider the courſe formerly mentioned, and theſe things to an apparent change of government, the often breaches of parliament, whereby your majeſty hath been deprived of the faithful counſel, and free aids of your people, by taking of tunnage and poundage, without grant thereof by act of parliament, ever ſince the beginning of your majeſty's reign to this preſent, the ſtanding commiſſion granted to the duke of Buckingham to be general of an army in the land in the time of peace, the diſcharging of faithful and ſufficient officers and miniſters, ſome from judicial places, and others from the offices and authorities which they formerly held in the commonwealth: we cannot but at the ſight of ſuch an apparent deſolation as muſt neceſſarily follow theſe courſes, out of the depth of ſorrow, lift up our cries to heaven for help, and next, under God, apply ourſelves unto your ſacred majeſty, who, if you could hear ſo many thouſands ſpeaking together, do jointly implore ſpeedy help and reformation.

" And if your majeſty would be pleaſed to take a further view of the preſent ſtate of your realm, we do humbly pray you to conſider, whether the miſerable diſaſters and ill-ſucceſs that hath accompanied all your late deſigns and actions, particularly thoſe of Cales, and the Iſle of Rhee, and the laſt expedition to Rochel, have not extremely waſted that ſtock of honour that was left unto this kingdom, ſometimes terrible to all other nations, and now declining to contempt beneath the meaneſt.

" Together with our honours, we there loſt thoſe (and that not a few) who, had they lived, we might have ſome better hope of recovering it again; our valiant and expert colonels, captains, and commanders, and many thouſand common ſoldiers and mariners: though we have ſome cauſe to think, that your majeſty is not as yet rightly informed thereof; and that of ſix or ſeven thouſand of your ſubjects loſt at the iſle of Rhee, your majeſty received information but of a few hundreds. And this diſhonour and loſs hath been purchaſed with the conſumption of above a million of treaſure.

" Many of the forts are exceeding weak and decayed, and want both men and munition. And here we cannot but with grief conſider and complain of a ſtrange improvidence (we think your majeſty will rather call it treachery), that your ſtore of powder, which by order of your privy-council, dated the 10th of December 1626, ſhould be conſtantly three hundred laſt, beſides a continual ſupply of twenty laſt a month for ordinary expences, and were now fit (as we conceive) to be double the proportion, is at this time in the Tower (the preſent warrants being ſerved) but nine laſts and forty-eight pounds in all; which we tremble to think of. And that, notwithſtanding the extreme ſcarcity of powder, great quantities have been permitted to be ſold out of your majeſty's ſtore to particular perſons for private gain; whereof we have ſeen a certificate, ſix laſt ſold ſince the 14th of January laſt, and your majeſty's ſtore being unfurniſhed of powder, which by a contract made with Mr. Evelyn, by advice of your lords in parliament, ought to be ſupplied monthly with twenty laſt, at the rate of three pounds ten ſhillings and ten-pence a barrel; your majeſty hath been forced to pay above ſeven pounds a barrel for powder, to be brought in from beyond ſeas; for which purpoſe, twelve thouſand four hundred pounds was impreſſed to Mr. Burlemack the laſt year, and that powder not ſo good as that by contract your majeſty ſhould have by one third part; all which are moſt fearful and dangerous abuſes. But what the poverty, weakneſs, and miſery of our kingdom is now grown unto by decay of trade, and deſtruction, and loſs of ſhips and mariners, within theſe three years, we are almoſt afraid to declare: And could we by any other means have been ſure, that your majeſty ſhould any other way have had a true information thereof, we ſhould have been doubtful to have made our weakneſs and extremity of misfortune in this kind to appear: But the importunate and moſt pityful complaints from all parts of the kingdom near adjoining to the ſea in this kind, would rend, as we think, the ſtoneſt heart in the world with ſorrow; and the ſenſe we have of the miſerable condition your kingdom is in by reaſon thereof, eſpecially, for that we ſee no poſſible means (being now ſhortly to end this ſeſſion) how to help the ſame, adds ſuch a weight of grief unto our ſad thoughts, as we have not words to expreſs it: But for your majeſty's more exact information therein, we beſeech you be pleaſed to peruſe the kalendar of particulars, which, with the remonſtrance, we moſt humbly preſent unto your majeſty.

" One reaſon, amongſt many, of this decay of trade, and loſs of ſhips and mariners is, the not guarding of the narrow ſeas, the regality whereof your majeſty hath now in a manner

wholly

wholly loſt, being that wherein a principal part of the honour and ſafety of this kingdom heretofore conſiſted; and now having abſolutely neglected it, the town of Dunkirk doth ſo continually rob and ſpoil your ſubjects, that we can aſſure your majeſty (if ſome preſent and effectual remedy be not forthwith provided) the whole trade of this kingdom, the ſhipping, mariners, and all belonging thereunto, will be utterly loſt and conſumed. The principal cauſe of which evils and dangers we conceive to be the exceſſive power of the duke of Buckingham, and the abuſe of that power: And we humbly ſubmit unto your majeſty's excellent wiſdom, whether it be ſafe for yourſelf, or your kingdoms, that ſo great power as reſts in him by ſea and land, ſhould be in the hands of any one ſubject whatſoever.

"And as it is not ſafe, ſo, ſure we are, it cannot be for your ſervice, it being impoſſible for one man to manage ſo many and weighty affairs of the kingdom as he hath undertaken, beſides the ordinary duties of thoſe offices which he holds, ſome of which well performed, would require the time and induſtry of the ableſt men both of counſel and action, that your whole kingdom will afford, eſpecially in theſe times of common danger.

"And our humble deſire is farther, that your moſt excellent majeſty will be pleaſed to take into your moſt princely conſideration, whether, in reſpect the ſaid duke hath ſo abuſed his power, it be ſafe for your majeſty and your kingdoms to continue him, either in his great offices, or in his place of nearneſs and counſel about your ſacred perſon.

"And this in all humility, aiming at nothing but the honour of Almighty God, and the maintenance of his true religion, the ſafety and happineſs of your moſt excellent majeſty, and the preſervation and proſperity of this church and commonwealth; we have endeavoured with faithful hearts and intentions, and in diſcharge of the duty we owe to your majeſty and our country, to give your majeſty a true repreſentation of our preſent danger, and preſſing calamities, which we humbly beſeech your majeſty graciouſly to accept, and to take the ſame to heart, accounting the ſafety and proſperity of your people, your greateſt happineſs, and their love, your richeſt treaſure. A rueful and lamentable ſpectacle we confeſs it muſt needs be, to behold thoſe ruins in ſo fair an houſe, ſo many diſeaſes, and almoſt every one of them deadly, in ſo ſtrong and well-tempered a body as this kingdom lately was. But yet we will not doubt, but that God hath reſerved this honour for your majeſty, to reſtore the ſafety and happineſs thereof, as a work worthy ſo excellent a prince, for whoſe long life and true felicity we daily pray, and that your fame and never-dying glory may be continued to all ſucceeding generations."

This remonſtrance, delivered by the ſpeaker (who much deſired to be excuſed), made no great impreſſion upon the king, though it did upon the people. All the facts alleged were known, and indiſputable truths. As to the right, the people readily believed, the king and his miniſters meant to eſtabliſh a deſpotic power, becauſe all their proceedings plainly ſhewed it. But they could not believe that the parliament had purpoſely formed a project to rob the king of his prerogatives. They were the more confirmed in that belief, as after the diſſolution of this very parliament, the king, in the reaſons he gave for the diſſolution, complained not of the remonſtrance.

The ſame day the remonſtrance was preſented to the king, the commons ſent the ſubſidy-bill to the lords for their concurrence. Soon after, the king acquaints them by meſſage, that he meant to end the ſeſſion the 26th of June; whereupon the commons began to prepare a particular remonſtrance of the undue taking of tunnage and poundage [k]. This was an ancient impoſt upon merchants goods exported and imported, which the parliament uſually granted to the kings, to enable them to guard the ſeas and protect the trade. This impoſt had long been granted to every king, and it happened ſometimes, that after the death of a king, his ſucceſſor had continued to levy it, till the parliament had given it by an act. As in the reign of Charles I. the court was much guided by precedents, favourable to the prerogative-royal, and as they took advantage of ſuch precedents, as if they had been ſo many laws, it happened that ſince king James's death, Charles had levied tunnage and poundage, without deſiring an act of parliament for that purpoſe, under colour that ſome of his predeceſſors had practiſed it ſome time till an act was paſſed. This is what the commons found fault with, maintaining, the right was a pure grant of the people, and conſequently the king had not power to levy it without the conſent of parliament; and the more, as the ſeas had never been well guarded, or the trade leſs protected than in the firſt years of this reign. To maintain therefore the people's rights, and hinder the crown from uſurping by degrees the impoſt of tunnage and poundage, as a right independent of the parliament, the commons prepared a remonſtrance to the king upon that ſubject.

Whilſt the remonſtrance was drawing, the king acquainted the lords, that the commiſſion for finding means to raiſe money, was but a warrant of advice, agreeable to the time and occaſions; but that now having received a token of his people's love, by the ſubſidy-bill ready to be paſſed, the commiſſion was become uſeleſs, and therefore he had commanded it to be cancelled. As if he had ſaid, in caſe the parliament had not granted a ſupply, he ſhould have found ways to raiſe money. As to his ſaying the commiſſion was but a warrant of advice, it is ſtrange that in ſpeaking to men of ſenſe, ſuch wretched excuſes ſhould be uſed. The day following, the commons were informed alſo, that the commiſſion was cancelled. As the affair of tunnage and poundage made a great noiſe, it is neceſſary to inſert the commons remonſtrance on that ſubject.

"Moſt gracious ſovereign,

"YOUR majeſty's moſt loyal and dutiful ſubjects, the commons in this preſent parliament aſſembled, being in nothing more careful, than of the honour and proſperity of your majeſty, and the kingdom, which they know do much depend upon that happy union and relation betwixt your majeſty and your people, do with much ſorrow apprehend, that by reaſon of the uncertainty of their continuance together, the unexpected interruptions which have been caſt upon them, and the ſhortneſs of time in which your majeſty hath determined to end this ſeſſion, they cannot bring to maturity and perfection, divers buſineſſes of weight, which they have taken into their conſideration and reſolution, as moſt important for the common good: Amongſt other things, they have taken into eſpecial care the preparing of a bill, for the granting of your majeſty ſuch a ſubſidy of tunnage and poundage, as might uphold your profit and revenue in as ample a manner as their juſt care and reſpect of trade (wherein not only the proſperity, but even the life of the kingdom doth conſiſt) would permit; but being a work which will require much time and preparation by conference with your majeſty's officers, and with the merchants, not only of London, but of other remote parts, they find it not poſſible to be accompliſhed at this time: Wherefore conſidering it will be much more prejudicial to the right of the ſubject, if your majeſty ſhould continue to receive the ſame without authority of law, after the determination of a ſeſſion, than if there had been a receſs by adjournment only, in which caſe, that intended grant would have related to the firſt day of the parliament; and aſſuring themſelves, that your majeſty is reſolved to obſerve that your royal anſwer, which you have lately made to the petition of right of both houſes of parliament: Yet doubting leſt your majeſty may be miſinformed concerning this particular caſe, as if you might continue to take thoſe ſubſidies of tunnage and poundage, and other impoſitions upon merchants, without breaking that anſwer, they are forced by that duty which they owe to your majeſty, and thoſe whom they repreſent, to declare, 'That there ought not any impoſition to be laid upon the goods of merchants, exported or imported, without common conſent by act of parliament; which is the right and inheritance of your ſubjects, founded not only upon the moſt ancient and original conſtitution of this kingdom, but often confirmed and declared in divers ſtatute laws.'

"And for the better manifeſtation thereof, may it pleaſe your majeſty to underſtand, That although your royal predeceſſors, the kings of this realm, have often had ſuch ſubſidies and impoſitions granted unto them upon divers occaſions, eſpecially for the guarding of the ſeas, and the ſafeguard of merchants: Yet the ſubjects have been ever careful to uſe ſuch cautions and limitations in thoſe grants, as might prevent any claim to be made, that ſuch ſubſidies do proceed from duty, and not from the free-gift of the ſubjects. And that they have heretofore uſed to limit a time in ſuch grants, and for the moſt part but ſhort, as for a year or two, and if it continued longer, they have ſometimes directed a certain ſpace of ceſſation or intermiſſion, that ſo the right of the ſubject might be more evident. At other

[k] The commons fell immediately upon the bill of tunnage and poundage; but finding they ſhould not have time to accompliſh the ſame, it was ordered that a committee ſhould be appointed to draw up a remonſtrance, of the undue taking of tunnage and poundage without act of parliament. Ruſhworth, tom. I. p. 628.

times it hath been granted upon occaſion of war, for a certain number of years, with proviſo, That if the war was ended in the mean time, then the grant ſhould ceaſe: And of courſe it hath been ſequeſtred into the hands of ſome ſubjects, to be employed for the guarding of the ſeas, and it is acknowledged by the ordinary anſwers of your majeſty's predeceſſors, in their aſſent to the bills of ſubſidies, tunnage and poundage, that it is of the nature of other ſubſidies, proceeding from the good-will of the ſubject: Very few of your predeceſſors had it for life, until the reign of Henry VII. who was ſo far from conceiving he had any right thereto, that although he granted commiſſions for collecting certain duties and cuſtoms due by law, yet he made no commiſſions for receiving the ſubſidy of tunnage and poundage, until the ſame was granted to him in parliament. Since his time all the kings and queens of this realm have had the like grants for life, by the free love and good-will of the ſubjects. And whenſoever the people have been grieved, by laying any impoſitions, or other charges upon their goods and merchandizes without authority of law (which hath been very ſeldom), yet upon complaint in parliament, they have been forthwith relieved; ſaving in the time of your royal father, who, having through ill counſel raiſed the rates and charges upon merchandizes to that height at which they now are, yet he was pleaſed ſo far forth to yield to the complaint of his people, as to offer, That if the value of thoſe impoſitions which he had ſet might be made good unto him, he would bind himſelf and his heirs by act of parliament, never to lay any other: Which offer, the commons at that time, in regard of the great burden, did not think fit to yield unto. Nevertheleſs your loyal commons in this parliament, out of their eſpecial zeal to your ſervice, and eſpecial regard of your preſſing occaſions, have taken into their conſideration, ſo to frame a grant of ſubſidy of tunnage or poundage to your majeſty, that both you might have been the better enabled for the defence of your realm, and your ſubjects, by being ſecure from all undue charges, be the more encouraged cheerfully to proceed in their courſe of trade; by the increaſe whereof, your majeſty's profit, and likewiſe the ſtrength of the kingdom, would be very much augmented.

"But not being now able to accompliſh this their deſire, there is no courſe left unto them, without manifeſt breach of their duty, both to your majeſty and their country, ſave only to make this humble declaration, that the receiving of tunnage and poundage, and other impoſitions not granted by parliament, is a breach of the fundamental liberties of this kingdom, and contrary to your majeſty's royal anſwer to the ſaid petition of right. And therefore they do moſt humbly beſeech your majeſty to forbear any further receiving of the ſame; and not to take it in ill part from thoſe of your majeſty's loving ſubjects, who ſhall refuſe to make payment of any ſuch charges, without warrant of law demanded.

"And as by this forbearance, your moſt excellent majeſty ſhall manifeſt unto the world your royal juſtice in the obſervation of your laws; ſo they doubt not but hereafter at the time appointed for their coming again, they ſhall have occaſion to expreſs their great deſire to advance your majeſty's honour and profit."

The king being informed of the contents of this remonſtrance, on the 26th of June ſent for the ſpeaker, who returned ſome time after to the houſe, whilſt the remonſtrance was reading. He was no ſooner come, but the king, who was now at the houſe of lords, ſent for the commons, and thus ſpoke to both houſes:

"IT may ſeem ſtrange that I came ſo ſuddenly to end this ſeſſion; before I give my aſſent to the bills, I will tell you the cauſe, though I muſt avow, that I owe the account of my actions to God alone. It is known to every one, that a while ago the houſe of commons gave me a remonſtrance, how acceptable every man may judge; and for the merit of it, I will not call that in queſtion, for I am ſure no wiſe man can juſtify it.

"Now ſince I am truly informed, that a ſecond remonſtrance is preparing for me, to take away the profit of my tunnage and poundage, one of the chief maintenances of my crown, by alleging, I have given away my right thereto by my anſwer to your petition:

"This is ſo prejudicial unto me, that I am forced to end this ſeſſion ſome few hours before I meant, being not willing to receive any more remonſtrances, to which I muſt give a harſh anſwer. And ſince I ſee, that even the houſe of commons begins already to make falſe conſtructions of what I granted in your petition, leſt it be worſe interpreted in the country, I will now make a declaration concerning the true intent thereof.

"The profeſſion of both houſes in the time of hammering this petition, was no way to trench upon my prerogative, ſaying, they had neither intention or power to hurt it. Therefore it muſt needs be conceived, that I have granted no new, but only confirmed the ancient liberties of my ſubjects. Yet to ſhew the clearneſs of my intentions, that I neither repent, nor mean to recede from any thing I have promiſed you, I do here declare myſelf, That thoſe things which have been done, whereby many have had ſome cauſe to expect the liberties of the ſubjects to be trenched upon, which indeed was the firſt and true ground of the petition, ſhall not hereafter be drawn into example for your prejudice, and from time to time, in the word of a king, ye ſhall not have the like cauſe to complain. But as for tunnage and poundage, it is a thing I cannot want, and was never intended by you to aſk, nor meant by me, I am ſure, to grant.

"To conclude, I command you all that are here, to take notice of what I have ſpoken at this time, to be the true intent and meaning of what I granted you in your petition; but eſpecially you, my lords the judges, for to you only, under me, belongs the interpretation of laws; for none of the houſes of parliament, either joint or ſeparate (what new doctrines ſoever may be raiſed), have any power either to make or declare a law without my conſent."

After this ſpeech, the ſubſidy-bill was paſſed, the lords having already given their conſent, and the parliament was prorogued to the 20th of October.

The king's ſpeech to the parliament before the prorogation, was ſo dark, that it was hard to conceive upon what grounds he complained of the remonſtrance the commons had prepared. He ſeems to have conſidered tunnage and poundage as a right annexed to his prerogative royal. Otherwiſe, there was no need to obſerve, that both houſes, whilſt they were preparing the petition of right, had declared, they meant not to encroach upon his prerogative. This argument, on ſuppoſition of that principle, would have been unanſwerable, and the reſt very ſuperfluous. But as the king knew he could never prove this right to belong to him independently of the parliament, he proceeded to other arguments, the weakneſs whereof is evident. He ſaid, the two houſes by their petition of right, did not intend to take from him tunnage and poundage, from whence he inferred, that ſince they had no ſuch particular view, he could not with juſtice be deſired to deſiſt from it. But firſt, though the petition of right contained ſome particular articles, theſe articles did not exclude whatever was implied in the general article, founded upon the ancient ſtatutes: "That no tax, tallage, loan, benevolence, or other charge, ought to be levied by the king, without the conſent of parliament." Now tunnage and poundage being of this nature, it neceſſarily followed, that it was included in the general article, or elſe, it was to be proved to belong to the crown, independently of the common conſent of the people. In the ſecond place, the two houſes had no intention to deprive him of tunnage and poundage in particular, becauſe they deſigned to grant it by an act. He could not therefore conclude from thence, that he had a right to levy it without their conſent. He alleged as another argument, that he never meant to grant them this article, making his anſwer to depend upon his intention. But his anſwer, "Soit fait comme il eſt deſiré," manifeſtly referred to the contents of the petition, and not to the king's intention in granting it. His third argument was taken from tunnage and poundage being one of the beſt revenues of the crown, and his chief ſupport. This was an excellent argument to demonſtrate to the parliament the neceſſity of granting him this right, and to induce him to continue the ſeſſion till the act was paſſed; but he could not thence infer, that he had power to levy it againſt the parliament's will, eſpecially as it was in his breaſt to have it in a legal way. Moreover, he continually inculcated, that his anſwer depended upon his intention, directly contrary to the clear and expreſs terms of the anſwer itſelf, which could refer only to the petition. Finally, in taking from the houſes the power of declaring what was, or what was not, law, he aſcribed it ſolely to the judges who were under him; that is to ſay, as he could make or unmake the judges as he pleaſed, he put himſelf properly in poſſeſſion of this power, independently of the two houſes. This intention appeared but too plainly afterwards.

This ſeſſion was worth to the king five ſubſidies [1], a very conſiderable aid, with which the parliament purchaſed the

[1] The clergy granted alſo five ſubſidies.—The acts made in this ſeſſion were, 1. An act forbidding carriers, waggoners, and drovers, travelling on Sundays; or butchers killing or ſelling meat on that day. 2. To reſtrain the paſſing or ſending any to be popiſhly bred beyond the ſeas. 3. For the better ſuppreſſing of unlicenſed ale-houſe keepers. 4. For eſtabliſhing Sutton's hoſpital. 5. For reſtitution in blood of Sir Carew Raleigh.

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king's anſwer to the petition of right, that is, the confirmation of the laws, which till then had paſſed for inconteſtible. On the other ſide, the king thought he had no leſs dearly bought the five ſubſidies by his condeſcenſion to tie up his hands, in giving his conſent to the petition of right, contrary to his own principles, and the projects he had formed with reſpect to government. But he afterwards ſhewed, that in granting the petition of right, he had only amuſed the parliament, ſince he never regulated his conduct by what was contained in the petition. Preſently after the prorogation of the parliament, the king publiſhed ſeveral proclamations. The firſt was to ſuppreſs Dr. Manwaring's ſermons, entitled, Religion and Allegiance. But this ſuppreſſion conſiſted only in an order to ſuch as had any copies of theſe ſermons, to deliver them to the ſecretary of ſtate, or ſome other magiſtrate[m]. The ſequel will ſhew whether the court was deſirous the order ſhould be punctually executed. But the king's appearing publicly not to approve of theſe ſermons, was ſufficient to ſatisfy the people.

By another proclamation, Richard Smith, titular biſhop of Chalcedon, was ordered to be apprehended, with all other prieſts and jeſuits that had taken orders by authority from the ſee of Rome, and, after conviction, to be committed to the caſtle of Wiſbich[n]. Some jeſuits having been taken and ſent to Newgate[o], the king ordered, that if they were found guilty, they ſhould be carried to the ſame caſtle of Wiſbich in the iſle of Ely. Theſe were all the proceedings of the court againſt the papiſts.

But on the other hand, the king took a courſe which gave a much worſe opinion of his own, or his miniſter's zeal for religion. Firſt, he appointed commiſſioners to compound with recuſants. Secondly, Sir Richard Weſton, a known papiſt, was made lord treaſurer, and afterwards earl of Portland. Thirdly, Dr. Laud, who was conſidered as head of the Arminians, in the judgment of the houſe of commons, was tranſlated from Bath and Wells to the biſhopric of London. Fourthly, Dr. Montague, who had given ſo great offence by his book, entitled, Appeal to Cæſar, was promoted to the ſee of Chicheſter[p].

The town of Rochel being at this time cloſely beſieged by the king of France, the king had prepared a fleet to relieve it, and the duke of Buckingham, who was to have the command, was now at Portſmouth. But when he was going to embark, he was ſtabbed to the heart with a knife, and immediately died[q]. The aſſaſſin was one John Felton, a lieutenant, who owned, that after the declaration of the commons againſt the duke, he had looked upon him as an enemy to his country, and been thereby induced to commit the deed. It appeared by his trial, that he had no accomplice, and was led to this wicked action by an exceſs of zeal. The king being then at ſir Daniel Norton's near Portſmouth, ſeemed extremely concerned for the duke's death, and to give him even after his death, continual marks of his affection, his creatures remained in the ſame favour and poſts they had enjoyed in the life-time of their protector.

Mean while, as the relief of Rochel could not be delayed any longer, the king ſent away the fleet deſigned for that purpoſe[r]. But cardinal Richelieu had uſed ſo great diligence, that the barricado he was making to hinder the approach of the Engliſh ſhips, was finiſhed, ſo that the fleet was forced to return without effecting any thing, after having ſeen Rochel taken[s].

The meeting of the parliament appointed to the 20th of October, was by proclamation prorogued to the 10th of January. In this interval, certain caſes happened which ſupplied the parliament with a freſh occaſion of complaint, and in the end cauſed their diſſolution. Though the remonſtrance concerning tunnage and poundage was not preſented to the king, it was however public, and ſufficient to ſhew the people what was the ſenſe of the houſe of commons. Upon this foundation three merchants among others, refuſed to pay this duty to the king. Rolls, one of the three, merchant of London, and member of the houſe of commons, having refuſed it, as contrary to law, the cuſtomers ſeized his goods; and upon his alleging the authority of parliament, one of the officers inſolently told him, "If all the parliament were in you, we would take your goods." Chambers and Vaſſal, the other two merchants of London, the firſt of whom was alderman, were condemned to pay tunnage and poundage, by the barons of the exchequer, who ordered their goods to be detained.

[1628-9] The parliament meeting the 10th of January 1628-9, Rolls's affair was immediately laid before the houſe, and referred to a committee. Whilſt the committee were in debate, the king ſent a meſſage to the houſe, willing them to deſiſt till next day in the afternoon, at which time he would ſpeak with them at Whitehall. The lords having alſo received orders to be preſent, the king made the following ſpeech to both houſes:

"THE care I have to remove all obſtacles that may hinder the good correſpondency between me and this parliament, is the cauſe I have called you together at this time, the particular occaſion being a complaint made in the lower houſe. As for you, my lords, I am glad to take this, and all other occaſions, whereby you may clearly underſtand both my words and actions; for as you are neareſt in degree, ſo you are the fitteſt witneſſes unto kings.

"The complaint I ſpeak of is, for ſtaying men's goods that deny tunnage and poundage; this may have an eaſy and ſhort concluſion, if my words and actions be rightly underſtood: for by paſſing the bill, as my anceſtors have had it, my by paſt actions will be included, and my future proceedings authoriſed, which certainly would not have been ſtuck on, if men had not imagined that I had taken theſe duties as appertaining to my hereditary prerogative, in which they are much deceived; for it ever was and ſtill is my meaning, by the gift of my people to enjoy it; and my intention in my ſpeech at the ending of the laſt ſeſſion concerning this point, was to challenge tunnage and poundage as of right, but de bene eſſe, ſhewing you the neceſſity, not the right by which I was to take it, until you had granted it to me, aſſuring myſelf, according to your general profeſſions, you wanted time, not will, to give it me.

"Wherefore now having opportunity, I expect that without loſs of time you make good your profeſſions, and ſo by paſſing of a bill, put an end to all the queſtions ariſing from this ſubject; eſpecially ſince I have cleared the only ſcruple that can trouble you in this buſineſs. To conclude, let us not be jealous one of the other's actions; for if I had been eaſily moved at every occaſion, the order you made on Wedneſday laſt might have made me ſtartle, there being ſome ſhew to ſuſpect that you had given yourſelves the liberty to be the inquiſitors after complaints (the words of your order being ſomewhat too largely penned), but looking into your actions, I find you only hear complainers, not ſeeking complaints: for I am certain you neither pretend, nor deſire the liberty to be inquiſitors of men's actions before particular complaint be made.

"This I have ſpoken to ſhew you how ſlow I am to believe harſhly of your proceedings; likewiſe to aſſure you, that the houſes reſolutions, not particular men's ſpeeches, ſhall make me judge well or ill, not doubting, but according to my example, you will be deaf to ill reports concerning me, till my words and actions ſpeak for themſelves, that ſo this ſeſſion beginning with confidence one towards another, it may end with a perfect good underſtanding between us: which God grant."

Some days after, the king ſent a meſſage to the commons, that the bill for tunnage and poundage might be ſpeedily taken into conſideration, and no time loſt. But the commons not thinking the king had power to preſcribe the time to them, fell upon matters of religion, particulary with regard to Arminianiſm: and finding that Laud, Montague, and Manwaring, had been preferred ſince the laſt ſeſſion, ſeveral members made great complaints. Though the king preſſed them again by meſſage to proceed with the bill for tunnage and poundage, they pretended that religion ought to

[m] Ruſhworth ſays, they were wholly ſuppreſſed, and that it was Montague's books that were ordered to be delivered to the biſhop of the dioceſe, &c. Ruſhworth, tom. I. p. 633, 635.

[n] They were firſt to be committed to the county gaols, but if after conviction there ſhould be cauſe to reſpite execution, they were to be removed to Wiſbich. Ibid. p. 633.

[o] Theſe were a neſt of jeſuits diſcovered in Clerkenwell, and formerly apprehended, who were alſo after conviction to be removed from Newgate to Wiſbich. Ibid.

[p] Manwaring alſo (having with Montague procured a royal pardon of all errors) was, notwithſtanding his being diſabled by the houſe of lords from all future preferments, immediately preſented to the rectory of Stamford Rivers, with the diſpenſation to hold St. Giles's in the Fields. Ibid.

[q] As the duke was going out of his chamber, Felton ſtepped to the door, and made as if he had held up the hangings. In the paſſage, the duke turning to ſpeak to ſir Thomas Fryar, and ſtooping becauſe ſir Thomas was very ſhort, Felton came behind the duke, and reaching over ſir Thomas's ſhoulder, ſtruck him to the heart. Clarendon, tom. I. p. 24, 25. The duke was buried at Weſtminſter, September 18. His whole eſtate was not quite 4000l. a year; but he had 300,000l. in jewels; and owed 60,000l. Heylin on H. Leſtr. p. 67,

[r] On September 8, under the command of Robert Bertie earl of Lindſey, But the victuals of the fleet ſtank: and it wanted proper tackling and other materials. Ruſhworth. tom. I. p. 636.

[s] It had held out ſo long, that prodigious numbers had died of the famine, ſo that at the taking of it, there were not four thouſand remaining alive out of fifteen thouſand. Ibid.

have the precedency of all other affairs. Wherefore they began to inquire how the execution of the laws againſt papiſts came to ceaſe; and whence it was that papiſts were employed and countenanced, and new ceremonies continually introduced, eſpecially at Durham, by Dr. Coſins, as angels, ſaints, crucifixes, altars, candles and Candlemaſs-day; and laſtly, from whence proceeded the increaſe of Arminianiſm.

This inquiry was interrupted by a freſh meſſage from the king, requiring them to give the preference to the bill for tunnage and poundage. Nevertheleſs he declared, that he meant not to interrupt their debates upon matters of religion, provided the houſe would not meddle with what did not belong to them. By that, he took away with one hand what he gave with the other, ſince he believed, the commons had no right to meddle with religion. This meſſage hindered them not from continuing their debates. The proclamation forbidding all diſputes for and againſt Arminianiſm was complained of particularly, wherein it was ſaid, "If there be any difference of opinion concerning the ſeaſonable interpretation of the thirty-nine articles, the biſhops have power to order which way they pleaſe." But as ſome of the biſhops were ſuſpected, it was concluded, that by the terms of the proclamation, the kingdom would be obliged to receive popery or Arminianiſm, by following the determinations of the biſhops [t]. Theſe ſuſpicions fell chiefly upon Laud and Neile, who being the king's counſellors for matters of religion, governed almoſt all the other biſhops. Upon this account, the houſe, to prevent the dangers they feared, thought fit to enter into this vow:

"We the commons in parliament aſſembled, do claim, proteſt, and avow for truth, the ſenſe of the articles of religion, which were eſtabliſhed by parliament in the thirteenth year of our late queen Elizabeth, which by the public act of the church of England, and by the general and current expoſitions of the writers of our church, have been delivered unto us. And we reject the ſenſe of the jeſuits and Arminians, and all others, wherein they differ from us."

As the intention of the commons was to perſuade the people that religion was in danger, they defired the concurrence of the lords to petition the king for a faſt, which they obtained with ſome difficulty. The king plainly perceived the deſign of the petition, and, though he did not think fit to reject it, anſwered, that the cuſtom of faſting every ſeſſion was but lately begun; that he granted it however for this time, though he did not ſee the neceſſity of it; but for the future would not grant a faſt, except on extraordinary occaſions. Adding, that as for the defence of the reformed churches abroad, fighting would do them more good than faſting.

As the king had frequently preſſed the commons to proceed with the bill for tunnage and poundage, and give it the precedency of matters of religion, they thought themſelves obliged to preſent a declaration to the king to juſtify their conduct.

This declaration, which was a ſort of apology, containing nothing material, I do not think it neceſſary to inſert it at length. It ſuffices to ſay, the commons excuſed themſelves two ways for not giving precedency to the bill for tunnage and poundage. The firſt was, becauſe matters of religion having been firſt propoſed, the conſtant order of the houſe required, they ſhould have the preference. The ſecond was, the weight and importance of the concerns of religion. They concluded with thanking the king for his promiſes, to maintain religion, thereby tacitly reproaching him for not performing them.

The king anſwered this declaration, not particularly, but with ſome ſhort notes. He told them, "he thought it ſtrange they ſhould have an ill opinion of him with reſpect to religion. He aſſured them, that he would never ſtop his ears to the complaints that ſhould be brought to him upon that ſubject, provided that in form and matter the commons did not tranſgreſs their limits." Concluding with theſe words: "I muſt ſtill be inſtant with you, that you proceed with tunnage and poundage with diligence (not looking to be denied in ſo juſt a deſire); that you muſt not think it ſtrange, if I, finding you ſlack, give you ſuch farther quickning as I ſhall find cauſe."

After this, the commons continued their debates upon matters of religion, and particularly on the proclamation to prohibit diſputing for or againſt Arminianiſm. This was pretended to be a ſnare to ſuppreſs the puritan party, and give the Arminians more liberty, and that Laud and Montague had given the king this advice. It was alſo complained, that the enemies of religion had procured a royal pardon under the great ſeal for four eccleſiaſtics, the moſt ſuſpected in England, namely, Montague, Coſins, Sibthorp, and Manwaring; and that, in contempt of the parliament, they were even promoted to biſhoprics, or other good benefices [u]. I confeſs I cannot conceive how it is poſſible to juſtify the king's condeſcenſion for thoſe who adviſed him to protect ſo openly, nay, to prefer men ſo odious to the parliament, ſince he could not be ignorant how much he rendered himſelf ſuſpected by ſuch a conduct: at leaſt it cannot be denied that he gave his enemies an advantage. But beſides that it was the genius of the king and court to look upon the parliament, and eſpecially the commons, with extreme contempt, the king could refuſe nothing to Dr. Laud, who was his prime counſellor in eccleſiaſtical affairs. To confirm the commons in their ſuſpicions of Laud, the printers and bookſellers of London preſented ſeveral petitions, complaining of the reſtraint of books written againſt popery and Arminianiſm, whilſt a licenſe was never refuſed to ſuch as were compoſed in favour of popiſh and Arminian doctrines. They even inſtanced in certain books againſt popery, which were denied to be licenſed. They affirmed, this was done by the biſhop of London, or his chaplains, to whom the examination of the books was committed.

As Dr. Laud, afterwards archbiſhop of Canterbury, made a very great figure in England during the firſt fifteen years of this reign, I do not think it improper to relate here part of what is ſaid for and againſt him. Not that I pretend fully to make known his genius, his character, his religion: this to me ſeems impracticable, conſidering what oppoſite opinions there are concerning him, it being almoſt impoſſible to affirm any thing of him, good or bad, upon the teſtimony of ſome, but what is contradicted and rejected as falſe by others. This is the common effect of parties. Hardly can any thing be added to the encomiums which thoſe who profeſs what they call High-Church, that is, the rigid epiſcopalians, beſtow on this famous biſhop. The lord Clarendon, in his hiſtory, expreſſes, on all occaſions, a great eſteem for Laud, and finds no other fault in him, but a little too much eagerneſs to accompliſh his undertakings. All the reſt of the ſame party extol him to the ſkies. They ſee no imperfection in him; and every where praiſe his wiſdom, his good ſenſe, his learning, his piety, and above all, his zeal for the church of England, for which he at laſt died a martyr. The preſbyterians, on the contrary, without denying his ſenſe and learning, affirm, he was a rank Arminian, and almoſt a papiſt. They ſay, that under the colour of a great zeal for the ceremonies of the church, he carried them to the borders of popery, and juſtly rendered himſelf ſuſpected of deſigning by degrees to reſtore the Romiſh religion in England. That to this end he made even the leaſt trifles, ſuch as the reformers had not meddled with, becauſe they thought them indifferent, to be conſidered as eſſential to religion. They inferred from thence, that it was impoſſible for a man of his ſenſe, to be attached to things of ſo little moment, had he not entertained ſome ill deſign againſt the reformed religion. That he was a mortal enemy of the preſbyterians and puritans, becauſe from them he met with moſt oppoſition to the execution of his projects. For my part, I own, that in all that has been ſaid againſt him, I have found no convincing proof of his intention to re-eſtabliſh the Roman catholic religion in England, unleſs we confound, as many did in thoſe days, popery with high-church, through a ſpirit of party. But it is very certain, he mortally hated the preſbyterians, and would have utterly extirpated puritaniſm, had it been in his power. As for Arminianiſm, it is very probable, he was greatly inclined to it. See his character given by his predeceſſor archbiſhop Abbot, in the narrative which he drew in his own vindication in the year 1627.

"This man is the only inward counſellor with Buckingham, ſitting with him ſometimes privately whole hours, and feeding his humours with malice and ſpight.

"His life in Oxford was to pick quarrels in the lectures of the public readers, and to advertiſe them to the then biſhop of Durham, that he might fill the ears of king James with diſcontents, againſt the honeſt men that took pains in their places, and ſettled the truth (which he called Puritaniſm) in their auditors.

"He made it his work to ſee what books were in the preſs,

[t] It may here be obſerved once for all, that from the conſtant complaints of the growth of Arminianiſm, it may be inferred, the thirty-nine articles of the church of England were in thoſe days generally taken in a calviniſtical ſenſe, though they are now, and have long been, ſubſcribed by the clergy for moſt part in the Arminian. The preſbyterians (whoſe tenets are eſpouſed by Rapin) adhere to the calviniſtical interpretation.

[u] Oliver Cromwel, who was of this committee, complained, that Dr. Neile, biſhop of Wincheſter, countenanced perſons who had preached popery: and, that Dr. Manwaring had been made biſhop. Adding, if theſe be the ſteps to church preferment, what may we expect. Ruſhworth, tom. I. p. 655.

Laud

and to look over epiſtles dedicatory, and prefaces to the reader, to ſee what faults might be found.

" It was an obſervation, what a ſweet man this was like to be, that the firſt obſervable act that he did, was the marrying the earl of D. to the lady R.[w], when it was notorious to the world that ſhe had another huſband, and the ſame a nobleman, who had divers children then living by her. King James did for many years take this ſo ill, that he would never hear of any great preferment of him; inſomuch that the biſhop of Lincoln, Dr. Williams, who taketh upon him to be the firſt promoter of him, hath many times ſaid, that when he made mention of Laud to the king, his majeſty was ſo averſe from it, that he was conſtrained oftentimes to ſay, That he would never deſire to ſerve that maſter, which could not remit one fault unto his ſervant. Well, in the end he did conquer it, to get him to the biſhopric of St. David's; which he had not long enjoyed, but he began to undermine his benefactor, as at this day it appeareth. The counteſs of Buckingham told Lincoln, that St. David's was the man that undermined him with her ſon: and verily, ſuch is his aſpiring nature, that he will underwork any man in the world, ſo that he may gain by it."

This character is not to Laud's advantage; but it muſt be obſerved, that the archbiſhop aſcribed his own diſgrace to the ſecret counſels given by that prelate to the duke of Buckingham.

Whilſt the commons were in debate concerning religion, the ware-houſe of Mr. Rolls, merchant and member of parliament, was locked up by a purſuivant, and himſelf called forth and ſerved with a ſubpœna[x]. This put the houſe in a flame, and occaſioned the ſending for the officers of the cuſtoms, to know upon what account they had ſeized the merchant's effects, and carried them to the king's ſtore-houſe[y]. They replied, it was for refuſing to pay tunnage and poundage, and other duties. But becauſe there was an information already preferred againſt the merchants in the exchequer and ſtarchamber, the commons reſolved not to proceed with the bill of tunnage and poundage, till the goods were reſtored to the owners; and ordered that the barons of the exchequer ſhould be told, to make void their injunction concerning the detaining of the merchants effects[z]. The barons returned anſwer, that they did not, by their injunctions, determine, or any way touch upon the right of tunnage and poundage; neither did they by their orders, bar the owners from ſuing for their goods in a lawful courſe: but whereas the merchants endeavoured to take their goods out of the king's poſſeſſion by writs of replevin, which was no lawful courſe in the king's caſe, nor agreeable to his prerogative royal, therefore the court of exchequer did ſtay thoſe ſuits, and declare, that the owners, if they conceived themſelves wronged, might take ſuch remedy as the law allows. This anſwer, which ſignified nothing, not being ſatisfactory to the commons, a motion was made to conſider whether ever the court of exchequer held this courſe before, for ſtaying of replevins; and whether this had been done by the prerogative of the king in his court of exchequer.

This affair having been long debated in the houſe, the officers of the cuſtoms were ſent for again, and anſwered, that they acted by virtue of a commiſſion under the great ſeal. One of them ſaid, " He had ſeized the goods for duties that were due in the time of king James, and that his majeſty had ſent for him, and commanded him to make no other anſwer." Whereupon the houſe being turned into a grand committee, a motion was made and ſeconded, whether the officers of the cuſtom ſhould be proceeded againſt, by ſeparating their intereſt from that of the king. After ſeveral ſpeeches pro and con, a report was made from the grand committee, that they had at laſt reſolved, that Mr. Rolls ought to have privilege of perſon and goods; which being voted, the ſpeaker was moved to put the queſtion, but he refuſed to do it, ſaying, the king had commanded the contrary. Such a command could not but ſurpriſe the houſe: they adjourned to the 25th of February, and then were farther adjourned by his majeſty's order till the 2d of March. On that day the commons being met, and requiring the ſpeaker to put the queſtion, he ſaid, " I have a command from the king to adjourn the houſe till the 10th of March." And endeavouring to get out of the chair, he was held down by force, and the doors were locked, till ſir John Elliot had drawn the following proteſtation, which was approved by the majority, though not without great tumult and confuſion, and even ſome blows.

The commons proteſtation.

" 1. Whoſoever ſhall bring in innovation of religion, or by favour or countenance ſeem to extend or introduce popery or Arminianiſm, or other opinion diſagreeing from the truth and orthodox church, ſhall be reputed a capital enemy to this kingdom and commonwealth.

" 2. Whoſoever ſhall counſel or adviſe the taking and levying of the ſubſidies of tunnage and poundage, not being granted by parliament, or ſhall be an actor or inſtrument therein, ſhall be likewiſe reputed an innovator in the government, and a capital enemy to the kingdom and commonwealth.

" 3. If any merchant or perſon whatſoever, ſhall voluntarily yield or pay the ſaid ſuſidies of tunnage and poundage, not being granted by parliament, he ſhall likewiſe be reputed a betrayer of the liberties of England, and an enemy to the ſame."

As the king expected no money from this ſecond ſeſſion, he was very glad to have, as he thought, a plauſible pretence to diſſolve the parliment: ſo, that very day a proclamation was drawn up[a], to give notice of his deſign to diſſolve the parliament on the 10th of March, and that the members might depart about their own affairs.

The next day, warrants were directed from the council to Denzil Hollis, ſir Miles Hobart, ſir John Elliot, ſir Peter Hayman, John Selden, William Coriton, Walter Long, William Stroud, Benjamin Valentine, eſquires, commanding their perſonal appearance on the morrow. Four of them, Hollis, Elliot, Coriton, and Valentine, appeared; and refuſing to anſwer out of parliament for what was ſaid and done in the houſe, were committed cloſe priſoners to the Tower. The council ordered at the ſame time the ſtudies of Hollis, Elliot, and Selden, to be ſealed up; and a proclamation was publiſhed to apprehend them. It muſt be obſerved, that the parliament not being yet diſſolved, theſe men were ſtill actually members of parliament.

On the 10th of March, the king coming to the parliament houſe, made the following ſpeech, addreſſing himſelf only to the lords, there being but few commons preſent, the ſpeaker and houſe of commons not having been called.

" My lords,

" I NEVER came here upon ſo unpleaſant an occaſion, it being the diſſolution of a parliament; therefore men may have ſome cauſe to wonder why I ſhould not rather chuſe to do this by commiſſion, it being rather a general maxim of kings to leave harſh commands to their miniſters, themſelves only executing pleaſing things: yet conſidering that juſtice as well conſiſts in reward and praiſe of virtue, as puniſhing of vice, I thought it neceſſary to come here to day, and declare to you and all the world, that it was merely the undutiful and ſeditious carriage in the lower houſe that hath made the diſſolution of this parliament; and you, my lords, are ſo far from being any cauſers of it, that I take as much comfort in your dutiful demeanour, as I am juſtly diſtaſted with their proceedings; yet to avoid their miſtakings, let me tell you, that it is ſo far from me to adjudge all the houſe alike guilty, that I know that there are many there as dutiful ſubjects as any in the world, it being but ſome few vipers among them that did caſt this miſt of undutifulneſs over moſt of their eyes: yet, to ſay truth, there was a good number there that could not be infected with this contagion; inſomuch that ſome did expreſs their duties in ſpeaking, which was the general fault of the houſe the laſt day. To conclude, as thoſe vipers muſt look for their reward of puniſhment, ſo you, my lords, muſt juſtly expect from me that favour and protection, that a good king oweth to his loving and faithful nobility. And now, my lord keeper, do what I have commanded you."

Then the lord keeper ſaid, " My lords, and gentlemen of the houſe of commons (though the commons were not called), the king's majeſty doth diſſolve this parliament."

[w] Laud it ſeems had married Charles Blount earl of Devonſhire, to the lady Rich, wife of the earl of Warwick, who was then alive.

[x] The author ſays, the purſuivant ſent for Mr. Rolls out, to order him not to touch what was locked up. But this, and ſome other little miſtakes in this and the following paragraphs, are corrected in the tranſlation, it not being ſo eaſy to do it by way of note.

[y] It was moved, that the perſon that ſerved the ſubpœna might be ſent for and examined by what procurement it was taken forth. Sir Humphry May, privy counſellor, aſſured the houſe, that this neither proceeded from king nor council, and therefore deſired it might be ſearched to the bottom. And afterwards the attorney general wrote a letter to Mr. Rolls, telling him, the ſerving a ſubpœna upon him was a miſtake. And yet report was made to the houſe by the committee for tunnage and poundage, that the attorney general, notwithſtanding his letter, did give order for the proceſs againſt Mr. Rolls. Ruſhworth, tom. I. p. 654.

[z] Chambers, it ſeems, having ſued out a writ of replevin, the proper remedy in law to regain the poſſeſſion of his goods, the barons of the exchequer did order an injunction under the ſeals of the ſaid court, directed to the ſheriffs of London, commanding them not to execute the ſaid writ, or any the like, and declaring the goods were not replevable. Ibid. p. 612.

[a] The author ſays, publiſhed; but it was not publiſhed till after the 10th of March. Ibid. p. 661.

The diſſolution of the parliament was cauſed by the inſolence of the houſe of commons, as the king had juſt told the lords: and this inſolence, this ſeditious carriage, conſiſted only in keeping the ſpeaker in his chair by force, after he had notified that the houſe was adjourned by his majeſty's order, till a proteſtation of three very ſhort articles was ſet down in writing. This was the commons offence. And here it muſt be remarked, that there was a great difference between the adjourning and the proroguing or diſſolving of the parliament. The king's power to prorogue and diſſolve was never called in queſtion; before the time of James I. I believe no king had ever thought of adjourning the parliament. King James was the firſt that did it. The commons complained of it as a breach of their privileges; but not finding the lords inclined to diſpute this power with the king, they were forced to give way, though they foreſaw the ill conſequences. Theſe conſequences ſhewed themſelves in the preſent reign. Charles I. taking the advantage of this ſingle precedent eſtabliſhed by the king his father, was not ſatisfied with hindering the parliament from adjourning themſelves at Eaſter, as hath been ſeen, but even adjourned the houſes twice, at a time when the commons were debating upon matters which were not agreeable to him; and alſo prevented the ſpeaker by his ſole authority to put the queſtion when required. It is eaſy to ſee the conſequences of this power to adjourn the houſes. The king could put a ſtop to all the debates of either houſe, by adjourning them whenever they took into conſideration any matters diſpleaſing to him. On the other hand, upon ſuppoſition that the king's right was unqueſtionable, the houſe of commons had diſobeyed his orders and violated his prerogative, which might be attended with no leſs ill conſequences. But the king, ſuppoſing his right as fully eſtabliſhed, without giving himſelf any farther trouble to prove it, reſolved to puniſh the houſe of commons, not only by the diſſolution of the parliament, a puniſhment which concerned the whole nation rather than their repreſentatives, but alſo in cauſing ſome of their moſt active and ſtirring members to be condemned as rebellious and ſeditious.

[1629[To that end he commanded the judges of the realm to meet and give their opinions upon the queſtions he had to propoſe to them, in order to be guided by their determinations, leſt he ſhould be accuſed of proceeding too arbitrarily. The queſtions, with the judges anſwers, were as follow:

"1. Whether if any ſubject hath received probable information of any treaſon, or treacherous attempt, or intention againſt the king or ſtate, that ſubject ought not to make known to the king, or his majeſty's commiſſioners, when thereunto he ſhall be required, what information he hath received, and the grounds thereof; to the end the king, being truly informed, may prevent the danger? And if the ſaid ſubject in ſuch caſe ſhall refuſe to be examined, or to anſwer the queſtions which ſhall be demanded of him for farther inquiry and diſcovery of the truth, whether it be not a high contempt in him, puniſhable in the ſtar chamber, as an offence againſt the general juſtice and government of the kingdom?

Sol. The reſolution and anſwer of all the juſtices was, "That it is an offence puniſhable as aforeſaid, ſo that this do not concern himſelf, but another, nor draw him to danger of treaſon or contempt by his anſwer.

"2. Whether it be a good anſwer or excuſe, being thus interrogated, and refuſing to anſwer, to ſay, that he was a parliament-man when he received this information, and that he ſpake thereof in the parliament-houſe, and therefore the parliament being now ended, he refuſed to anſwer to any queſtions but in the parliament-houſe, and not in any other place?

Sol. The judges did not venture to decide publicly this queſtion: but they gave this anſwer by advice privately to the attorney general, "That this excuſe being in nature of a plea and an error in judgment, was not puniſhable until he were over ruled in an orderly manner to make another anſwer; and whether the party were brought in Ore tenus, or by information, for this plea he was not to be puniſhed."

"3. Whether a parliament-man, committing an offence againſt the king or council, not in a parliament way, might, after the parliament ended, be puniſhed or not?

Sol. All the judges unanimouſly anſwered, "He might, if he be not puniſhed for it in parliament; for the parliament ſhall not give privilege to any contra morem parliamentarium, to exceed the bounds and limits of his place and duty. And all agreed, that regularly he cannot be compelled out of parliament to anſwer things done in parliament, in a parliamentary courſe; but it is otherwiſe where things are done exorbitantly, for thoſe are not the acts of a court."

"4. Whether, if one parliament-man alone ſhall reſolve, or two or three ſhall covertly conſpire, to raiſe falſe ſlanders and rumours againſt the lords of the council and judges, not with intent to queſtion them in a legal courſe, or in a parliamentary way, but to blaſt them, and to bring them to hatred of the people, and the government in contempt, be puniſhable in the ſtar chamber after the parliament is ended?

Sol. The judges reſolve, "That the ſame was puniſhable out of parliament, as an offence exorbitant committed in parliament, beyond the office, and beſides the duty of a parliament-man."

The artifice of theſe queſtions conſiſted, 1. In the king's propoſing them in a general manner, as if they related not to any particular perſon. 2. In his aſcribing to one, two, or three members of the houſe, what was done by a great majority. 3. In ſuppoſing offences, outrages, treaſons againſt himſelf or council, and in deciding queſtions of law before the facts were ſtated [b].

By virtue of theſe determinations, the attorney general exhibited in the ſtar chamber an information againſt the impriſoned members, wherein he greatly aggravated what had paſſed in the lower houſe, when the ſpeaker was kept by force in the chair, but without the leaſt mention of the occaſion.

At the ſame time alderman Chambers, one of thoſe that refuſed to pay tunnage and poundage was alſo proſecuted in the ſtar chamber, for ſaying, "That the merchants were more ſcrewed up and wrung in England than in Turky." He was condemned in an exhorbitant fine of 2000l. by which, and ſome other oppreſſions, he was reduced to a very low condition.

I have already mentioned the artifice uſed by the court to remove from the parliament ſuch gentlemen as they ſuſpected, by making them ſheriffs of their reſpective counties, which obliged them to ſwear to the due execution of their office. Walter Long, eſq; of Wiltſhire, being made ſheriff of the county a little before the calling of the laſt parliament, was however elected for Bath, and he preferred this ſervice to that which his office obliged him to. During the ſitting of the parliament, Long was left undiſturbed, but after the diſſolution, the court entered an information againſt him in the ſtar chamber for breaking his oath by abſenting himſelf from his county, and he was fined 2000 marks.

The other members that were in ſeveral priſons, having petitioned the judges to be releaſed upon bail by virtue of the Habeas Corpus, when the judges were met and ready to deliver their opinions, the priſoners were not brought to the bar according to the rule of court: whereupon, proclamation being made for the bringing them in, the court was informed that they were removed to the Tower by the king's own warrant. Then there came a letter to the judges from the king, ſignifying to the court that the priſoners were not ſuffered to appear before them, by reaſon of their inſolent carriage towards him; that is, inſtead of applying themſelves to the king for pardon, they had addreſſed themſelves to the judges to be releaſed upon bail, according to law. Not to inſiſt too long upon this affair, I ſhall content myſelf with ſaying, that they were kept in priſon from March till October, without being tried, or obtaining the benefit of the Habeas Corpus. In fine, the court of King's Bench having agreed with one voice, "That the court, as this caſe is, ſhall have juriſdiction, though the offences were committed in parliament, and that the impriſoned members ought to plead," judgment was given againſt them upon a Nihil dicit [c]. They were to be impriſoned during the king's pleaſure, and moreover, Elliot was fined 2000l. Hollis, 1000 marks, and Valentine 500l.

The king's conduct, as well in diſſolving the parliament, as in what was done afterwards, could not but breed diſcontent among the people. Murmurs were every where heard: libels were diſperſed about London againſt the king's counſellors, and particularly againſt biſhop Laud [d] and the lord treaſurer Weſton, who were accuſed of putting the king upon theſe violent proceedings. For this reaſon, the king, to prevent greater complaints, publiſhed a declaration to notify to the people the cauſes of the diſſolution of the laſt parliament. Though this declaration be very long, I think it

[b] Judge Whitelock often highly complained of this way of ſending to the judges for their opinions before hand, and ſaid, "That if biſhop Laud went on in this way, he would kindle a flame in the nation." Whitelock, p. 13.

[c] They refuſed to put in other plea, than denying the juriſdiction of the court in this caſe.

[d] The libel againſt biſhop Laud was to this effect: "Laud, look to thyſelf, be aſſured thy life is ſought: as thou art the fountain of wickedneſs, repent of thy monſtrous ſins, before thou be taken out of the world; and aſſure thyſelf, neither God nor the world can endure ſuch a vile counſellor or whiſperer to live." The other was as bad againſt the lord treaſurer Weſton. Ruſhworth, tom. I. p. 662.—They were ſuppoſed to have perſuaded the king to diſſolve the parliament. Echard, tom. II. p. 79.

neceſſary

neceſſary to inſert the whole in this place, leſt I ſhould be accuſed of having either paſſed over in ſilence, or too much abridged what may ſerve to juſtify the king. It muſt be obſerved that it was dated the 10th of March, the very day the parliament was diſſolved, though it was not publiſhed that day, but ſome time after.

The king's declaration to all his ſubjects, notifying the cauſes which moved him to diſſolve the laſt parliament.

" HOWSOEVER princes are not bound to give account of their actions but to God alone, yet for the ſatisfaction of the minds and affections of our loving ſubjects, we have thought good to ſet down thus much by way of declaration, that we may appear to the world in the truth and ſincerity of our actions, and not in thoſe colours in which we know ſome turbulent and ill-affected ſpirits (to maſque and diſguiſe their wicked intentions, dangerous to the ſtate) would repreſent us to the public view.

" We aſſembled our parliament the 17th day of March, in the third year of our reign, for the ſafety of religion, for ſecuring our kingdoms and ſubjects at home, and our friends and allies abroad. And therefore, at the firſt ſitting down of it, we declared the miſerable afflicted eſtate of thoſe of the reformed religion in Germany, France, and other parts of Chriſtendom; the diſtreſſed extremities of our deareſt uncle the king of Denmark, chaced out of a great part of his dominions; the ſtrength of that party which was united againſt us: that (beſides the pope and the houſe of Auſtria, and their ancient confederates) the French king profeſſed the rooting out of the proteſtant religion: that of the princes and ſtates on our party, ſome were over-run, others diverted, and ſome diſabled to give aſſiſtance. For which, and other important motives, we propounded a ſpeedy ſupply of treaſure, anſwerable to the neceſſity of the cauſe.

" Theſe things in the beginning were well reſented by the houſe of commons, and with ſo much alacrity and readineſs, that they agreed to grant a liberal aid: but before it was brought to any perfection, they were diverted by a multitude of queſtions raiſed among them, touching their liberties and privileges, and by other long diſputes, that the bill did not paſs in a long time; and by that delay, our affairs were put into a far worſe caſe than at the firſt; our foreign actions then in hand, being thereby diſgraced and ruined for want of timely help.

" In this, as we are not willing to derogate from the merit and good intentions of thoſe wiſe and moderate men of that houſe (to whoſe forwardneſs we attribute it, that it was propounded and reſolved ſo ſoon), ſo we muſt needs ſay, that the delay of paſſing it when it was reſolved, occaſioned by cauſeleſs jealouſies, ſtirred up by men of another temper, did much leſſen both the reputation and reality of that ſupply. And their ſpirit, infuſed into many of the commiſſioners and aſſeſſors in the country, hath returned up the ſubſidies in ſuch a ſcanty proportion, as is infinitely ſhort, not only of our great occaſions, but of the precedents of former ſubſidies, and of the intentions of all well-affected men in that houſe.

" In thoſe large diſputes, as we permitted many of our high prerogatives to be debated, which in the beſt times of our predeceſſors had never been queſtioned, without puniſhment or ſharp reproof; ſo we did endeavour to have ſhortened thoſe debates for winning of time, which would have much advantaged our great affairs both at home and abroad. And therefore, both by ſpeeches and meſſages, we did often declare our gracious and clear reſolution to maintain, not only the parliament, but all our people, in their ancient and juſt liberties, without either violation or diminution; and in the end, for their full ſatisfaction and ſecurity, did, by an anſwer framed in the form by themſelves deſired to their parliamentary petition, confirm their ancient and juſt liberties and rights, which we reſolve with all conſtancy and juſtice to maintain.

" This parliament howſoever, beſides the ſettling our neceſſary ſupply, and their own liberties, they waſted much time in ſuch proceedings (blaſting our government, as we are unwilling to remember), yet we ſuffered them to ſit, until themſelves deſired us to appoint a time for their receſs, not naming either adjournment or prorogation.

" Whereupon, by advice of our council, we reſolved to prorogue and make a ſeſſion; and to that end prefixed a day, by which they might (as was meet in ſo long a ſitting) finiſh ſome profitable and good laws; and withal gave order for a gracious pardon to all our ſubjects; which, according to the uſe of former parliaments, paſſed the higher houſe, and was ſent down to the commons. All which being graciouſly intended by us, was ill-entertained by ſome diſaffected perſons of that houſe, who by their artifices, in a ſhort time raiſed ſo much heat and diſtemper in the houſe; for no other viſible cauſe, but becauſe we had declared our reſolution to prorogue, as our council adviſed, and not to adjourn, as ſome of that houſe (after our reſolution declared, and not before) did manifeſt themſelves to effect; that ſeldom hath greater paſſion been ſeen in that houſe upon the greateſt occaſions. And ſome glances in the houſe, but upon open rumours abroad were ſpread, That by the anſwer to the petition, we had given away, not only our impoſitions upon goods exported and imported, but the tunnage and poundage (whereas in the debate and hammering of that petition, there was no ſpeech or mention in either houſe concerning thoſe impoſitions, but concerning taxes and other charges within the land: much leſs was there any thought thereby to debar us of tunnage and poundage, which, both before and after the anſwer to that petition, the houſe of commons, in all their ſpeeches and treaties, did profeſs they were willing to grant). And at the ſame time many other miſinterpretations were raiſed of that petition and anſwer, by men not well-diſtinguiſhing between well-ordered liberty and licentiouſneſs; as if by our anſwer to that petition, we had let looſe the reins of our government. And in this diſtemper, the houſe of commons, laying aſide the pardon (a thing never done in any former parliament), and other buſineſs fit to have been concluded in that ſeſſion, ſome of them went about to frame and contrive a remonſtrance againſt our receiving of tunnage and poundage, which was ſo far proceeded in, the night before the prefixed time for concluding the ſeſſion, and ſo haſtened by the contrivers thereof, that they meant to have put it to the vote of the houſe the next morning, before we ſhould prorogue that ſeſſion. And therefore, finding our gracious favours in the ſeſſion, afforded to our people, ſo ill requited, and ſuch ſiniſter ſtrains made upon our anſwer to that petition, to the diminution of our profit, and (which was more) to the danger of our government: we reſolved to prevent the finiſhing of that remonſtrance, and other dangerous intentions of ſome ill-affected perſons, by ending the ſeſſion the next morning, ſome few hours ſooner than was expected; and by our own mouth to declare to both houſes the cauſe thereof: and for hindering the ſpreading of thoſe ſiniſter interpretations of that petition and anſwer, to give ſome neceſſary directions, for ſettling and quieting our government, until another meeting; which we performed accordingly the ſix and twentieth of June laſt,

" The ſeſſion thus ended, and the parliament riſen, that intended remonſtrance gave us occaſion to look into the buſineſs of tunnage and poundage. And therefore, though our neceſſities pleaded ſtrongly for us, yet we were not apt to ſtrain that point too far, but reſolved to guide our ſelf by the practice of former ages, and examples of our moſt noble predeceſſors, thinking thoſe counſels beſt warranted, which the wiſdom of former ages, concurring with the preſent occaſions, did approve; and therefore gave order for a diligent ſearch of records: upon which it was found, that although in the parliament holden in the firſt year of the reign of king Edward the fourth, the ſubſidy of tunnage and poundage was not granted unto that king, but was firſt granted unto him by parliament in the third year of his reign; yet the ſame was accounted and anſwered to that king, from the firſt day of his reign, all the firſt and ſecond years of his reign, and until it was granted by parliament. And that in the ſucceeding times of king Richard the third, king Henry the ſeventh, king Henry the eighth, king Edward the ſixth, queen Mary, and queen Elizabeth, the ſubſidy of tunnage and poundage was not only enjoyed by every of thoſe kings and queens, from the death of each of them deceaſing, until it was granted by parliament under the ſucceſſor; but in all theſe times (being for the moſt part peaceable, and not burthened with like charges and neceſſities, as theſe modern times) the parliament did moſt readily and cheerfully, in the beginning of every of thoſe reigns, grant the ſame, as a thing moſt neceſſary for the guarding of the ſeas, ſafety and defence of the realm, and ſupportation of the royal dignity. And in the time of our royal father of bleſſed memory, he enjoyed the ſame a full year, wanting a very few days, before his parliament began; and above a year before the act of parliament for the grant of it was paſſed. And yet when the parliament was aſſembled, it was granted without difficulty. And in our own time, we quietly received the ſame three years or more, expecting with patience in ſeveral parliaments the like grant thereof, as had been made to ſo many of our predeceſſors; the houſe of commons ſtill profeſſing, that multitude of other buſineſſes, and not want of willingneſs on their part, had cauſed the ſettling thereof to be ſo long deferred. And therefore finding

ſo

ſo much reaſon and neceſſity for the receiving of the ordinary duties in the cuſtom houſe, to concur with the practice of ſuch a ſucceſſion of kings and queens, famous for wiſdom, juſtice, and government, and nothing to the contrary, but that intended remonſtrance, hatched out of the paſſionate brains of a few particular perſons; we thought it was ſo far from the wiſdom and duty of a houſe of parliament, as we could not think that any moderate and diſcreet man (upon compoſed thoughts, ſetting aſide paſſion and diſtemper) could be againſt receiving of tunnage and poundage; eſpecially ſince we do, and ſtill muſt purſue thoſe ends, and undergo that charge for which it was firſt granted to the crown; it having been ſo long and conſtantly continued to our predeceſſors, as that in four ſeveral acts of parliament, for the granting thereof to king Edward the ſixth, queen Mary, queen Elizabeth, and our bleſſed father, it is in expreſs terms mentioned, to have been had and enjoyed by the ſeveral kings, named in thoſe acts, time out of mind, by authority of parliament. And therefore upon theſe reaſons we held it agreeable to our kingly honour, and neceſſary for the ſafety and good of our kingdom, to continue the receipt thereof, as ſo many of our predeceſſors had done. Wherefore when a few merchants (being at firſt but one or two) fomented, as it is well known, by thoſe evil ſpirits that would have hatched that undutiful remonſtrance, began to oppoſe the payment of our accuſtomed duties in the cuſtom houſe, we gave order to the officers of our cuſtoms to go on, notwithſtanding that oppoſition, in the receiving of the uſual duties, and cauſed thoſe that refuſed to be warned to attend at the council board, that by the wiſdom and authority of our council, they might be reduced to obedience and duty; where ſome of them, without reverence or reſpect to the honour and dignity of that preſence, behaved themſelves with ſuch boldneſs and inſolency of ſpeech, as was not to be endured by a far meaner aſſembly, much leſs to be countenanced by a houſe of parliament, againſt the body of our privy council.

"And as in this we did, what in reaſon and honour was fit for the preſent, ſo our thoughts were daily intentive upon the re-aſſembling of our parliament, with full intention on our part, to take away all ill-underſtanding between us and our people; whoſe loves, as we deſire to continue and preſerve, ſo we uſed our beſt endeavours to prepare and facilitate the way to it. And to this end, having taken a ſtrict and exact ſurvey of our government, both in the church and commonwealth, and what things were moſt fit and neceſſary to be reformed: we found in the firſt place, that much exception had been taken at a book, entitled, Apello Cæſarem, or, an Appeal to Cæſar; and publiſhed in the year 1625, by Richard Montague, then bachelor of divinity, and now biſhop of Chicheſter; and becauſe it did open the way to thoſe ſchiſms and diviſions, which have ſince enſued in the church, we did for remedy and redreſs thereof, and for the ſatisfaction of the conſciences of our good people, not only by our public proclamation, call in that book, which miniſtred matter of offence; but to prevent the like danger for hereafter, re-printed the articles of religion, eſtabliſhed in the time of queen Elizabeth of famous memory; and by a declaration before thoſe articles, we did tie and reſtrain all opinions to the ſenſe of thoſe articles, that nothing might be left for private fancies and innovations. For we call God to record, before whom we ſtand, that it is, and always hath been our heart's deſire, to be found worthy of that title, which we account the moſt glorious in all our crown, Defender of the Faith. Neither ſhall we ever give way to the authoriſing of any thing, whereby any innovation may ſteal or creep into the church; but to preſerve that unity of doctrine and diſcipline eſtabliſhed in the time of queen Elizabeth, whereby the church of England hath ſtood and flouriſhed ever ſince.

"And as we were careful to make up all breaches and rents in religion at home, ſo did we by our proclamation and commandment, for the execution of laws againſt prieſts and popiſh recuſants, fortify all ways and approaches againſt that foreign enemy; which if it hath not ſucceeded according to our intention, we muſt lay the fault where it is, in the ſubordinate officers and miniſters in the country, by whoſe remiſſneſs, jeſuits and prieſts eſcape without apprehenſion; and recuſants from thoſe convictions and penalties which the law and our commandment would have inflicted on them. For we do profeſs, that as it is our duty, ſo it ſhall be our care to command and direct well; but it is the part of others to perform the miniſterial office. And when we have done our office, we ſhall account ourſelf, and all charitable men will account us, innocent, both to God and men. And thoſe that are negligent, we will eſteem as culpable both to God and us; and therefore will expect that hereafter they give us a better account.

"And as we have been careful for the ſettling of religion, and quieting the church; ſo were we not unmindful of the preſervation of the juſt and ancient liberties of our ſubjects, which we ſecured to them by our gracious anſwer to the petition in parliament, having not ſince that time done any act whereby to infringe them. But our care is, and hereafter ſhall be, to keep them entire and inviolable, as we would do our own right and ſovereignty, having for that purpoſe enrolled the petition and anſwer in our courts of juſtice.

"Next to the care of religion, and of our ſubjects rights, we did our beſt for the provident and well-ordering of that aid and ſupply, which was granted to us the laſt ſeſſion, whereof no part hath been waſtefully ſpent, nor put to any other uſe than thoſe for which it was deſired and granted; as upon payment of our fleet and army; wherein our care hath been ſuch, as we choſe rather to diſcontent our deareſt friends and allies, and our neareſt ſervants, than to leave our ſoldiers and mariners unſatisfied, whereby any vexation or diſquiet might ariſe to our people. We have alſo, with part of thoſe moneys, begun to ſupply our magazines, and ſtores of munition, and to put our navy into a conſtant form and order. Our fleet is likewiſe fitting, and almoſt in a readineſs, whereby the narrow ſeas may be guarded, commerce maintained, and our kingdom ſecured againſt all foreign attempts. Theſe acts of ours might have made this impreſſion in all good minds, that we were careful to direct our counſels, and diſpoſe our actions, as might moſt conduce to the maintenance of religion, honour of our government, and ſafety of our people. But with miſchievous men once ill-affected, 'ſeu bene, ſeu male facta premunt;' and whatſoever once ſeemed amiſs, is ever remembered; but good endeavours are never regarded.

"Now all theſe things that were the chief complaints the laſt ſeſſion, being by our princely care ſo ſeriouſly reformed, the parliament re-aſſembled the 20th of January laſt. We expected, according to the candour and ſincerity of our own thoughts, that men would have framed themſelves for the effecting of a right underſtanding between us and our people. But ſome few malevolent perſons, like empirics and leud artiſts, did ſtrive to make new work, and to have ſome diſeaſe on foot, to keep themſelves in requeſt, and to be employed and entertained in the cure. And yet to manifeſt how much offences have been diminiſhed, the committees for grievances, committees for courts of juſtice, and committees for trade, have, ſince the ſitting down of the parliament, received few complaints, and thoſe ſuch as they themſelves have not thought to be of that moment or importance, with which our ears ſhould be acquainted.

"No ſooner therefore was the parliament ſet down, but theſe ill-affected men began to ſow and diſperſe their jealouſies, by caſting out ſome glances and doubtful ſpeeches, as if the ſubject had not been ſo clearly and well dealt with, touching their liberties, and touching the petition anſwered the laſt parliament. This being a plauſible theme, thought on for an ill purpoſe, eaſily took hold on the minds of many, that knew not the practice. And thereupon the ſecond day of the parliament, a committee was appointed to ſearch, whether the petition and our anſwer thereunto were enrolled in the parliament roll, and in the courts at Weſtminſter, and in what manner the ſame was done. And a day was alſo then appointed, on which the houſe being reſolved into a committee, ſhould take into conſideration thoſe things, wherein the liberty of the ſubject had been invaded, againſt the petition of right. This, though it produced no other effect of moment or importance, yet was ſufficient to raiſe a jealouſy againſt our proceedings, in ſuch as were not well acquainted with the ſincerity and clearneſs of them. There followed another of no leſs ſkill; for although our proceedings before the parliament, about matters of religion, might have ſatisfied any moderate men, of our zealous care thereof (as we are ſure it did the moſt), yet, as bad ſtomachs turn the beſt things into their own nature, for want of good digeſtion; ſo theſe diſtempered perſons have done the like of our good intents, by a bad and ſiniſter interpretation: for, when they did obſerve, that many honeſt and religious minds in that houſe did complain of thoſe dangers that did threaten the church; they likewiſe took the ſame word in their mouth, and their cry likewiſe was, 'templum domini, templum domini,' when the true care of the church never came into their hearts: and what the one did out of zeal unto religion, the other took up as a plauſible theme, to deprave our government, as if we, our clergy, and council, were either ſenſeleſs or careleſs of religion, and this wicked practice

practice hath been, to make us ſeem to walk before our people, as if we halted before God.

"Having, by theſe artifices, made a jealous impreſſion in the hearts of many; and a day being appointed to treat of the grant of tunnage and poundage, at the time prefixed, all expreſſed great willingneſs to grant it. But a new ſtrain is found out, that it could not be done without great peril to the right of the ſubject, unleſs we ſhould diſclaim any right therein, but by grant in parliament; and ſhould cauſe all thoſe goods to be reſtored, which, upon commandment from us, or our council, were ſtayed by our officers until thoſe duties were paid, and conſequently ſhould put ourſelves out of the poſſeſſion of the tunnage and poundage, before they were granted; for elſe, it was pretended, the ſubject ſtood not in fit caſe to grant it. A fancy and cavil raiſed of purpoſe to trouble the buſineſs; it being evident, that all the kings before named did receive that duty, and were in actual poſſeſſion of it, before, and at the very time when it was granted to them by parliament. And although we, to remove all difficulties, did from our own mouth, in thoſe clear and open terms, that might have ſatisfied any moderate and well-diſpoſed minds, declare, that it was our meaning, by the gift of our people to enjoy it; and that we did not challenge it of right, but took it 'de bene eſſe,' ſhewing thereby, not the right, but the neceſſity by which we were to take it (wherein we deſcended, for their ſatisfaction, ſo far beneath ourſelf, as we are confident never any of our predeceſſors did the like, or was the like ever required or expected from them). Yet for all this, the bill of tunnage and poundage was laid aſide, upon pretence, they muſt firſt clear the right of the ſubject therein; under colour whereof, they entertain the complaints, not only of John Rolls, a member of their houſe, but alſo of Richard Chambers, John Foukes, and Bartholomew Gilman, againſt the officers of our cuſtoms, for detaining their goods, upon refuſal to pay the ordinary duty, accuſtomed to be paid for the ſame. And upon theſe complaints, they ſend for the officers of the cuſtoms, enforcing them to attend day after day, by the ſpace of a month together; they cauſe them to produce their letters patents under our great ſeal, and the warrants made by our privy-council, for levying of thoſe duties. They examine the officers upon what queſtions they pleaſe, thereby to entrap them for doing our ſervice and commandment. In theſe and other their proceedings, becauſe we would not give the leaſt ſhew of interruption, we endured long with much patience, both theſe and ſundry other ſtrange and exorbitant encroachments and uſurpations, ſuch as were never before attempted in that houſe.

"We are not ignorant how much that houſe hath of late years endeavoured to extend their privileges, by ſetting up general committees for religion, for courts of juſtice, for trade, and the like; a courſe never had until of late: ſo as, where in former times the knights and burgeſſes were wont to communicate to the houſe ſuch buſineſſes as they brought from their countries; now there are ſo many chairs erected, to make enquiry upon all ſorts of men, where complaints of all ſorts are entertained, to the unſufferable diſturbance and ſcandal of juſtice and government, which having been tolerated a while by our father and ourſelf, hath daily grown to more and more height; inſomuch that young lawyers ſitting there, take upon them to decry the opinions of the judges; and ſome have not doubted to maintain, that the reſolution of that houſe muſt bind the judges; a thing never heard of in ages paſt. But, in this laſt aſſembly of parliament, they have taken on them much more than ever before.

"They ſent meſſengers to examine our attorney general (who is an officer of truſt and ſecrecy) touching the execution of ſome commandments of ours, of which, without our leave firſt obtained, he was not to give account to any but ourſelf. They ſent a captious and directory meſſage to the lord-treaſurer, chancellor, and barons of the exchequer, touching ſome judicial proceedings of theirs in our court of exchequer.

They ſent meſſengers to examine upon ſundry queſtions, our two chief juſtices, and three other of our judges, touching their judicial proceedings at the gaol delivery at Newgate, of which they are not accountable to the houſe of commons.

"And whereas ſuits were commenced in our court of ſtar chamber, againſt Richard Chambers, John Foukes, Bartholomew Gilman, and Richard Philips, by our attorney general, for great miſdemeanors; they reſolved that they were to have privilege of parliament againſt us for their perſons, for no other cauſe, but becauſe they had petitions depending in that houſe; and (which is more ſtrange) they reſolved that a ſignification ſhould be made from that houſe by a letter, to iſſue under the hand of their ſpeaker, unto the lord keeper of our great ſeal, that no attachment ſhould be granted out againſt the ſaid Chambers, Foukes, Gilman, or Philips, during their ſaid privilege of parliament. Whereas it is far above the power of that houſe, to give directions to any of our courts at Weſtminſter, to ſtop attachments againſt any man, though never ſo ſtrongly privileged; the breach of privilege being not in the court that grants, but in the party or miniſter that puts in execution ſuch attachments. And therefore, if any ſuch letter had come to the lord keeper, as it did not, he ſhould have highly offended us, if he had obeyed it. Nay, they went ſo far, as they ſpared not the honour of our council board, but examined their proceedings in the caſe of our cuſtomers, interrogating what this or that man of our council ſaid, in direction of them in the buſineſs committed to their charge. And when one of the members of that houſe, ſpeaking of our counſellors, ſaid, we had wicked counſel; and another ſaid, that the council and judges ſought to trample under feet the liberty of the ſubject; and a third traduced our court of ſtar chamber, for the ſentence given againſt Savage, they paſſed without check or cenſure by the houſe. By which may appear how far the members of that houſe have of late ſwollen beyond the rules of moderation, and the modeſty of former times; and this under pretence of privilege and freedom of ſpeech, whereby they take liberty to declare againſt all authority of council and courts at their pleaſure.

"They ſent for our ſheriff of London, to examine him in a cauſe whereof they had no juriſdiction; their true and ancient juriſdiction extending only to their own members, and to the converſation of their privileges, and not to the cenſure of foreign perſons and cauſes, which have no relation to their privileges, the ſame being but a late innovation. And yet upon an enforced ſtrain of a contempt for not anſwering to their ſatisfaction, they commit him to the Tower of London, uſing that outward pretext for a cauſe of committing him, the true and inward cauſe being, for that he had ſhewed himſelf dutiful to us and our commandments, in the matter concerning our cuſtoms.

"In theſe innovations (which we will never permit again) they pretended indeed our ſervice; but their drift was, to break, by this means, through all reſpects and ligaments of government, and to erect an univerſal overſwaying power to themſelves, which belongs only to us, and not to them.

"Laſtly, in their proceedings againſt our cuſtomers; they went about to cenſure them as delinquents, and to puniſh them, for ſtaying ſome goods of ſome factious merchants, in our ſtore-houſe, for not paying thoſe duties which themſelves had formerly paid, and which the cuſtomers, without interruption, had received of all other merchants, many years before, and to which they were authorized, both by our great ſeal, and by ſeveral directions and commandments from us and our privy council.

"To give ſome colour to their proceedings herein, they went about to create a new privilege (which we will never admit), That a parliament-man hath privilege for his goods againſt the king; the conſequence whereof would be, That he may not be conſtrained to pay any duties to the king, during the time of privilege of parliament. It is true, they would have this caſe to have been between the merchants, and our farmers of our cuſtoms, and have ſerved them from our intereſt and commandment, thereby the rather to make them liable to the cenſure and puniſhment of that houſe. But on the other ſide, we holding it both unjuſt and diſhonourable, to withdraw ourſelf from our officers, in any thing they did by our commandment, or to diſavow any thing that we had enjoyned to be done; upon Monday the 23d of February, ſent a meſſage unto them by ſecretary Coke, thanking him for the reſpect they had ſhewed, in ſevering the intereſt of our farmers from our own intereſt and commandment. Nevertheleſs, we were bound in honour to acknowledge a truth, that, what was done by them, was done by our expreſs commandment and direction; and if for doing thereof our farmers ſhould ſuffer, it would highly concern us in honour. Which meſſage was no ſooner delivered unto them, but in a tumultuous and diſcontented manner they called, Adjourn, adjourn; and thereupon, without any cauſe given on our part, in a very unuſual manner, adjourned until the Wedneſday following.

"On which day, by the uniform wiſdom of our privy council, we cauſed both houſes to be adjourned until the ſecond day of March; hoping that in the mean time, a better and more right underſtanding might be begotten between us and the members of that houſe, whereby the parliament might come to an happy iſſue.

"But underſtanding by good advertiſement, that their diſcontent did not in that time digeſt and paſs away; we

reſolved to make a ſecond adjournment until the 10th of March; which was done, as well to take time to ourſelf, to think of ſome means to accommodate thoſe difficulties, as to give them time to adviſe better: and accordingly, we gave commandment for a ſecond adjournment in both houſes, and for ceſſation of all buſineſs till the day appointed; which was very dutifully obeyed in the higher houſe, no man contradicting or queſtioning it: But when the ſame commandment was delivered in the houſe of commons by their ſpeaker, it was ſtraightways contradicted; and although the ſpeaker declared unto them, it was an abſolute right and power in us to adjourn, as well as to prorogue or diſſolve; and declared and read unto them divers precedents of that houſe, to warrant the ſame; yet our commandment was moſt contemptuouſly diſobeyed; and ſome riſing up to ſpeak, ſaid, They had buſineſs to do before the houſe ſhould be adjourned."

Here the king inſerted a long account of what paſſed in the houſe, when the ſpeaker was kept by force in the chair, whilſt the remonſtrance was drawing. This account is much aggravated, being taken word for word from the attorney general's information againſt Elliot. But it contains in ſubſtance no more than what hath been ſaid before.

"Whilſt the duke of Buckingham lived, he was intitled to all the diſtempers and ill-events of former parliaments; and therefore much endeavour was uſed to demoliſh him, as the only wall of ſeparation between us and our people. But now he is dead, no alteration was found among thoſe envenomed ſpirits, which troubled then the bleſſed harmony between us and our ſubjects, and continue ſtill to trouble it. For now, under the pretence of public care of the commonwealth, they ſuggeſt new and cauſeleſs fears, which in their own hearts they know to be falſe; and deviſe new engines of miſchief, ſo to caſt a blindneſs upon the good affections of our people, that they may not ſee the truth and largeneſs of our heart towards them. So that now it is manifeſt, the duke was not alone the mark theſe men ſhot at, but was only as a near miniſter of ours, taken up, on the bye, and in their paſſage to their more ſecret deſigns; which were only to caſt our affairs into a deſperate condition, to abate the powers of our crown, and to bring our government into obloquy; that in the end all things may be overwhelmed with anarchy and confuſion.

"We do not impute theſe diſaſters to the whole houſe of commons, knowing that there were amongſt them many religious, grave, and well-minded men; but the ſincerer and better part of the houſe was overborne, by the practices and clamours of the other, who, careleſs of their duties, and taking advantage of the times, and our neceſſities, have enforced us to break off this meeting; which had it been anſwered with like duty on their parts, as it was invited and begun with love on ours, might have proved happy and glorious, both to us and this whole nation.

"We have thus declared the manifold cauſes we had to diſſolve this parliament, whereby all the world may ſee how much they have forgotten their former engagements at the entry into the war, themſelves being perſuaders to it; promiſing to make us feared by our enemies, and eſteemed by our friends. And how they turned the neceſſities grown by that war, to enforce us to yield to conditions incompatible with monarchy.

"And now that our people may diſcern that theſe provocations of evil men (whoſe puniſhments we reſerve to a due time) have not changed our good intentions to our ſubjects, we do here profeſs to maintain the true religion and doctrine eſtabliſhed in the church of England, without admitting or conniving at any back-ſliding, either to popery or ſchiſm. We do alſo declare, That we will maintain the ancient and juſt rights and liberties of our ſubjects, with ſo much conſtancy and juſtice, that they ſhall have cauſe to acknowledge, That under our government and gracious protection, they live in a more happy and free eſtate than any ſubjects in the chriſtian world. Yet let no man hereby take the boldneſs to abuſe that liberty, turning it to licentiouſneſs, nor miſinterpret the petition, by perverting it to a lawleſs liberty, wantonly or frowardly, under that or any other colour, to reſiſt lawful and neceſſary authority. For as we will maintain our ſubjects in their juſt liberties, ſo we do and will expect, that they yield as much ſubmiſſion and duty to our royal prerogatives, and as ready obedience to our authority and commandments, as hath been performed to the greateſt of our predeceſſors.

"And for our miniſters, we will not that they be terrified by thoſe harſh proceedings, that have been ſtrained againſt ſome of them. For as we will not command any thing unjuſt or diſhonourable, but ſhall uſe our authority and prerogatives for the good of our people; ſo we will expect, that our miniſters obey us, and they ſhall aſſure themſelves we will protect them.

"As for our merchants, we let them know we ſhall always endeavour to cheriſh and enlarge the trade of ſuch as be dutiful, without burthening them beyond what is fitting: But the duty of five in the hundred, for guarding the ſeas, and defence of the realm, to which we hold ourſelves ſtill obliged (and which duty hath continued without interruption ſo many ſucceſſions of ages), we hold no good or dutiful ſubject will deny it, being ſo neceſſary for the good of the whole kingdom. And if any factious merchant will affront us, in a thing ſo reaſonable, and wherein we require no more, nor in no other manner, than ſo many of our predeceſſors have done, and have been dutifully obeyed: let them not deceive themſelves, but be aſſured, that we ſhall find honourable and juſt means to ſupport our eſtate, vindicate our ſovereignty, and preſerve the authority which God hath put into our hands.

"And now having laid down the truth and clearneſs of our proceedings, all wiſe and diſcreet men may eaſily judge of thoſe rumours, and jealous fears, that are maliciouſly and wickedly bruited abroad, and may diſcern by examination of their own hearts, whether (in reſpect of the free paſſage of the goſpel, indifferent and equal adminiſtration of juſtice, freedom from oppreſſion, and the great peace and quietneſs which every man enjoyeth under his own vine and fig-tree) the happineſs of this nation can be paralleled by any of our neighbour-countries; and if not, then to acknowledge their own bleſſedneſs, and for the ſame be thankful to God, the author of all goodneſs."

This declaration, or rather apology, produced not the effect the king expected. It was very difficult for the king to perſuade the people, that a dozen members of parliament had formed a project to ſubvert the government, to introduce anarchy, to uſurp the royal authority, without any appearance of the leaſt advantage to themſelves or others. It would have been ſtill more ſtrange, that ſuppoſing the king ſo juſt a prince, and ſo tender of his people, as he deſired to be thought, theſe men ſhould have had ſufficient credit, to bring over the majority of the commons to their ſentiments. On the other hand, the king defended himſelf very weakly, in his declaration, on the articles concerning recuſants, tunnage and poundage, and in general, on the cauſes of the diſſolution of the parliament. For in aggravating the commons fault, in not inſtantly obeying the adjournment, he not only ſuppoſed his power inconteſtible, though it was not ſo, but alſo omitted the immediate cauſe of their non-compliance, namely, the ſpeaker's refuſal, by his expreſs command, to put the queſtion, which was a manifeſt breach of the freedom of parliament. Complaints therefore and murmurs continued more than ever, notwithſtanding this apology. It was publicly ſaid, the king intended utterly to deſtroy the privileges of the parliament and the liberties of the people; and what was done afterwards againſt the impriſoned members, helped not to undeceive the nation. It was added, that trade was ruined, and religion in danger, and that the kingdom was going to be enſlaved, if theſe miſchiefs were not redreſſed by a new parliament. The king being informed of theſe rumours, publiſhed a proclamation to this effect:

"THAT, notwithſtanding his majeſty's late declaration, for ſatisfying the minds and affections of his loving ſubjects, ſome ill-diſpoſed perſons do ſpread falſe and pernicious rumours abroad, as if the ſcandalous and ſeditious propoſition in the houſe of commons, made by an outlawed man, deſperate in mind and fortune, and tumultuouſly taken up by ſome few, after that, by his majeſty's royal authority, he had commanded their adjournment, had been the vote of the whole houſe, whereas the contrary is the truth; for it was then decried by the wiſeſt and beſt-affected, and ſince diſavowed, upon examination, by ſuch as were ſuſpected to have conſented thereunto, and affirmed, as well by them, as others who ſerved in the houſe that day, to be a thing of a moſt wicked and dangerous conſequence, to the good eſtate of this kingdom; and it appeareth to be ſo, by thoſe impreſſions which this falſe rumour hath made in men's minds, whereby, out of cauſeleſs fears, the trade of the kingdom is diſturbed, and merchants diſcouraged to continue their wonted traffic. His majeſty hath thought it expedient, not only to manifeſt the truth thereof, but to make known his royal pleaſure; that thoſe who raiſe or nouriſh falſe reports, ſhall be ſeverely puniſhed; and ſuch as cheerfully go on with their trade, have all good encouragement; not purpoſing to over-charge his ſubjects by any new burthens, but to ſatisfy himſelf with thoſe duties that were received

received by the king his father of bleſſed memory, which his now majeſty, neither can nor will diſpenſe withal; but but ſhall eſteem them unworthy of his protection who ſhall deny the ſame, his majeſty intending to employ it for the defence of his kingdom, dominion of the ſeas, and ſafeguard of the merchants, eſpecially by ſuch ſhipping as are now making ready, and ſuch farther preparations for aid of his friends and allies, as need ſhall require. And whereas for ſeveral ill ends, the calling again of a parliament is divulged, howſoever his majeſty hath ſhewed by his frequent meeting with his people, his love to the uſe of parliaments; yet the late abuſe having for the preſent driven his majeſty unwillingly out of that courſe, he ſhall account it preſumption for any to preſcribe any time to his majeſty for parliaments; the calling, continuing, and diſſolving of which, is always in the king's own power. And his majeſty ſhall be more inclinable to meet in parliament again, when his people ſhall ſee more clearly into his intents and actions; when ſuch as have bred this interruption ſhall receive their condign puniſhment, and thoſe who are miſled by them, and by ſuch ill reports as are raiſed upon this occaſion, ſhall come to a better underſtanding of his majeſty and themſelves."

About this time appeared a writing, entitled, "A propoſition for his majeſty's ſervice, to bridle the impertinency of parliaments." Very probably, if this writing had been preſented to the king, it would never have been publiſhed. Accordingly, it was afterwards declared in the ſtar chamber to be a ſeditious libel[e]. It ſerves however to ſhew, that many people thought the king was taking meaſures to throw off the yoke of parliaments, ſince he evidently followed ſome of the maxims propoſed in this writing. There was even no likelihood of his intending to call another parliament, till he had found means of having the commons more at command, as he had plainly intimated in his laſt proclamation.

Rochel being taken, the king did not think proper to continue a war with France, which could bring him no advantage, nor ſerve him for pretence to aſk money of the parliament, ſince he was determined not to call one. As France had no quarrel with him, but concerning the queen's domeſtics, which was not a ſufficient motive to continue the war, a peace was quickly concluded between the two crowns, by the mediation of the republic of Venice. It was ſigned the 14th of April, about a month after the diſſolution of the parliament. France ſo little cared for what had paſſed concerning the queen's domeſtics, that ſhe was ſatisfied with inſerting this article in the treaty of peace: "The articles and contract of the marriage of the queen of Great Britain are to be confirmed faithfully. And as for the ſaid queen's houſhold, if there be any thing to be added or diminiſhed, it ſhall be done by a mutual conſent freely and willingly, as it may be judged fit and convenient for the ſervice of the ſaid queen." The peace was ſworn in September following.

The king had now freed himſelf from the yoke of the parliament, and intended not to reſume it. But withal, he he had deprived himſelf of the ſupplies of money, which the parliaments were wont to grant to the kings, not only on urgent and extraordinary occaſions, but alſo as marks of affection and zeal, when the people were pleaſed with the government. One may venture to ſay, no prince in Europe equals in riches a king of England, who is beloved by his ſubjects. Not only his ordinary revenues, if well managed, are more than ſufficient to enable him to keep a ſplendid and magnificent court; but it is properly the ſovereign alone who has never any need to heap up money againſt any future emergencies. He finds, at all times, in the purſes of his ſubjects, and by a free gift, whatever is neceſſary to ſupport the honour of his ſtate. There is no potentate in Europe that can, like him, be ſure of never wanting money. But what muſt he do to gain the love of his people? Why, a thing the moſt practicable and eaſy, the moſt juſt, the moſt adapted to the welfare of his kingdom, and to his own intereſt. In a word, he muſt obſerve the laws to which himſelf and predeceſſors have conſented, and which were deemed neceſſary for king and people. The pride therefore and inſatiable avarice of favourites and miniſters, are the only things that make him ſometimes loſe the advantages naturally flowing from the conſtitution of the government. Theſe men, impatient of any bounds to their lawleſs ambition of governing with an abſolute ſway, ſeek all poſſible means to inſtil into their maſter a deſire to ſet himſelf above the laws, and to become like other monarchs. That is, they do all that lies in their power to change the king's true and ſolid happineſs into real miſery. For though a king of England ſhould render himſelf abſolute, he could never, by oppreſſion and violence, obtain from his people what he may freely receive, by ſubmitting to the laws and conſtitution of the government. We have ſeen in the two late reigns of William III. and queen Anne, and we daily ſee in that of the prince on the throne, ſuch undeniable proofs of what I advance, that I think it needleſs to ſay any more. I ſhall only obſerve, that the kings of England, who were the moſt famous and moſt eſteemed, as Edward I. Edward III. Henry V. Henry VIII. and Elizabeth, conſtantly followed the ſame maxims, and thereby rendered their reigns proſperous and happy. Whereas James I. Charles I. Charles II. James II. who took a contrary courſe, became miſerable, and performed nothing either for their own or the nation's glory.

Charles I. like the king his father, was very fond of arbitrary power, and had no favourites or miniſters, but what were of the ſame principles. His privy council became by degrees an abſolute court, which thought itſelf above the laws. The ſtar chamber was another court, the moſt rigorous that ever was, the ſeverity whereof fell chiefly upon thoſe who pretended to diſpute the prerogative royal. The high commiſſion perfectly ſeconded the council and ſtar chamber, and under colour of putting a ſtop to ſchiſm, oppreſſed, as puritans, thoſe that refuſed to ſubmit to a deſpotic power. In ſhort, the judges of the realm being all choſen by the court, and devoted to the king, omitted no opportunity to ſupport the prerogative royal, and raiſe it as high as the king deſired. The parliament only could cure theſe diſorders, but the king was determined to call no more, the maxims of the parliament being diametrically oppoſite to his. He thought the parliament had much incroached upon the prerogative royal in the foregoing reigns, and the parliament could not help dreading the conſequences of the general maxims, which the king was endeavouring to introduce into the government; and the rather, as they ſaw plainly, theſe conſequences were not bare ſpeculations, but were put in practice. This dread induced them to deny the king ſome things readily granted by former parliaments to his predeceſſors, becauſe they were free from any ſuch fears. But as the nation in general was more inclined to be ruled by the parliament than by the court, theſe contraſts bred in the minds of the people a diſtaſte to the court, the fatal effects whereof the king afterwards experienced.

By the diſſolution of the late parliament, and by his reſolution never to call another, which was univerſally known, the king had not only deprived himſelf of the extraordinary ſupplies he might have expected from the commons, but had alſo done himſelf great prejudice with reſpect to his treaſury. The five ſubſidies granted by the parliament, fell very ſhort of what was expected. As every man's quota towards a ſubſidy is ſettled by commiſſioners in each county, and by aſſiſtants belonging to the towns and villages, in proportion to his poſſeſſions, either poverty, or decay of trade, or ſome ſuch excuſe, was pleaded to leſſen the tax. On the other hand, the commiſſioners and aſſiſtants not being inclined to the court, allowed very readily theſe excuſes, and appeared much more apt to favour their countrymen than the king. This occaſioned a great diminution of the uſual value of the ſubſidies: moreover, tunnage and poundage were not paid without force. There was continual occaſion to uſe violence, to ſeize the effects, and impriſon the merchants, to oblige them to pay what the houſe of commons had declared illegal. Beſides, they practiſed a thouſand artifices to defraud the King of a duty, which they thought was unjuſtly laid upon them. To cure theſe inconveniencies, the council was forced to give very ſtrict orders, even to the empowering the officers of the cuſtoms to enter into any ſhip, veſſel, or houſe, and to ſearch in any trunk or cheſt, and break any bulk whatſoever, in default of the payment of cuſtoms. But beſides, that this had never been practiſed before, another inconvenience aroſe. Theſe officers, under colour of ſearching, uſed many oppreſſions and rogueries, which cauſed the people ſtill the more to exclaim. In a word, the king had not half the profit from tunnage and poundage that he received before his quarrel with the parliament, and the people were much more diſſatisfied than ever. But to hinder their diſcontent from turning into rebellion, the council gave ſtrict orders to have the militia, both horſe and foot, completed, armed, and inſtructed in the exerciſe of arms[f]. It was thereby

[e] The project contained in this writing, was framed in 1613, by ſir Robert Dudley, ſon of the earl of Leiceſter. However, the earls of Bedford, Somerſet, and Clare, ſir Robert Cotton, Mr. Selden, and Mr. St. John, were committed for diſperſing it, and queſtioned in the ſtar chamber; but ſir David Fowles upon oath diſcovered the author, and ſo ended this buſineſs. Annals, p. 361. Whitelock, p. 14.

[f] And for the exerciſing and keeping the militia in good order, each county was aſſeſſed at a certain rate for the entertainment of a muſter maſter. Ruſhworth, tom. II. p. 10.—An order was alſo made for raiſing money, by compounding with recuſants. Ibid. p. 13.—And a commiſſion for confirming defective titles, p. 49.

Thus

intended to intimidate the people, and keep them in awe, whilſt on the other hand, they were amuſed with orders for the rigorous execution of the laws againſt recuſants. But theſe orders muſt have been neglected, ſince the people's complaints upon that ſubject never ceaſed during the whole courſe of this reign.

Mean while, as the king wanted money, and it was eaſy to foreſee, that his ordinary revenues would not be ſufficient to ſupply his expences, the miniſters found no better way to increaſe the king's revenue, than by granting monopolies. That is, the king, by his letters patents, formed companies, to whom alone he gave the privilege of ſelling certain goods or wares, and who were to pay him for it ſuch a yearly revenue. This was directly contrary to the rights of the people, and very deſtructive to trade: but in thoſe days, the good of the nation was what the court had leaſt in view. This abuſe went ſo far, that in a manner all ſort of commodities were monopolized, and the ſale engroſſed by ſome company, even to old rags. I ſhall not here ſpecify theſe monopolies, becauſe, not having been all eſtabliſhed at once, they will perhaps be mentioned hereafter[z].

[1630] Since the king had undertaken to break with France, the Spaniſh war was no more talked upon than if there had been no ſuch thing, though in all the ſpeeches to the foregoing parliaments, and in all the meſſages to the commons, he had endeavoured to ſhew how neceſſary this war was for the welfare of all Europe, and eſpecially of England. He had frequently inſinuated, that England and Ireland were in ſo great danger of being invaded by the Spaniards, that it was not poſſible to be too ſpeedy in applying a remedy to ſo urgent an evil. And yet, the Spaniards never made any attempt that might confirm the fears the king would have inſpired the parliament with. The king of Spain, contented with not being attacked, undertook nothing againſt England, knowing he was in no danger from that quarter. However, after the concluſion of the peace between France and England, he thought proper to end the war with the Engliſh, to which he met with no obſtacle, Charles not being in condition to continue it. So a peace between the two crowns, after ſome negotiations, was concluded in November 1630.

Preſbyterianiſm had lately gained ground in England, notwithſtanding the ſtrong oppoſition of the biſhops, and particularly of Laud biſhop of London, ſworn enemy to the puritans. This prelate ſeldom miſſed any opportunity to ſhew his hatred to them, and ſuch opportunities very frequently offered. Beſides that he was the king's moſt intimate counſellor, eſpecially for eccleſiaſtical matters, he had almoſt the ſole direction of the high commiſſion, after the archbiſhop of Canterbury was excluded on account of Sibthorp's ſermon. He ſo managed therefore, to prevent the growth of preſbyterianiſm, that the king ſent certain inſtructions to the archbiſhops, with a command to impart them to the biſhops of their provinces, in order to their being obſerved. The chief end of theſe inſtructions was to hinder any preſbyterian miniſter from creeping into the church of England, and to diſcover the careleſs obſervers of the rights preſcribed by the canons. Laud himſelf was the author of theſe inſtructions, which were agreeable to ſome conſiderations, for the better ſettling of the church government, preſented by him to the king ſome time before. As the preſbyterians were not ignorant from whence the evil ſprung, they entertained an implacable enmity to that prelate, the effects whereof they made him feel afterwards, when they found an opportunity.

This year the king had the ſatisfaction of having a ſon called Charles, of whom the queen was delivered the 29th of May.

Guſtavus Adolphus king of Sweden, had expreſſed a great deſire to relieve Germany, oppreſſed by the emperor, but his wars with Poland had prevented the execution of his deſign. Upon that account the kings of France and England joined together to procure a peace between theſe two crowns, in which they ſucceeded at laſt. The French king's aim was to humble the houſe of Auſtria by this diverſion; and Charles hoped, that by the king of Sweden's means, he ſhould recover the Palatinate for his brother-in-law. The peace I have juſt mentioned, was no ſooner concluded, than the king of Sweden prepared to enter Germany at the head of a powerful army. At the ſame time he made a private agreement with the king of England, whereby Charles engaged to furniſh him with ſix thouſand men, in the marquis of Hamilton's name, as if that lord had raiſed theſe troops at his own charge. Theſe articles ſeldom deceive: but however they give the princes who uſe them, the aſſurance to ſay, it is done againſt their conſent. That I may not return to this affair, I ſhall ſay here in two words, Charles was the dupe of Guſtavus. When the Swede, after ſeveral victories over the Imperialiſts, was able in his turn to aſſiſt the king of Bohemia, he would have laid ſuch hard terms upon him, that he could not think of accepting them. So Charles withdrew his troops, which had done good ſervice in the war, and recalled ſir Henry Van, who was with the king of Sweden in quality of ambaſſador. Thus ended this ſort of league, the particulars whereof I think it needleſs to relate, ſince it cauſed no alteration in the affairs of this reign.

I return now to domeſtic affairs. The king's ordinary revenues not ſufficing for his expences, it was neceſſary to find means to raiſe a further ſupply. One of theſe means was, to attack ſuch as had neglected to receive the order of knighthood at the king's coronation, though they had been ſummoned. It was an ancient cuſtom, from the conqueſt, that ſuch as had 15l. a year in land, where obliged to ſerve the king in his wars; and thoſe who were not capable of ſerving, compounded with the king, and for a certain ſum were releaſed from that ſervice. To this end, thoſe who were worth 15l. a year, were to be made knights, that is, fit to ſerve the king. In proceſs of time, the number of thoſe who were to take the order of knighthood, was limited to ſuch as had 20l. a year. What was at firſt but a bare cuſtom, was turned into a law in the reign of Edward II. and after that ſome of the following kings took advantage of it, as may be ſeen in Rymer's Collection of Public Acts. But in general, though this ſtatute was not aboliſhed, it had however been long diſuſed. Charles I. going upon the ſtatute's being ſtill in force, ſince it was never expreſly repealed, put it in practice at his coronation, and pretended to uſe great condeſcenſion, in ſummoning to take knighthood ſuch only as had 40l. a year, though at that time 40l. were much leſs than 20l. in the days of Edward II. He found but very few willing to obey theſe ſummons, the uſe whereof was entirely forgotten. The king himſelf overlooked this non-compliance, perhaps for fear it might be ſome prejudice to him with regard to the ſupplies he was to aſk of the parliament. But after the diſſolution of the third parliament, he did not think himſelf obliged to the ſame caution. He appointed therefore commiſſioners to compound with thoſe who had neglected to appear, as well for their contempt, as for being excuſed from receiving the order of knighthood. The commiſſioners had this inſtruction, "To take no leſs than after the rate of thrice and half as much, as the perſons compounding were found rated in the ſubſidy." Multitudes being ſummoned upon this occaſion, the compoſitions brought the king above a 100,000l. This was looked upon afterwards as a grievous oppreſſion, and the parliament repealed the ſtatute on which it was grounded.

I have already ſpoken of biſhop Laud's extraordinary zeal for the church of England. This church at the reformation, thought fit to retain ſome ceremonies, not as abſolutely neceſſary, but rather as indifferent, and which conſequently ſhe believed it not proper to remove from the divine ſervice. Laud was not only ſcrupulouſly attached to theſe ceremonies, but alſo to every thing that ſerved to adorn the externals of religion, and ſeemed more inclined to increaſe the number, than ſuppreſs any of thoſe that moſt offended the puritans. He gave a proof of this inclination, when he conſecrated St. Catharine Creed church, which had been lately repaired. On this occaſion he uſed ſome formalities which he might have forborne, as being too like what is practiſed in the church of Rome on ſuch ſolemnities. The manner of conſecration was thus:

[1631] "At the biſhop's approach to the weſt door of the church, ſome that were prepared for it, cried with a loud voice, 'Open, open, ye everlaſting doors, that the king of glory may enter in!' And preſently the doors were opened: and the biſhop, with ſome doctors, and many other principal men went in, and immediately falling down upon his knees, with eyes lifted up, and his arms ſpread abroad, uttered theſe words: 'This place is holy, the ground is holy. In the name of the Father, Son, and Holy Ghoſt, I pronounce it holy.'

"Then he took up ſome of the duſt, and threw it up into the air ſeveral times, in his going up towards the chancel. When they approached near to the rail and communion-table, the biſhop bowed towards it ſeveral times; and returning, they went round the church in proceſſion, ſaying

z Thus, as the lord Clarendon obſerves, "unjuſt projects of all kinds, many ridiculous, many ſcandalous, all very grievous, were ſet on foot; the envy and reproach of which came to the king, the profit to other men; inſomuch that of 200,000l. drawn by theſe ways in one year, ſcarce 1500 l. came to the king." tom. I. p. 53—This year died ſir John Elliot; George Carew earl of Totneſs, a commander in the Iriſh wars under queen Elizabeth; and John Speed the hiſtorian.—May 7, ſir Edward Herbert was created baron Herbert of Cherbury. Rymer's Fœd. tom. XIX. p. 132.

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the 100th Pſalm; after that the 19th Pſalm, and then ſaid a form of prayer, 'Lord Jeſus Chriſt, &c.' and concluding, 'We conſecrate this church, and ſeparate it unto thee, as holy ground, not to be profaned any more to common uſe.'

"After this the biſhop, being near the communion-table, and taking a written book in his hand, pronounced curſes upon thoſe that ſhould afterwards prophane that holy place, by muſters of ſoldiers, or keeping prophane law courts, or carrying burdens through it; and at the end of every curſe, he bowed towards the eaſt, and ſaid, 'Let all the people ſay, Amen.'

"When the curſes were ended, he pronounced a number of bleſſings upon all thoſe that had any hand in framing and building of that ſacred and beautiful church, and thoſe that had given, and ſhould hereafter give any chalices, plate, ornaments, or utenſils; and at the end of every bleſſing, he bowed towards the eaſt, ſaying, 'Let all the people ſay, Amen.'

"After this followed the ſermon; which being ended, the biſhop conſecrated and adminiſtered the ſacrament in manner following:

"As he approached the communion-table, he made many ſeveral lowly bowings, and coming up to the ſide of the table where the bread and wine were covered, he bowed ſeven times, and then, after the reading of many prayers, he came near the bread, and gently lifted up the corner of the napkin wherein the bread was laid, and when he beheld the bread, he laid it down again, flew back a ſtep or two, bowed three ſeveral times towards it, then he drew near again, and opened the napkin, and bowed as before.

"Then he laid his hand on the cup, which was full of wine, with a cover upon it, which he let go again, went back, and bowed thrice towards it; then he came near again, and lifting up the cover of the cup, looked into it, and ſeeing the wine, he let fall the cover again, retired back, and bowed as before; then he received the ſacrament, and gave it to ſome principal men; after which many prayers being ſaid, the ſolemnity of the conſecration ended."

If Laud had taken all theſe ceremonies, both in the conſecration of the church, and in the adminiſtration of the ſacrament, from a ritual of the church of England, made ſince the reformation, there would have been nothing to object. But ſome years after, the houſe of commons accuſed him in form, of having exactly copied the Roman Pontifical, which was found in his ſtudy. He denied it, alleging two ſeemingly very frivolous reaſons. Firſt, that the pontifical preſcribes aſhes to be thrown up by the biſhop who conſecrates the church, whereas he threw up duſt in the air, which he found on the ground [h]. Secondly, that he obſerved a form communicated to him by biſhop Andrews. But as there is ſo little difference between duſt and aſhes, and as biſhop Andrews's form agreed with that of the pontifical, this anſwer was not much approved. However this be, it cannot be denied, that it was affectation to uſe on this occaſion, both for conſecrating the church, and adminiſtering the ſacrament, a different form from that of the church of England, and to chuſe one ſo very like the Roman pontifical. This gave his enemies a great advantage, who took occaſion from it, to charge him with an intention to introduce popery. But he little regarded what could be ſaid againſt him. The king's favour had raiſed him ſo high, that it was not in the power of his enemies to hurt him, but on the contrary, he had frequent opportunities to be revenged of them. Whilſt he was moſt exclaimed againſt, three doctors in divinity of the univerſity of Oxford, having preached againſt Arminianiſm, were expelled the univerſity, and ſome others who had undertaken their defence, were turned out of their offices. This was under colour of obſerving the king's proclamation, and it was not doubted but Laud was the author of theſe violent proceedings [i].

In the mean time, the king's miniſters were diligently ſeeking means to raiſe money, and new projects were every day offered, of which they choſe ſuch as they thought proper. Among theſe means, monopolies, as I ſaid, were at firſt moſt in vogue. In the beginning of the year 1632, the king by his patent under the great ſeal, incorporated the ſoap-makers. It is ſaid this patent alone was worth to him 10,000l. [k]. There was another company ſettled for making of cards, of whom the king bought them at 18s. a groſs, and ſealing them, ſold them again. But I ſhould be too tedious was I to mention all the monopolies made in this reign by the king's authority [l].

[1632] Monopolies were not however the only way practiſed to raiſe money. Several other methods were found. Shortly after, the kings by proclamation commanded all lords, gentlemen, clergymen, and others whoſe ſtay in London was not abſolutely neceſſary, to depart within forty days, and reſide in their reſpective counties, and at their manſion houſes. This injuction ſeemed to be grounded upon the king's deſire to hinder the nobility and gentry from waſting their eſtates by a needleſs reſidence in London, where they were obliged to be at great expence. But it was perceived afterwards, that the king had another end in it, when ſuch were ſummoned before the ſtar chamber as had neglected to obey the proclamation, and were condemned in grievous fines to the king's uſe. At the ſame time, the king appointed commiſſioners to puniſh thoſe that, contrary to former prohibitions, had enlarged the city of London by new buildings. From all this the king drew very conſiderable ſums, the fines in which the offenders were condemned being all to his uſe. The ſtar chamber exerciſed great rigour on theſe occaſions.

About the ſame time, the city of London was fined fifteen hundred marks, becauſe the mayor and aldermen had neglected to take inquiſition of the death of one Dr. Lamb, who paſſed for a conjurer, and of whom the duke of Buckingham had made uſe, but for what purpoſe I know not. This man being eighty years of age, was purſued by the mob from ſtreet to ſtreet, and died within a few days, either of the fatigue he had endured, or of the bruiſes he had received.

I have already obſerved, that preſbyterianiſm, or, as it was then called, puritaniſm, daily gained ground, notwithſtanding the endeavours uſed by the king, biſhops, high-commiſſion, ſtar chamber, and courts of juſtice, to ſtop its progreſs. As theſe endeavours conſiſted not in better informing the preſbyterians, but only in the great ſeverity exerciſed upon them, when their zeal cauſed them to offend, they were the more exaſperated againſt the church of England, as they ſaw at the ſame time, that the Arminians and papiſts were left unmoleſted, or if orders were ſometimes given againſt them, ſuch orders were never executed. This made them exclaim againſt the biſhops, and charge them with deſign to introduce popery and Arminianiſm into the church. Unhappily, they imputed to the whole church of England, the violences which ought to have been aſcribed to the circumſtances of the times, and the particular character of ſome biſhops, who having credit at court, intimated to the king, that nothing was more oppoſite to regal authority, than preſbyterian church-government. All who were not very ſubmiſſive to the king, were conſidered as puritans, and as ſuch frequently oppreſſed. So, by a fatal policy, men well-affected to the church of England, but enemies to arbitrary power, were forced againſt their wills to join with the puritans, in order to ſtrengthen their party, and enable them to oppoſe the deſigns of the court. I am perſuaded, this conduct gave puritaniſm many adherents, which otherwiſe it would never have had. What makes me of this opinion is, that preſbyterianiſm never made ſo great a progreſs as during the firſt fifteen years of this reign, though it had never been more perſecuted. After all, this conduct is not to be aſcribed to the church of England. We do not find in her principles and doctrines, any thing repugnant to charity, or tending to violence; but it was wholly owing to the character and deſigns of the court prelates, of the king's miniſters and counſellors, who meant to carry the royal authority to the higheſt degree. They thought nothing would more conduce to that end, than the humbling, or rather the utter ruin of the puritans, and unfortunately conſidered as ſuch, all that oppoſed their

[h] Laud's words in Ruſhworth are: "Whereas it was ſaid, I threw up duſt in the air, this I deny; and where it was alleged that it was in imitation of the Roman pontifical, that (ſaid he) is a miſtake, for the pontifical preſcribes aſhes, not duſt, to be caſt abroad." However, it was expreſly depoſed by two witneſſes, that he threw up duſt. Ruſhworth, tom. II. p. 78. 79.

[i] Laud was choſen chancellor of Oxford, April 12, in the room of William earl of Pembroke, who died of an apoplexy, April 10. Mr. Thomas Ford of Maudlin-college, Mr. Giles Hodges of Exeter-college, and Mr. Giles Thorn of Baliol, being ſummoned before the vice chancellor, appealed from him to the proctors: Mr. Atherton Bruch of Brazen-noze, and Mr. John Doughty of Merton, who received their appeals, were turned out of their offices, and Ford, Hodges, and Thorn, expelled. The cauſe was tried before the king at Woodſtock, Auguſt 23. Ibid. p. 210.

[k] By way of advance, and eight pounds a tun for all ſoap hereafter boiled. Not long before was confirmed a grant made by king James, to incorporate the ſtarch-makers into a company. Act. Pub. XIX. p. 92, 338. And there was a contract between the king and the maſter, &c. of this company, whereby the ſaid company did covenant to pay into his majeſty's exchequer 1500l. the firſt year, 2500l. the ſecond, and then 3500l. yearly. Ruſhworth, tom. II. p. 13.

[l] May 14, this year, Mervin lord Audley earl of Caſtlehaven, was beheaded, for a rape committed upon his wife by one of his ſervants, with his aſſiſtance; and for ſodomy. State Tryals, tom. I.——November 4, was born the princeſs Mary, married in 1641 to William prince of Orange, and mother of the late king William III. Sandford, p. 606.——This year died the famous ſir Robert Cotton, founder of the Cottonian library.

design, according to king James's maxim. Hence it happened, that by confounding thus the ſtate puritans with the church puritans, they compelled, as I may ſay, the firſt to join with the laſt.

The deſign of ruining preſbyterianiſm deſtroyed all regard to the ſcruples of tender conſciences, even in things of little moment, left by the reformers in the public worſhip rather as indifferent, than as abſolutely neceſſary. On the contrary, every thing that gave moſt offence to the preſbyterians, was not only induſtriouſly practiſed, but alſo repreſented as neceſſary, and ſeveral novelties added which were apt to widen the breach, and make an union impracticable. Of this the reader will hereafter be convinced. But before I leave this ſubject, I cannot forbear to relate a fact which clearly proves what I have advanced.

There was in the city of Saliſbury a collegiate church, called St. Edmond's, which with its revenues, like the reſt of that kind, came by act of parliament into the hands of Henry VIII. and remained in the crown till the reign of James I. who ſold it to a private perſon, and he to another, ſo that it paſſed ſucceſſively through ſeveral hands, till at length the laſt proprietor ſold the church to the pariſhioners of St. Edmond's, who repaired and made it the pariſh church. The windows, which had till then been preſerved, were painted after the old faſhion, and contained among other things the hiſtory of the creation, where the painter, had repreſented God the father in the form of an old man, creating the world during the firſt ſix days, but on the ſeventh had painted him ſitting, to denote the day of reſt. The ignorant painter had committed ſeveral blunders, having given to one day the work performed on another, and in expreſſing the creation of the ſun and moon, had put in God's hand a pair of compaſſes, as if he was going to meaſure them. Henry Sherfield recorder of Sarum, and pariſhioner of St. Edmond's, having called a veſtry, repreſented to the pariſhioners, that theſe pictures gave offence, and were apt to lead the people to ſuperſtition. That the painter had committed ſeveral errors, and beſides the repreſentation of God the father in the form of an old man, offended the eyes of good Chriſtians. Whereupon the veſtry thought proper to take down the windows [m], and put up others not painted in their place. Armed with this order, the recorder ſends for a glazier, and ſhewing him with his ſtick the glaſs which was to be changed, broke ſome of the panes, as little caring to preſerve them.

Upon this outrage, an information is exhibited againſt Sherfield in the ſtar chamber by the attorney general, ſhewing that contrary to the canons, which forbid any private perſon to alter or innovate any thing in the fabric or ornament of a church without ſpecial licence from his majeſty or the biſhop of the dioceſe, Sherfield being ill-affected to the diſcipline of the church of England, and the government thereof by biſhops, did combine with ſome others of the ſame opinion, and undertake, by a bare order of the veſtry, and in contempt of the king and the dioceſan, to break down the windows of St. Edmond's church, which contained excellent pictures of the creation, made hundreds of years ſince, and were a great ornament to the church. That he committed this profane act contrary to the order of the biſhop, who by letter had enjoined him to deſiſt from that deſign. That by this ill example, other wicked and ſchiſmatical perſons ill-affected to the government of the church of England under his majeſty, might be encouraged to uſe the like violent courſes.

Sherfield anſwered, that the church of St. Edmond's was a lay-fee, and had ſo continued ever ſince it fell to the crown, and therefore it was legally exempted from the juriſdiction of the biſhop of the dioceſe. That conſequently thoſe who had purchaſed the church, had lawful power to alter the windows, as they had before made other alterations, in the ſteeple, walls, pulpit, and other parts, without any complaints from the biſhop. That after all, he had only taken down ſome ſmall quarries of glaſs to ſhew the glazier what was to be altered, and that the hiſtory of the creation might ſtill be plainly diſcovered. That the painting was ſo far from being fine, that when it was done, it did not coſt above forty ſhillings. Then he ſet forth the groſs blunders of the painter; and proved, by acts of parliament made in the reign of Edward VI. and Elizabeth, that all pictures ſhall be removed out of the churches. Finally, he denied that he was ill-affected to the government of the church under biſhops, or had acted in contempt of the king, or ever received a letter from the biſhop of Saliſbury upon the ſubject. Whereupon the biſhop of London ſaid, that he did not pretend to juſtify the errors of the painter, but only to obſerve to the court, that God being called in ſcripture, "the Ancient of Days," might be the occaſion of the painter's repreſenting God the father like an old man [n]. But that Sherfield was much more to blame than the painter, for daring to make alterations without licenſe. In ſhort, Sherfield was fined five hundred pounds, contrary to the opinion of ſome of his judges, who would have mounted his fine to a thouſand, and condemned to make a public acknowledgment of his fault before ſuch perſons as the biſhop ſhould chuſe to name [o]. I thought myſelf obliged to relate this inſtance, in order to ſhew what methods were taken to ruin preſbyterianiſm. It is eaſy to perceive, that ſuch ſeverities could not but produce very ill effects amongſt the people, and alienate them from, inſtead of reconciling them to, the church of England.

In the account I have given of the third parliament held in this reign, I had ſometimes occaſion to ſpeak of Sir Thomas Wentworth, knight of the ſhire for the county of York. This gentleman, ſeveral times in the houſe of commons, gave proofs of his zeal for the maintenance of the liberties of the people, and the privileges of the parliament. By that he became formidable to the court, though he took care not to run into any exceſs with regard to the king and his miniſter. On the contrary, he always ſoftened his opinions with ſome honourable and reſpectful expreſſions, but however ſeldom failed to oppoſe the pretenſions of the court. As he was one of the greateſt geniuſes then in England, the king ſoon perceived that his parts and capacity might be very ſerviceable to him, if he could gain him to his intereſt. He endeavoured it therefore after, or perhaps before the diſſolution of the parliament, and ſucceeded ſo well, that Wentworth became one of the moſt zealous promoters of the royal authority, or rather the deſpotic power the king had a mind to eſtabliſh [p]. Upon this account, the king thought him the fitteſt perſon to be intruſted with the preſidentſhip of the council in the north. As this is one of the grievances complained of by the Engliſh againſt Charles I. and one of the moſt noted occaſions wherein that prince diſcovered his deſign to ſet up an unlimited power, it will be neceſſary briefly to ſhew what this council in the north was, and the uſe the king would have made of it to ſubject his people to a deſpotic power.

Upon the ſuppreſſion of the leſſer monaſteries in the 27th year of the reign of Henry VIII. there were, for two or three years together, ſeveral inſurrections in the north. Mean while, as Henry VIII. did not intend to ſtop there, but meant alſo to ſuppreſs all the reſt of the monaſteries, he thought proper to take ſome care to prevent the like inſurrections in thoſe parts. To that end, he eſtabliſhed at York a court of juſtice, under the ſpecious pretence of eaſing his poor ſubjects, who had not wherewithal to proſecute their ſuits in the courts of Weſtminſter. But his real intent was, that this court ſhould have an eye upon the proceedings of the northern lords and gentlemen who were ſuſpected, in order to puniſh them immediately, in caſe it was perceived they were endeavouring to raiſe any freſh inſurrections. A commiſſion therefore was granted to the biſhop of Landaff, the firſt preſident, and others, by virtue whereof was eſtabliſhed this new council in the north, otherwiſe called the court of York. The juriſdiction of this court extended over Yorkſhire, Northumberland, Cumberland, Weſtmoreland, the biſhopric of Durham, the county of the cities of York, Kingſton upon Hull, and Newcaſtle upon Tine. The king's commiſſion was no other than a commiſſion of oyer and terminer, with an additional clauſe, whereby the council was impowered to hear all cauſes, real and perſonal, when one or both of the parties, by reaſon of their poverty, could not proſecute their rights, according to the laws of the land. This clauſe, though illegal, produced no ill effect nor any complaint, whether the new court exerciſed that part of the commiſſion at all, or only ſo ſparingly, that the poor found eaſe and benefit by it.

In the firſt year of the reign of king James I. a commiſſion was granted to the lord Sheffield preſident of the court of

[m] What Mr. Sherfield wanted to have altered, was only one window, conſiſting but of four lights, and not any of the fair windows of the church. Ruſhworth, tom. II. p. 154.

[n] Upon which Philip earl of Dorſet obſerved, that by the text was meant, "The eternity of God, and not God to be pictured as an old man creating the world with a pair of compaſſes. But I wiſh, added he, there were no image of the father, neither in the church, nor out of the church; for at the beſt they are but vanities, and teachers of lyes". Ibid. tom. II. p. 156. State Tryals.

[o] He was likewiſe committed to the Fleet, removed from his recorderſhip, and bound to his good behaviour. Ibid.

[p] About the ſame time were gained alſo, ſir John Saville, who was made a lord, and controller of the houſhold; ſir Dudley Diggs, who was promoted to the maſterſhip of the rolls; Noy, who was made attorney general; and ſir Edward Littleton, who was made ſollicitor; ſir John Elliot was, ſome time before his death, tampered with, but he was proof againſt all temptation.

Among

York, which varied not from the former, only it had reference to inſtructions which the king was to ſend him. It is not known whether theſe inſtructions were ſent; but it is evident, that in making the power of the court to depend on the king's inſtructions, the intent was, that its deciſions ſhould not be made ſo much according to the laws, as according to his majeſty's private orders. And indeed king James in the ſeventh year of his reign granted a new commiſſion to the ſame lord Sheffield, omitting theſe two clauſes, which were in the firſt, that they ſhould inquire "per ſacramentum bonorum et legalium hominum," and hear and determine, "ſecundum leges Angliæ." Thus the power of the court was limited only by the particular inſtructions, which were the firſt that appear to have been ſent thither.

From that time, whenever the commiſſion was renewed, which was upon every change of preſident or counſellor, the king ſent new inſtructions, tending to render the court of York independent, not only of the courts of Weſtminſter, which are the courts of the whole kingdom, but even of all ſorts of laws. Charles I. renewed this commiſſion in favour of the lord Wentworth, with a more ample power than any of his predeceſſors had been inveſted with. In 1632, a clauſe was added, whereby, among other things, authority was committed to him to hear and determine all offences and miſdemeanors, ſuits, debates, controverſies and demands, cauſes, things and matters whatſoever contained in the inſtructions annexed to the commiſſion. But what were theſe inſtructions [q]? In the parliament of 1640, Mr. Edward Hyde, then member of the houſe of commons, and afterwards earl of Clarendon, being ſent by the houſe to the lords, concerning the court of York, ſaid in his ſpeech to them, that in the inſtructions of 1632 and 1637, containing fifty-eight articles, "there was ſcarce one that was not againſt or beſide the law." From whence he took occaſion to aſk, "What have the good northern people done, that they only muſt be disfranchiſed of all their privileges, and be governed according to the diſcretion of the court of York?" Nay, though this court might proceed according to diſcretion, ſpecial proviſion was made in the king's inſtructions, that no fine, no puniſhment, ſhould be leſs than by law appointed [r].

This court was aboliſhed afterwards by the ſame parliament of 1640.

The king having governed three or four years without a parliament, was very much at eaſe. His will, by degrees, began to paſs for law; there was no houſe of commons to complain publicly, and he ſaw none about him but ſuch as were always ready to flatter him, and cheriſh his principles concerning government. On the other hand, he was freed from the incumbrance and expence of a war, which had created him great trouble, and rendered him too dependent on the parliament. In ſhort, though he was not ignorant that in general the people were diſcontented, he did not ſee any appearance of rebellion, the great men of the kingdom and the neighbouring princes being ſo diſpoſed, as to give no encouragement to thoſe who ſhould attempt to diſturb the ſtate. His affairs being in this ſituation, he believed he could not take a properer time to go into Scotland, were three important affairs required his preſence. Firſt, he had a mind to be crowned. 2. He intended to hold a parliament for procuring of money. 3. He deſigned to take ſome meaſures there for the execution of a project long ſince formed, to reduce the kirk of Scotland to a perfect conformity with the church of England, and entirely ruin preſbyterianiſm. To this end it was, that he took with him Laud, biſhop of London, and at his arrival in Scotland, made him privy-counſellor of that kingdom. He departed therefore from London the 13th of May 1633, and being come to Edinburgh, was crowned with the uſual ſolemnities. After that he held a parliament, which gave him the largeſt ſubſidy that had ever been granted to any king of Scotland before him [s]. The third point concerning religion requires ſome explanation. But as I intend to ſpeak more fully of it hereafter, I ſhall only ſay here what is abſolutely neceſſary to ſhew the king's deſign.

[1633] The reformation was eſtabliſhed in Scotland in the reign of queen Mary, mother of James I. upon the plan of the churches of Geneva and Switzerland. The hierarchy was entirely ſuppreſſed, and the government of the church committed to preſbyters and national ſynods, called in Scotland General Aſſemblies. But however, the biſhops were ſtill continued, though diveſted of all eccleſiaſtical juriſdiction: they retained only their revenues, lands, houſes, ſeat in parliament, and all the temporal advantages in general that were annexed to the epiſcopal dignity. From the beginning of the reformation, that is from the year 1561, to the end of the ſixteenth century, the ſtate of the biſhops underwent ſeveral revolutions, of which I ſhall ſay nothing here, becauſe I deſign to ſpeak of them elſewhere. It ſuffices to ſay at preſent that James I. becoming king of England, found means to cauſe the parliament of Scotland to reſtore epiſcopacy to its former luſtre, and give the biſhops their ancient juriſdiction over the church. This was the firſt ſtep to lead the kirk of Scotland to the deſired point, that is, to a perfect conformity with the church of England. But the tedious treaty of his ſon's marriage with the Spaniſh infanta, and the affairs of Bohemia and the Palatinate, hindered him from fully executing his project. Charles I. had this work no leſs at heart than the king his father: but as in the beginning of his reign he was engaged in a war with Spain, and afterwards with France, and moreover his diſputes with his parliaments affording him little leiſure to think of other matters, he could not ſeriouſly ſet about this affair till after the others were ended. In the parliament at Edinburgh, in the year 1633, among other acts that were preſented to be paſſed, there were two, namely, An act anent (or concerning) his majeſty's royal prerogative and apparel of kirkmen; an act of ratification of the acts touching of religion. Theſe were the only acts that met with any oppoſition, on account of the conſequences which ſome feared the king would hereafter draw from them. The firſt of theſe acts was properly but a confirmation of a like act paſſed in the reign of king James VI. impowering his majeſty to order the veſtments of the clergy as he pleaſed. Now as from that time the deſign of altering the diſcipline of the kirk of Scotland had ſhewed itſelf more and more, ſome of the members of this parliament ſuſpected the king would make uſe of that act to introduce the ſurplice. And indeed, being aſked whether he intended it, he made no anſwer, but taking a liſt of the whole members out of his pocket, ſaid, "Gentlemen, I have all your names here, and I will know who will do me ſervice, and who will not, this day." However, about thirteen noblemen and as many barons and burgeſſes declared that they agreed to the act for his majeſty's prerogative, but diſſented from that part of it as to the apparel of kirkmen.

The other act which I mentioned, was expreſſed in the following manner: "Our ſovereign lord, with the advice and conſent of the eſtates, ratifies and approves all and whatſoever acts and ſtatutes made before, anent the liberty and freedom of the true kirk of God, and religion preſently profeſſed within this realm, and ordains the ſame to ſtand in their full force and effect, as if they were ſpecially mentioned and ſet down therein."

I have already ſaid, that in the reign of James VI. and eſpecially after his acceſſion to England, he made ſeveral innovations in the kirk of Scotland, particularly with reſpect to the epiſcopal juriſdiction which had been reſtored. The whole artifice of this act conſiſted therefore in theſe words, "the religion at preſent profeſſed;" for thereby were confirmed all the innovations in the diſcipline of the kirk of Scotland, to which the oppoſers of the act would not agree. They were very willing to ratify the acts made in favour of religion, as eſtabliſhed by an act paſſed in the ſixth year of James VI. when the biſhops had no power or juriſdiction, but would not admit theſe words, "at preſent profeſſed." During theſe conteſts, the king ſaid, with ſome emotion, "I will have no diſtinction, but command you to ſay, I or No." Whereupon the diſſenting lords and gentlemen ſaid, No. However the two acts paſſed by a majority of votes. Some affirmed afterwards, that fraud was uſed in gathering the votes: however, the king's eagerneſs to have theſe two acts paſſed, convinced the people of Scotland that the project of making greater innovations in the kirk ſtill ſubſiſted, and that the two acts were a ſort of preparitive to accompliſh it.

[q] Among other matters in the inſtructions, the ſaid preſident was to hear and determine, according to the courſe of proceedings in the ſtar chamber, divers offences, deceits, and falſities, whether the ſame were provided by act of parliament, or not. Likewiſe to hear and determine, according to the courſe of proceedings in the court of chancery, all manner of complaints, as well concerning lands, tenements and hereditaments, &c. and to ſtay proceedings in the courts of common law by injunction, or otherwiſe, as is uſed in the courts of chancery. And that no prohibition ſhall be granted at all, but in caſes where the preſident exceeded the limits of the ſaid inſtructions. And that if a Habeas Corpus be granted, the party was not to be diſcharged till he performed the decree of the council. Ruſhworth, tom. II. p. 158.

[r] "But, added Mr. Hide, as much greater as your diſcretion ſhall think fit. And indeed, ſays he, in this improvement we find arbitrary courts are very pregnant. If the law require my good behaviour, this diſcretion makes me cloſe priſoner: if the law ſets me in the pillory, this diſcretion appoints me to leave my ears there. And ſuch confuſion hath this diſcretion in theſe inſtructions produced, as if diſcretion were only to act with rage and fury." See the whole ſpeech in Ruſhworth, tom. II. p. 162. where the reader will find a narrative of the foundation, progreſs, and growth of this court.

[s] This ſubſidy was 30s. of every pound worth of land, for ſix years: and alſo the ſixteenth penny of all annual rents, of intereſt of money, and for ſix years as the former. Ibid. tom. II. p. 182.

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On the other hand, the oppoſition the king met with, ſhewed him it was not yet time to act openly, and that it was neceſſary to take other meaſures to facilitate the ſucceſs of his deſigns [t].

If it was endeavoured in Scotland to ruin preſbyterianiſm by indirect ways, it was thought proper to proceed in England with leſs caution: accordingly, all poſſible efforts were uſed to deſtroy it utterly, by perſecuting the puritans, for whom there was not the leaſt condeſcenſion. The court and biſhops laid it down for a rule, not to depart on their account from one tittle of what was practiſed in the church of England, for fear they ſhould grow too powerful, and the indulgence ſhewn them prove detrimental to the church. But there was a ſtronger reaſon, namely, the implacable hatred conceived of them by the king, his miniſters, and, above all, by the biſhops of London and Wincheſter, which made them earneſtly ſeek all occaſions to oppreſs them: and theſe occaſions were eaſy to be found. They had only to preſs the obſervation of the canons, without diſpenſing with one article, in order to cauſe the preſbyterians to commit offences which expoſed them to the rigour of the eccleſiaſtical and civil laws. But as the biſhops could not be every where, and wanted people to inform them of what paſſed, Walter Curle biſhop of Wincheſter, bethought himſelf, in his primary viſitation, to oblige by oath the church-wardens and other officers to turn informers, that none might eſcape their enquiry. The oath was as follows:

"You ſhall ſwear, that you and every of you, without all affection, favour, hatred, hope of reward and gain, or fear of diſpleaſure or malice of any perſon, ſhall preſent all and every ſuch perſon or perſons, of or within your pariſh, who hath committed any offence, fault, or crime, or omitted any part of duty, which be enjoined to perform: wherein you ſhall deal uprightly and according to truth; neither of malice preſenting any contrary to truth, nor of corrupt affection ſparing to preſent any, and to conceal the truth; having in this action God before your eyes, with an earneſt zeal to maintain truth, and ſuppreſs vice. So help you God, and the contents of this book."

With this oath were delivered certain inſtructions, according to which they were to proceed.

"1. As to the articles concerning the church, they are to enquire, whether they have the Book of Conſtitutions, or Canons eccleſiaſtical, and a parchment Regiſter-book, Book of Common Prayer, and Book of Homilies, &c.? And whether the communion-table be placed in ſuch convenient ſort within the ſaid chancel or church, as that the miniſter may be beſt heard in his prayer and adminiſtration?

"2. As to the articles concerning the clergy, whether doth the miniſter read the Conſtitutions ſet forth by his majeſty once every year?

"3. Whether the miniſter or preacher uſed to pray for the king's majeſty with his whole title, as king of Great Britain? And doth he in like manner pray for the archbiſhops and biſhops? And doth he obſerve all the orders, rites, and ceremonies preſcribed in the Common Prayer, and adminiſtring the ſacrament? And whether doth the miniſter receive the ſacrament, kneeling at the ſame, and adminiſtreth to none but ſuch as do kneel, as by the XIIth Canon is directed?

"4. Whether hath the miniſter admitted to the communion any notorious offenders or ſchiſmatics, contrary to the XXVIth and XXVIIth conſtitution? And whether ſtrangers of any other pariſh do come often and commonly to your church, from their own pariſh-church, contrary to the XXVIIIth Canon? And whether doth the miniſter uſe to ſign the children with the ſign of the croſs when they are baptized? And whether is your miniſter a licenſed miniſter? If yea, then by whom? And whether doth the miniſter wear the ſurplice whilſt he is ſaying the public prayers, and adminiſtring the ſacraments? Whether doth the miniſter catechize and inſtruct the youth of ignorant perſons of your pariſh in the Ten Commandments, &c.? And whether he doth ſolemnize marriage, the banes not being three ſeveral Sundays and holidays firſt publiſhed in time of divine ſervice? And whether doth your miniſter in the Rogation-days uſe the perambulation of the circuit of the pariſh? Whether doth the miniſter every ſix months denounce in the pariſh all ſuch as do perſevere in the ſentence of excommunication, not ſeeking to be abſolved? Or hath he admitted any excommunicated perſon into the church, without certificate and abſolution? Whether is your miniſter a favourer of recuſants, whereby he may be ſuſpected not to be ſincere in religion? Whether is your miniſter noted to be an incontinent perſon, a frequenter of taverns, ale-houſes, a common gameſter, a player of dice, &c.?" With divers other articles of enquiry.

Hence may be ſeen how very careful the biſhop of Wincheſter was to hinder any preſbyterian miniſters from getting into the church of England. But though the oath enjoined by this prelate was a real outrage upon the laws, the parliament alone having power to preſcribe ſuch oaths, none dared to attack him directly. The preſbyterians were ſure to meet with no encouragement from the court; on the contrary, their diſlike of a thing was a ſufficient reaſon with the court ſtrenuouſly to ſupport it. Of this I ſhall give two very remarkable proofs. The preſbyterians were offended at the feaſts of the dedications of churches, commonly called Wakes or Ales, becauſe they were only occaſions of riot and debauchery, and becauſe theſe days ſeldom paſſed without ſome diſorders. In Somerſetſhire, where theſe revels abounded, the lord chief juſtice Richardſon and baron Denham, in their circuits, made an order, with the general conſent of the whole bench, that theſe revels ſhould be ſuppreſſed [u]: but the chief juſtice being commanded to attend the council-board, was ſeverely reprimanded, and enjoined to revoke the order made at the aſſizes. A ſecond proof of what I advanced was this:

The preſbyterians, notwithſtanding the late king's proclamation, affecting ſtill to forbid their ſervants to be preſent at theſe revels, or to uſe any recreations publicly on Sundays after divine ſervice, the king renewed and confirmed the proclamation publiſhed by his father, commanding that the people ſhould not be troubled or moleſted in their recreations. The court was afraid, that by degrees a maxim, deemed by them prejudicial to their intereſt, would be eſtabliſhed, namely, that when a cuſtom, not ill in itſelf, occaſioned abuſes, it ought to be aboliſhed. This maxim ſeeming to them too general, becauſe it might be applied to things of great conſequence, they oppoſed it to the utmoſt of their power.

George Abbot, archbiſhop of Canterbury, dying this year, 1633, William Laud, biſhop of London, ſucceeded him in that dignity [w].

This year the queen was delivered of a ſecond ſon, in October, who was called James, and created duke of York.

The preſbyterians were poſſeſſed, that a project was formed to re-eſtabliſh the Romiſh religion in England. This notion in general ought not to ſeem ſtrange, ſince it is certain that from the reformation this project had never been interrupted; but the authors of it muſt be carefully diſtinguiſhed. Had the preſbyterians been ſatisfied with believing that ſome private Roman catholics had formed ſuch a deſign, it may be affirmed they would not have been miſtaken; but they went much farther: they imagined that the king's miniſters, the council, biſhops, and particularly the new archbiſhop of Canterbury, were the authors of the project. If they did not directly charge the king with it, at leaſt they were perſuaded, either that he encouraged it, or ſuffered himſelf to be carried farther than he intended by perſons who concealed their deſign from him. The catholics themſelves gave occaſion for theſe ſuſpicions, in ſhewing openly their hopes of quickly ſeeing a change in favour of their religion. We find in a diary kept by Laud of what happened to him every day, that this very year 1633, he had the offer of a cardinal's cap, if he would help to reſtore the Roman religion. For my part, I verily believe, neither the king nor the archbiſhop [x], nor the miniſters, for the moſt part, ever formed ſuch a deſign; at leaſt, in all that has been ſaid upon the ſubject, I have not met with any proof which appeared, I will not ſay ſufficient to convince me, but even to have the leaſt probability. Nevertheleſs, it is certain this opinion was ſpread among the people, and the preſbyterians uſed all their endeavours to gain it belief. I do not know whether they believed it themſelves, or only thought it for their advantage to caſt this reproach upon the church of England, in order to ſtrengthen their party, in which they ſucceeded at laſt beyond their expectations. But ſince this opinion produced in time ſurpriſing effects, I cannot forbear ſhewing upon what it was grounded.

1. Whilſt James I. was only king of Scotland, before the death of queen Elizabeth, he was ſuſpected to favour the papiſts [y]. Elizabeth herſelf was not free from ſuch a ſuſpicion, as appeared in the hiſtory of her reign. After James's acceſſion to the throne of England, he always expreſſed great

[t] The king arrived at Greenwich from Scotland July 20. Laud's Diary.

[u] On Sunday. Ruſhworth, tom. II. p. 191.

[w] Archbiſhop Abbot died Auguſt 4, and Laud ſucceeded him immediately after. His congè d'eſlire is dated Auguſt 12; the royal aſſent, September 4; and the reſtitution of the temporalities, September 23. See Rymer's Fœd. tom. XIX. p. 525. Clarendon, tom. I. p. 68, 69.

[x] Wilſon's obſervation about him ſeems to be juſt. "Laud, ſays he, would never bring his neck under the obedience of the Roman yoke, though he might ſtick for the grandeur of the clergy." Compl. Hiſt. p. 753.

[y] It would have been thought ſomething more than ſuſpicion, had they known of his ſecret treaty with the king of Spain in 1596, managed by John Ogelby, a Scotch baron, who declared to his catholic majeſty, that king James

tenderneſs for the catholics. This he ſhewed on ſeveral occaſions, as in the gunpowder-plot; by his expreſſions in favour of the catholics in all his ſpeeches to the parliament; by the places of truſt, which he gave indifferently to papiſts and proteſtants, as he owned himſelf in his famous apology; by his continual refuſal to execute the laws againſt recuſants; and laſtly, by the little zeal and affection he expreſſed for the proteſtant religion in the two negotiations with Spain and France concerning his ſon's marriage. I ſay nothing here of his conferences with the archbiſhop of Ambrun, becauſe they were not known in his life-time, nor can be affirmed to be faithfully related. All this gave ſome cauſe to ſuſpect that king James had ſome ill deſign with regard to religion, and had left the execution to the care of his ſucceſſor.

2. Charles I. when prince, and at Madrid, ſent a letter to the pope, which might have rendered him ſuſpected. This ſuſpicion might be confirmed by the ſecret articles he is ſaid to have ſigned on occaſion of his marriage with the infanta.

3. After Charles was on the throne, he always ſhewed a very great condeſcenſion to the catholics, ſeveral whereof were raiſed to the higheſt poſts: Conway, ſecretary of ſtate, was a papiſt; Weſton, who was made earl of Portland and lord treaſurer, was ſo likewiſe; indeed the duke of Buckingham profeſſed the reformed religion, but it was generally believed he would have made no difficulty to change it for the Roman; beſides, his mother and his ducheſs were papiſts. The parliament, as I have ſaid, preſented to the king a liſt of many recuſants, to whom were committed the places of truſt in their reſpective counties. In ſhort, though the king had poſitively promiſed to proceed with vigour againſt the recuſants, he ſeems not to have performed his promiſe, ſince the following parliaments were frequently obliged to renew their inſtances, and always in vain. If the king gave any orders upon that ſubject, they were never executed, and every one believed the court connived at the neglect of thoſe who were charged with the execution, ſo that this was a perpetual cauſe of complaint during his whole reign.

4. The king had an exceſſive complaiſance for his queen, and the queen was not only a papiſt, but alſo very zealous for her religion. This gave occaſion to fear ſhe had formed the project of reſtoring it in England, and would at laſt draw the king into her ſentiments.

5. The preſbyterians, who were looked upon as the greateſt enemies to popery, were furiouſly oppreſſed and perſecuted, whilſt the Arminians and papiſts were ſuffered to live unmoleſted. Hence it was inferred, that the court acted with ſuch warmth againſt that ſect, only to make way, by their deſtruction, to the reſtoration of popery.

6. Arminianiſm was ſo openly countenanced by the court, and ſome of the principal biſhops, that many believed there was a deſign to make uſe of it as a means to effect the more eaſily a change of religion.

7. As this notion of a deſign to reſtore popery ſpread itſelf over the kingdom, the heads of the church of England were more attached to all the rites and ceremonies which gave moſt offence to tender conſciences: kneeling at the ſacrament, wearing the ſurplice, confirmation, keeping of ſaints days, proceſſions, bowing to the altar, and the like, which offended the preſbyterians, as being reliques of popery, theſe things, I ſay were preſſed by the biſhops with the ſame eagerneſs as if religion muſt have fallen with them, and as if they were abſolutely neceſſary to ſalvation. This cauſed many to ſuſpect that the obſervance of all theſe points was preſſed with deſign to pave the way for the more eaſy reception of the popiſh tenets hereafter.

8. The heads of the church of England were not ſatisfied with zealouſly maintaining the ceremonies and rites uſed in their church ſince the reformation, but made certain additions to them from time to time, which could not be juſtified by the canons. This occaſioned theſe things to be conſidered as innovations tending to popery. What Laud had done in conſecrating St. Catharine-Creed church, and in adminiſtring the ſacrament, was of this kind. When ſome complained of theſe things, the biſhops that countenanced them alleged a ſtatute, which impowered queen Elizabeth and her ſucceſſors, in caſe of any abuſes and indecencies in the divine ſervice, to preſcribe ſuch ceremonies as they ſhould judge proper for the glory of God and the decency of his worſhip. Now as the king never failed to approve of what was injoined by the biſhops, many ſuſpected that the king's authority was uſed to ſupport theſe ſeemingly inconſiderable innovations, with deſign to take the advantage of the ſame authority to juſtify alterations of much greater conſequence.

9. Laſtly, the church's little regard to tender conſciences, and her obſtinacy in refuſing to relax in any the moſt inſignificant point; as for inſtance, the ſurplice, gave occaſion to believe, theſe things would not be ſo zealouſly adhered to, were there not ſome more hidden deſigns.

Theſe were the grounds, as far as I have been able to obſerve, on which was founded the people's belief of a ſettled deſign to introduce popery. However, theſe are only preſumptions, from whence, as I ſaid, it cannot be juſtly inferred, that this opinion was well grounded. But on the other hand, it muſt be confeſſed, that the principal biſhops, who were not ignorant of the conſequences drawn from their conduct, were extremely careleſs in clearing themſelves, or in taking meaſures to remove, or at leaſt to weaken theſe ſuſpicions. They regarded the preſbyterians with the utmoſt contempt, as a ſet of ſtubborn obſtinate people, who ought to be humbled, inſtead of being indulged. But it was not with reſpect to religion only that the ruin of the puritans was thought neceſſary. They were alſo conſidered as perſons, who by the principles of their religion, were inclined to oppoſe all authority in the ſtate as well as in the church, and conſequently they could not be kept too low. This bred between the two parties an implacable enmity, which is not yet extinguiſhed. The preſbyterians, who were under oppreſſion at the time I am ſpeaking of, had their turn afterwards, and oppreſſed, nay, utterly deſtroyed, the church of England. In the violent motions cauſed by this enmity, the biſhops ſuffered firſt. Laud loſt his head on the ſcaffold. The monarchy was overthrown, and in the fall the king himſelf came to a tragical end. The church of England diſappeared for ſome time, and was, as it were, buried in the ruins of the ſtate. And it was not without a wonderful providence that the monarchy and the church were at laſt reſtored to their former ſplendor.

The king, as I ſaid, intended to introduce the rites of the church of England into the kirk of Scotland. This project was formed by the king his father, who had even ordered that divine ſervice ſhould be celebrated in his royal chapel at Edinburgh, in the ſame manner as in his chapel at Whitehall. But whether this order was neglected, or the Scots would not frequent the chapel, Charles thought proper not only to renew it, but to add ſeveral things to hinder the chapel from being deſerted for the future. On the 8th of October, he ſent the following articles to the biſhop of Dunblane, dean of his chapel at Edinburgh:

"OUR expreſs will and pleaſure is, that the dean of our chapel, that now is, and his ſucceſſors, ſhall be aſſiſtant to the right reverend father in God the archbiſhop of St. Andrews, at the coronation, ſo often as it ſhall happen.

"2. That the book of the form of our coronation lately uſed, be put in a little box, and laid into a ſtandard, and committed to the care of the dean of the chapel ſucceſſively."

The coronation of Charles I. it muſt be obſerved, had been performed according to the rites of the church of England.

"3. That there be prayers twice a day, with the choir, as well in our abſence as otherwiſe, according to the Engliſh liturgy, till ſome courſe be taken for making one, that may fit the cuſtom and conſtitution of that church.

"4. That the dean of the chapel look carefully, that all that receive the bleſſed ſacrament there, receive it kneeling; and that there be a communion held in that our chapel, the firſt Sunday of every month.

"5. That the dean of our chapel, that now is, and ſo ſucceſſively, come duely thither to prayers upon Sundays, and ſuch holy-days as that church obſerves, in his whites, and preach ſo, whenever he preacheth there. And that he be not abſent from thence, but upon neceſſary occaſion of his dioceſe, or otherwiſe, according to the courſe of his preferment.

"6. That theſe orders ſhall be our warrant to the dean of our chapel. That the lords of our privy-council, the lords of the ſeſſions, the advocate, clerks, writers to the ſignet, and members of our college of juſtice, be commanded to receive the holy communion once every year at leaſt, in that our chapel royal, and kneeling for example-ſake to the kingdom. And we likewiſe command the dean aforeſaid, to make report yearly to us how we are obeyed therein, and by whom; and alſo if any man ſhall refuſe, in what manner he doth ſo, and why.

"7. That the copies which are conſecrated to our uſe, be delivered to the dean, to be kept upon inventory by him,

James would turn catholic, and enter into a confederacy with his holineſs and his catholic majeſty, againſt the queen of England; and produced a letter of credence of the ſaid king James, preſenting a memorial of the reaſons that induced the king of Scotland to be reconciled to the ſee apoſtolic.

This tranſaction is mentioned by none of our hiſtorians. The papers relating to this affair were found among ſir Ralph Winwood's, which the reader may ſee in the Collection of State Papers publiſhed by Edmund Sawyer, eſq; tom. I. p. 1.

and in a ſtandard provided for that purpoſe; and to be uſed at the celebration of the ſacrament in our chapel royal [z]."

Beſides theſe articles, the king writ a letter to the dean, ordering him to certify to the lords of the privy-council, if any of thoſe appointed to communicate in his chapel royal, did not perform theſe articles, to the end, ſuch order might be taken, as his majeſty had appointed by his former letters.

Hence it is viſible, that not only the whole council of Scotland, but alſo thoſe who were in public employments and court-places, were prepared to conform to the church of England, otherwiſe they would not have been employed, or continued in their poſts. It was with them the king intended to begin, that, as he ſaid himſelf, they might ſerve for example to the reſt. We ſhall ſee preſently what happened, when the king would have obliged the whole Scotch nation to the ſame condeſcenſion.

Whilſt the king was ſeeking means to engage the Scots to conform to the church of England, pains were taking on the contrary to alienate from the preſbyterians in England, by affecting ſuch uſages and cuſtoms as were moſt apt to offend them. At that time the heads of the church of England, inſtead of undeceiving thoſe who prepoſterouſly imagined ſhe was leaning to popery, ſeem to have taken all poſſible care to confirm their ſuſpicions, by induſtriouſly conforming to the church of Rome in matters of little moment, and without any neceſſity, as if it was done on purpoſe to brave them. In October 1633, the dean and chapter of St. Paul's, as ordinaries of St. Gregory's church, which ſtood near the cathedral, removed the communion table from the middle of the chancel to the upper end, placing it there altar-wiſe. For which they alleged two reaſons: The firſt, that in the king's chapel, and all cathedrals, the communion tables were placed in that manner, and therefore it was fit other churches ſhould conform to the ſame cuſtom. The ſecond, that when the tables ſtood in the middle of the chancel, ſeveral ſcandalous indecencies were committed, people leaning thereon in ſermon time, or putting their hats on it. This laſt reaſon, added to the great care that was taken about kneeling at the ſacrament, cauſed many to believe, that the endeavouring to inſpire ſuch an extraordinary reſpect for the communion table, and the giving it always the name of altar, was not without deſign. And therefore ſome of the pariſhioners of St. Gregory's complained of this removal, by appeal to the court of the arches [a]. But the council having notice of it, prevented the ſentence, by ordering the dean of the arches, to confirm by his authority, what had been done in St. Gregory's church. A few days after, the king being preſent in council, cauſed this affair to be debated, and approving the act of the dean and chapter of St. Paul's, gave commandment, that if thoſe pariſhioners did proceed in their appeal, the dean of the arches (who was then attending at the hearing of the cauſe) ſhould caſt them, and confirm the removal. This ſentence, given by the king's ſovereign authority, without ſtaying for the judgment of the court, to whoſe cognizance this matter properly belonged, was a fountain of oppreſſions to many miniſters and congregations, who were not willing to comply with it. There was ſcarce a church in England, except the cathedrals and the king's chapel, where the communion table was placed altar-wiſe at the upper end of the chancel. But after the king had confirmed the removal in St. Gregory's church, the like diſputes aroſe in numberleſs places, and the high commiſſion had frequent occaſion to puniſh the miniſters, who were ſuſpected of too little zeal for the church of England. As ſince the reformation, the altars were changed into communion tables, and placed in the middle of the chancel, to avoid ſuperſtition, many imagined, the tables were again turned into altars, with intent to revive a ſuperſtitious worſhip.

England being then in profound peace, and almoſt wholly unconcerned in what paſſed abroad, I can ſpeak only of domeſtic affairs. It is true, that each taken ſingly may ſeem of little conſequence, but altogether may ſerve to ſhew the character of the king, the genius of the court, the conduct of the magiſtrates, and in general, the cauſes of that terrible revolution, of which the lord Clarendon has given the hiſtory.

In February 1634, came to a ſolemn hearing in the ſtar chamber, a cauſe which made a great noiſe, and which ſhewed the extreme ſeverity of that court againſt ſuch as were ſuſpected not to be ſubmiſſive enough to the government. The caſe was this: Mr. William Prynn, barriſter of Lincoln's-Inn, had compiled and printed a large volume in quarto, of above a thouſand pages, entitled Hiſtrio-Maſtix. The author's chief deſign was to ſhew, that ſtage-plays, balls, maſques, were unlawful and antichriſtian. But in treating his ſubject, he had interſperſed ſundry reflections, applicable to the king, the queen, and the church, who approved or tolerated theſe abuſes. It was pretended, his aim in general was to ſhew there was a deſign to reduce religion to a kind of paganiſm, in order to make way for popery. This outrage was repreſented by the king's council in the blackeſt colours they could poſſibly give it. At laſt, after a ſolemn hearing of three days, the book was condemned to be burnt by the common hangman, a thing till then unuſual in England. As for the author, ſentence paſſed upon him, that he ſhould be expelled Lincoln's-Inn, diſabled to practice, degraded of his degree in the univerſity of Oxford, ſet on the pillory, have his ears cut off, impriſoned during life, and fined 5000l. The publiſher, Michael Sparkes, who was alſo the printer of the book, was fined 500l. and Mr. Buckner, the chaplain who licenſed it, 50l.

This ſentence ſeemed too ſevere to diſintereſted perſons. It mortified the preſbyterians eſpecially, moſt of whom were of the ſame principles with Prynn. They could not help perceiving, in the ſeverity exerciſed upon this author, a malicious deſign to diſgrace their ſect, and oppreſs them on all occaſions. The truth is, the preſbyterian party, though very numerous, as plainly appeared afterwards, laboured then under oppreſſion. They had againſt them, the king, the miniſters, the council, the ſtar chamber, the high commiſſion, the principal heads of the church of England, the Arminians, the papiſts, the lords lieutenants of the counties, the judges of the realm, and all the magiſtrates in general. Notwithſtanding all this, they daily gained ground. This would ſeem incredible, if it was not conſidered, that the court themſelves were the chief cauſe of their increaſe. The court conſidered as puritans, all who did not ſhew ſubmiſſion enough to the king, or would not allow ſufficient extent to the prerogative-royal, and by oppreſſing them as ſuch, or by refuſing them all kinds of employments, engaged them unavoidably to turn to the preſbyterians. As the king's pretenſions, with regard to government, were not approved by the majority of the nation, it happened by degrees, that almoſt all England became preſbyterians, according to the ſenſe given by the court to that term. For beſides, it is certain, there were in the preſbyterian party, multitudes who were very well affected to the church of England, but could not allow the king's principles concerning government: ſo, this party, though continually oppreſſed, grew daily more numerous, waiting with impatience for a parliament, where they were almoſt ſure of finding protectors. But at the time I am ſpeaking of, there was no appearance of the king's intention to call a parliament. As nothing forced him to it, he took care not to expoſe himſelf to the ill-humours of a houſe of commons, and run the riſk of ſeeing revived the complaints which had obliged him to diſſolve the three foregoing parliaments.

It is very true, that in governing without a parliament, the king debarred himſelf of the extraordinary ſupplies which the ſovereigns uſually received from thence: but he did not believe, that the only way to have extraordinary ſupplies, was to apply to the houſe of commons. He had expreſly told the parliament, by the lord keeper, and frequently intimated himſelf, that he could find money without the aſſiſtance of parliaments. And yet, the petition of right having intervened ſince that time, and the king having bound himſelf, by his anſwer, not to raiſe any tax without the conſent of both houſes, he ſeemed to be deprived, by that anſwer, of all methods which he thought he might lawfully uſe before the petition was preſented. But expedients to evade the moſt ſolemn promiſes, are ſeldom wanting to men in power. On theſe occaſions, there are miniſters and counſellors who inſinuate to their maſters, that promiſes made by ſovereigns, bind them no farther than they think proper. William Noy, attorney general, who was one of theſe bold counſellors, had, the laſt year, furniſhed the king with a way to raiſe an extraordinary ſupply without the concurrence of the parliament: namely, by the impoſition of a tax upon the people, under colour of maintaining a certain number of ſhips to guard the ſeas [b]. But this bold counſellor died before he had ſeen the

[z] King Charles, before his return from Scotland, erected Edinburgh into a biſhopric. Clarendon, tom. I. p. 67.

[a] This court is the chief and moſt ancient conſiſtory belonging to the archbiſhop of Canterbury, for debating ſeveral cauſes. It was held in the church of St. Mary le Bow, from whence it has its name. Its juriſdiction is ordinary, and reaches through the whole province of Canterbury. The judge is called dean, from having juriſdiction over the deanery, conſiſting of thirteen churches in London, exempted from the juriſdiction of the biſhop of London.

[b] He died Auguſt 9. Laud's Diary. This year alſo died Richard Weſton earl of Portland, and ſir Edward Coke. Echard.

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effects of his advice [c], after having however engaged his master in an affair which made him for ever lose his people's confidence, and was one of the principal causes of his ruin.

The death of the attorney general hindered not the king from putting his advice in practice. To that purpose he directed to the mayors and head officers of the maritime towns, writs, to much the same effect with the following directed to the mayor of London [d]:

"Carolus Rex, &c.

"TO the mayor, commonalty and citizens of our city of London, and to the sheriffs of the same city, and good men in the said city, and in the liberties and members of the same, greeting. Because we are given to understand, that certain thieves, pirates and robbers of the sea, as well Turks, enemies of the christian name, as others, being gathered together, wickedly taking by force, and spoiling the ships, and goods, and merchandizes, not only of our subjects, but also of the subjects of our friends in the sea, which hath been accustomed anciently to be defended by the English nation; and the same, at their pleasure, have carried away, delivering the men in the same into miserable captivity: and forasmuch as we see them daily preparing all manner of shipping, farther to molest our merchants, and to grieve the kingdom, unless remedy be not sooner applied, and their endeavours be not more manly met withal; also the dangers considered, which on every side, in these times of war, do hang over our heads, that it behoveth us, and our subjects, to hasten the defence of the sea and kingdom with all expedition or speed that we can: we willing, by the help of God, chiefly to provide for the defence of the kingdom, safeguard of the sea, security of our subjects, safe-conduct of ships and merchandizes to our kingdom of England coming, and from the same kingdom to foreign parts passing: forasmuch as we and our progenitors, kings of England, have been always heretofore masters of the aforesaid sea, and it would be very irksome unto us, if that princely honour in our times should be lost, or in any thing diminished. And although that charge of defence, which concerneth all men, ought to be supported by all, as by the laws and customs of the kingdom of England hath been accustomed to be done: notwithstanding, we considering that you, constituted in the sea-coasts, to whom by sea as well great dangers are imminent, and who by the same do get more plentiful gains for the defence of the sea, and conservation of our princely honour in that behalf, according to the duty of your allegiance against such attempts, are chiefly bound to set to your helping hand; we command firmly, enjoining you the aforesaid mayor, commonalty, and citizens, the sheriffs of the said city, and the good men in the same city, and in the liberties and members of the same, in the faith and allegiance wherein ye are bound unto us, and as ye do love us, and our honour, and under the forfeiture of all which ye can forfeit unto us, that ye cause to be prepared and brought to the port of Portsmouth, before the 1st day of March now next ensuing, one ship of war of the burthen of nine hundred tuns, with three hundred and fifty men at the least, as well expert masters, as very able and skilful mariners: one other ship of war of the burthen of eight hundred tuns, with two hundred and sixty men at the least, as well skilful masters, as very able and expert mariners: four other ships of war, every of them of the burthen of five hundred tuns, and every of them with two hundred men at the least, as well expert masters, as very able and skilful mariners: and one other ship of war, of the burthen of three hundred tuns, with a hundred and fifty men, as well expert masters, as very able and skilful mariners: and also every of the said ships with ordnance, as well greater as lesser, gun-powder, and spears, and weapons, and other necessary arms sufficient for war, and with double tackling, and with victuals, until the said 1st of March, competent for so many men; and from that time for twenty-six weeks, at your charges, as well in victuals as men's wages, and other things necessary for war during that time, upon defence of the sea in our service, in command of the admiral of the sea, to whom we shall commit the custody of the sea, before the aforesaid 1st day of March, and as he, on our behalf, shall command them to continue; so that they may be there the same day, at the farthest, to go from thence with our ships, and the ships of other faithful subjects, for the safeguard of the sea, and defence of you and yours, and repulse and vanquishing of whomsoever busying themselves to molest or trouble upon the sea our merchants, and other subjects and faithful people coming into our dominions for cause of merchandize, or from thence returning to their own countries. Also we have assigned you the aforesaid mayor and aldermen of the city aforesaid, or any thirteen, or more of you, within thirty days after the receipt of this writ, to assess all men in the said city, and in the liberties, and members of the same, and the land-holders in the same, not having a ship, or any part of the aforesaid ships, not serving in the same, to contribute to the expences, about the necessary provision of the premisses; and to assess and lay upon the aforesaid city, with the liberties and members thereof, viz. upon every of them according to their estates and substances, and the portion assessed upon them; and to nominate and appoint collectors in this behalf. Also we have assigned you, the aforesaid mayor, and also the sheriffs of the city aforesaid, to levy the portions so as aforesaid assessed upon the aforesaid men and land-holders, and every of them in the aforesaid city, with the liberties and members of the same, by distress and other due means; and to commit to prison all those whom you shall find rebellious, and contrary in the premisses, there to remain until we shall give further order for their delivery. And moreover we command you, that about the premisses ye diligently attend, and execute those things with effect, upon peril that shall fall thereon: But we will not, that under the colour of our aforesaid command, more shall be levied of the said men, than shall suffice for the necessary expences of the premisses; or that any, who have levied money for contribution, to raise the aforesaid charges, shall by him detain the same, or any part thereof; or should presume, by any manner of colour, to appropriate the same to other uses; willing, that if more than may be sufficient shall be collected, the same may be paid out among the contributors, for the rate of the part to them belonging.

"Witness myself, at Westminster, the 20th day of October, in the tenth year of our reign."

The lord mayor of London having received this writ, assembled the common council, who agreed to present the following petition to the king:

To the king's most excellent majesty.

The humble petition of your faithful subjects, the mayor, and commonalty, and citizens of your city of London, most humbly shewing,

"THAT whereas, your majesty by writ, bearing teste 20 Octobris last, commanded your petitioners at their charge, to provide seven ships of war, furnished with men, victual, and all warlike provisions, to be at Portsmouth by the 1st of March next, and to continue from thence by the space of twenty-six weeks in your majesty's service, upon the defence of the seas and other causes in the said writ contained:

"Your petitioners do, in all submissive humbleness, and with acknowledgement of your sacred majesty's many favours unto your said city, inform your majesty, that they conceive, that by ancient privileges, grants, and acts of parliament (which they are ready humbly to shew forth), they are exempt, and are to be freed from that charge, &c."

But the pretensions of the city of London, were not capable of causing the king to desist from his resolution. We shall see, on the contrary, that in time this tax, which was at first peculiar to the maritime towns, was imposed upon the whole kingdom [e].

[1634-5] After Laud's promotion to the archbishopric of Canterbury, his zeal for the church of England and against the presbyterians, seemed to be much increased. He kept by the king's order a private correspondence with the bishops of Scotland, concerning the liturgy and canons designed to be introduced into the kirk, and of which I shall speak more fully presently. It suffices to say here, that it was he that was charged with the conduct and execution of this project. But he did not confine his labours to the conversion of the Scots, nor even of the English presbyterians. The Dutch, the Walloons, the French, who had taken refuge in England, since the reign of Edward VI. had obtained sundry privileges from the former kings, and particularly the liberty of celebrating divine service after their manner, that is, the presby-

[c] The lord keeper Coventry was also an adviser and promoter of this project. Whitelock, p. 22.

[d] Sir Robert Heath being suddenly removed, sir John Finch was, on October 16, sworn lord chief justice of the common-pleas in his room. Great were the discourses what the occasion should be of this sudden advancement. But four days after the writ for ship-money coming forth, it was conceived that he was to be instrumental in advancing that business. Rushworth, tom. II. p. 253.

[e] This year, sir Sanders Duncombe brought into England the use of chairs carried by two men. Rymer's Fœd. tom. XIX. p. 572.

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terian, and formed ſeveral congregations, both in London and other parts of the kingdom. But Laud could not bear they ſhould enjoy this privilege any longer; and therefore ſent them theſe two injunctions, having firſt ſecured the king's approbation:

"1. That all the natives of the Dutch and Walloon congregations, in his grace's dioceſe, ſhould repair to their ſeveral pariſh-churches of thoſe ſeveral pariſhes where they inhabited, to hear divine ſervice and ſermons, and perform all duties and payments required in that behalf.

"2. That the miniſters, and all other of the Dutch and Walloon congregations, which were not natives and born ſubjects to the king's majeſty, or any other ſtrangers that ſhould come over to them, while they remained ſtrangers, might have and uſe their own diſcipline, as formerly they have done; yet it was thought fit, that the Engliſh liturgy ſhould be tranſlated into French and Dutch, for the better ſettling of their children to the Engliſh government."

Beſides that, by theſe injunctions, he impoſed upon theſe foreign churches a liturgy which they did not approve, he reduced theſe congregations almoſt to nothing, ſince he excluded all that were born in the kingdom, that is, all the deſcendants of ſuch as had fled hither in the reign of Edward VI. and conſequently there could be but very few left of thoſe born out of the kingdom.

Upon this, the Dutch and Walloon churches at Norwich preſented a petition to the biſhop of that dioceſe, remonſtrating, that the archbiſhop's injunctions were contrary, not only to ſeveral orders of the council heretofore given in favour of their congregations, but alſo to the privileges granted them when they firſt ſettled in England, and continued to them during the reigns of Edward VI. queen Elizabeth, and James I. and confirmed alſo by his preſent majeſty's royal word. The biſhop of Norwich not returning a favourable anſwer to their petition, they applied to the archbiſhop himſelf, who anſwered them by letter: That his majeſty was reſolved, his inſtructions ſhould hold, and that obedience ſhould be yielded to them by all the natives, after the firſt deſcent; concluding his letter with theſe words: "And thus I have given you anſwer fairly in all your particulars, and do expect all obedience and conformity to my inſtructions, which if you ſhall perform, the ſtate will have occaſion to ſee how ready you are to practiſe the obedience which you teach: And for my part, I doubt not but yourſelves, or your poſterity at leaſt, ſhall have cauſe to thank both the ſtate and the church for this care taken of you; but if you refuſe (as you have no cauſe to do, and I hope you will not), I ſhall then proceed againſt the natives, according to the laws and canons eccleſiaſtical [f]."

[1635] Thus the archbiſhop alleged, in vindication of the breach of the privileges granted to theſe congregations, and confirmed by four kings, of whom his preſent majeſty was one, the king's ſole will, or rather his own. It was evident, that the king's good pleaſure on which he laid ſo much ſtreſs, was rather an approbation of what the archbiſhop had undertaken, than a warrant to undertake it. The preſbyterians having no other way to be revenged of the archbiſhop, publiſhed ſeveral libels againſt him, taking notice of all the innovations he had brought into the church, pretending they were ſo many ſteps towards popery. They forgot not to upbraid him with the pictures he had placed in the windows of his chapel at Lambeth, particularly that of God the Father in the form of a little old man. They obſerved ſeveral other things, of which the archbiſhop was afterwards accuſed by the houſe of commons. But this is not the proper place to ſpeak of this impeachment, or of the archbiſhop's defence.

The king being always in want, his miniſters were continually employed in deviſing means to raiſe money. In the beginning of the year 1635, the attorney general preſented an information in the ſtar chamber againſt ſeveral hundreds of perſons, lords, knights, gentlemen, ladies, and others, for diſobeying his majeſty's proclamation, by which they were commanded not to reſide in London. I do not find the ſentence given upon this information, but very probably, conſidering the ſtar chamber's zeal to ſupport the king's authority, the parties accuſed were puniſhed by fine.

The tax to provide and maintain a certain number of ſhips to guard the ſeas, was impoſed in 1634, for the year 1635, only upon the maritime towns. But in 1635, the king ſent his writs for ſhip-money all over the kingdom for the year 1636 [g]. The reaſon, or rather pretence, of this general tax was, that the kingdom was in great danger, on account of the league lately concluded between France and the Low-Countries. Though it did not appear how this league, which was not againſt England, could put the kingdom in danger, the king however inferred, that the two moſt powerful ſtates in naval forces being united, it was abſolutely neceſſary that England ſhould have a ſtrong fleet to preſerve the dominion of the ſea, otherwiſe ſhe might be inſulted, and her trade diſturbed. This tax being impoſed by virtue of the prerogative-royal, ſeveral private perſons refuſed to pay the ſums they were rated at. Nay, ſome there were who ſued the magiſtrates and other officers appointed to levy the money, aſſerting, that the ſubject could be taxed only by act of parliament. This oppoſition was the reaſon, that in the year 1636 ſhip-money amounted to not above 200,000l. though the king had expected a much larger ſum. Mean while, the king conſidering that by means of this tax he ſhould have a ſettled revenue, beſides that it would be a precedent to make uſe of his prerogative on other occaſions, reſolved to ſupport his project at any rate. But to guard it againſt all objections of being illegal, and contrary to his anſwer to the Petition of Right, he had a mind to ſhew he was authorized on this occaſion to exert his prerogative. To that end he ſent to the judges of the realm, and required their opinion concerning his right to levy this tax. As the judges wholly depended upon the court, they very readily decided in favour of the king, and gave him their opinion in writing [h]. But the king thought not proper to publiſh their determination, being ſatisfied with keeping it private till there would be occaſion to uſe it. This will hereafter appear. But I muſt firſt ſpeak of ſome other things which paſſed in this interval.

This year, 1635, the king renewed a former commiſſion to confirm their defective titles, to ſuch as held lands of the crown. He pretended it was an act of grace, and that his only aim was to ſecure the poſſeſſion of lands to thoſe who held them by diſputable titles. But notwithſtanding this, the commiſſion was looked upon as a manifeſt oppreſſion. For, under colour of examining defective titles, all the proprietors were obliged to produce their titles, to which, how valid ſoever they might be, the commiſſioners made objections. So, to avoid a law-ſuit with the king, wherein they were ſure to be caſt, conſidering the diſpoſition of the judges, the proprietors were forced to compound, and give money to ſecure their lands, which were otherwiſe in danger of being re-united to the crown.

Shortly after, the king publiſhed a proclamation, commanding all perſons, except ſoldiers, mariners, merchants, and their factors, not to depart the kingdom without his licence. Several kings of England had ordered the ſame thing on ſome particular occaſions, but it was doubted whether ſuch a prohibition was neceſſary when the proclamation was publiſhed.

The abuſes of the informers, that is, perſons who watched people's actions, in order to accuſe them, in caſe they infringed the laws, were grown ſo exceſſive, that the king was forced, if not to aboliſh them entirely, at leaſt, to qualify them by certain directions which he ordered to be obſerved.

The office of lord treaſurer, which had been executed by commiſſioners ſince the death of the earl of Portland, was conferred on Dr. William Juxton, biſhop of London, who diſcharged it worthily. No churchman had enjoyed this poſt ſince Henry VII's time [i].

The ſame year was preſented to the king, by the earl of Arundel, an old man called Parr, who was a hundred and fifty-two years of age, and in perfect health. He was born the laſt year of the reign of Edward IV.

The elector palatine and prince Rupert (or Robert) his brother arrived in England about this time, and were lodged in the king their uncle's palace [k].

[1636] The preſbyterians were ſtill moleſted upon every

[f] About one hundred and forty families of theſe people went into Holland, where they were kindly received, and exempted from exciſe, and paying of houſe-rent for ſeven years: They taught the Dutch the way of managing the woollen manufacture, which has been of very bad conſequence to England. Thouſands of families retired alſo into New England. Coke, p. 311, 312.

[g] The reader may ſee in Ruſhworth, tom. II. p. 335, the diſtribution of ſhips, in all forty-five, to the ſeveral ſhires, together with the ſum ſet on the corporate towns in each county. For example,

		Tuns.	Men.	Charge.
Eſſex one ſhip of	———	800	320	8000l.
Corporate Towns,	Borough of Thaxted —			040
	Town and Pariſh of Walden			080
	Town of Colcheſter —			400
	Borough of Malden —			080
	Borough of Harwich —			020

[h] Whitelock ſays, after much ſollicitation by the chief juſtice Finch, promiſing preferment to ſome, and highly threatening others whom he found doubting, he got from them, in anſwer to the king's letter and caſe, their opinions, as will be ſeen hereafter. Whitelock, p. 24.

[i] Whitelock gives him this character, "He was a perſon of great parts and temper, had much command of himſelf, was full of ingenuity and meekneſs, not apt to give offence to any, and willing to do good to all," p. 24. In leſs than five years he lodged 900,000l. in the Exchequer. Coke, p. 324.

[k] Charles the elector Palatine, came to ſollicit his uncle to promote his reſtoration; their father Frederick elector Palatine died November 19, 1632. Ruſhworth, tom. II. p. 183. About

occaſion, or whenever they gave their enemies an advantage, through an exceſs of zeal, which was not always well regulated. Samuel Ward, a miniſter in Ipſwich, boldly preached againſt the king's Book of Sports; and alſo ſaid, "That the church of England was ready to ring changes in religion." For which he was ſuſpended by the high-commiſſion, and afterwards committed to priſon for refuſing to make a public recantation. The church-wardens of Beckington in Somerſetſhire refuſing to place the communion-table otherwiſe than it had been for ſixty years, were excommunicated by the biſhop of Bath and Wells. They appealed to the arches, but their appeal was rejected. Then they petitioned the king, but with no better ſucceſs. So the church-wardens ſtood excommunicated a whole year, and were afterwards thrown into the common gaol, from whence at length they were releaſed by the biſhop, upon their public ſubmiſſion and penance. It would be too tedious to relate all the actions which were entered in the high commiſſion upon the two articles I have been ſpeaking of. It ſuffices to obſerve, that the number was very great, and the high commiſſion always puniſhed very ſeverely ſuch as dared to ſwerve from what was preſcribed by the church.

On the other hand, the archbiſhop of Canterbury, ever zealous for the church of England, conſidered as puritans all who neglected the leaſt rite or ceremony of the church. This prelate being informed of ſome remiſſneſs in that reſpect in the two univerſities, could not ſuffer ſuch an abuſe. There were at Cambridge three chapels where divine ſervice was daily celebrated, though they had never been conſecrated. This neglect, which to him ſeemed ſo blameable, exciting his zeal, he reſolved to viſit the univerſities as metropolitan. He met with ſome oppoſition, the univerſities maintaining, that he had not the right of viſiting as archbiſhop, though they did not deny he might viſit by the king's commiſſion, if his majeſty was pleaſed to appoint him. But not being ſatisfied with a borrowed power, he brought the caſe before he king, who decided it in his favour, after having himſelf ſupported the archbiſhop's reaſons with arguments, and anſwered the objections of the univerſities. The archbiſhop being ſo well ſupported, could not fail of obtaining the victory [l].

The king being determined, as I ſaid, to continue the tax for the maintenance of the ſhips deſigned to guard the ſeas, and having the laſt year given orders for levying it this year 1636, was obliged to ſeek a pretence for a fleet. This tax, called by the Engliſh ſhip-money, and which for ſhortneſs I ſhall term ſo for the future, was grounded upon the neceſſity of guarding the ſeas. But none could perceive the danger, which, according to the king, England was expoſed to by the alliance between France and Holland. To this pretence therefore was to be added that of preſerving the dominion of the narrow ſeas. To that end he publiſhes a proclamation, declaring, "Whereas king James did, in the ſeventh year of his reign, ſet forth a proclamation touching fiſhing; whereby all perſons of what nation or quality ſoever (being not his natural-born ſubjects) were reſtrained from fiſhing upon any of the coaſts and ſeas of Great Britain, Ireland, and the reſt of the iſles adjacent, until they had orderly obtained licences in that behalf. Since which time, neither the king his father nor himſelf have made any conſiderable execution of the ſaid proclamation, but have expected a voluntary conformity thereto. But now finding by experience, that all the inconveniencies which occaſioned that proclamation, are rather increaſed than abated; and his majeſty well knowing how far he is obliged in honour to maintain the rights of his crown, has thought it neceſſary to renew the aforeſaid reſtraint of fiſhing, and to declare, that his reſolution is to keep ſuch a competent ſtrength of ſhipping upon his ſeas, as may be ſufficient both to hinder farther encroachments upon his regalities, and aſſiſt and protect thoſe his good friends and allies, who ſhall henceforth with licence endeavour to take benefit of fiſhing upon his coaſts."

Theſe friends were Hollanders, who came every year and fiſhed for herrings on the coaſt of Scotland. It was therefore manifeſt, that after thirty years forbearance he ſought a quarrel with the Dutch, only to have occaſion to fit out a fleet, which ſerved for pretence to impoſe the tax of ſhip-money. This quarrel produced the two famous treatiſes, entitled, Mare Liberum, and Mare Clauſum; the former penned by Grotius, the latter by Selden. But the king regarded not arguments drawn from hiſtory, or ancient treaties between the two nations; he made uſe of a more effectual method, namely, a fleet under the command of Algernoon earl of Northumberland. This fleet attacking the diſperſed fiſhermen, who little expected it, and ſinking ſome, compelled the reſt to retire into the Engliſh harbours, as the ſafeſt retreat, and in ſhort, to give the king 30,000 florins, for permiſſion to continue their fiſhing that ſummer [m].

Soon after, the king raiſed 30,000l. by a commiſſion to enquire concerning depopulations and converſions of arable lands to paſture, ſince the 10th year of queen Elizabeth [n]. There were many offenders of this kind, and ſo heavy a fine was impoſed in the ſtar chamber on ſir Anthony Roper, that the reſt, to avoid the ſame treatment, ſpeedily compounded with the king.

But ſhip-money was the moſt important thing, and as ſuch regarded by the court. The king neither would nor could depart from it, for three principal reaſons. Firſt, becauſe he ſhould be deprived of a very conſiderable aid, which he meant to render fixed and cuſtomary. Secondly, in deſiſting from this tax, after levying it two years ſucceſſively, he would have given cauſe to believe he had no power to impoſe it, and conſequently had acted contrary to law. Thirdly, having reſolved never more to call a parliament, it highly concerned him to eſtabliſh his prerogative in ſuch a manner, that none ſhould dare to conteſt it. So the city of London having petitioned the board, that the twenty ſhips they were rated at might be reduced to ten, received a very ſharp anſwer to this effect:

"That the tax of ſhip-money was neceſſary for the preſervation of the ſtate; and the charge was not immoderate: that his majeſty would admit of no excuſe, but expected a ready compliance: that the precedents alleged in favour of the city, ought to induce them to obey, rather than to contradict, and direct the king."

Notwithſtanding all this, there were ſome that obſtinately refuſed to pay their ſhare of this tax, imagining, no court of juſtice would be ſo bold to compel them. As theſe examples were of dangerous conſequence, the king thought proper to publiſh the opinions of the judges. To that end the lord-keeper having aſſembled all the judges in the ſtar chamber, told them, the king was very well pleaſed with their endeavours in their ſeveral circuits, to perſuade his ſubjects to pay ſhip-money; but however, his majeſty hearing that ſome refuſed to pay this tax, had thought fit to have recourſe to their advice for his direction in the caſe, and had commanded him to publiſh their opinions for the ſatisfaction of his ſubjects. Then he cauſed the king's letter to the judges on this ſubject to be read, as follows:

"TRUSTY and well-beloved, we greet you well. Taking into our princely conſideration, that the honour and ſafety of this our realm of England (the preſervation whereof is only entruſted in our care) was, and is now more nearly concerned than in former times, as well by divers counſels and attempts, to take from us the dominion of the ſea, of which we are the ſole lords, and rightful owners, the loſs whereof would be of great danger and peril to this kingdom, and other our dominions; we, for the avoiding of theſe and the like dangers, well weighing with ourſelves, that where the good and ſafety of the kingdom in general is concerned, and the whole kingdom in danger, there the charge and defence ought to be borne by all the realm in general; did, for prevention of ſo public a miſchief, reſolve with ourſelves to have a royal navy provided, that might be of force and power, with Almighty God's bleſſing and aſſiſtance, to protect and defend this our realm, and our ſubjects therein, from all ſuch perils and dangers; and for that purpoſe we iſſued forth writs under our great ſeal of England, directed to all our ſheriffs of all our ſeveral counties of England, and Wales, commanding thereby all our ſaid ſubjects of every city, town, and village, to provide ſuch a number of ſhips well furniſhed, as might ſerve for this our royal purpoſe, and which might be done with the greateſt equality that could be, in performance whereof, though generally throughout all the counties of this our realm, we have found in our ſubjects great cheerfulneſs and alacrity, which we graciouſly interpret, as a teſtimony as well of their dutiful affections to us in our ſervice, as of the reſpect they have to the public, which well becometh every good ſubject. Nevertheleſs, finding that ſome few, haply out of ignorance what the laws and cuſtoms of this our realm are, or out of a deſire to be eaſed, and freed in their particulars (how general ſoever the

[l] About this time the new ſtatutes for the univerſity of Oxford were finiſhed, and publiſhed in convocation. Ruſhworth, tom. II. p. 324. See Annals, 472.

[m] The Dutch agreed to give the king 30,000l. for this ſummer, which was paid accordingly; and expreſſed their willingneſs to obtain a grant from the king, for their permiſſion to fiſh for the time to come, paying a yearly tribute. Ruſhworth, tom. II. p. 322.

[n] This was only for four counties, the like commiſſions were granted for other counties. This was ſtrenuouſly promoted by archbiſhop Laud. p. 339. Clarendon, tom. I. p. 76.

charge ought to be), have not yet paid and contributed the ſeveral rates and aſſeſſments that were ſet upon them, and foreſeeing in our princely wiſdom, that from hence divers ſuits and actions are not unlikely to be commenced and proſecuted in our ſeveral courts at Weſtminſter: we, deſirous to avoid ſuch inconvenience, and out of our princely love and affection to all our people, being willing to prevent ſuch errors as any of our loving ſubjects may happen to run into, have thought fit, in a caſe of this nature, to adviſe with you our judges, who we doubt not are well ſtudied and informed in the right of our ſovereignty; and becauſe the trials of our ſeveral courts, by the formality of pleading, will require a long protraction, we have thought expedient by this our letter, directed to you all, to require your judgment in this caſe, as it is ſet down in the incloſed paper, which will not only gain time, but alſo be of more authority to over-rule any prejudicate opinions of others in the point.

"Given under our ſignet, at our court at Whitehall, the ſecond day of February, in the twelfth year of our reign, 1636."

The king's letter being read, the lord-keeper commanded the caſe incloſed to be read, being as follows:

"Carolus Rex,

"WHEN the good and ſafety of the kingdom in general is concerned, and the whole kingdom in danger, whether may not the king, by writ under the great ſeal of England, command all the ſubjects of our kingdom, at their charge, to provide and furniſh ſuch a number of ſhips, with men, victuals, and munition, and for ſuch time as we ſhall think fit for the defence and ſafeguard of the kingdom from ſuch danger and peril, and by law compel the doing thereof, in caſe of refuſal and refractorineſs? And whether, in ſuch a caſe, is not the king ſole judge both of the danger, and when, and how the ſame is to be prevented and avoided?"

The judges anſwer.

"May it pleaſe your moſt excellent majeſty,

"WE have, according to your majeſty's command, every man by himſelf, and all of us together, taken into ſerious conſideration, the caſe and queſtion ſigned by your majeſty, and incloſed in your royal letter; and we are of opinion, that when the good and ſafety of the kingdom in general is concerned, and the kingdom in danger, your majeſty may, by writ under the great ſeal of England, command all your ſubjects of this your kingdom, at their charge to provide and furniſh ſuch a number of ſhips, with men, victuals, and munition, and for ſuch time as your majeſty ſhall think fit, for the defence and ſafeguard of this kingdom from ſuch danger and peril: and that by law your majeſty may compel the doing thereof, in caſe of refuſal or refractorineſs: and we are alſo of opinion, that in ſuch caſe your majeſty is the ſole judge, both of the danger, and when, and how the ſame is to be prevented and avoided [o]."

John Bramſton,	* George Crooke,
John Finch,	Thomas Trevor,
Humphrey Davenport,	George Vernon,
John Denham,	Francis Crawley,
* Richard Hutton,	Robert Berkly,
William Jones,	Richard Weſton.

After the reading of the caſe and anſwer, the lord keeper ſaid, "the king had commanded him to publiſh the judges determination, and to give order that it ſhould be entered in all the courts of Weſtminſter. That moreover, his majeſty enjoined the judges to declare the ſame in their circuits throughout the kingdom, that no man might plead ignorance. That however, it was not his majeſty's purpoſe to ſtop the actions or ſuits which have been, or ſhould be brought concerning this matter, but only to prevent ſuch as ſhould bring their action, from being ſurpriſed." He concluded with ſaying, "If any contrary opinion ſhould yet remain among men, it muſt proceed from thoſe that are ſons of the law, or from ſome not towards the law. Of the latter I will ſay, 'Felices demum eſſent artes ſi de illis ſolum judicarent artifices.' And as to the former, you, the judges of the realm, are and ever have been accounted the fathers of the law, then will it ill-become the ſon to diſpute againſt, or take upon him to be wiſer than the father."

It is eaſy to perceive, that the artifice of the queſtion propoſed to the judges lay in ſuppoſition of ſome imminent danger to the kingdom, for inſtance, a ſudden and unexpected invaſion, which moſt certainly was not the caſe then. And yet upon the bare poſſibility of ſuch an extraordinary caſe, the king eſtabliſhed a principle, which gave him power to impoſe not only ſhip-money, but any other tax he ſhould pleaſe for the future. The prevarication of the judges conſiſted in that feigning not to ſee the artifice of the queſtion, they admitted, without examination, the king's ſuppoſition, and decided the preſent caſe, upon the foundation of an extraordinary and unforeſeen emergency, which was not impoſſible. Two of the judges however, namely, Hutton and Crooke, were not of the ſame opinion: but they were perſuaded to ſign, like the reſt, by the conſideration that it was the opinion of the whole body. Let it be farther obſerved, that the order to enter the judges determination in the courts of juſtice, and to publiſh it through all parts of the kingdom, was very extraordinary, ſince thereby the king pretended to make it a ſort of law, by which the courts were to proceed in judging the ſuits, which might afterwards be brought upon this affair. This had never been practiſed, but with regard to acts of parliament.

After theſe precautions, the king thought himſelf ſufficiently authoriſed to order ſuch to be proſecuted, as refuſed to pay ſhip-money. He imagined, none would be ſo hardy and obſtinate as to maintain a refuſal before judges, that had already declared their opinion, and could not give a contrary judgment without making themſelves ridiculous. Nevertheleſs, there was a gentleman, who being perſuaded, notwithſtanding the judges determination, that ſhip-money was illegal and contrary to the petition of right, reſolved to ſtand the ſhock, and refuſe to pay the tax. Mr. Hampden of Buckinghamſhire was the man, who being rated at twenty [p] ſhillings, choſe rather to be condemned than pay voluntarily. This caſe was argued in the exchequer chamber, before all the judges of England, who were ſent for to render the judgment the more ſolemn and authentic. Though the point was only to decide, whether Mr. Hampden ſhould pay twenty ſhillings or not, it was however, the moſt important caſe that had ever been argued in any court of juſtice. The point in queſtion was to determine, whether the king had power to tax the ſubject without the concurrence of the parliament, and whether the people were obliged to pay taxes impoſed in that manner. Accordingly Mr. Hampden's and the king's counſel diſplayed on this occaſion all that wit, learning, knowledge of the laws, ſolidity of reaſoning, ſubtlety, chicanery, are able to produce. There were ſome who pleaded four days together. I do not ſuppoſe it is expected, I ſhould inſert here all the arguments alleged on both ſides in this famous caſe. I ſhall content myſelf therefore with briefly giving a general idea of the thing.

The king's counſel maintained, that the king was the head of the ſtate, and obliged to protect it when in danger: that this danger might be ſuch as required an immediate remedy. From thence they inferred, that what was alleged in favour of the laws was not to the purpoſe, ſince caſes might happen where it was impracticable to obſerve them: conſequently their execution was reſtrained by neceſſity, and in theſe caſes of neceſſity, the king had an abſolute power to impoſe taxes for the defence of the realm, for which they urged ſundry precedents in former reigns. They added, as the people were not called to the king's council to give their opinion, whether there was a neceſſity or not, to impoſe taxes for the defence of the kingdom, it followed, that the king, by the advice of his council, was the ſole judge: that his majeſty having deemed it neceſſary in the preſent caſe, he might lawfully impoſe ſhip-money, and his ſubjects could not refuſe to pay it, without incurring the guilt of diſobedience.

The counſel for Mr. Hampden owned the king was head of the ſtate, and that it was incumbent on him to defend it; but withal maintained, that they had provided the means to put the kingdom in a ſtate of ſafety, by inveſting the perſon of his majeſty with ſeveral privileges which were intended for that purpoſe. For inſtance, the right of being aſſiſted by the poſſeſſors of the fees of the crown, of arming the cinque-ports, fines, confiſcations, tunnage and poundage, and other cuſtoms, of which he was actually in poſſeſſion, and which he had himſelf declared to be deſigned for the defence of the ſeas. Laſtly, ſuppoſing and allowing all theſe means to be exhauſted, the king had another infallible way, which was to call a parliament, and demand a ſupply, for all extraordinary occaſions.

But the king's council chiefly inſiſted upon the poſſibility of ſuch ſudden and unforeſeen caſes as would not afford time to call a parliament. This was their main argument, and the

[o] The king's letter, the caſe and judges opinion, being diſtinctly read in court, in the preſence of all the judges, except Crooke, who at that time, was indiſpoſed as to his health, this ſame public reading ſeemed a ſurpriſe to ſome of the judges preſent. Ruſhworth, tom. II. p. 386.

[p] Rapin, by miſtake, ſays ten.

This

London: Engravd for Harrisons Edition of Rapin.

JOHN HAMPDEN.

Goldar fculpt.

In the Posession of S.r Rich.d Ellys Bar.t

Published as the Act directs July 30 1725

BRITISH MUSEUM 15 JY 60

ſole foundation of the advantages they pretended to draw from the precedents of former reigns. Though the principles they would have eſtabliſhed tended to put it in the king's power to impoſe taxes whenever he pleaſed, they durſt not however aſſert it in plain terms, but limited his power to caſes of neceſſity, of which however they would have the king to be the ſole judge, which came to the ſame thing.

To this, Mr. Hampden's counſel replied: 1. Theſe caſes were very rare, and granting the king had a power in ſuch caſes to impoſe extraordinary taxes, this neceſſity ought to be very evident. 2. The king, upon ſuch a ſuppoſition, having exacted loans from his ſubjects, the parliament had declared them void, and the king in his anſwer to the petition of right, acknowledged he had no power to demand them. 3. At this preſent time there was no reaſon to fear any ſudden invaſion, ſince his majeſty was in peace with all his neighbours. 4. The king himſelf did not think the danger to be imminent, ſince the writs ſent to the counties to fit out ſhips being dated the 7th of Auguſt, theſe ſhips were not to be at Portſmouth till the 1ſt of March following, and conſequently the king himſelf was of opinion, that there was ſeven months time to prevent the danger, in which ſpace a parliament might eaſily be called.

I ſhall inſiſt no longer upon this ſubject, which would lead me too far, if I ſhould relate the objections, anſwers, and replies of both ſides. It ſuffices to make this general remark, that the counſel for Mr. Hampden pleaded expreſs laws, Magna Charta, the ſubſequent ſtatutes, and the petition of right. The king's council inſiſted chiefly upon precedents and inſtances taken from ſome of the former reigns, upon the impoſſibility in certain caſes, of ſtrictly obſerving the laws, from whence they inferred, that the laws were not ſo general, but that they were limited by extraordinary caſes, and the king being bound to defend the ſtate, ought to be the ſole judge of ſuch caſes. I do not find they endeavoured to prove that the kingdom was actually in one of theſe extraordinary caſes, or in imminent danger.

After the cauſe had been argued many days, from the beginning of November till Chriſtmas, and in the following terms, till May and June, judgment was given againſt Mr. Hampden, and he was condemned to pay the ſum he was taxed at. From thenceforth no one would have recourſe to the law, ſince it would have been in vain after ſo ſolemn a judgment [q].

Whilſt endeavours were uſing in England to carry the prerogative-royal higher than ever, the king reſolved to execute at laſt the project he had formed with regard to Scotland, namely, to reduce the kirk to a perfect conformity with the church of England. This project was formed by king James at his acceſſion to the crown of England: nay, he had found means before he left Scotland to reſtore epiſcopacy, as will preſently appear. From that time the biſhops were always protected and countenanced by James I. and Charles I. who gained the parliaments to their intereſts, and moreover exerted their prerogative in favour of the prelates, for with them the execution of their deſign was to begin. As the troubles this affair occaſioned in Scotland were the principal cauſe of the misfortunes and ruin of Charles I. I think it indiſpenſably neceſſary to trace them to their origin, and the rather as they had great influence upon the affairs of England. Beſides, though many foreign authors have ſpoken of the difference between Charles I. and his ſubjects of Scotland, I do not know any one that has undertaken to explain this matter clearly, or ſpoken of it impartially.

The reformation was received in Scotland by public authority in the reign of queen Mary, 1560, juſt before the death of Francis II. and whilſt the queen his widow was yet in France. The firſt that embraced the reformed religion in Scotland, under the former reigns, were much perſecuted, even to the time I have been ſpeaking of, and yet their number did not fail daily to increaſe. The biſhops thought themſelves bound in conſcience to perſecute the reformed: they were at once their adverſaries and judges, and conſequently it was almoſt impoſſible but this conduct ſhould draw on them the enmity of the ſufferers; accordingly, the decree of the ſtates to admit the reformation was no ſooner made, than the biſhops loſt all their credit and authority. It is certain the plan on which the government of the new church was at firſt ſettled, was not favourable to epiſcopacy, but it was reſolved to conform to the diſcipline of the churches of Switzerland. The reformed had too great an averſion for the biſhops to remain under their yoke, eſpecially as there were but very few prelates that agreed to the late change in religion. All that was done in their favour was, that the council ordered ſuch as would embrace the reformation ſhould enjoy their revenues, on condition they would maintain miniſters. This plainly ſhews, that though their revenues were left them, there was no intention to continue the government of the church in their hands. It was not the ſame in England, when the reformation was received in the reign of Edward VI. Far from being prejudiced againſt the biſhops, the Engliſh on the contrary could not but own it was by means of the principal prelates that the reformation was eſtabliſhed. There was therefore no motive either of hatred or policy to incline the Engliſh to throw off epiſcopal government, though they ſhould be ſuppoſed to conſider it as a thing indifferent. But in Scotland, paſſions, policy, and reaſon itſelf, required a deliverance from the yoke of the biſhops, who, for the moſt part, oppoſed the reformation to the utmoſt of their power: ſo preſbyteries, national ſynods, or general aſſemblies, were eſtabliſhed, to whoſe care the ſettling of the diſcipline was committed.

Theſe general aſſemblies at firſt had, or perhaps uſurped, a very great authority: it was even neceſſary their power ſhould be great, to enable them to defend the reformation againſt the perpetual attacks of its enemies. Queen Mary, who arrived ſoon after in Scotland, was a zealous catholic, and many of the principal lords were in the ſame ſentiments: ſo the popiſh party was ſtill very ſtrong, and in condition to obſtruct the progreſs of the reformation. On the other hand, the general aſſembly, which then conſiſted wholly of miniſters, vigorouſly ſupported the new religion, notwithſtanding the efforts of the catholic party. Mean while, though they ardently laboured to aboliſh epiſcopacy by public authority, they could not obtain of the parliament an expreſs act for that purpoſe. At laſt, in 1566, the general aſſembly ſolemnly approved of the diſcipline of the church of Switzerland, and of a parity among the miniſters. This was ſufficient to overthrow at once the ſpiritual power of the biſhops, but not to deprive them of their temporal privileges: ſo, from the year 1561, to the depoſing of queen Mary in 1567, the ſtate of the biſhops was very uncertain. They enjoyed their revenues, ſat in parliaments, but their ſpiritual juriſdiction was acknowledged by few, though they ſtrove to preſerve it. The general aſſembly had declared for the preſbyterian government, but the parliament had not yet made any deciſion. Mean while the biſhops were in a very melancholy ſituation, ſince the people, who had a great veneration for the general aſſembly, could not, after they had been condemned there, acknowledge them for paſtors. So, though their ſpiritual authority was not expreſly abrogated by the parliament, it was, as I may ſay, reduced to nothing, ſince they could not exerciſe it, the general aſſembly directing all the affairs of the church. This has occaſioned warm diſputes concerning epiſcopacy; ſome affirming it was entirely aboliſhed in Scotland, and others, that it was always continued. One cannot but wonder at a diſpute about a fact of this nature, and it is no leſs ſurpriſing that the parliament of Scotland ſhould delay above thirty years to ſettle the government of the church by their authority: wherefore it is abſolutely neceſſary to explain the reaſons, otherwiſe it would be difficult to underſtand the cauſes of the troubles of Scotland, of which we muſt neceſſarily ſpeak. But before I deſcend to particulars, it will be requiſite to obſerve, that we muſt carefully diſtinguiſh the benefice from the office of a biſhop: by the benefice I mean the revenues, lands, honours, privileges, in a word, all the temporalities annexed to the quality of biſhop; by the office I underſtand the ſpiritual juriſdiction and functions of the biſhops. If this diſtinction is not continually remembred, it will be impoſſible to underſtand the diſputes concerning this matter.

It is certain, that from the year 1560, when the reformation was eſtabliſhed in Scotland, to the year 1609, the church of that kingdom was governed by preſbyteries, dioceſan and provincial ſynods, general aſſemblies, and that even ſuperintendants were appointed, who continued till the year 1575. It is no leſs certain that the general aſſemblies condemned and rejected epiſcopal government above thirty years, and, during that time, conſtantly demanded and earneſtly ſollicited the abolition of epiſcopacy, with reſpect both to temporals and ſpirituals. Nevertheleſs from the beginning of the reforma-

[q] This cauſe was not only argued by the king's, and Mr. Hampden's counſel, but afterwards by the judges at the bench, and all of them (except Hutton and Crooke) argued, and gave their judgment for the king. Judge Crooke (ſays Whitelock, of his own knowledge) was reſolved to deliver his opinion for the king, and to that end had prepared his argument: but a few days before, upon diſcourſe with ſome of his relations, and moſt ſerious thoughts of the buſineſs, and being heartened by his lady, who told her huſband upon this occaſion, "That ſhe hoped he would do nothing againſt his conſcience, for fear of any danger or prejudice to him or his family; and that ſhe would be contented to ſuffer want or any miſery with him, rather than be an occaſion for him to do or ſay any thing againſt his judgment. Upon theſe, I ſay, and the like encouragements, but chiefly upon his better thoughts, he ſuddenly altered his purpoſe, and argued and declared his opinion againſt the king. Whitelock's Mem. p. 24.

For

tion till 1592, no expreſs act of parliament could be obtained, whether for or againſt epiſcopacy, or to approve or reject the preſbyterian government, if we except the interval between the years 1571, and 1575, of which I ſhall ſpeak hereafter[r].

Had the general aſſemblies confined their demands to the aboliſhing of epiſcopacy as to the ſpiritual functions, very likely they would have eaſily obtained it. But after the abolition of the epiſcopal office as far as in them lay, they were not contented with deſiring that their acts might be confirmed by the parliament, but demanded alſo that the name of biſhop might be aboliſhed, and the biſhops deprived of all ſorts of temporal honours and privileges, as the right of ſitting in parliament and the like. But the court always oppoſed it ſtrenuouſly, becauſe the biſhoprics and abbies being filled by the king, he could almoſt depend upon as many votes in parliament as there were biſhops and abbots. For the ſame reaſon the court, by ſecret practices, hindered the parliament from paſſing any act to eſtabliſh preſbytery and abrogate the ſpiritual juriſdiction of biſhops, becauſe it was perceived that this would tend to deprive them of their temporal honours. Not but that, in the actual practice of the church, epiſcopacy was really aboliſhed and preſbytery eſtabliſhed; but however, as long as there was no expreſs act to aboliſh epiſcopacy, the biſhops and abbots could not be prevented from voting in parliament, which was a great advantage to the court: ſo the name and title of biſhops and abots ſtill ſubſiſted. They held the lands annexed to their benefices, and enjoyed the ſame temporal privileges with their predeceſſors, though the office was ceaſed. This is ſo true with reſpect to the abbots, as to admit of no diſpute: the abbies were in the poſſeſſion of laymen, who ſat in parliament by the name and title of abbots. As to the biſhops, the thing is not ſo clear, becauſe the title of biſhop was conferred on churchmen: had the court beſtowed the biſhoprics upon laymen, it would have given the aſſembly too great an advantage, who deſired nothing more than a plauſible pretence to preſs the abolition of the temporalities of the prelates. This ſhews that a man may juſtly ſay, there were, and there were not, at the ſame time, biſhops in Scotland: there were biſhops, if it is conſidered that there were perſons ſo called, who held the lands and revenues of the ſees, and who, as ſuch, had a ſeat in parliament; there were none, with reſpect to the ſpiritual functions, which were really aboliſhed by the decrees of the general aſſembly, and by actual practice, though the parliament had not expreſly repealed them. Upon the confuſion of the ſpiritual and temporal ſtates of the biſhops, all the objections and anſwers in this diſpute wholly turn. Some prove very plainly that epiſcopacy ſubſiſted in Scotland, provided they confine the meaning of that word to temporals; but their proofs are very defective with regard to ſpirituals. Others evidently ſhew that epiſcopacy was aboliſhed as to the ſpiritual functions by virtue of the acts of the general aſſembly; but they cannot prove it was aboliſhed with reſpect to the temporal privileges, ſince the parliament had not yet made any deciſion. As neither can produce any act of parliament, at leaſt till ſuch a time, they allege ſome from whence they endeavour to draw inferences to their advantage. But this requires a further explanation. For the better underſtanding this matter we muſt neceſſarily diſtinguiſh the various circumſtances of Scotland, from the beginning of the reformation, namely, in the reign of Mary; in that of James VI. during his minority; under the ſame prince after aſſuming the goverment, according to the ſeveral miniſters or favourites by whoſe advice he was directed; and laſtly, under the ſame prince after his acceſſion to England. The ſtate of biſhops depended all this time on the intereſts of thoſe who were in the adminiſtration.

The reign of Mary laſted till this year 1567. The queen was a zealous catholic, and yet, ſo long as the earl of Murray her natural brother had any credit with her, the reformation was not attacked. But towards the end of her reign, under Bothwel's adminiſtration, the general aſſembly loſt ground. However, in 1566, they made the fore-mentioned decree, to approve of the diſcipline of the churches of Switzerland, and of a parity among the miniſters, which entirely deſtroyed epiſcopacy. But the queen, regardleſs of the decree, openly reſtored the archbiſhopric of St. Andrews, notwithſtanding the oppoſition of the aſſembly.

The interval from the depoſing of queen Mary in 1567, to 1573, was a time of troubles and diſcord, under the adminiſtration of ſeveral regents, whoſe authority was not firmly eſtabliſhed: ſo that it was very difficult for the parliament effectually to ſettle the diſcipline of the church. All that can be ſaid is, that they rejected not what was eſtabliſhed by the general aſſembly, though they gave not their actual conſent to it. On the other hand, in 1572, and 1573, the regent, for ſome private views, cauſed ſome acts to be paſſed in favour of epiſcopacy, but which were afterwards repealed. Theſe acts were as follow:

By the firſt, which is the 46th of the parliament holden in 1572, it is declared, "The archbiſhops and biſhops have the authority, and are ordained, to convene and deprive all inferior perſons being miniſters, who ſhall not ſubſcribe the articles of religion, and give their oath for acknowledging and recognoſcing of our ſovereign lord and his authority, and bring a teſtimonial in writing thereupon, within a month after their admiſſion."

By the 48th act of the ſame parliament, it is declared, "That archbiſhops and biſhops have authority at their viſitations to deſign miniſters glebes."

By the 54th of the ſaid parliament, "Archbiſhops and biſhops were authoriſed to nominate and appoint at the viſitations, perſons in every parochin for making and ſetting of the taxation, for upholding and repairing of kirks and kirkyards, and to convene, try, and cenſure all perſons that ſhall be found to have applied to their own uſe the ſtones, timber, or any thing elſe pertaining to kirks demoliſhed."

By the 55th of the parliament in 1574, "Archbiſhops and biſhops were authoriſed to admoniſh perſons married, in caſe of deſertion, to adhere, and in caſe of diſobedience, to direct charges to the miniſter of the parochin to proceed to the ſentence of excommunication."

There appears in theſe four acts ſome ſigns of the epiſcopal juriſdiction, or at leaſt that the parliament did not look upon epiſcopacy as entirely aboliſhed. But on the other hand, if the biſhops actually exerciſed their functions at that time, where was the neceſſity of the parliament's authoriſing them to act in moſt of the things ſpecified in theſe ſtatutes? But there is here a ſtronger objection ſtill againſt the biſhops; and that is, they who have thus cited theſe acts, have curtailed them, and paſſed over in ſilence the ſuperintendants who were joined with the biſhops, from whence it is inferred that the biſhops were impowered only as commiſſioners of the parliament.

I proceed now to the time of king James's majority, or at leaſt of his aſſuming the government, though he was not really of age. The earl of Morton having loſt his head in 1581, the duke of Lenox and the earl of Arran, ruled the young king as they pleaſed. They were expelled afterwards by the Ruthens, but the king recalled the earl of Arran, who became more powerful than ever. It is certain this favourite's deſign was to diſengage the king his maſter from the intereſt of England, and to countenance the duke of Guiſe's project to invade Elizabeth by Scotland: it was the favourite's buſineſs therefore to curb the too great power of the general aſſembly, who ſtrongly oppoſed the execution of that project. The beſt way to ſucceed, was not only to protect the biſhops, but alſo to give them authority over the miniſters, that theſe might be more humble. To that end he procured the four following acts in the parliament of 1584.

The 140th ran: "That none of his majeſty's lieges and ſubjects preſume or take upon hand to impugn the dignity and authority of the three eſtates of this kingdom, whereby the honour and authority of the king's majeſty's ſupreme court of parliament, paſt all memory of man, hath been

[r] For the better underſtanding of the ſequel of the Scotch affairs, it will not be amiſs to give a brief account of the preſent government of the kirk of Scotland. In Scotland are eight hundred and ninety pariſhes, each of which is divided in proportion to its extent, into particular diſtricts, and every diſtrict has its own ruling elders (that is, men of the principal quality and intereſts in the pariſh), and deacon (that is, one who has a competency, and is of a good character for manners and underſtanding). A conſiſtory of miniſters, elders, and deacons, is called a kirk-ſeſſion, the loweſt eccleſiaſtical judicatory, which meets once a week, to conſider the affairs of the pariſh: the miniſter is always moderator, but without a negative. Appeals lie from hence to their own preſbyteries, which are the next higher judicators. Scotland is divided into ſixty-nine preſbyteries, each conſiſting of from twelve to twenty-four contiguous pariſhes, with one ruling leader choſen half-yearly out of every kirk-ſeſſion, compoſe a preſbytery; they meet in the head town, and chuſe their moderator, who muſt be a miniſter; half-yearly he is only prolocutor. From hence appeals lie to provincial ſynods, which are compoſed of ſeveral adjacent preſbyteries, two, three, four, to eight: there are fifteen in all. The members are the miniſters and a ruling elder out of every pariſh. Theſe ſynods meet twice a year, at the principal town of it bounds: they chuſe a moderator, who is their prolocutor. The acts of the ſynod are ſubject to the review of the general aſſembly, the dernier reſort of the kirk of Scotland. It conſiſts of commiſſioners from preſbyteries, royal burghs, and univerſities: a preſbytery of twelve miniſters ſends two miniſters and one ruling elder; of between twelve and eighteen, it ſends three and one ruling elder; of between eighteen and twenty-four, ſends four and two ruling elders; of twenty-four, ſends five and two elders. Every royal burgh ſends one elder, and Edinburgh two; every univerſity ſends one commiſſioner, uſually a miniſter: the aſſembly meets once a year.

continued

continued, or to ſeek or procure the innovation or diminution of the power and authority of the ſame three eſtates, or any of them, in time coming, under the pain of treaſon."

By the 131ſt, "All judgments and juriſdictions, as well in ſpiritual as temporal cauſes, in practice and cuſtom, during the twenty-four years by-paſt, not approved by the king and three eſtates in parliament, are diſcharged; and it is defended, that none of his highneſs's ſubjects, of whatſoever quality, eſtate, or function they be of, ſpiritual or temporal, preſume or take upon hand to convocate, convene, or aſſemble themſelves together for holding of councils, conventions, or aſſemblies, to treat, conſult, or determinate in any matter of eſtate, civil or eccleſiaſtical (except in the ordinary judgments), without his majeſty's ſpecial commandment, or expreſs licence had and obtained to that effect.

By the 132d, "Biſhops are authorized to try and judge miniſters guilty of crimes meriting deprivation."

The 133d ordains, "That miniſters exerciſing any office, beſide their calling, be tried and adjudged culpable by their ordinaries."

It is manifeſt, that the intent of theſe four acts was to aboliſh the general aſſemblies with the preſbytery, and reſtore the epiſcopal government. But it muſt be obſerved,

1. Theſe acts were made during the tyranny of the earl of Arran, who had formed the project of admitting into Scotland a popiſh army; and it is no credit to the biſhops, that he ſhould think them proper to countenance that deſign. 2. The general aſſembly ſolemnly proteſted againſt theſe acts, maintaining it was not in the power of the king and parliament to ſettle or alter the government of the church, without the church's conſent; that it could not be juſtly pretended that four biſhops, who were preſent in this parliament, and whoſe ſpiritual power was long ſince aboliſhed, and four laymen, under the name of abbots, were lawful repreſentatives of the whole church, or that their conſent to theſe acts ſhould be conſidered as the conſent of the national church. 3. Theſe four acts were repealed by the parliament of 1592.

I muſt proceed now to another juncture, when king James, freed from the earl of Arran's tyranny, having relinquiſhed the chimerical projects ſuggeſted by that favourite, was better acquainted with his true intereſts: I mean the year 1587. Though, in the beginning of this year, Elizabeth had beheaded Mary, king James's mother, he was ſoon comforted by the hopes of poſſeſſing one day the crown of England, which he was afraid of loſing in caſe he continued to form projects againſt religion, as he had done during the earl of Arran's miniſtry. This ſame year therefore he gave the royal aſſent to the act of annexation, whereby were annexed to the crown "All lordſhips and baronies pertaining to whatſoever archbiſhops, or biſhops, abbots, priors, nuns, and monks; reſerving always to archbiſhops, etc. and others poſſeſſors of great benefices of the eſtate of prelates, and which before had or hath vote in parliament, the principal caſtles and fortalices."

It may be inferred from this act, that the depriving the biſhops of their lands, was depriving them withal of the right of ſitting in parliament, ſince that right was founded entirely upon the poſſeſſion of the baronies: nay, it ſeems that the title of biſhop began now to be conferred on laymen, which gave them only the poſſeſſion of the chief caſtle belonging to the ſee: at leaſt we find that, ſhortly after, the biſhopric of Cathneſs becoming vacant by the death of Robert earl of March, the king's uncle, the general aſſembly prayed his majeſty to give that ſee to a clergyman.

At laſt, in 1592, the parliament appealed and annulled not only the fore-mentioned acts of 1583, but alſo ſuch as were contrary to the diſcipline eſtabliſhed, "approving, ratifying and confirming the aſſemblies, preſbyteries, and ſynods, with the diſcipline and juriſdiction of the kirk, as moſt juſt and godly, notwithſtanding whatſoever ſtatutes, acts, canons, civil or municipal laws, made in the contrary. Further, they abrogated all acts, granting commiſſion to biſhops and other judges conſtitute in eccleſiaſtical cauſes; and ordained preſentation to benefices, to be directed to preſbyteries, with power to give collation thereupon."

This act was confirmed in 1593, and the power of preſbyteries ſolemnly acknowledged by the parliament in 1594, Act 129.

Was not this ſufficient to aboliſh epiſcopacy entirely? By the act of 1587, the biſhops were diſpoſſeſſed of their lands; and by that of 1592, they loſt all manner of juriſdiction: for how could the power of the preſbyteries and general aſſemblies be conſiſtent with the epiſcopal juriſdiction? And yet there were perſons who ſtill bore the name of biſhop, by reaſon of their holding caſtles formerly belonging to the ſees; for it does not appear upon what other account they could be called biſhops: nay, very likely, ſeveral of theſe ſorts of fees were in lay-hands; at leaſt, the abbies and priories were certainly ſo.

But things remained not long upon the ſame foot. Whether the general aſſemblies uſurped too much authority, after they were freed from the biſhops, or for ſome other reaſons, the king formed new projects, and reſolved to reſtore the biſhops. At that time, as at many other junctures, the court had ſo great an influence over the parliament, that almoſt whatever was deſired, was enacted.

The king therefore ſo ordered it in 1597, that "the privilege of a voice in parliament was granted to the whole kirk; and under that name to biſhops and abbots, even as in times of papiſtry. As to the office and ſpiritual government of biſhops, the parliament remitted them to the king and the aſſembly, intending not to derogate from the provincial and general aſſemblies, and other whatſoever preſbyteries and ſeſſions, nor from the diſcipline eſtabliſhed in the kirk."

The act ſhews, the biſhops had loſt their right of ſeat in parliament, ſince there was occaſion to give it them again. By virtue of this act, they reſumed their places in parliament, and even Sir Robert Spotiſwood a layman, took his ſeat there, as abbot of New-Abbey. The king deſired nothing more at that time than to introduce the biſhops and abbots again into the parliament. But he did not ſtop there, as will be ſeen preſently.

Mean while, as the general aſſembly ſtill continued ſtrenuouſly to oppoſe the promotion of churchmen to poſts of authority in the ſtate, and as the people ſeemed more inclined to follow the determinations of the general aſſembly, than thoſe of the parliament, it was to be feared, this diſſenſion would at laſt raiſe diſturbances in the kingdom. To prevent this inconvenience, the king cauſed the general aſſembly, held at Montroſs in the year 1600, to be preſſed ſo earneſtly to conſent to what the parliament of 1597 had granted to the biſhops, that they were obliged either to comply, or entirely break with him. They approved this act therefore, but upon certain conditions, the ſubſtance whereof was, that the biſhops ſhould act in parliament only as commiſſioners or deputies of the kirk, and ſhould be ſubject to the general aſſembly. The conditions laid upon them were theſe:

They ſhall obtain a commiſſion from the general aſſembly to act in their name in parliament, and ſhall ſwear to obſerve the following articles.

They ſhall move nothing, without having an expreſs order from the kirk, on pain of being deprived of their office.

They ſhall not conſent, no not by their ſilence, to any thing againſt the liberties of the kirk, under the ſame penalty.

They ſhall be accountable to each general aſſembly, for their behaviour in the diſcharge of their commiſſion, ſince the laſt aſſembly; be obliged to demand the approbation, and ſubmit to the determination and cenſure of the aſſembly without any appeal, on pain of being pronounced infamous and excommunicated.

They ſhall be ſatisfied with that portion of their benefices, the king ſhall pleaſe to allot them for their ſubſiſtence, that they may not be a burden to the miniſters that are already, or ſhall be hereafter ſettled in their benefices.

They ſhall not ſuffer their benefices to go to decay, or diſpoſe of any thing belonging thereto, without the conſent of the king and the general aſſembly, and ſhall allow that inhibitions be directed to them for that purpoſe.

They ſhall exerciſe the functions of paſtors in their own congregations, and be ſubject to the cenſure of their own preſbyteries and the general aſſembly, like the reſt of the miniſters that are not commiſſioned.

In the adminiſtration of diſcipline, and in every thing relating to the government of the kirk, they ſhall uſurp no power or juriſdiction beyond what is adjudged to other miniſters, on pain of forfeiting their office.

In preſbyteries and general and provincial aſſemblies, they ſhall demean themſelves in the ſame manner as other miniſters, and ſhall be liable to their cenſure.

None of thoſe that ſit in parliament ſhall be members of the general aſſemblies, unleſs they be expreſly deputed by their preſbyteries.

It is plain from theſe conditions, inſerted in the act of parliament made to confirm that of 1597, what was the intention of the Montroſs aſſembly, in agreeing, out of complaiſance to the king, that the biſhops ſhould ſit in parliament. The biſhops embraced what was for their advantage, namely, the aſſembly's conſent to the privilege that was granted them: but never performed any of the

conditions. The court was then favourable to them, but it was ſtill more ſo, after the king's acceſſion to the crown of England.

As ſoon as James I. became king of England, he formed, as I ſaid, the project of eſtabliſhing in the kirk of Scotland, the diſcipline and hierarchy of the church of England. To accompliſh this deſign, it was neceſſary to reſtore the biſhops to all the rights they had enjoyed before the reformation, and accordingly he reſolved to begin with that reſtoration. His power in the parliament was very great during the laſt years of his being in Scotland; but it was nothing in compariſon of what it was after his acceſſion to the throne of England. It ſuffices to ſay, that this influence was in proportion to the means he had of diſpenſing to his Scotch ſubjects favours, which he had not been able to grant them in their own country. We have ſeen, in the hiſtory of his reign, how he ſhowered his bounties upon them, which the Engliſh could not forbear to complain of. It is not therefore very ſtrange, that the members of the parliament of Scotland ſhould be at his devotion. He made uſe of his credit in the year 1606, and obtained the following act of parliament:

"The ancient and fundamental policy, conſiſting in the maintenance of the three eſtates of parliament, being of late greatly impaired, and almoſt ſubverted, eſpecially by the indirect aboliſhing of the eſtate of biſhops by the act of annexation: albeit it was never meaned by his majeſty, nor by his eſtates, that the ſaid eſtate of biſhops, being a neceſſary eſtate of the parliament, ſhould any way be ſuppreſſed; yet by diſmembering and abſtracting from them of their livings, being brought in contempt and poverty, the ſaid eſtate of biſhops is hereby reſtored, and redintegrate to their ancient and accuſtomed honours, dignities, prerogatives, privileges, lands, teindes, rents, as the ſame was in the reformed kirk, moſt amply and free, at any time before the act of annexation; reſcinding and annulling all acts of parliament made in prejudice of the ſaid biſhops in the premiſſes, or any of them, with all that hath followed, or may follow thereupon, to the effect they may peaceably enjoy the honours, dignities, privileges, and prerogatives competent to them or their eſtate ſince the reformation of religion."

Thus far however it concerned only the temporalities, there not being in the act a ſingle word from whence it might be inferred that the parliament reſtored the biſhops to their ſpiritual functions or ancient juriſdiction. The general aſſembly pretended indeed, that the king and parliament could make no alterations in the ſpirituals, without the kirk's conſent: but they had no power to hinder the king and parliament from giving the lands of the crown to whom they pleaſed, and from admitting into the parliament ſuch as they thought proper. But the king did not intend to ſtop there.

In 1609, the king, under colour of confirming the act of 1606, obtained of the parliament another act, which in confirming the other, added a clauſe, whereby the biſhops were reſtored to all their former authority, privileges and juriſdictions. By virtue of this laſt act it was that the biſhops took poſſeſſion of the government of the kirk, notwithſtanding the conditions of the Montroſs aſſembly, which they little regarded, and ſuppoſed to be annulled by this act. But the general aſſembly proteſted in form againſt this act, affirming the parliament had not power, without the kirk's conſent, to reſtore a ſpiritual office that had been aboliſhed. They proteſted alſo againſt the promotion of churchmen to civil poſts, as pernicious to religion. Their proteſtation was rejected: but however it was printed and diſperſed throughout the kingdom.

The general aſſembly's oppoſition had a great effect upon the people, who loved not the biſhops, and for fifty years had been uſed to the preſbyterian government. They complained the parliament had been gained to impoſe upon them epiſcopal government, which was odious to the whole nation, not only without conſulting the kirk, but even againſt her will. This oppoſition convinced the king, that notwithſtanding the authority of the parliament, he ſhould find it very difficult to reduce the people of Scotland to obedience, ſo long as the general aſſembly oppoſed the reſtoration of the biſhops. He reſolved therefore to cauſe a general aſſembly to be held at Glaſgow in 1610, where he took care to gain a majority of votes, and of which the biſhops were the chief directors. The aſſembly thus diſpoſed, agreed that the biſhops ſhould reſume all their ſpiritual functions, with the government of the church. After that, in 1612, the king called a parliament, who, upon the conſent of the Glaſgow aſſembly, paſſed an act, whereby the biſhops were reſtored to all their ſpiritual rights.

The adverſaries of the biſhops, aſtoniſhed at this proceeding, were forced to be ſilent, the torrent being too ſtrong to be oppoſed. Beſides, the general aſſemblies being now leſs neceſſary, ſince the biſhops had the government of the church, the king very ſeldom gave them leave to meet, and when he did, it was after he had taken all neceſſary precautions to be aſſured that the biſhops would be the directors and managers. In 1617, he morever obtained of the parliament an act, whereby it was ordained, that the biſhops ſhould be elected by the chapters, and conſecrated with the accuſtomed rites, that is, with thoſe introduced of late years. As during the troubles in Scotland on account of religion, the people, as will preſently appear, loudly complained of the reſtoration of the biſhops, the conſent of the Glaſgow aſſembly in 1610 was continually objected to them. For this reaſon the firſt general aſſembly that king Charles was obliged to grant in 1638, found no better method to evade this objection, than to declare the Glaſgow aſſembly void from the beginning.

Such was the ſtate of epiſcopacy in Scotland, from the beginning of the reformation to the reign of Charles I. who, at his acceſſion to the throne, found it fully eſtabliſhed, though contrary to the bent of the nation in general, as it plainly appeared afterwards. James I. as I obſerved, had formed the deſign of putting the kirk of Scotland upon the ſame foot with the church of England. He had made great progreſs therein, and Charles I. purſued the ſame deſign with ſtill more ardor than his father. But as hitherto I have related only what concerns the biſhops, it is neceſſary, before we ſpeak of the troubles of that kingdom, which firſt commenced in 1637, to mention the meaſures ſucceſſively taken by the two kings to accompliſh their deſign.

After James I. had entirely reſtored epiſcopacy in Scotland, he reſolved to finiſh his work by degrees. To that purpoſe, he began with five articles mentioned in the hiſtory of his reign, which he cauſed to be approved by the general aſſembly of Perth, by means as illegal perhaps as violent [b]. The biſhops governed the preſbyteries, by making themſelves moderators, ſo that it was not poſſible to chuſe any for commiſſioners to the aſſembly general, but ſuch as they thought proper. However, the five articles being approved, the king, who by long experience was well acquainted with the genius and character of the Scots, thought it neceſſary, before all things, to curb the petulancy and boldneſs of the miniſters, for fear they ſhould raiſe diſturbances in the kingdom. The people had for them a great veneration, which was even increaſed after the reſtoration of the biſhops, becauſe theſe were more careful to maintain their grandeur and power, than to gain the love of their flocks. To compaſs his ends, the king ſet up in Scotland a high commiſſion, like that in England, but which, till then, was unheard of in Scotland. As the Scots had never given their king the title of ſupreme head of the church, as was done in England, there had been no occaſion to eſtabliſh a high-commiſſion in Scotland, to exerciſe the ſupremacy in the king's name. But James I. who was very apt to ſtretch his prerogative, readily believed, he had no leſs right to exerciſe the ſupremacy in Scotland than in England, though till now he had never thought of any ſuch thing. Be this as it will, by means of this new court, which was at firſt very ſevere, and excommunicated and deprived the miniſters for the leaſt offence, he kept them ſo in awe, that not a man dared to ſtir. This, with the favours beſtowed upon ſuch as ſhewed a readineſs to countenance his deſigns, made him almoſt ſecure of ſucceſs in his undertaking, which daily advanced. Nothing was wanting to complete it, but the cauſing the Engliſh liturgy and canons to be received in Scotland, after which, there would be no difference between the churches of the two kingdoms. This was as eaſy to be accompliſhed as what had been done already. So the king having convened a general aſſembly at Aberdeen, it was repreſented to them, that divine ſervice was performed in the kirk of Scotland after an indecent manner, every miniſter having liberty to compoſe public prayers and uſe what expreſſions they pleaſed, which was liable to great inconveniencies: that it would therefore be proper to compile a liturgy to be uſed in every church in Scotland, to the end the people might every where pray with one heart and one mouth. It muſt be obſerved, that it was not moved to receive the Engliſh liturgy, but only to compoſe one proper for the kirk of Scotland. Whereupon ſeveral members of the aſſembly believed, they might without danger agree, that a common-

[b] See vol. VIII. p. 139, where Rapin calls them four. The articles were, kneeling at the ſacrament, communicating the ſick, private baptiſm, confirmation, keeping ſome feſtivals. Many Scotiſh preſbyterians, it ſeems, were ſo weak as to believe, that theſe were the five articles condemned at the ſynod of Dort. See the five articles of Dort. vol. VIII. p. 331.

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prayer-book ſhould be uſed, and the rather, as the reformed churches of Geneva, Switzerland, France, and Germany, had their ſeveral liturgies, though very different from that of the Engliſh. This motion being approved, the aſſembly appointed commiſſioners to compoſe the new liturgy, and it may well be imagined, this nomination was agreeable to the king's deſire. Theſe commiſſioners, moſt of whom were biſhops, after ſpending a conſiderable time in framing the liturgy, only copied that which was ſet forth in England in the reign of Edward VI. and ſent it to the king for his approbation.

The affairs of the Palatinate and the Spaniſh marriage ſo ingroſſed king James during the laſt years of his life, that he could not effectually think of finiſhing the work he had undertaken in Scotland. As he knew the Scots perfectly, and their ſtrong prejudice for preſbyterianiſm, he doubtleſs thought proper to defer the execution of his deſign till he had ended his two principal affairs. He was apprehenſive, that if any troubles ſhould unfortunately happen in Scotland on account of the liturgy, they might divert him from what was then the principal object of his care. I have related in the hiſtory of his reign, how he was amuſed for many years, and therefore he could not, before his death, finiſh what he had begun, but left it to the care of his ſucceſſor.

Charles I. was no leſs eager than his father, to eſtabliſh in Scotland the diſcipline of the church of England. But his circumſtances in the beginning of his reign, did not allow him to apply himſelf to the finiſhing of this affair with all the ſpeed he deſired. His wars with Spain, and afterwards with France, his projects with regard to his prerogative, his continual quarrels with the parliaments, required his whole application. Beſides, it was not proper in theſe junctures to rouze the Scots, who indeed ſeemed quiet and ſubmiſſive, but however were very diſcontented, as the king well knew. He ſtayed therefore till he had concluded a peace with France and Spain, and rendered himſelf as it were abſolute by the diſſolution of three parliaments, by his reſolution never to call any more, and by his eſtabliſhing his prerogative concerning taxes without the concurrence of the parliament. Then it was that he ſeriouſly thought of completing the reduction of the kirk of Scotland to a perfect conformity with the church of England. He had not however been idle with reſpect to Scotland during theſe five years of his reign. Though he had delayed the execution of his deſign, it was ever in his thoughts, and he had taken ſome meaſures which ſeemed to warrant ſucceſs. 1. He had either continued or renewed the high commiſſion, introduced by the king his father. 2. He had almoſt aboliſhed the general aſſemblies, by not allowing any ſince his acceſſion to the throne. 3. He had ſo ſupported and countenanced the biſhops, that they had the clergy entirely in their power, whom they ruled with a very heavy hand. 4. He had gained a great number of the miniſters by means of benefices and eccleſiaſtical offices or dignities, which were granted only to thoſe whoſe compliance he could depend upon. 5. He had ſo filled the council of Scotland, in whoſe hands the adminiſtration of affairs is lodged in the king's abſence, that there was ſcarce a privy counſellor but what was engaged to promote his deſigns. 6. There was in this council ſeveral biſhops, and the archbiſhop of St. Andrews was veſted with the chancellorſhip, the prime office of the kingdom [c]. 7. He had ſecured the lords of ſeſſion, that is, of the college of juſtice [d], and in a word, all who had places depending upon the court. 8. He had charged Laud, archbiſhop of Canterbury, to hold continual correſpondence with the biſhops and council of Scotland, and take with them the neceſſary meaſures to accompliſh the deſign. It ſeemed therefore impoſſible, that the king ſhould meet with any oppoſition from a diſperſed people, without leaders, without ſupport, and deſtitute of the aſſiſtance of their magiſtrates.

[1637] With all theſe advantages, Charles undertook to finiſh what ſtill remained to be done in Scotland. To that end, after a reviſal of the liturgy tranſmitted to the late king, he ſent it back into Scotland, with orders to have it received in the kirk. But upon the objection, that this liturgy being word for word the ſame with that of the church of England, the Scots might take offence at the impoſing upon them the liturgy of another kingdom, he thought proper to make ſome alterations, and ordered, that inſtead of the Engliſh verſion of the pſalms, and of the epiſtles and Goſpels, the Scotch tranſlation ſhould be inſerted in the liturgy of Scotland. After that, he believed it could not be complained of with the leaſt ſhadow of reaſon, that he had a mind to impoſe the Engliſh liturgy upon the kirk of Scotland, though there was no other difference between them, than what I have mentioned [e].

During the reviſal of the liturgy, the king ſent into Scotland a book of canons, for the government of the kirk, and theſe canons enjoined a conformity to the liturgy, though it was not yet publiſhed, nor ſo much as known to the people. This was ſo groſs an error, that it muſt be ſupriſing, the king and his miniſters could be guilty of it. The pretence to introduce theſe new canons was, that the acts of the general aſſemblies not being printed, but contained in many large manuſcript volumes, remained unknown to the people. For this reaſon the king imagined, they would be obliged to him for his care in extracting the moſt material and principal things, in a little book which might be in every one's hands. It ſeems ſometimes, that certain princes imagine they have a ſovereign power, not only over the bodies, but alſo the underſtandings of their ſubjects, to make them believe the greateſt abſurdities. We have here two remarkable inſtances. Charles undertakes to perſuade the people of Scotland, that he does not pretend to impoſe the Engliſh liturgy upon them, though it is the very ſame, not only in ſubſtance, but word for word, becauſe the verſion of the epiſtles and goſpels is different. On the other hand, he would have them believe, that the book of canons is only an abſtract of the acts of their general aſſemblies, though the contrary be evident. From the beginning of the reformation, to the Glaſgow aſſembly in 1610, that is, during the ſpace of fifty years, the general aſſemblies had always condemned and rejected epiſcopacy, and all their acts without exception, ſuppoſe the preſbyterian government. The book of canons, on the contrary, ſuppoſed, in every article, the eccleſiaſtical hierarchy and epiſcopal government. How then was it poſſible to perſuade the Scots, that this book of canons was an abſtract of the acts of their general aſſemblies? This was impoſing upon them in a very ſtrange manner [f].

The liturgy being ready, the king ſent it into Scotland, and appointed it to be read in all the churches of Edinburgh on Eaſter-day this year 1637. But upon further conſideration, the order was revoked. The king was told, it might be dangerous to ſurpriſe the people with the reading of the liturgy before they were prepared. That it was more proper to defer it ſome months, in order to ſee whether, in that interval, the male-contents would attempt to oppoſe it. In that caſe, they might be oppreſſed before they had time to take juſt meaſures, and the ill ſucceſs of their attempt, would only ſerve to promote the king's deſign. This reaſon appeared ſo plauſible, that the king ordered the reading of the liturgy to be deferred till Sunday the 23d of July the ſame year. During this whole interval, there was no unuſual motion in Edinburgh, nor the leaſt appearance that the king's orders would meet with oppoſition [g]. To be ſtill more ſecure, the council cauſed it to be publiſhed eight days before in all the churches of the city, that the liturgy would be read the Sunday following. No perſon ſtirred the whole week, and all was ſo quiet in the city, that the council doubted not of ſucceſs.

Nevertheleſs, the next Sunday the lord chancellor, moſt of the lords of the council, ſome biſhops, the lords of ſeſſion or judges of the realm, and the magiſtrates of Edinburgh, repairing to St. Giles's church, the cathedral of the city, when the dean opened the book to read the liturgy, the meaner ſort of

[c] This office had never been in the hands of a church-man ſince the reformation. He had likewiſe nine biſhops lords of ſeſſion, or privy-counſellors. Clarendon, tom. I. p. 67. Ruſhworth, tom. II. p. 386.

[d] This court was inſtituted by James V. (after the form of the ſupreme ſovereign court or parliament of Paris) who gave it great privileges and immunities. The lord chancellor claimed a right to preſide in this as in all the king's courts. But this was much diſputed by the court of ſeſſion, and therefore he ſeldom came there. This court ſits from the 1ſt of November, to the laſt of February, and from the 1ſt of June, to the laſt of July. From hence lies no appeal. It conſiſts of fifteen members.

[e] See a particular account of the differences between the two liturgies in Collier's Eccl. Hiſt. tom. II. p. 768, 769.——King Charles, in his declaration about the Scotiſh liturgy, ſays, "That it was compoſed in ſubſtance not different from that of England, that the Roman party might not upbraid the two nations with any differences in their liturgies, and yet in ſome few alterations differing from it, that it might truly be reputed a book of the Scotiſh church's own compoſing." Ruſhworth, tom. II. p. 387.

[f] The lord Clarendon juſtly obſerves, as ſomething ſtrange, that neither theſe canons, nor the liturgy, were communicated to the Scotiſh clergy, nor paſſed their approbation. They were compiled by ſome Scotiſh biſhops, and tranſmitted from Scotland to archbiſhop Laud, Juxon biſhop of London, and Wren of Norwich, who reviſed, and put the finiſhing hand to them. Clarendon, tom. I. p. 83, 85, 86.

[g] Nor (ſays the lord Clarendon) was any thing done for the better adjuſting things in the time of this ſuſpenſion, but every thing left in the ſame ſtate of unconcernedneſs as it was before; not ſo much as the council's being better informed of it; as if they had been ſure all men would have ſubmitted to it for conſcience-ſake. He ſays, the earl of Traquaire adviſed this delay. Vol. I. p. 87.

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people, with clapping of hands, execrations and outcries, raiſed ſo hideous a noiſe, that it was not poſſible to hear a word. Whereupon the biſhop of Edinburgh, who was to preach, ſtepping into the pulpit with thoughts to appeaſe the people, was received with the ſame clamours and imprecations; and if a ſtool, thrown at his head, had not been diverted by the hand of one preſent, would have been in danger of being killed. The lord chancellor and judges found no more reverence. At laſt, the provoſt and bailiffs of the city came from their places, and with much difficulty thruſt out of the church the inraged populace, and ſhutting the doors, the dean read the liturgy, though continually interrupted by the noiſe without, and the ſtones thrown in at the windows. There were the ſame tumults in all the reſt of the churches of Edinburgh, and yet no one was killed or wounded: only the biſhop of Edinburgh ran ſome riſk both in the church and in retiring to his lodging. This firſt tumult was raiſed only by the rabble, no perſon of condition or name appearing in it. The magiſtrates of Edinburgh openly diſavowed theſe diſorders, and promiſed the council to uſe their endeavours to diſcover and puniſh the authors and abettors. They offered likewiſe to take order for the ſecurity of the miniſters who ſhould be appointed to read the liturgy another time, and writ to the archbiſhop of Canterbury to clear themſelves, deſiring him to repreſent their innocence to the king.

Harveſt approaching, many people left Edinburgh and went into the country. Mean while, the magiſtrates of the city prayed the council that the liturgy might not be read, becauſe they had obſerved the people were not yet diſpoſed to receive it. But in October, after harveſt, ſo great a concourſe of people flocked to Edinburgh, that it was eaſy to ſee a freſh tumult was preparing. Wherefore the council publiſhed three proclamations. The firſt, to order all ſtrangers to depart the city within twenty-four hours. A ſecond, for removing the ſeſſion [h] from Edinburgh to Dundee [i]. A third, for calling in and burning a ſeditious book, intitled, "A Diſpute againſt the Engliſh Popiſh Ceremonies, obtruded upon the Kirk of Scotland." The firſt and laſt were not much regarded.

On the morrow, the 18th of October, the people came together in a tumultuous manner in the ſtreets of Edinburgh, and ſeeing the biſhop of Galloway as he was going to the council, a great multitude followed him all the way with continual curſings, but however did him no hurt. They even beſet the counſel-houſe, demanding the biſhop's perſon, though it was in their power to have ſeized, nay, to have killed him whilſt he was in the ſtreet. The council finding themſelves thus beſet, ſent to the magiſtrates to come to their relief; who anſwered, they were themſelves ſurrounded in their town-houſe by their own citizens, who threatened to tear them in pieces, if they did not immediately ſign a paper, which for fear of their lives they were forced to do. The paper contained theſe three things: Firſt, that the magiſtrates ſhould join with the people in petitioning againſt the liturgy: Secondly, that by their authority they ſhould preſently reſtore to their pulpits Ramſey and Rollock, two ſilenced miniſters, very much beloved by the people: Thirdly, that they ſhould reſtore to his place one Henderſon, a ſilenced reader. Upon this the earls of Traquaire and Wigton, the firſt of whom was lord treaſurer, came to the town-houſe to adviſe with the magiſtrates, what was beſt to be done for the ſafety of the biſhop of Galloway, who was ſtill beſet. After the conſultation, the two earls returning to the council, were inſulted by the populace. The earl of Traquaire, was thrown down, his hat, cloak, and white ſtaff taken from him, the people crying out, "God defend all thoſe who will defend God's cauſe; and God confound the ſervice-book and all the maintainers of it." Preſently after, the provoſt came to the council, and declared, that though he had uſed his utmoſt endeavours, it was not poſſible to appeaſe the people. At laſt the lords of the council applied themſelves to ſome of the nobility and gentry, and others, who were now aſſembled to ſign the petition againſt the ſervice-book. Theſe men had more credit with the populace than the magiſtrates, and prevailed with them at length to retire. The ſecond tumult, wherein no perſon was killed or wounded no more than in the firſt, ſeemed however to be more important and dangerous; becauſe in the firſt, none but the rabble were concerned, whereas it plainly appeared, the mutineers were countenanced by ſeveral lords and gentlemen, as well as by the better ſort of citizens.

The tumult being appeaſed, a proclamation was publiſhed, forbidding any meetings in the ſtreets or elſewhere; a proclamation of no uſe, at a time when the council could not be ignorant how much their authority was contemned by thoſe whom they would have inſpired with fear. Accordingly, ſo far were the male-contents from being terrified, that they ſent their commiſſioners to the board, to require that the ſilenced miniſters might be reſtored to them, and that they might have aſſurance for the punctual performance of what had been lately promiſed them by the magiſtrates. The council could eaſily ſee by this conduct, that the male-contents had no deſign to ſtop there. And indeed, ſhortly after, the lord chancellor received two petitions; one in the name of all the men, women, children, and ſervants of Edinburgh, againſt the liturgy: the other from the noblemen, gentry, miniſters and burgeſſes of the ſame city, againſt the liturgy and book of canons.

The firſt alleged, "That they had a long time winked at ſome alterations, being put in hope that no farther innovations ſhould follow. But now ſeeing that they were like to be conſtrained to embrace another ſervice, not approved by the church and kingdom, and which had neither been agitated nor received either by general aſſembly or parliament: they therefore deſired that they might have the happineſs of enjoying their religion, as it had been reformed in that land, and authorized by his majeſty."

In the ſecond, the petitioners complained, "That whereas they were attending a gracious anſwer to their former ſupplications againſt the ſervice-book, they were ſurpriſed and charged by public proclamation, to depart out of the town within twenty-four hours thereafter under pain of rebellion; by which their fears of a more ſevere and ſtrict courſe of proceeding were augmented. Wherefore they were conſtrained to remonſtrate, that in the book of common-prayer, drawn up and ſet forth by the archbiſhops and biſhops, were ſown the ſeeds of divers ſuperſtitions, idolatry, and falſe-doctrine, contrary to the religion eſtabliſhed in the realm by divers acts of parliament. That in the book of canons, &c. it was ordained, That whoſoever ſhall affirm, that the form of worſhip inſerted in the book of common-prayer, and adminiſtration of the ſacraments, doth contain any thing repugnant to the ſcriptures, or are corrupt, ſuperſtitious, or unlawful in the ſervice and worſhip of God, ſhall be excommunicated, and not be reſtored, but by the biſhop of the place or archbiſhop of the province." That beſides it is ordained, that "where in any of the canons there is no penalty expreſly ſet down, the puniſhment ſhall be arbitrary as the biſhop ſhall think fitteſt. All which canons were never ſeen or allowed in any general aſſembly, but were impoſed contrary to order of law appointed in the realm for eſtabliſhing conſtitutions eccleſiaſtical. Laſtly, That the biſhops had not only begun to urge the acceptance of thoſe things, by injunctions given in provincial aſſemblies, but alſo by open proclamation and charge of Horning [k]. Wherefore the petitioners craved, that this matter might be put to the trial, and the prelates be taken order with according to the laws of the realm, and not ſuffered to ſit any more as judges, until the cauſe be tried and decided according to juſtice."

The king thought not fit to anſwer theſe petitions, being on the contrary determined to puniſh ſeverely the authors of the late tumults. However, he commanded the privy council to publiſh a proclamation on this occaſion, ſuppoſing, though without any foundation, it would be capable of ſatisfying the people. After mention in the proclamation of the lords petition, &c. it was ſaid, "His majeſty, in a juſt reſentment of that foul indignity, the late inſurrections at Edinburgh, hath been moved to delay the ſignification of his majeſty's gracious intentions, in giving to his ſubjects ſuch ſatisfactory anſwers to their petitions, as in equity might be expected from ſo juſt and religious a prince: but yet his majeſty being unwilling that his loyal and faithful ſubjects ſhould be poſſeſſed with groundleſs and unneceſſary doubts and fears, his majeſty is pleaſed out of his goodneſs to declare, that as he abhorreth all ſuperſtition of popery, ſo he will be moſt careful, that nothing be allowed within his majeſty's dominions, but that which ſhall tend to the advancement of true religion, as it is at preſent profeſſed within his moſt ancient kingdom of Scotland; and that nothing is or was intended to be done therein, againſt the laudable laws of this his majeſty's native kingdom.".

It muſt be obſerved, that according to the king, the true religion was that of the church of England. That by the religion at preſent profeſſed, he meant only that which contained the hierarchy and epiſcopacy; and by the laws of the kingdom, he underſtood thoſe that were enacted after the

[h] The ſame as the term in England.

[i] The council and ſeſſion were removed for the preſent to Linlithgow, and, after much vexation, to Dundee. But the council ſat often at Dalkeith.

See the proclamation in Ruſhworth, tom. II. p. 401.

[k] That is, excommunicating and out-lawing.

There

king his father's acceſſion to the crown of England and of which I have ſpoken above. It is at leaſt certain the male-contents gave this ſenſe to his general expreſſions, from whence they inferred, he was very far from deſiſting from what he had undertaken, and ſtill farther from pardoning the late diſorders at Edinburgh. Wherefore, they reſolved to take meaſures, not only to ſecure themſelves from the king's reſentment, but alſo to cauſe all innovations complained of to be aboliſhed [1].

Some time after, the council having removed the ſeſſion to Stirling, the king ſent them another proclamation, with orders to have it publicly read in the principal towns of the kingdom. The proclamation was to this effect:

[1638] "WE find our royal authority much injured by ſome late petitions and declarations given in to our council againſt the book of Common Prayer, and canons of the church, both in the matter and in the carriage thereof; whereby we conceive thoſe of our nobility, gentry, and others, who kept and aſſiſted theſe meetings, for contriving and forming the ſaid petitions, to deſerve and be liable to our high cenſure, both in their perſons and fortunes; yet becauſe we believe, that what they have done herein is out of a prepoſterous zeal, we are graciouſly pleaſed to diſpenſe therewith, and with what may be their fault and error therein, to all ſuch as, upon ſignification or declaration of our pleaſure, ſhall retire themſelves as becometh good and dutiful ſubjects: to which purpoſe our will and pleaſure is, that you diſcharge all ſuch convocations and meetings in time coming, under the pain of treaſon. And alſo that you command, charge, and inhibit all our lieges and ſubjects, that none of them preſume, nor take in hand, to reſort nor repair to our burgh of Stirling, nor to no other burgh where our council and ſeſſion ſit, till firſt they declare their cauſe of coming to our council, and procure their warrant to that effect. And as concerning any petitions that ſhall hereafter be given us, upon this or any other ſubject, we are likewiſe pleaſed to declare, we will not ſhut our ears therefrom, ſo that neither the form nor matter be prejudicial to our regal authority."

This proclamation was not capable of ſatisfying the male-contents. Firſt, there was not a word concerning the ſubject of their petition, and by that they could perceive, the king had no deſign to ſuppreſs the liturgy and canons. Secondly, the king repreſented as a great condeſcenſion the pardon he was pleaſed to grant for their fault in preſenting a petition without his leave. This ſhewed them, that according to the king's intention, obedience was their only courſe for the future. Thirdly, the king clearly intimated to them, he would receive no more petitions, ſince he declared, he would reject ſuch as ſhould by the matter or form be prejudicial to his authority. Was not this ſaying, he would reject all? In ſhort, they ſaw plainly, the king, in forbidding all meetings, ſought only to diſunite and hinder them from concerting meaſures to obtain their deſires. I own, I do not ſee how the king could flatter himſelf that ſuch a proclamation would produce the effect he expected, and the rather, as there were not in Scotland forces ſufficient to ſupport his authority. The male-contents were not ſo ſtupid as to be ignorant of the king's deſign. So, on the morrow, the earls of Hume and Lindſey, accompanied with a great croud of nobles and people, came and publicly read in Stirling a proteſtation againſt the proclamation, the preſence and authority of the council not being capable of hindering it. The ſame proteſtation was publicly read at Linlithgow and Edinburgh, immediately after the proclamation had been publiſhed there.

In this proteſtation the male-contents ſaid, "They had preſented a ſupplication on the 23d of September, and another upon the 18th of October; as alſo a remonſtrance December the 19th, againſt the ſervice-book, and the canons, as well as againſt the archbiſhops and the biſhops, as their parties, having the ſame day preſented a declinator againſt them, to prevent their being judges in their own cauſe. But the council having refuſed to admit of this declinator, they found themſelves obliged to make the following proteſtation:

"1. That they might have immediate recourſe to the king, to preſent their grievances, and in a legal way to proſecute the ſame before the ordinary competent judges.

"2. That the archbiſhops and biſhops could not be reputed or eſteemed lawful judges, till they had purged themſelves of ſuch crimes as were laid to their charge.

"3. That no proclamation, nor any act of council, paſt in preſence of the archbiſhops and biſhops, could any ways be prejudicial to the ſupplicants.

"4. That neither they, nor any that had joined, or ſhould join with them againſt innovations, ſhould incur any danger in life, lands, or any political or eccleſiaſtical pains, for not obſerving ſuch acts, books, canons, rites, judicatures, proclamation, introduced without or againſt the acts of general aſſemblies, or acts of parliament, and the ſtatutes of the kingdom.

"5. That if any inconveniences ſhall fall out thereupon, they could not be imputed to them, ſince the council refuſed to hear their juſt remonſtrances.

"6. That their requeſts tended to no other end, but to the preſervation of the true reformed religion, and the laws and liberties of his majeſty's kingdom."

Hitherto the king and the council of Scotland had flattered themſelves that the male-contents might be curbed by acts of authority. But this proteſtation plainly ſhewed, they were too powerful to be compelled to obedience, by orders of the council, or by proclamations. They were perſuaded, the king ſought only to ſurpriſe them, and intended not to deſiſt from his undertaking. On the other hand, they had conceived an extreme averſion to the biſhops, looking upon them as the authors of the evils the church laboured under. The more they ſaw the king was againſt their aſſembling themſelves to conſult in common about their affairs, the more they perceived the neceſſity of their union, without which they would be infallibly oppreſſed one after another. So, before they could know the effect of their proteſtation upon the king, as they expected no good from the court, they erected at Edinburgh, which was at their devotion, ſeveral tables (as they called them) to manage their affairs. There were four principal ones: The firſt of the lords; the ſecond of the gentry; the third of the burroughs; and the fourth of the miniſters. And the gentry had many ſubordinate tables, according to their ſeveral ſhires. Theſe tables conſulted of what they thought fit to be propoſed at the general table, conſiſting of commiſſioners choſen from the other four tables. Never was ſovereign more punctually obeyed than this general table, by all who diſapproved the innovations introduced into the church for thirty or forty years paſt, that is, by almoſt the whole kingdom.

The firſt thing that proceeded from theſe tables was the famous covenant, or general band taken by the Scots, for maintenance of their religion from all innovations. For the better underſtanding what this covenant was, it muſt be obſerved, that in 1580, whilſt the duke of Lenox and the earl of Arran, the king's favourites, were ſuſpected of ill deſigns againſt the proteſtant religion, the general aſſembly thought it neceſſary to draw up a confeſſion of faith, and cauſed it to be ſubſcribed by all the ſubjects, and by the king himſelf, to whom they preſented a very humble petition on that occaſion. As James could not reject this petition, without confirming the people's ſuſpicions, which might have been of dangerous conſequence, he ſubſcribed the confeſſion of faith himſelf, and ordered it to be ſubſcribed by perſons of all ranks. This was done in the years 1580 and 1581, and the ſubſcriptions were renewed 1590, with an additional clauſe, whereby the ſubſcribers engaged to maintain the true religion and the king's perſon.

[1] There were, on June 14, this year, extremely ſevere proceedings in the ſtar chamber againſt ſome perſons, which ſerved very much to incenſe the whole nation againſt that mercileſs court. 1. William Prynn, for writing, in his confinement in the Tower, books called the Quench-Coal, News from Ipſwich, The Unbiſhopping of Timothy and Titus. 2. John Baſtwick, M. D. (born at Writtlee in Eſſex, brought up at Emanuel college, and Padua, and who profeſſed phyſic at Colcheſter) for a book called, Flagellum Pontificis & Epiſcoporum Latialium, and another againſt the high commiſſion, entitled, his Litany. Henry Burton, B. D. rector of St. Matthew's in Friday-ſtreet, and formerly cloſet keeper to the king, for a ſermon preached on November 5, in all which books were contained ſevere invectives againſt the biſhops. For this they were all three fined 5000l. a piece. Prynn condemned to loſe the reſt of his ears, and be ſtigmatized on both cheeks with the letters S. L. for a ſeditious libeller; and the other two to loſe only their ears; and all to be impriſoned for life; Prynn in Caernarvon, Baſtwick in Launceſton, and Burton in Lancaſter caſtle. From whence they were afterwards removed, Prynn to Montorgueil caſtle in Jerſey, Baſtwick to the Scilly iſlands, and Burton to Guernſey. The lord Clarendon obſerves, that as theſe three men were of the three profeſſions which had the moſt influence upon the people, though they had formerly been looked upon under characters of reproach, yet when they were expoſed on ſcaffolds, as common and ſignal rogues, to have their ears cut off, and faces branded with hot irons, men began no more to conſider their manners, but the men; and each profeſſion, with anger and indignation enough, thought their education, and degrees, and quality, would have ſecured them from ſuch infamous judgments, and treaſured up wrath for the time to come. Vol. I. p. 73.—But this was not all: for John Lilburn, for writing in Prynn's behalf, to whom he had been clerk, was condemned to be whipped from the Fleet-priſon to Weſtminſter-hall, and to ſtand in the pillory. He is ſaid to receive five hundred ſtripes with a treble cord.—Alſo Williams biſhop of Lincoln, upon a charge of diſloyal words againſt the king, and for ſuborning witneſſes, was fined 10,000l. committed to the Tower, and ſuſpended ab officio & beneficio. And Lambert Oſbaldeſton, maſter of Weſtminſter-ſchool, for ſome letters of his to that biſhop, which were ſuppoſed to reflect on archbiſhop Laud, was fined 5000l. to the king, and 5000l. for damages to the archbiſhop, and to ſtand in the pillory in Dean's-yard; but he made his eſcape. Biſhop Williams was alſo fined 8000l. upon this account. State Trials, vol. I. Fuller. Collier. Ruſhworth.

It was this confeſſion of faith of 1580 that was revived this preſent year 1638, by order of the general table, and offered to all ſorts of perſons to ſign. Hitherto there was nothing that could give the king juſt cauſe of complaint, at leaſt, as to the matter, ſince it was the ſame confeſſion that the king his father and the whole kingdom had ſigned in 1580 and 1581. It is true, as to the form, he could juſtly complain, that his approbation had not been demanded. But the tables were not ſatisfied with the bare confeſſion of faith, they added alſo an obligation, whereby the ſubſcribers bound themſelves by oath, to maintain religion as it was in 1580, and to reject all the innovations introduced ſince into the church. This was directly contrary to the king's deſigns. Part of the oath, which, being annexed to the confeſſion of faith, was called the covenant, that is contract, agreement, or league among the ſubſcribers, was as follows:

" FINALLY being convinced in our minds, and confeſſing with our mouths, that the preſent and ſucceeding generations in this land are bound to keep the foreſaid national oath and ſubſcription inviolable: We noblemen, barons, gentlemen, burgeſſes, miniſters, and commons under ſubſcribing, conſidering divers times before, and eſpecially at this time, the danger of the true reformed religion, of the king's honour, and of the public peace of the kingdom, by the manifold innovations and evils generally contained, and particularly mentioned in our late ſupplications, complaints, and proteſtations, do hereby profeſs, and before God, his angels, and the world, ſolemnly declare, that with our whole hearts we agree and reſolve all the days of our life conſtantly to adhere unto, and to defend the foreſaid true religion, and forbearing the practice of all innovations, already introduced in the matters of the worſhip of God, or approbation of the corruptions of the public government of the kirk, or civil places and power of kirkmen, till they be tried and allowed in free aſſemblies, and in parliaments, to labour by all means lawful to recover the purity and liberty of the goſpel, as it was eſtabliſhed and profeſſed before the foreſaid novations: And becauſe after due examination we plainly perceive, and undoubtedly believe, that the innovations and evils contained in our ſupplications, complaints, and proteſtations, have no warrant of the word of God, are contrary to the articles of the aforeſaid confeſſions, to the intention and meaning of the bleſſed reformers of religion in this land, to the above-written acts of parliament, and do ſenſibly tend to the re-eſtabliſhing of the popiſh religion and tyranny, and to the ſubverſion and ruin of the true reformed religion, and of our liberties, laws and eſtates; we alſo declare, that the aforeſaid confeſſions are to be interpreted, and ought to be underſtood of the foreſaid novations and evils, no leſs than if every one of them had been expreſſed in the foreſaid confeſſions; and that we are obliged to deteſt and abhor them, amongſt other particular heads of papiſtry abjured therein: and therefore from the knowledge and conſcience of our duty to God, to our king and country, without any wordly reſpect or inducement, ſo far as human infirmity will ſuffer, wiſhing a further meaſure of the grace of God for this effect, we promiſe and ſwear by the great name of the Lord our God, to continue in the profeſſion and obedience of the foreſaid religion; that we ſhall defend the ſame, and reſiſt all theſe contrary errors and corruptions, according to our vocation, and to the utmoſt of that power that God hath put into our hands all the days of our life. And in like manner, with the ſame heart we declare before God and men, that we have no intention or deſire to attempt any thing that may turn to the diſhonour of God, or the diminution of the king's greatneſs and authority; but on the contrary, we promiſe and ſwear, that we ſhall to the utmoſt of our power, with our means and lives, ſtand to the defence of our dread ſovereign the king's majeſty, his perſon and authority in the defence and preſervation of the foreſaid true religion, liberties and laws of the kingdom; as alſo to the mutual defence and aſſiſtance, every one of us of another, in the ſame cauſe of maintaining the true religion, and his majeſty's authority, with our beſt counſels, our bodies, means, and whole power, againſt all ſorts of perſons whatſoever, &c."

This covenant, like an alarm-bell, brought all the Scots together that were diſſatisfied with the government, that is, almoſt the whole nation. It was ſubſcribed by the great men and the people, except the privy-counſellors, the judges, the biſhops, and ſuch miniſters as were dignitaries in the church. Theſe were, a little before, veſted with all the authority both in church and ſtate, the king verily believing, that to have thoſe for him, who were in the public places and offices, was ſufficient to awe the people. But when the breach was once made, by the publication of the covenant, the number, not the quality of adherents, was to be conſidered, and then the royaliſts were not above one in a thouſand; ſo that the king, council, judges, and biſhops, were on a ſudden without authority and power. To urge the laws was in vain; the covenant was the ſole law the people would follow with reſpect to religion, as being bound by a ſolemn oath. Thus the king's authority being no longer regarded, and his promiſes miſtruſted by the people, as tending, in their opinion, only to deceive them, it is not ſtrange, that the king's after-endeavours to extinguiſh the flame ſhould prove fruitleſs. I have dwelt the longer upon the riſe of the Scotch troubles, becauſe it ſeemed to me abſolutely neceſſary to the underſtanding of what afterwards paſſed in England. For the ſame reaſon, I am alſo obliged to ſpeak of the effects produced by the covenant in Scotland; but I ſhall endeavour to be as brief as poſſible.

Though the ſtandard of rebellion was, as it were, erected in Scotland, and the king did not well ſee how he ſhould free himſelf from theſe difficulties, he could not yet deſiſt from his project. He ſtill hoped the gathering ſtorm might, by ſome artifice, be diſpelled. So prepoſſeſſed was he in favour of the royal authority, that, though he ſaw it little regarded, he imagined, his declarations and proclamations, worded for the moſt part in ambiguous terms, would be ſufficient to reduce the Scots to their duty. But he did not conſider, that before the breach, the people were in a manner obliged to ſhut their eyes, and ſeem not to ſee what they ſaw; but that, when the breach was once made, the male-contents were too wiſe to be taken in his ſnares, and too bold or inſolent to refrain from publiſhing the artifices that were intended to amuſe them. The king deceived himſelf alſo in another thing. As the Scots perpetually pleaded their laws, he thought to ſilence them, by alleging on his ſide, the laws enacted within forty years, not conſidering that theſe laws were the principal cauſe of their complaints, and what they deſired to be annulled. So, in producing theſe acts of parliament, whereby the innovations had been approved, he only confirmed their belief, that he deſigned to ſupport them, and conſequently it was neceſſary to uſe ſome violent means to make him deſiſt. The king had for him the laws in force, ſince they were never repealed; and the people believed, they might rightfully cauſe to be aboliſhed thoſe laws, impoſed on them by corruption, artifice, and violence, complaining that theſe new laws were enacted in violation of the old. Thus both ſides complained of the breach of the laws.

The male-contents ſaid, " James and Charles had eſtabliſhed epiſcopal government in the kirk, contrary to her conſent, who ought to have been conſulted in ſuch an affair, which concerned religion alone, and could be decided only by the general aſſembly. But inſtead of following the ſettled rules of the kirk, the biſhops were firſt introduced into the parliament, and then, by means of the biſhops, whatever was deſired, was enacted, though the king and parliament had no right to appoint new offices, and new juriſdictions in the kirk, without the conſent of the kirk herſelf, repreſented by the general aſſembly, and not by five or ſix biſhops, with as many lay-abbots, who were allowed a ſeat in parliament. To accompliſh this deſign, ſeveral other artifices were uſed, as bribing the Glaſgow aſſembly, aboliſhing general aſſemblies, erecting a high-commiſſion, inconſiſtent with the liberties of the kingdom. In a word, the king had exerciſed, and ſtill did exerciſe a power repugnant to the privileges of the ſubjects, in impoſing upon them a liturgy and canons, deteſted by almoſt the whole nation, without aſking the conſent of kirk or parliament. By this management, no leſs violent than artful, the government of the kirk was entirely altered, not only without the people's advice, but againſt their will, as plainly appeared by the great number of ſubſcribers to the covenant, and the few that refuſed to ſign it. They thought themſelves therefore authorized, by virtue of their privileges, to demand the reſtoration of religion in its purity, ſuch as it was in 1580, and the abolition of all innovations. If the king complained that this covenant was made without his participation and conſent, he ought to blame none but himſelf, ſince he had reduced them to this neceſſity, by refuſing to hearken to their moſt humble petitions. This covenant ſeemed contrary to law, only becauſe it was ſuppoſed, that people's privileges were not invaded, though the contrary was evident. Scotland was a monarchy, conſiſting of a happy mixture of the king's prerogatives and the people's privileges. This union was ſo abſolutely neceſſary, that it was not poſſible to ſeparate theſe two things, without deſtroying the conſtitution of the government. It was very true, if the people would enjoy their privileges, they were to pay all due obedience to the king: but it was no leſs true, that the king could require this

this obedience, only as he protected the people in their liberties. If they ſhould be ſo ſenſeleſs, as to pay a punctual obedience to laws advantageous to the crown, whilſt the king made no ſcruple to ſubvert the conſtitution, by aſſuming an abſolute power, they ſhould only ſupply him continually with arms, to reduce them to perfect ſlavery. In ſhort, the deſign of their covenant was not as it was induſtriouſly intimated, to rob the king of his juſt rights, but to hinder him from ſtretching his prerogative beyond the limits of the law."

The king alleged on his ſide, "That the Scots, under the falſe pretence that their privileges were violated, were running into open rebellion, by refuſing to pay the king due obedience. In ſigning a league directly contrary to the rights of the crown, they uſurped a power which was ſo far from being legal, that it was even repugnant to the laws. Their complaints in general about the breach of their privileges were groundleſs, ſince there was but one article in queſtion concerning religion, that is, not the doctrine, but only the diſcipline of the church. Epiſcopacy had been immemorially eſtabliſhed in the church of Scotland. It had indeed been under a ſort of eclipſe ſince the reformation, at a time when the regulation of the diſcipline was more conſidered than the reformation of the doctrine. Preſbyterian government had been eſtabliſhed in the church of Scotland, by the authority of general aſſemblies only, who were not ſovereigns, and whoſe decrees were of no force, till approved and confirmed by parliament. From 1561 to 1592, the parliament never approved of it, and if the parliament, held that year, had their reaſons to confirm it, the following parliaments had a ſtronger to aboliſh it, and reſtore epiſcopal government. Herein nothing was done contrary to law or cuſtom, ſince no man could be ignorant that the parliament, which repreſents the whole nation, has power to annul and repeal all former acts. The male-contents could not queſtion this maxim, without groſsly contradicting themſelves, ſince their preſbyterian government could be founded only on the act of parliament made in 1592, whereby were repealed all the ancient laws in favour of epiſcopacy. How then was it poſſible to ſhew, that the parliament of 1592, had power to aboliſh epiſcopacy, and that of 1612 no right to aboliſh preſbyterian government? As to the general aſſemblies, to which was aſcribed an abſolute power in matters of religion, this power was either natural or acquired. If natural, whence was it, that before the reformation, ſuch aſſemblies, conſiſting of preſbyteries only, without biſhops, were never heard of? If it was an acquired power, they muſt have received it from the nation, that is from the king and parliament. Conſequently they were ſubject to the parliament, and their acts could not be valid but as confirmed by the parliament. If they had received the unlimited power aſcribed to them, where was the act that granted it, and why was it not produced? Nay, though ſuch an act ſhould be produced that would not be ſufficient, unleſs it was ſhewn withal to be irrepealable; otherwiſe it would ſtill be evident, they depended upon the parliament, and conſequently their acts had not the force they pretended to give them, unleſs approved by the parliament, and the approbation unrepealed. Theſe general aſſemblies were firſt inſtituted at the reformation, for the direction of affairs, and the eaſe of the king and parliament, in the examination of what was to be changed or altered with reſpect to religion. But it was too true, they had uſurped by degrees an authority very prejudicial to the crown, and improper for ſubjects. As to the liturgy mentioned by the male-contents in ſo contemptuous a manner, as if it was intended to be introduced on purpoſe to lead the people gradually to popery, he had but one thing to plead in its favour, namely, that it was compoſed by biſhops, who ſuffered martyrdom for the proteſtant religion, and therefore it was very impertinent to ſay, ſuch perſons had a mind to reſtore popery, when they were manifeſtly uſing their utmoſt endeavours to purge the public worſhip of every thing tending that way. If the king his father and himſelf had deſired to introduce the liturgy into the church of Scotland, it was becauſe they believed it conducive to the edification of the faithful, and to the baniſhing of the indecency with which divine ſervice was performed in that church, where every miniſter made what prayers he pleaſed, and often, without any premeditation, which was liable to great inconveniences. Herein he had nothing in view but the good and benefit of his ſubjects of Scotland, and it was injuring him in the higheſt degree, to impute to him a deſign of introducing popery, which on the contrary he abhorred." As to the book of canons, he defended himſelf, in the manner before mentioned, and therefore it is needleſs to repeat it.

After ſeeing the reaſons of both parties, it will not be difficult to conceive the motives of their conduct, without my being obliged hereafter to diſplay them. I ſhall only add, that the male-contents having reſolved to improve the weakneſs of the king's party, and the advantage given them by their covenant, to aboliſh the innovations complained of, did not uſe ſo much the moſt juſt and legal means, as thoſe they believed moſt proper for their ends. On the other hand, the king conſtantly adhered to the acts of parliament, by which theſe pretended innovations were eſtabliſhed, feigning not to ſee, in that reſpect, the leaſt cauſe of complaint againſt himſelf or the king his father.

Things being come to the point above mentioned, by the almoſt univerſal ſubſcription of the covenant, the king reſolved to ſend the marquis of Hamilton into Scotland, to repreſent his perſon under the title of his high commiſſioner. He imagined this Scotch lord being inveſted with ſo eminent a character, would by his credit and induſtry reduce the people to obedience, without giving them any real ſatisfaction, being ſtill very unwilling to deſiſt from this project. The tables having notice of this, doubted not but the king's aim was to amuſe and ſurpriſe them, and therefore they uſed all poſſible means to divert the impending danger. I ſhall not deſcend to particulars, but content myſelf with ſaying, that the high commiſſioner was received by the male-contents with great coldneſs and little reſpect, and that they prepared, on the contrary, to withſtand him vigorouſly, in caſe he offered to aſſert his authority.

Mean while, the king having ſent to Scotland a ſhip laden with arms [a] for Edinburgh caſtle, the tables reſolved to ſeize them, fearing the king intended to ſurpriſe them, whilſt he ſhould amuſe them with negociations. This reſolution could not be executed, becauſe the king's party having notice of it, inſtantly unladed the veſſel, and carried the arms to Dalkeith, where the council then was. For this reaſon the tables ſet a guard near the gate of the caſtle, to prevent the arms from being carried in. At the ſame time, the male-contents received two ſhips freighted with arms for their ſervice. The king could hardly digeſt this affront. But the male-contents did not think it prudent to be expoſed to a ſurpriſe, on pretence that the rupture between the king and them was not yet entire.

The high commiſſioner being come to Edinburgh, offered theſe three propoſitions to the conſideration of the male-contents:

1. What they ſhould expect to hear in the king's name for accommodating their grievances?

2. What might be expected from them for returning to their former obedience?

3. That they ſhould renounce and deliver up their late covenant.

To which they anſwered,

1. That they inſiſted upon a general aſſembly, and a parliament.

2. That they could not return to his majeſty's obedience, ſince they had never departed from it.

3. That they would ſooner renounce their baptiſm than the covenant [b].

The marquis had brought with him a declaration, which however he was not to uſe but in caſe of neceſſity, becauſe the king was unwilling to promiſe the leaſt condeſcenſion to the Scots, unleſs forced to it. But the marquis ſoon perceived it was not poſſible to bring the male-contents to obedience, without amuſing them at leaſt with the hopes that the king would have ſome regard to their grievances. He therefore thought proper to publiſh the declaration, though it evidently appeared by the very expreſſions, that the king would not properly be obliged to any thing. What follows is the moſt material part of the declaration, and ſhews wherein conſiſted the king's condeſcenſion:

"And for the further clearing of ſcruples, we do hereby aſſure all men, that we will neither now, nor hereafter, preſs the practice of the ſervice-book, or the foreſaid canons, nor any thing of that nature, but in ſuch 'a fair and legal way, as ſhall ſatisfy all our loving ſubjects,' that we neither intend innovations in religion or laws; and to this effect have given order to diſcharge all acts of council thereanent. And for

[a] Two hundred muſkets, and ſo many pikes, with a ſmall quantity of powder. Annals, p. 635.

[b] After this they ſet new guards upon the caſtle of Edinburgh, doubled the watch; and hearing that the lord commiſſioner was to have the next Sunday divine ſervice in the king's palace at Holy-rood-houſe, they ſent him word that whoſoever ſhould read the Engliſh ſervice in that chapel, ſhould never read more, and that there was a thouſand men ready to diſturb it. Ibid. p. 636.

Ten,

the high commiſſion, we ſhall ſo rectify it, with the help and advice of our privy council, that it ſhall never impugn the laws, nor be a juſt grievance to our loyal ſubjects; and what is further fitting to be agitated in general aſſemblies and parliament, for the good and peace of the kirk, and peaceable government of the ſame, in eſtabliſhing of the religion at preſent poſſeſſed, ſhall likewiſe be taken into our royal conſideration, in a free aſſembly and parliament, which ſhall be indicted and called with our beſt convenience."

The king muſt have been ill-informed of the diſpoſition of the Scots, to imagine that a declaration with ſo many reſtrictions and ambiguous expreſſions ſhould be capable of contenting them. The declaration was no ſooner proclaimed at the market-croſs at Edinburgh, but the tables cauſed an anſwer, in form of a proteſtation, to be publicly read in the ſame place, the ſubſtance whereof was:

1. That no proclamation or declaration could ſettle their fears, nor ſecure them from the re-entry of any evil or innovation.

2. That they poſitively inſiſted upon a general aſſembly and a parliament, which the king did not promiſe to call.

3. That the proclamation did not mention their complaints and grievances, but under the name of diſorders, faults, and miſdemeanors, &c.

4. That the king took it for granted he had abundantly and ſufficiently ſatisfied their fears, by his two former proclamations, and by his preſent declaration.

5. That this proclamation ſuppoſed them guilty of an unlawful combination or rebellion.

6. That it did not diſallow nor diſcharge any of the innovations complained of, but left liberty to any prelate or perſon to practiſe the ſame.

7. That it plainly evidenced his majeſty's intentions of preſſing the practiſe of thoſe innovations in a legal way, that is, according to thoſe laws which were the ſubject of their complaints.

8. That his majeſty did not promiſe to aboliſh, but only to rectify the high commiſſion, with the advice of his privy council, implying the king's power, with conſent of his council, to eſtabliſh any judicatory within his kingdom, without conſent of the three eſtates convened in parliament.

The high commiſſioner being better informed of the affairs of Scotland, by what he had ſeen with his own eyes, thought it neceſſary to go himſelf and acquaint the king. He made therefore a journey to court, and returned ſhortly after, with a power to call a general aſſembly, and a parliament. But as for the aſſembly, he would know beforehand what perſons it ſhould be compoſed of, and what was to be debated. The tables rejected the limitation, as tending to render the aſſembly uſeleſs. They likewiſe told him, if the king refuſed to convene a general aſſembly, they believed they were ſufficiently authorized to call one themſelves.

Probably, the king's high commiſſioner had orders to grant a general aſſembly, if it could not be avoided; but however to uſe his utmoſt endeavours, either that the tables ſhould deſiſt from their demand, or at leaſt, if he granted an aſſembly, to clog the favour with conditions that ſhould prevent the king's deſigns receiving any prejudice, It was doubtleſs in obedience to this order, that he preſented to the tables eleven [c] articles, as ſo many conditions on which he was willing to call an aſſembly. As he had very likely good ſpies, he knew pretty well what the tables intended to do in order to reap great advantages by a general aſſembly, and theſe eleven conditions ſolely tended to render their meaſures ineffectual. The tables being compoſed of the moſt able perſons in Scotland, eaſily diſcovered the high commiſſioner's aim. They replied therefore to theſe eleven articles, ſo as to ſhew him it would be very difficult to ſurpriſe them. Nevertheleſs he was not diſcouraged, and under colour of complying with the male-contents, reduced the eleven conditions to theſe two, which however contained the ſubſtance of the eleven, and tended to the ſame end.

"1. That no laymen ſhould have voices in chuſing the miniſters to be ſent from the ſeveral preſbyteries to the general aſſembly, nor any but the miniſters of the ſame preſbytery.

"2. That the aſſembly ſhould not go about to determine things eſtabliſhed by act of parliament, otherwiſe than by remonſtrance or petition to the parliament."

To underſtand the end and motive of the firſt of theſe conditions, it muſt be obſerved, that it was very plainly perceived in Scotland, ſince the Glaſgow aſſembly in 1610, how eaſily the king could ſecure a majority of votes among the miniſters, either by fears or hopes, or by preſent and real favours. For this reaſon the male-contents had reſolved not to let the miniſters have the ſole direction of the affairs of religion, and therefore had erected four tables, whereof that of the miniſters, which was but the third, could not determine of any thing without the concurrence of the other three, and the approbation of the general-table. Moreover, when the tables had demanded a general aſſembly, they had at the ſame time reſolved, that this aſſembly ſhould be compoſed not only of the miniſters, but alſo of lay-elders, who ſhould be perſons of authority, and whoſe number ſhould exceed that of the miniſters. In ſhort, they deſigned the miniſters who were to be ſent to the aſſembly, ſhould be elected not only by the miniſters themſelves of each preſbytery, but alſo by the lay-elders. The marquis of Hamilton, who had intelligence of their intention, laid therefore a double ſnare for them in the former of his two conditions. The firſt ſnare conſiſted in that, feigning to be ignorant of their deſign to ſend lay-elders to the general aſſembly, he ſuppoſed it was to be compoſed of miniſters only. The ſecond conſiſted in that he pretended, the nomination of theſe miniſters for the aſſembly ſhould be made by the miniſters alone without the participation of the lay-elders. He thereby endeavoured to break the meaſures the tables had judged neceſſary to ſecure themſelves from the articles of the court.

As to the ſecond condition, it was evident that by things already eſtabliſhed by acts of parliament, he underſtood all the innovations complained of, which had been introduced ſince the year 1606, and which for the moſt part were, as I ſaid, founded upon acts of parliament. So, by this ſecond condition, he broke ſtill more directly than by the firſt, the meaſures the tables might take, to cauſe theſe innovations to be examined and declared ſuch by the general aſſembly. Wherefore the tables rejected theſe two conditions, regarding them as ſo many ſnares to ſurpriſe them, ſince they could not accept them without being at the king's mercy. The affair was come to that point, that the tables were ſatisfied the innovations complained of were really innovations, and of their right to require their abolition. The ſole queſtion was to adviſe the propereſt means to procure the ſatisfaction they demanded. On the other hand, the king did not in the leaſt doubt the validity of the acts of parliament, whereby theſe pretended innovations were eſtabliſhed. And perhaps he ſtill leſs queſtioned his power to introduce the liturgy and canons. But his concern was to find the propereſt means to maintain his own and the parliament's authority, and to diſpel the ſtorm that was gathering in Scotland.

The high commiſſioner clearly perceiving, he had to deal with men who were upon their guard, and that it would be difficult to ſurpriſe them, reſolved to take a ſecond journey to England, to inform the king of the ſtate of affairs. By putting the male-contents in hopes the king would grant ſuch a general aſſembly as they deſired, he obtained with great difficulty, that the election of commiſſioners ſhould be delayed till his return, which was fixed to the 21ſt of September. During his abſence, the tables expecting only new ſnares or freſh delays from the court [d], reſolved that a general aſſembly ſhould be held, either with the king's permiſſion, if he would grant it, or without his conſent, and that the election of commiſſioners ſhould be the 22d of September. In this interval, they ſent to all the preſbyteries directions in eight articles, not to chuſe any ſuſpected miniſter, and to elect everywhere lay-elders, who ſhould be perſons of authority, and more numerous than the miniſters. In a word, they took all poſſible meaſures to have an aſſembly at their devotion, wherein they perfectly ſucceeded, the king's party being everywhere ſo weak, that they were not in condition to oppoſe it ſucceſsfully.

The high commiſſioner being returned to Scotland with new inſtructions, immediately ordered a proclamation to be publiſhed, containing in ſubſtance theſe three principal articles:

"1. That his majeſty revoked the ſervice-book, the book of canons, the high commiſſion, and the five articles of Perth.

"2. That for the future none of his ſubjects, whether eccleſiaſtical or civil, ſhould be liable to the trial and cenſure of the parliament or general aſſembly.

"3. That perſons of all ranks ſhould be required to ſign the confeſſion of faith of 1580, with the oath he had annexed, but very different from that of the covenant."

After publiſhing this proclamation, the high commiſſioner ſummoned a general aſſembly, to meet at Glaſgow the 21ſt

[c] Ten, ſays Whitelock, and Ruſhworth, p. 18. 762.

[d] This, it ſeems, was the grand deſign of the court, as appears by one of the king's letters to the high commiſſioner, "In a word, ſays his majeſty to him, gain time by all the honeſt means you can, without forſaking your grounds." Burnet's Mem. of Hamil. p. 56.

I:

of November this year 1638, and a parliament at Edinburgh, the 15th of May the next year 1639.

It was not without reaſon that the male-contents expected ſome new ſnare from the king. Though the confeſſion of faith which the king ordered to be ſigned, was exactly the ſame with that prefixed to the covenant, the oath, or general-band, annexed by the king, imported, that they ſwore to maintain the religion at preſent profeſſed, which was utterly deſtroying the oath of the covenant, whereby the ſubſcribers were bound to reject all the innovations introduced ſince 1580. This ſnare was ſo palpable, and ſo very injurious to the king's affairs, that the council, to prevent its ill effects, were forced to publiſh a declaration, that the meaning of the oath was, that they ſwore to maintain the religion profeſſed in 1580. But notwithſtanding this, the tables cauſed a proteſtation againſt the proclamation to be publicly read, to ſhew, as they pretended, that the king acted not with ſincerity; that by certain ambiguous clauſes, reſtrictions, and additions, he took away with one hand what he gave with the other; and reſerved to himſelf a liberty to maintain at a more convenient ſeaſon, the innovations he ſeemed to depart from.

During the interval between the publiſhing of the proclamation and the general aſſembly, the high commiſſioner and council uſed all poſſible endeavours to make all ſorts of people ſign the confeſſion of faith as ſent by the king; and the tables on their part forgot nothing to oppoſe it. But there paſſed at this time a thing of great importance, which muſt not be omitted. Many lords, barons, gentlemen, miniſters, burgeſſes, who were not commiſſioners to the general aſſembly, preſented to the preſbytery of Edinburgh, an information againſt David Lindſey biſhop of Edinburgh, and at the ſame time againſt all the reſt of the biſhops. The ſubſtance of the information, which contained ſeveral articles, ſome whereof doubtleſs were much aggravated, was, that Lindſey and his brethren had not performed the conditions required of them by the Montroſs aſſembly. The deſign of this information was to prevail with the preſbytery to ſummon, as they did accordingly, the biſhops to appear before the aſſembly which was to be held at Glaſgow. For as the abolition of epiſcopacy was now reſolved, it was neceſſary that the general aſſembly ſhould have ſome ground or pretence to proſecute and to try the biſhops. And for this the information was intended.

The general aſſembly met at Glaſgow on the day appointed, conſiſting of ſuch members as the tables had deſired, or rather preſcribed [e]. The king's party was ſo weak, that they durſt not make any oppoſition, and the matters to be debated had been directed by the tables, who had ſent their inſtructions to the commiſſioners. In a word, as in the aſſembly of 1610, and the following ones, king James had ſo managed as to have every thing tranſacted as he pleaſed, the tables had now taken the ſame precaution to cauſe whatever they did not approve to be annulled. Wherefore the marquis of Hamilton's grand aim, was viſibly to raiſe conteſts and diſputes which ſhould afford him occaſion to diſſolve the aſſembly.

The firſt day was ſpent in reading the king's commiſſion. The ſecond day, a letter from the king containing nothing extraordinary was read [f]. Then the aſſembly proceeded to the choice of a moderator: but at the ſame time Dr. Hamilton preſented from the biſhops a declinator, that is, a proteſtation againſt the legality of the aſſembly, and the high commiſſioner would have this declinator read firſt. But it was objected, there was no aſſembly without a moderator, and conſequently it was neceſſary to begin with his election. The high commiſſioner ſeeing he could not prevail, proteſted againſt the refuſal to read the declinator before the choice of a moderator, and ordered his proteſtation to be entered. Before the moderator was choſen, the high commiſſioner entered a ſecond proteſtation, that this choice ſhould prejudice neither the king's prerogative, nor any law of the kingdom, nor bar the king from taking legal exceptions, either againſt the perſon elected, or the election itſelf. After that, they unanimouſly choſe Mr. Alexander Henderſon, a miniſter, for moderator.

The third day, the high commiſſioner urged, that the biſhops declinator might be read. But he was told, the aſſembly was not formed till the commiſſions of elections were examined, and the commiſſioners that were preſent known to be duly authorized. This affair was of more importance than it ſeems at firſt ſight. As the declinator contained reaſons to ſhew that the election of all the commiſſioners, or at leaſt of the greateſt part, was null, it was eaſy to perceive, that theſe reaſons would come too late after the power of the commiſſioners ſhould be allowed, and they admitted for members of the aſſembly. The high commiſſioner not being able to obtain his deſire, entered a third proteſtation on that head; and a fourth, the ſame day, againſt the choice of Mr. Archibald Johnſton for clerk regiſter of the aſſembly [g], becauſe he had been clerk of the general table at Edinburgh.

The fourth day, the commiſſions of elections were examined. But the high commiſſioner firſt entered a fifth proteſtation, to take exception againſt their elections in his own due time.

The examination of the commiſſions not being ended the fourth day, was continued the fifth. It may be imagined, that the elections which were agreeable to the inſtructions of the tables, were generally approved, and that means were not wanting to weaken or entirely reject thoſe which were otherwiſe.

The ſixth day, the 27th of November, was read at laſt the biſhops declinator, wherein they pretended to prove by ſeveral reaſons the illegality of the aſſembly. After the reading of the declinator, the high commiſſioner cauſed to be read ſome other proteſtations, ſent him from ſeveral places, againſt the lay-elders right of voting in the general aſſemblies and elections of the miniſters by lay-men.

The ſeventh day, the 28th of November, was moved in the aſſembly to debate, whether the biſhops cauſe ſhould be judged, notwithſtanding their declinator. As after ſeveral ſpeeches on this ſubject, the moderator was going to put the queſtion, the high commiſſioner roſe up and ſaid, ſince they pretended to aſſume a right to judge the biſhops, he could not give his conſent nor ſtay any longer with them. Then after a long ſpeech, wherein he repreſented his majeſty's gracious conceſſions in his laſt declaration, he diſſolved the aſſembly in the name and by the authority of the king, alleging theſe four principal reaſons:

1. Lay-elders were introduced into the aſſembly to vote there, which was not warranted by the laws, practice, or cuſtom of the church or kingdom, and which ſuppoſing there was ſuch a law or cuſtom, had been diſcontinued for above forty years.

2. The miniſters choſen commiſſioners, were elected by lay-elders, contrary to cuſtom and practice.

3. The few commiſſioners choſen contrary to the inſtructions of the tables, had been thrown out by mere cavils.

4. The cited biſhops were to be tried by perſons who had already declared againſt them.

It may be obſerved concerning theſe reaſons, that the high commiſſioner was not ignorant, before the meeting of the aſſembly, of the manner of electing the commiſſioners, or that the biſhops cauſe was to be brought before the general aſſembly. Conſequently theſe reaſons would have been as ſtrong to hinder the aſſembly from meeting as they were to diſſolve it the ſeventh day. But he was unwilling to give the male-contents the advantage of juſtly complaining that he had amuſed them with the hopes of an aſſembly, which he intended not to hold. He expected to find in the proceedings of the aſſembly cauſes or pretences to diſſolve it, and his frequent proteſtations were ſo many expedients which he intended to uſe at a proper ſeaſon. But as, in all appearance, he had the king's poſitive order to diſſolve the aſſembly in caſe they ſhould take upon them to try the biſhops, and as this was properly the firſt thing that was moved, it was not in his power to ſtay for other pretences. He was forced therefore to uſe the ſame reaſons for diſſolving, as might have ſerved to hinder the meeting, of the aſſembly.

The king found not in the aſſembly the obedience he expected, though with little reaſon, conſidering how the Scots ſtood affected. It was eaſy to foreſee, that the covenanters who had reſolved to hold an aſſembly, though the king ſhould not have given his conſent, were not diſpoſed to break up after a ſeven-days-ſeſſion without having finiſhed any affair. They had a mind to aboliſh epiſcopacy entirely, with all the innovations introduced into the kirk ſince the laſt forty years; and after all the ſteps they had taken, it was not likely they would ſuddenly relinquiſh their projects, and return to petitions and ſupplications, which had hitherto proved fruitleſs. They ſaw moreover, that the king uſed all ſorts of means to prevent his conſenting to their deſires; or if he feigned to have any condeſcenſion for them, it was only to gain time, and that he reſerved to himſelf the power of maintaining the innovation at a more favourable opportunity. This was their

[e] It conſiſted of about two hundred and ſixty commiſſioners. Some of theſe members could neither read nor write, and yet theſe were to judge of hereſy, and condemn Arminius his tenets. Burnet's Mem. of Hamil. p. 98.

[f] And then the marquis of Hamilton made a ſpeech, and after that, tendered to the aſſembly the king's conceſſions, which were much the ſame with thoſe already mentioned above. See Ruſhworth, tom. II. p. 844, 845.

[g] Upon his election he made a ſhort ſpeech, declaring his unwillingneſs to accept the charge, yet would not be wanting to contribute his part toward the defence of the prerogative of the Son of God. Ibid. p. 847.

belief at leaſt, and the ſudden diſſolution of an aſſembly ſo earneſtly deſired, confirmed them in it. Wherefore they were unwilling to neglect ſo fair an opportunity. They had the whole kingdom on their ſide, and knew that the great diſcontents which reigned in England, would not ſuffer the king to make any conſiderable efforts againſt Scotland. Upon theſe accounts it was that the aſſembly of Glaſgow continued their ſeſſion by their own authority, notwithſtanding their diſſolution in the king's name, and the proclamation publiſhed the next day[h], to which they were contented to anſwer, as uſual, by proteſtation. Thus the king had the mortification to ſee his authority contemned, and the acts of parliament procured by his father to introduce the hierarchy into the kirk ſerve for foundation to a Scotiſh rebellion. Hence ſovereigns ſhould learn not to introduce any innovations but what are abſolutely neceſſary. It is certain, the reformation had been eſtabliſhed in Scotland upon the preſbyterian plan, in the ſame manner as in Switzerland, Geneva, France, Germany, the Low-countries: that this government ſubſiſted there till James VI. became king of England; that this prince was poſſeſſed with the deſign of introducing epiſcopal government, and that Charles his ſon and ſucceſſor was no leſs eager to purſue the ſame project. The queſtion is not to know, whether epiſcopal government be good or bad in itſelf; but ſuppoſing it good and even excellent, the point is to know, whether the church of Scotland could not be without it, and whether Charles I. had ſufficient reaſon to hazard the peace of that kingdom and his own, in order to ſupport a deſign, the execution whereof was not abſolutely neceſſary.

The general aſſembly having continued their ſeſſion themſelves, contrary to the king's order, loſt no time to begin and finiſh what had been reſolved in the tables. Here follows a ſhort liſt of ſome of their acts, which will ſhew how much they endeavoured to aboliſh, as far as in them lay, all innovations.

"An act bearing the aſſemblies proteſtation againſt the diſſolution thereof.

"An act annulling the ſix aſſemblies holden at Linlithgow 1606, and 1608, at Glaſgow 1610, at Aberdeen 1616, at St. Andrew's 1617, at Perth 1618.

"An act declaring the nullity of the oath, exacted by prelates, from ſuch as are inſtituted to benefices.

"An act condemning the ſervice-book.

"An act condemning the book of canons.

"An act condemning the high commiſſion.

"Two acts containing the depoſition and excommunication of fourteen biſhops.

"An act clearing the meaning of the confeſſion of faith made anno 1580, as abjuring and removing epiſcopacy.

"An act declaring the five articles of Perth to have been abjured, and to be removed.

"Act reſtoring preſbyteries, provincial and general aſſemblies to their conſtitution of miniſters and elders, and their power and juriſdiction contained in the book of policy.

"Act concerning the power of preſbyteries, admiſſion of miniſters, and chuſing of their moderators.

"Act againſt the prophanation of the ſabbath, for want of afternoon's exerciſe.

"Act againſt thoſe who ſpeak or write againſt the covenant, or the aſſembly.

"Act condemning chapters, arch-deans, preaching deacons, and ſuch like popiſh traſh.

"Act condemning all civil offices in the perſons of miniſters ſeparate to the goſpel, as to be juſtices of peace, ſit in ſeſſion or council, to vote or ride in parliament.

"Act appointing the commiſſioners to attend the parliament, and articles, which they are to repreſent in the name of the kirk to the eſtates.

"An act diſcharging printers to print any thing anent the acts of the proceedings of the aſſembly, without a warrant under the Secretary's hand.

"Act ordaining the covenant to be ſubſcribed, with the aſſemblies declaration.

"Act diſcharging all ſubſcription to the covenant, ſubſcribed by his majeſty's commiſſioner, and the lords of the council.

"Act renewing the privileges of yearly general aſſemblies, and oftener (pro re nata) and appointing the third Wedneſday in July 1639, in Edinburgh, for the next general aſſembly.

"Act that none be choſen ruling-elders to ſit in preſbyteries provincial or general aſſemblies, but thoſe who ſubſcribe the covenant."

Theſe acts ſhew, the king was not in the wrong when he ſaid, the general aſſemblies of Scotland had uſurped a kind of ſovereignty in religious affairs, ſince this aſſembly is ſeen boldly to annul, by their authority, things eſtabliſhed by acts of parliament. But, as I ſaid, in the diſpute between the king and his Scotch ſubjects, the queſtion was not to examine the right of the parties, but to uſe the moſt effectual means to attain their reſpective ends. This was the courſe taken by the general aſſembly of Glaſgow. As the parliament was to meet the next May, and they knew they ſhould be ſupported, they were willing to give the parliament an occaſion to aboliſh all the innovations complained of, upon the foundation of its being the general ſentiment of the kirk. It muſt be further remarked concerning this aſſembly, that before the ſeſſions began, the tables had uſed their utmoſt endeavours to hinder the ſigning the confeſſion of faith in 1580, with the obligatory clauſe annexed by the king. But as this did not prevent its being ſubſcribed by many, the aſſembly of Glaſgow thought proper to explain the confeſſion, and decide, that it virtually contained the abolition of epiſcopacy, though the biſhops were not mentioned. So by this explication, they who had ſigned the confeſſion by the king's order, had ſubſcribed to the abolition of epiſcopal government. The high commiſſioner hearing the aſſembly of Glaſgow were upon this explication, made haſte and publiſhed a quite different one, wherein he endeavoured to prove, that epiſcopacy ſubſiſted in 1580, and conſequently the ſigning of the confeſſion of that year, could not be deemed an abjuration of epiſcopacy. A very long and particular anſwer was made to this explication. But without entering into a diſcuſſion of the facts alleged on both ſides, I ſhall only obſerve, that what I ſaid heretofore, concerning the ambiguity in the name of biſhops, muſt be chiefly applied to theſe two papers. The marquis proved very well, that the name, title, temporal rights of the biſhops, were not aboliſhed by the parliament, till the year 1580; but he very lamely proved, that till then the kirk of Scotland had been governed by biſhops. The benefice had ſubſiſted till that year, but the office was aboliſhed, if not by act of parliament, at leaſt by the cuſtom and practice of the kirk. On the other hand, the authors of the anſwer evidently ſhewed, that epiſcopacy, as to the office, was aboliſhed by the general aſſemblies as far as lay in their power, and by the practice of the kirk: but they could not prove that the order of biſhops was aboliſhed till the year 1592.

[1639] Hitherto I have endeavoured to ſhew the riſe of the troubles of Scotland, to the end it may be the better conceived how far the Engliſh ought to have been concerned in the war which broke out preſently after between the king and his ſubjects of Scotland. There were two parties in England, the courtiers and rigid epiſcopalians, who being religiouſly attached to the hierarchy, verily believed the Scots were in the wrong to reject ſo obſtinately this hierarchy eſtabliſhed thirty years by acts of parliament. Theſe looked upon the Scots as rebels, and wiſhed to ſee them puniſhed as ſuch. The other party conſiſted of puritans: under which name were included not only the church puritans, but alſo the ſtate puritans, that is, all thoſe that were diſſatisfied with the government, and thought the king aſſumed a power which belonged not to him. This party, though without poſts or employments and continually oppreſſed, was however much ſuperior in number to the other, as plainly appeared afterwards. Theſe, far from diſapproving the conduct of the Scots, ſaid that the king's, James and Charles, having manifeſtly introduced innovations into the kirk, the Scots could not be juſtly blamed for deſiring things might be reſtored to their former ſtate. When therefore, the hiſtory of theſe troubles is read, the authors are to be diſtinguiſhed. Some repreſent the conduct of the Scots as a real rebellion, flowing from a ſettled deſign of breaking all the bands of ſubjection and obedience to the king, and of utterly deſtroying monarchical government. Others, on the contrary, ſpeak of the king's behaviour to the Scots as really tyrannical, and pretend he had no leſs deſign to render himſelf abſolute in Scotland than in England.

The king's party in Scotland was extremly weak, and conſequently he had no other way left, than to uſe the forces of England to reduce the Scots to obedience. Accordingly, he took that courſe[i]. As ſoon as he heard that the general aſſembly of Glaſgow continued their ſeſſion by their own authority, and that the people approved of their conduct, he reſolved to levy an army in England to reduce the malecontents of Scotland to their duty. But as the Engliſh might

[h] Which made the ſitting any longer treaſon. Nalſon, p. 123.

[i] This was the courſe the marquis of Hamilton had from the beginning adviſed him to take; namely, to ſend his fleet quickly with two thouſand land ſoldiers in it, and ſend down arms to the northern counties of England; to garriſon Berwick with fifteen hundred men, and Carliſle with five hundred; and to come himſelf in perſon with the royal army. Burnet's Mem. of Hamil. p. 54, 82, 98.

Upon

naturally aſk, by what reaſon were they bound to venture their lives in defence of the intereſts of the king in Scotland, he thought this objection ſhould be obviated, by ſuppoſing the Scots to have already levied an army for the invaſion of England. From thence he inferred, it was incumbent upon him to provide for the defence of the kingdom by raiſing ſufficient forces to repel the attacks of his enemies. There was little probability that the Scots ſhould think of invading England, if they were left unmoleſted, but it was neceſſary to excite the Engliſh with the dread of an imaginary danger.

The king thought not proper to call a parliament to enable him to raiſe the forces he wanted. Experience had taught him, that he was not to expect any great aſſiſtance from the parliament, unleſs he would alter his maxims, and redreſs the people's grievances, which he did not intend. On the contrary he flattered himſelf that he ſhould eaſily reduce the Scots, and then be ſtill more abſolute in England. He choſe therefore to ſuppoſe a defenſive war, and on that ſuppoſition ſummoned the nobility to attend him at York the 1ſt of April following, each with as many horſe as he could raiſe, and to inform the court within a fortnight of the number that could be brought. In this manner the kings of England formerly prepared to withſtand the invaſions with which they were threatened. But the ancient manner and this differed very much in two reſpects. Firſt, there were certain crown-lands, the poſſeſſors whereof were obliged to find the king troops, according to the frontiers that were like to be invaded. Moſt of theſe lands lay in the northern counties, becauſe of the neighbourhood of Scotland, which was the only place from whence invaſions were to be feared by land. But the tenants of ſuch lands lying in Kent or Suſſex were not bound to furniſh troops for the defence of the northern borders againſt the Scots; or the tenants in the north, to defend the ſouthern frontiers when threatened by the French. Whereas Charles I. without making any diſtinction of counties, or putting any difference between thoſe that did, and thoſe that did not hold theſe crown-lands, directed his ſummons to all the nobles in general. Again, this method of raiſing troops was anciently uſed, only when the kingdom was actually invaded, or in danger of being ſo, or at leaſt when there was a war proclaimed, and judged neceſſary for the defence of the kingdom. But Charles I. was contented to ſuppoſe only, though contrary to all appearance, that the Scots intended to invade England, and under colour of defending the kingdom, his real deſign was to attack the Scots on account of his own intereſts.

But, as having troops was not ſufficient without money to ſubſiſt them, the king uſed two ways, beſides thoſe already in practice, as ſhip-money and others, to increaſe his revenues. The firſt was to demand voluntary contributions of the clergy by means of the archbiſhop of Canterbury. Laud writ for that purpoſe a circular letter to the biſhops and all the clergy, to exhort them to contribute liberally for the defence of the kingdom, which was in extreme danger of a Scotch invaſion. He added, by way of poſtſcript, that his majeſty expected from the clergy a larger ſum than what they were wont to give in the uſual way. The ſecond means uſed by the king was, to put the queen upon writing to the catholics, to incite them to aid the king on this urgent occaſion. Theſe two means brought in very near what the king expected.

Beſides the horſe to be brought by the nobility to York, all the counties were obliged to find ſuch a number of foot, horſe, dragoons, artillery-horſes, and a certain quantity of ammunition. The whole amounted to nineteen thouſand four hundred and eighty-three foot, twelve hundred and thirty-three horſe [k], beſides the troops of the nobility, and thirteen hundred and fifty horſes for the carriages. Moreover, the king equipped a fleet of ſixteen men of war, the command whereof was given to the marquis of Hamilton, who was come back to his majeſty.

The king departed for York the 27th of March, his coronation-day, and on the 9th of April publiſhed a proclamation to revoke ſundry monopolies, licences and commiſſions, which he had granted by his letters-patents. But very likely, this was only to amuſe the people, and the proclamation was not executed, ſince the next year he publiſhed another to revoke the ſame monopolies, which ſhould have been aboliſhed by this. On the 29th of May the king reviewed his army, which conſiſted of nineteen thouſand ſix hundred and fourteen men, beſides five thouſand on board the fleet, his own guards, and the garriſons of Berwick and Carliſle.

Whilſt the king was making his preparations, the Scots were not idle. They had alſo drawn forces together [l], but their hopes were not ſo much built on their army as on their friends in England, and even at court. Some have ſuſpected the marquis of Hamilton, one of the king's favourites, of not having at this juncture faithfully ſerved his maſter. As it was the king's intereſt to exaſperate the Engliſh againſt the Scots, and perſuade them that theſe were in manifeſt rebellion; it was the Scots intereſt on the contrary to ſhew, they had never any ill deſign againſt England, and if they took up arms, it was only in their own defence. They knew the ſucceſs of the war depended upon the aſſiſtance England ſhould freely give the king, and not upon the aid he ſhould extort by force in virtue of his prerogative. And therefore their friends in England had adviſed them to mind two things eſpecially. Firſt to clear themſelves as fully as poſſible from the crime of rebellion, which the king laid to their charge. Secondly, to avoid every thing that might excite the Engliſh to engage in the war, for fear of giving the king advantage of being able to ſay, they were undertaking an offenſive war. They punctually followed theſe two advices, the former by diſperſing in England by means of their emiſſaries a great number of papers, wherein they ſet forth with all poſſible clearneſs the cauſes of their diſcontents and the king's intentions. They forgot not to inſinuate, that it concerned England no leſs than Scotland, to oppoſe the arbitrary power aſſumed by the king, as well in eccleſiaſtical as civil affairs. They followed the ſecond advice, by obeying with entire ſubmiſſion a proclamation publiſhed by the king in Scotland, to forbid the Scotch army to approach within ten miles of the borders of England. By this obedience they evidently ſhewed, the war was not offenſive on their ſide. It is not unlikely, that ſome of their friends had counſelled the king to publiſh that proclamation, on purpoſe to afford them an opportunity to give this proof of it.

But this was not the only advantage the Scots reaped from the counſels given the king by their ſecret friends. He was perſuaded that their obedience to his proclamation was the effect of their fear, and was thereby induced to ſend another proclamation to Edinburgh, commanding the Scots to lay down their arms on pain of being declared guilty of treaſon; offering however pardon to all who ſhould comply with his orders and return to their duty. Nothing could be more prejudicial to him in Scotland than ſuch a proclamation, which ſhewed he required a ſpeedy obedience without any conditions; but the magiſtrates of Edinburgh would not ſuffer it to be publiſhed. The ſame notion, that the Scots were intimidated, cauſed him to commit another error in detaching the earl of Holland with three thouſand foot and a hundred horſe, into Scotland by way of Kelſey. Leſley, general of the Scots, being informed of the earl of Holland's march, ſent five or ſix thouſand foot and five hundred horſe againſt him, who made him halt on a ſudden. He ſent however a trumpet to command them to retire according to their promiſe: it was anſwered, he would do much better to withdraw himſelf; and indeed he found it proper to take their advice. The earl of Holland's march, which came to nothing, freed the Scots from their promiſe of not approaching the borders, and on the morrow Leſley marched towards Kelſey with about twelve thouſand men.

The king began then to perceive that the obedience of the Scots was not owing to their fear, and that hitherto he had followed wrong counſels; wherefore he took a ſudden reſolution to ſtand upon the defenſive, and that very day writ to the marquis of Hamilton, who was in the Firth with the fleet, to order him not to begin hoſtilities, though he had been ſent thither to take all poſſible advantages upon the Scots. But this reſolution was taken a little late, after what he had juſt done, at leaſt if he had no other deſign to make the public believe he had undertaken the war only in his own defence. But he had a ſtronger reaſon not to engage too far; for upon notice of the Scots approach, moſt of his generals had adviſed him not to give battle, though he was much ſuperior in number of troops, which he could aſcribe only to their unwillingneſs to venture their lives in his ſervice.

The two armies were ſo near one another, that a battle was expected every day, though in truth both ſides were alike reſolved to ſtand upon the defenſive: but, when it was leaſt expected, the lord Dumfermling a Scotchman came to the king's camp with a trumpet, and preſented to his majeſty, in the name of the Scots, a very humble petition, intreating him to appoint commiſſioners to negotiate a peace. The king anſwered, he had ſent a proclamation to Edinburgh, whereby he offered his ſubjects of Scotland the free enjoy-

[k] Upon the review taken afterwards by the king, the foot were found to be in all 19614, the horſe 1800, and the dragoons 1460. Thomas Howard earl of Arundel was general, Robert Devereux earl of Eſſex, lieutenant-general, and Henry Rich earl of Holland, general of the horſe. See Ruſhworth, tom. III. p. 926. Nalſon, tom. I. p. 207.

[l] And ſeized Edinburgh and Dunbarton caſtles; and applied to the king of France. Nalſon, p. 197, 201. Warwick.

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ment of their religion and laws, with a pardon to ſuch as ſhould return to their duty: that this proclamation had been rejected with contempt; but he deſired it might be publiſhed in the Scotch army, after which he would be graciouſly pleaſed to hear their petitions. The lord Dumfermling returning with this anſwer, the Scotch general ordered the proclamation to be publicly read in the army, which done, the king appointed five commiſſioners to treat with the Scots [m].

In the conference held the 11th of June, between the commiſſioners of both parties, the Scots deſired three things, namely:

"1. That the acts at the late aſſembly at Glaſgow ſhould be ratified in the enſuing parliament.

"2. That all matters eccleſiaſtical might be determined by the aſſemblies of the kirk, and matters civil by parliament.

"3. That his majeſty's ſhips and forces by land be recalled; that all perſons, ſhips, and goods arreſted be reſtored, and that all excommunicate perſons, incendiaries, and informers againſt the kingdom, who had cauſed theſe commotions for their own private ends, might be returned, to ſuffer their deſerved cenſure and puniſhment."

Upon this the king deſiring the Scots to give in writing the reaſons and grounds of their demands, the lord Lowdon, one of the Scotiſh deputies, ſaid, their deſires were only to enjoy their religion and liberties according to the eccleſiaſtical and civil laws of the kingdom, and that they would not inſiſt upon any point that was not ſo warranted, humbly offering all civil and temporal obedience to his majeſty, which could be required or expected of loyal ſubjects. The king replied, if this was all that was deſired, the peace would ſoon be concluded: and indeed he granted immediately what the lord Lowden demanded, in the very ſame words and on the ſame terms.

Then the Scotiſh deputies gave in writing the reaſons and grounds of their three demands, and added, it was alſo deſired that parliaments might be held at ſet times, once at leaſt in two or three years, by reaſon of his majeſty's abſence, which hindered his ſubjects in their complaints and grievances to have immediate acceſs to his majeſty. They took occaſion likewiſe to declare in this paper, that it had always been far from their thoughts to refuſe due obedience to their native king, or to make an invaſion upon England. They ſaid, theſe were calumnies, the authors whereof they moſt humbly deſired might be made a public example.

It was the 15th of June before the king returned his anſwer, which muſt have embarraſſed him. He had filled all England with complaints concerning the horrible rebellion of the Scots, and yet theſe ſame people whom he would have to be deemed rebels, deſired only to enjoy their religion and liberties. On the other hand, he had levied a great army, and prepared a fleet on pretence to defend England againſt the invaſion the Scots were meditating; but they ſolemnly declared they never intended any ſuch thing. At laſt he gave his anſwer to this effect:

"1. That he could not ratify or approve the acts of the general aſſembly at Glaſgow.

"2. That notwithſtanding he was pleaſed to confirm and make good whatſoever his commiſſioner had granted and promiſed in his name.

"3. That according to the petitioners deſire, all matters eccleſiaſtical ſhould be determined by the kirk, and matters civil by the parliament.

"4. That a free general aſſembly ſhould be held at Edinburgh the 6th day of Auguſt, and a parliament at the ſame place the 20th of Auguſt next enſuing.

"5. That upon the Scots diſarming and diſbanding their forces, diſſolving and diſcharging all their pretended tables and conventions, and reſtoring to every one whatſoever had been taken and detained from them ſince the late pretended general aſſembly, his majeſty would preſently after recal his fleet, and retire his land forces, and cauſe reſtitution to be made to all perſons of their ſhips and goods, detained and arreſted ſince the aforeſaid aſſembly."

Upon this anſwer the ſeven following articles were at laſt agreed on, wherein, however, there was no mention of the principal reaſons of the quarrel, becauſe theſe matters were to be examined by the general aſſembly and parliament of Scotland. So, though theſe articles were called articles of pacification, it could not but be a very doubtful peace, ſince there was nothing yet decided concerning the grounds of the war.

Articles agreed upon,

"1. The forces of Scotland to be diſbanded and diſſolved, within eight-and-forty hours after the publication of his majeſty's declaration being agreed upon.

"2. His majeſty's caſtles, forts, ammunitions of all ſorts, and royal honours to be delivered after the ſaid publication, ſo ſoon as his majeſty can ſend to receive them.

"3. His majeſty's ſhips to depart preſently after the delivery of the caſtles, with the firſt fair wind, and in the mean time no interruption of trade or fiſhing.

"4. His majeſty is graciouſly pleaſed to cauſe to be reſtored all perſons, goods, and ſhips, detained and arreſted ſince the 1ſt day of November laſt paſt.

"5. There ſhall be no meetings, treatings, conſultations, or convocations of his majeſty's lieges, but ſuch as are warranted by act of parliament.

"6. All fortifications to deſiſt, and no farther working therein, and they to be remitted to his majeſty's pleaſure.

"7. To reſtore to every one of his majeſty's good ſubjects their liberties, lands, houſes, goods and means whatſoever, taken or detained from them by whatſoever means ſince the aforeſaid time."

Purſuant to theſe articles the Scots diſbanded their troops, but in ſuch a manner, if we may believe the king's friends, that they could eaſily re-aſſemble them in caſe of neceſſity [n]. This ſeems to me very probable, ſince it is certain the readineſs ſhewn by the two parties to conclude a peace, was an occaſion of miſtruſt to both [o].

As the general aſſembly and parliament were to meet in Auguſt, the king appointed the earl of Traquair to repreſent his perſon in quality of high commiſſioner. This lord, who was treaſurer of Scotland, was entirely devoted to him; and it was with him that the Scotiſh biſhops and archbiſhop of Canterbury held, before the war, a ſtrict correſpondence, in order to accompliſh the king's deſigns. The king gave him the following inſtructions, ſigned with his own hand.

Inſtructions given to the earl of Traquair, lord high commiſſioner for Scotland.

"AT the firſt meeting of the aſſembly, before it be brought in diſpute who ſhall preſide, you ſhall appoint him who was moderator in the laſt aſſembly, to preſide in this till a new moderator be choſen.

"We allow that lay-elders ſhall be admitted members of this aſſembly; but in caſe of the election of commiſſioners for preſbyteries, the lay-elders have had voice, you ſhall declare againſt the informality thereof, as alſo againſt lay-elders having voice in fundamental points of religion.

"At the firſt opening of the aſſembly, you ſhall ſtrive to make the aſſembly ſenſible of our goodneſs, that notwithſtanding all that is paſt, whereby we might have been juſtly moved not to hearken to their petitions, yet we have been graciouſly pleaſed to grant a free general aſſembly; and for great and weighty conſiderations, have commanded the archbiſhops and biſhops not to appear at this aſſembly.

"You ſhall not make uſe of the aſſeſſors in public, except you find you ſhall be able to carry their having vote in the aſſembly.

"You ſhall labour to your utmoſt, that there be no queſtions made about the laſt aſſembly; and in caſe it come to the worſt, whatever ſhall be done in ratification, or with relation to the former aſſembly, our will is, that you declare the ſame to be done as an act of this aſſembly, and that you conſent thereto only upon theſe terms, and no ways as having any relation to the former aſſembly.

"You ſhall by all means ſhun the diſpute about our power in aſſemblies; and if it ſhall be urged or offered to be diſputed, whether we have the negative voice, or the ſole power of indicting, and conſequently of diſſolving, except you ſee clearly that you can carry the ſame in our favour, ſtop the diſpute; and rather than it be decided againſt us, ſtop the courſe of the aſſembly until we be advertiſed.

"For the better facilitating of our other ſervices, and the more peaceable and plauſible progreſs in all buſineſſes recommended to you, we allow you at any time you ſhall find moſt convenient, after the opening of the aſſembly, to declare, that

[m] The king's commiſſioners were the earl of Arundel lord general, the earl of Eſſex lieutenant-general, the earl of Holland general of the horſe, the earls of Saliſbury and Berkſhire, and M. ſecretary Coke, and ſir Henry Vane. The Scotch deputies were the earls of Rothes and Dumfermling, the lords Lowdon, ſir William Douglas ſheriff of Tividale, Mr. Alexander Henderſon, and Archibald Johnſton. Nalſon, tom. I. p. 233, 234.

[n] The king juſtly performed the articles on his part; but the Scots kept part of their forces in body, and all their officers in pay. Whitelock, p. 31.

[o] During his ſtay in Scotland, the king gained James earl of Montroſe to his ſide, and much lenified the earls of Lowdon and Lothian. Nalſon, tom. I. p. 244.

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notwithstanding our own inclination, or any other considerations, we are contented, for our people's full satisfaction, to remit episcopacy and the estate of bishops to the freedom of the assembly; but so, as no respect be had to the determination of the point in the last assembly.

"But in giving way to the abolishing of episcopacy, be careful that it be done without the appearing of any warrant from the bishops; and if any offer to appear for them, you are to enquire for their warrant, and carry the dispute so, as the conclusion seem not to be made in prejudice of episcopacy as unlawful, but only in satisfaction to the people for settling the present disorders, and such other reasons of state: but herein you must be careful that our intentions appear not to any.

"You shall labour that ministers deposed by the last assembly, or commissions flowing from them, for no other cause but the subscribing the petition or declinator against the last assembly, be, upon their submission to the determination of this assembly, reponed in their own places; and such other ministers as are deposed for no other faults, that they be tried of new; and if that cannot be, strive that commissions may be directed from this assembly, for trying and censuring them, according to the nature of their process.

"That immediately upon the conclusion of this assembly, you indict another at some convenient time, as near the expiring of the year as you can, and if you find that Aberdeen be not a place agreeable, let Glasgow be the place; and if that cannot give content, let it be elsewhere.

"The general assembly is not to meddle with any thing that is civil, or which formerly hath been established by act of parliament, but upon his majesty's special command or warrant.

"We will not allow any commissioner from the assembly, nor no such act as may give ground for the continuing of the tables or conventicles.

"In case episcopacy be abolished at this assembly, you are to labour that we may have the power of chusing of so many ministers as may represent the fourteen bishops in parliament: or if that cannot be, that fourteen others whom we shall present be agreed to, with a power to chuse the lords of the articles for the nobility for this time, until the business be further considered upon.

"We allow that episcopacy be abolished, for the reasons contained in the articles; and the covenant 1580, for satisfaction of our people, be subscribed; provided it be so conceived, that thereby our subjects be not forced to abjure episcopacy as a point of popery, or contrary to God's law, or the protestant religion; but if they require it to be abjured as contrary to the constitution of the church of Scotland, you are to give way to it rather than to make a breach.

"After all assembly business is ended, and immediately before prayers, you shall in the fairest way that you can, protest, that in respect of his majesty's resolution of not coming in person, and that his instructions to you were upon short advertisement, whereupon many things may have occurred, wherein you have not had his majesty's pleasure; and for such other reasons as occasion may furnish, you are to protest, that in case any thing hath escaped you, or hath been condescended upon in this present assembly, prejudicial to his majesty's service, that his majesty may be heard for redress thereof in his own time and place[p].

"At Berwick the 27th of July, 1639."

Further instructions to the earl of Traquaire.

"Right trusty,

"WE have hitherto commanded Hamilton to answer several of your letters, but that on the 16th of August being of more weight than any of your former, we have thought fit to answer it ourself.

"And whereas you say, that nothing will satisfy them, except in terminis the last assembly be named and ratified, or that way be given to the discharging of episcopacy, as abjured in that church, as contrary to the confession of faith 1580, and the constitutions of the same, you being yet in some hope that the word abjured may be got changed, and that in drawing up the words of the act, it be only condemned as contrary to the constitution of the church: we in this point leave you to your instructions, they being full, if you consider what we have said concerning episcopacy, and subscribing the confession of faith 1580, we thinking it fit to declare hereupon unto you, that let their madness be what it will, further than we have declared in our instructions, in these points, we will not go.

"For the service-book, and book of canons, though we have been and are content they be discharged, yet we will never give our voice nor assent that they be condemned as containing divers heads of popery and superstition: in like manner, though we have been and are content that the high commission be discharged, yet we will never acknowledge that it is without law, or destructive to the civil and ecclesiastical judicatories of that our kingdom: nor that the five articles of Perth, though discharged with our approbation, be condemned as contrary to the aforesaid confession. As concerning the late assemblies, we cannot give our consent to have them declared null, since they were so notoriously our father (of happy memory) his acts: it seemed strange that we having condescended to the taking away of these things that they complained of, which were done in those assemblies, they will not be content therewith, without laying an aspersion on our father's actions. Wherefore if the assembly will, in despite of your endeavour, conclude contrary to this, you are to protest against their proceedings in these points, and be sure not to ratify them in parliament.

"Concerning the yearly indiction of general assemblies, and the confession of faith, we commanded Hamilton, in his of the 16th, to answer that point to this effect, that we think it infinitely to our prejudice, that we should consent to tie ourself for the keeping yearly of their assemblies, not needing to repeat the reasons, they being well enough known to you; seeing at Berwick it was conceived upon debate of that point, that your having power to indict a new one within the year, would save that dispute, which you are by all means to eschew. But if this will not give satisfaction, you are by no means to give your assent to any such act, nor to ratify the the same in parliament.

"The article in your instructions, which is only that the covenant 1580; shall be subscribed, you must have an especial care of, and how you proceed therein; that the bond be the same which was in our father's time, mutatis mutandis; and that you give your assent no other ways to the interpretations thereof, 'than may stand with our future intentions well known to you;' nor is the same otherwise to be ratified in parliament.

"Thus you have our pleasure fully signified in every particular of your letter; which you will find no ways contrary to our resolution taken at Berwick, and our instructions given to you there. But if the madness of our subjects be such, that they will not rest satisfied with what we have given you power and authority to condescend to, which notwithstanding all their insolencies we shall allow you to make good to them, we take God to witness, that what misery soever shall fall to that country hereafter, it is no fault of ours, but their own procurement. And hereupon we do command you, that if you cannot compose this business according to our instructions, and what we have now written, that you prorogue the parliament till the next spring; and that you think upon some course how you may make publicly known to all our subjects what we had given you power to condescend to. And because it is not improbable, that this way may produce a present rupture, you are to warn and assist Ruthven for the defence of the castle of Edinburgh; and to take in general the like care of all our houses and forts in that kingdom; and likewise to advertise all such who are affected to our service, that timeously they may secure themselves; and so we bid you heartily farewell."

It is plain from these instructions, that the king had some private intentions, but which were known to the earl of Traquair. The following letter may help to discover part of these intentions, at least with respect to the bishops.

His majesty's letter to the archbishop of St. Andrew's.

"Right trusty, and well-beloved counsellor, and reverend father in God, we greet you well.

"YOUR letter, and the rest of the bishops (sent by the elect of Cathness) to my lord of Canterbury, hath been by him communicated to us: and after serious consideration of the contents thereof, we have thought fit ourself to return this answer to you for direction, according to our promise, which you are to communicate to the rest of your brethren.

"We do in part approve of what you have advised, concerning the prorogating of the assembly and parliament, and must acknowledge it to be grounded upon reason enough, were reason only to be thought on in this business: but considering the present state of our affairs, and what we have promised in the articles of pacification, we may not (as we conceive) without great prejudice to our self and service, condescend thereunto; wherefore we are resolved (rather necessitated) to hold the assembly and parliament at the time and place appointed; and for that end we have nominated the earl of Traquaire our commissioner, to whom we have given instruc-

[p] Hence it is plain the king had a mind to reserve a means to disavow his commission. Rapin.

tions, not only how to carry himſelf at the ſame, but a charge alſo to have a ſpecial care of your lordſhips, and thoſe of the inferior clergy, who have ſuffered for their duty to God, and obedience to our commands. And we do hereby aſſure you, that it ſhall be ſtill one of our chiefeſt ſtudies, how to rectify and eſtabliſh the goverment of that church aright, and to repair your loſſes, which we deſire you to be moſt confident of.

"As for your meeting to treat of the affairs of the church, we do not ſee at this time how that can be done; for within our kingdom of Scotland we cannot promiſe you any place of ſafety; and in any other of our dominions we cannot hold it convenient, all things conſidered; wherefore we conceive, that the beſt way would be for your lordſhips to give in, by way of proteſtation, or remonſtrance, your exceptions againſt this aſſembly and parliament to our commiſſioner, which may be ſent by any mean man, ſo he be truſty, and deliver it at his entering into the church; but we would not have it to be either read or argued in this meeting, where nothing but partiality is to be expected, but to be repreſented to us by him; which we promiſe to take ſo into conſideration, as becometh a prince ſenſible of his own intereſt and honour, joined with the equity of your deſires; and you may reſt ſecure, that though perhaps we may give way for the preſent, to that which will be prejudicial both to the church and our own government, yet we ſhall not leave thinking in time how to remedy both.

"We muſt likewiſe intimate unto you, that we are ſo far from conceiving it expedient for you, or any of my lords of the clergy to be preſent at this meeting, as we do abſolutely diſcharge your going thither; and for your abſence, this ſhall be to you, and every of you, a ſufficient warrant: in the interim, your beſt courſe will be to remain in our kingdom of England, till ſuch time as you receive our farther order, where we ſhall provide for your ſubſiſtence; though not in a meaſure as we could wiſh, yet, in ſuch a way as you ſhall not be in want.

"Thus you have our pleaſure briefly ſignified unto you, which we doubt not but you will take in good part: you cannot but know, that what we do in this, we are neceſſitated to; ſo we bid you farewell.

"Whitehall, Aug. 6. 1639. C. R."

I have already obſerved, that the late peace between the king and his ſubjects of Scotland, did not properly conſiſt in the ſeven articles of pacification, ſince there was no mention there of the true ground of the quarrel, but only of what paſſed after the breach. Indeed both parties agreed to lay down their arms; but the peace could not be ſaid to be concluded, ſo long as the motives of rupture ſtill ſubſiſted. If the demands of the Scots, and the king's anſwer be conſidered, ſuch ambiguity on both ſides will appear, that the peace muſt have been deemed very doubtful. The Scots reduced their demands to this, "That they might enjoy their religion and liberties, according to the eccleſiaſtical and civil laws of the kingdom, offering in return all obedience to his majeſty, which could be required or expected of loyal ſubjects." The king granted this their deſire in the ſame words, and on the ſame conditions. But there was a palpable ambiguity as well in the demand, as in the anſwer. The Scots underſtood by the laws of the kingdom, thoſe that were in force before king James's acceſſion to England, and all the innovations by them complained of; but the king meant ſuch as were enacted ſince that time. The condition was no leſs equivocal, for the obedience promiſed by the Scots, related to the obſervance of the ancient laws, but that expected by the king, was founded upon the late laws. Both parties muſt have perceived the equivocation in what was to be the foundation of the peace, ſince neither of the parties could be ignorant of the occaſion of the breach. But however, both ſides feigned not to perceive it, in order to be freed from their embarraſſment in taking up arms. The Scots had flattered themſelves, that conſidering the diſcontents which reigned in England, the king would not be able to raiſe an army to reduce them to obedience. But contrary to their expectation, they ſaw him near their borders, at the head of twenty thouſand men, whilſt they had not above twelve thouſand, without reckoning his fleet, which interrupted their trade. It was therefore their intereſt to endeavour by all means to avoid a deciſion of the quarrel by arms. The loſs of a battle would have certainly reduced them to ſlavery. Beſides, their friends in England diſſuaded them from running any hazard, and made them hope, they ſhould, very ſhortly, put it out of the king's power to hurt them. For theſe reaſons, they were contented with the general demand of their religion and liberties, in order to gain time, knowing, that when matters came to be diſcuſſed, they ſhould find means to include all their pretenſions in this general demand. The king, on his ſide, was no leſs embarraſſed. Though he had an army ſuperior in number of troops, he was apprehenſive of treacheries, or at leaſt, that the Engliſh ſubjects would not cheerfully venture their lives for his ſake: ſo that the loſs of a battle would not only have occaſioned the loſs of Scotland, but even put his affairs in England in a very ill ſituation. Therefore, though he could not poſſibly be ignorant of what the Scots meant by their religion and laws, finding they did not explain themſelves more clearly, he took them at their word, in a belief, that at a more convenient ſeaſon, it would be in his power to give theſe terms the ſenſe that to him ſeemed moſt natural. It may therefore be affirmed, that this peace, which yet decided nothing, was concluded upon very uncertain foundations, and that both parties when they laid down, were in much the ſame ſtate as when they took up their arms. But it was eaſy to foreſee, a time would come, when it would be neceſſary to explain what hitherto remained in obſcurity.

The biſhops failed not, according to the king's advice, to preſent a declinator or proteſtation to the high commiſſioner [q], who receiving it publicly as he was going into the church, was contented with ſending it to the king, without communicating it to the aſſembly [r]. The king was deſirous to have ſuch a paper in his hands, that he might uſe it upon occaſion, or at a more proper time.

In this general aſſembly held at Edinburgh by the king's order, the high commiſſioner had ſufficient intereſt to hinder any mention of the former aſſembly at Glaſgow. Nevertheleſs, there paſſed ſeveral acts very diſagreeable to the king, to which however the high commiſſioner gave his conſent.

The firſt contained the cauſes of the evils that had lately happened in the kirk of Scotland. Theſe cauſes, being ſix in number, were in ſubſtance: "1. The preſſing of the ſervice-book, the books of canons and of conſecration and ordination, and the high commiſſion. 2. The five articles of Perth. 3. The changing the government of the kirk into epiſcopal government. 4. The civil places conferred on kirkmen. 5. The keeping and authorizing the aſſemblies in 1606, 1608, 1610, 1616, 1617, and 1618. 6. The want of lawful and free general aſſemblies." It was therefore ordained by this act, that all theſe things ſhould be aboliſhed, and the kirk reſtored to its former ſtate. To this act the high commiſſioner conſented verbally, and promiſed to have it ratified in the enſuing parliament. Another act alſo paſſed for the better keeping the lord's-day.

After which followed a ſupplication of the general aſſembly to the commiſſioner, deſiring that a book called, The large Declaration; and written by Dr. Balcanquel, dean of Durham, a Scotchman, againſt his countrymen, might be called in. To this the commiſſioner gave no other anſwer, but that he would "impart the ſame to his majeſty."

Then was preſented to the high commiſſioner another ſupplication from the aſſembly, and the lords of the privy-council, wherein they petitioned, that it might be enjoined by act of council, that the confeſſion and covenant ſhould be ſubſcribed by all his majeſty's ſubjects in Scotland, of what rank ſoever. The high commiſſioner anſwered, by advice of the council, That he thought himſelf bound in conſcience to approve of the covenant, and as earl of Traquaire, would ſubſcribe it as heartily as any ſubject in the kingdom; but as the king's commiſſioner he could not do it, unleſs a clauſe was added, that this covenant was the ſame with that ſubſcribed by king James VI. in the years 1580, 1581, and 1590. Whereupon the aſſembly made a new act, enjoining all the members of the kirk to ſign the covenant, with this clauſe prefixed to the names of the ſubſcribers:

"We ſubſcribe this covenant according to the explanation it hath received from the general aſſembly, that is, as declaring the five articles of Perth, the government of the kirk by biſhops, and the beſtowing civil places on kirkmen, to be unlawful within this kirk."

After that, the aſſembly reſolved to preſent a petition to the king, to pray him to cauſe the acts to be ratified by the parliament. That done, they appointed the laſt Tueſday in July 1640, for holding another general aſſembly at Aberdeen, without conſulting the high commiſſioner.

The acts paſſed in this aſſembly plainly ſhew what the Scots meant by their religion, namely, that profeſſed in 1580. The aſſembly had alſo determined, contrary to the king's preten-

[q] The earl of Traquair. The king is always preſent in the general aſſembly, by himſelf or commiſſioner.

[r] The king, in his letter to archbiſhop Spotiſwood, ordered him to give in a proteſtation againſt the aſſembly, but that it ſhould not be read or argued in the meeting, where, as he ſays, nothing but partiality was to be expected. Ruſhworth, tom. III. p. 952.

They

ſions, that epiſcopacy was aboliſhed [s] by the confeſſion of faith in the year 1580, though the biſhops were not ſo much as mentioned. Whereas, the king pretended, the religion of the kingdom was that which was actually profeſſed ſince the year 1606, and ſince eſtabliſhed by ſeveral acts of parliament and general aſſemblies. On the contrary, the aſſembly of Edinburgh declared, that the aſſemblies held from 1606 to 1618, were void, and thereby annulled the acts of parliament by which they were confirmed and ratified. As to the covenant, the ſame aſſembly, in pretending to admit of the clauſe annexed by the earl of Traquair, had rendered it of no effect, by an additional explanation. The earl was much blamed for not ſtoutly oppoſing this interpretation; nay, when he came to give the king an account of his commiſſion, a Scotch biſhop [t] accuſed him of treaſon, and offered to ſuffer as a traitor, if he did not make good his accuſation.

By what had paſſed in the aſſembly, the king ſaw plainly what he was to expect from the parliament, which met preſently after the ſeparation of the aſſembly. Before the ratification of the acts of the aſſembly was propoſed, they preſented to the high-commiſſioner ſome acts, which ſhewed they were no leſs bent to maintain the privileges of the people, and guard againſt the artifices by which the court had for forty years cauſed the parliament to paſs what they pleaſed. I have mentioned elſewhere the manner of chuſing the lords of the articles in the parliament of Scotland, but it is neceſſary to explain it a little more fully, for the better underſtanding how advantageous to the king this method was grown. Ever ſince the reign of David Bruce, that is, for about three hundred years, it had been cuſtomary in Scotland, that when the parliament met, there were elected a certain number of noblemen, biſhops, barons, and burgeſſes, who were called lords of the articles. The buſineſs of this ſelect committee was to examine and prepare the bills which were to be moved in parliament; and as they had power to reject ſuch as they did not judge neceſſary or convenient, it ſeldom happened that thoſe they admitted were ever thrown out. The manner of election, ſettled at a time when the inconveniences could not be foreſeen, was thus: The body of the nobility nominated eight biſhops, theſe biſhops named eight lords, the ſixteen elect biſhops and lords choſe eight barons [a], theſe twenty-four elected eight burgeſſes [b]. This cuſtom ſubſiſted without many inconveniences, till James VI. attempted to reſtore epiſcopacy. That prince, as we have ſeen, began with reſtoring the biſhops and lay-abbots, to their ſeats in parliament; and thereby had the votes of all the repreſentatives of the church at his command. So the nobility, in chuſing eight biſhops, could name none but what were devoted to the king, from whom they received their benefices. Theſe eight biſhops made it their chief care to name eight lords, on whom the king could depend. Theſe ſixteen never failed to chuſe eight barons of the ſame party, and conſequently, the eight burgeſſes elected by the twenty-four, were likewiſe friends of the court. By this means, the king obtained of the parliament the forementioned acts, to reſtore epiſcopal government in the kirk, notwithſtanding all the endeavours of the general aſſemblies. This gave occaſion alſo to the complaint publicly diſperſed in writing, that Charles I. in his journey to Scotland, had uſed unlawful methods to obtain the two acts concerning religion, of which I have ſpoken. It is ſaid, that among the eight lords then choſen by the biſhops, there were three ſuſpected of popery.

As ſince that time the face of affairs had been much changed in Scotland, and the king had no longer any power there, the parliament, which met by his majeſty's order at Edinburgh in the year 1639, reſolved to prevent the inconveniences flowing from the election of the lords of the articles. To that purpoſe they preſented to the high-commiſſioner an act, declaring null and void whatever ſhould be done in parliament, before the ancient way of electing the lords of the articles ſhould be altered. This act was founded not only upon the forementioned inconveniences, but chiefly upon the parliament's diſpoſition to aboliſh entirely the order of biſhops, from whence followed an abſolute neceſſity to alter the manner of chuſing the lords of the articles. Beſides, in all appearance, the parliament was willing to obviate thereby the king's demand, that fourteen miniſters or lay-abbots of his chuſing might ſupply the place of the biſhops [c].

Beſides this act, which was very material at this juncture, the parliament preſented alſo ſeveral others, all tending to leſſen the king's prerogative.

"2. By the ſecond it was enacted, that the coin ſhould not be meddled with, but by advice of parliament.

"3. By the third, that no ſtranger ſhould be entruſted with keeping of any caſtles, nor other perſon put in them, but by advice of the eſtates." This was becauſe the king had lately made two Engliſhmen governors of the caſtles of Edinburgh and Dunbarton.

"4. That no patent of honour be granted to any ſtranger, but ſuch as have a competency of land-rent in Scotland.

"5. That no commiſſion of juſticiary or lieutenancy may be granted but for a limited time.

"6. They proteſted againſt the precedency of the lord-treaſurer, and lord privy-ſeal, becauſe as they alleged, the ſame was not warranted by a poſitive law."

There were others of the ſame nature, all prejudicial to the king, but which it is needleſs to inſert. It may well be thought, the high-commiſſioner did not believe himſelf ſufficiently authoriſed to give his conſent to all theſe acts, without informing his majeſty.

The king ſeeing what courſe his affairs were taking in the parliament of Scotland, plainly perceived by theſe firſt proceedings, that his commiſſioner would be little able to follow his inſtructions, and therefore, ordered him by letter only to prorogue the parliament till the 2d of June the next year 1640, and if he met with oppoſition, to declare that the members who ſhould continue to aſſemble were guilty of high-treaſon. This order, being ſignified to the parliament, met not with that compliance the king perhaps had expected. They broke up however, but in ſuch a manner as was no leſs diſagreeable to the king, than if they had continued their ſeſſion. Before they parted, they made a declaration, importing that the earl of Traquair had not power to prorogue the parliament upon the king's letters, without the conſent of the parliament itſelf. That this order was owing to miſinformations, the parliament not having given the king any offence or cauſe of complaint. That hitherto the parliament were never prorogued without their own conſent, and conſequently this prorogation was contrary to the uſage of the kingdom. They complained moreover, that the earl of Traquair and the council had ſeveral ways violated the privileges of the parliament, during this ſeſſion. In ſhort, they declared, that though they might lawfully remain aſſembled, notwithſtanding the prorogation they were willing to break up, in order to give the king a proof of their obedience; but however, thought proper to leave a committee of ſome of each eſtate, to preſent a remonſtrance to his majeſty and attend his gracious anſwer, and to aſſure the king on all occaſions of the parliament's ſincere intention to pay him all due obedience. The declaration concluded with a proteſtation, that if any outrages and inſolencies ſhould be committed, they could not be imputed to them, ſince they were conſtrained to uſe the propereſt means to ſecure the kirk and ſtate from the impending miſery and confuſion.

Purſuant to the power given them by the parliament, the committee ſent the earl of Dumfermling and the lord Lowdon to preſent a remonſtrance to his majeſty. But the king refuſed to give theſe deputies audience, as coming without warrant from the high-commiſſioner, and without communicating to him the occaſion of their journey. After their departure, the king ſent for the earl of Traquair, and ordered him to report to the council what had paſſed in Scotland ſince the pacification. It was upon this lord's report, and without hearing what the Scots had to ſay in their defence, that the council of England unanimouſly declared, it was abſolutely neceſſary to reduce the Scots to their duty by force of arms. Mean while, as this reſolution ſeemed a little too haſty, ſince it was not yet known what the Scots might plead in their vindication, the king perceiving how prejudicial this precipitation might be to him, gave the committee of Edinburgh leave to ſend their deputies. But this was more for decency, than to ſee whether there would be any reaſon to alter the reſolution already taken, the king not being ignorant of what could be ſaid on this occaſion.

[1640] Purſuant to the king's permiſſion, four deputies came preſently after, namely, the earl of Dumfermling, the lord Lowdon, Sir William Douglaſs, and Mr. Robert Berkley, and preſented to him two petitions. The firſt

[s] They not only aboliſhed it, but alſo determined, that it was unlawful in the church of Scotland. Ruſhworth, tom. III. p. 955.

[t] It was the archbiſhop of St. Andrew's, and the biſhops of Roſs, and Brichen. Annals, p. 790.

[a] Or lairds.

[b] Theſe thirty-two, with the eight officers of the crown, made up the ſelect committee, called, lords of the articles. Whitelock ſays, the king choſe the eight biſhops.

[c] The parliament allowed the high-commiſſioner to name the eight lords, who ſhould have been named by the biſhops, but proteſted it ſhould be no precedent for the future; and they went on roundly to take away the lords of the articles entirely. When it was debated about what was to be brought in, in lieu of the biſhops, the commiſſioner urged for the king to have fourteen lay-abbots to repreſent the third eſtate; but it was voted, that the third eſtate ſhould be completed by ſmall barons, who were to repreſent the commonalty. Ruſhworth, tom. III. p. 955.

During

was from the late general aſſembly held at Edinburgh, who, after thanking him for being pleaſed to conſent that eccleſiaſtical affairs ſhould be determined in the aſſembly of the kirk, prayed him to ratify their conſtitutions by the parliament. By the other petition, the four deputies deſired to be heard before ſome of the counſellors of both kingdoms, and that the earl of Traquair's report to the council of England might be given them in writing under his hand. The king thought not proper to grant either of theſe articles. However, he appointed a committee of the council to hear them, to which the deputies would not agree, ſaying, they were ſent to his majeſty to juſtify the proceedings of the parliament of Scotland, and not to the council of England, who had no juriſdiction over the Scots. To remove this objection, the king was pleaſed to hear them himſelf, in the preſence of the committee he had appointed. The lord Lowdon made a long ſpeech in vindication of their tranſactions in Scotland; for that was the ſole motive of the deputation. But the king feigning to believe, and being very willing to ſuppoſe they were come to treat with him of an agreement, objected to them, that their powers were inſufficient, ſince they could neither offer nor accept of any terms. A few days after, the council of England declared, that the Scotch deputies had power only to juſtify the proceedings of their countrymen. And indeed, they had been ſent only for that purpoſe, and not to treat with the king[d].

It was reſolved, as I ſaid, in the council of England, to reduce the Scots to obedience by force. It is neceſſary therefore to ſhew upon what this reſolution was founded. Though the king was by no means pleaſed with the acts of the general aſſembly of Edinburgh, he had no reaſon however to complain, ſince they were approved by his high-commiſſioner, authorized for that purpoſe by a commiſſion under the great ſeal. Wherefore being deſirous to hinder theſe acts from being ratified by the parliament, he thought it more proper to ground the breach occaſioned by the prorogation of the parliament of Scotland, upon the proceedings of the parliament than upon thoſe of the aſſembly. He complained therefore,

"1. That under pretence of his having promiſed a free parliament, they had carried that freedom ſo far as to imagine, that it was not to be limited with their own conditions, ſubſcribed by the lord Lowdon, which were, to enjoy their religion and liberties, according to the eccleſiaſtical and civil laws of their kingdom. For it was evident, that the parliament had far exceeded the bounds eſtabliſhed by the laws.

"2. If they object, that they aſſume this liberty by our allowing of the covenant, and commanding our former high-commiſſioner the lord marquis of Hamilton, and other our ſubjects to ſubſcribe it; the anſwer is very ready, that there is a great difference between the covenant and band ſubſcribed by our commandment, and their band; for that covenant and band was made by our late father king James of bleſſed memory, anno 1580, and obligeth thoſe that ſwear to it, that they ſhould mutually aſſiſt one another, as they ſhould be commanded by the king, or any authorized by him. But this new band was made without our conſent, and by it they ſwear, mutually to aſſiſt one another, not accepting the king. Neither can the earl of Traquair's ſubſcription or allowance of the covenant be any warrant for their rebellious courſes, ſeeing they did humbly ſupplicate, 'that they may be allowed and warranted to ſubſcribe it;' which clearly evinces, that what they did before, and of themſelves, without warrant of authority, was neither laudable nor warrantable. Beſides, it appears by what is prefixt to the earl of Traquair's ſubſcription, that by the covenant he meant the ſame with that of 1580.

"3. Since the parliament, they have, without any authority or commiſſion from us, taken upon them to levy and raiſe forces in ſeveral parts of the kingdom; and have aſſigned them a rendezvous, and a day to be in a readineſs to march.

"4. They have made proviſions of great quantities of artillery, munition and arms, from foreign parts, which they have ready in magazine to make uſe of againſt us their ſovereign.

"5. They have of themſelves laid taxes and impoſitions of ten marks in every hundred upon all and every our ſubjects, according to their ſeveral revenues; and this they exacted with the greateſt rigour and tyranny that can be imagined.

"6. They have cauſed to be framed and publiſhed, ſundry falſe, ſeditious and ſcandalous papers and pamphlets; and amongſt others, one entitled, An Information from the eſtates of the kingdom of Scotland, to the kingdom of England, &c. which we have cauſed to be burnt by the hand of the hangman.

"7. They have refuſed the lord Eſtrick, governor of our caſtle at Edinburgh, timber, and other materials neceſſary for reparation of the works lately fallen down there, notwithſtanding our expreſs commandment by our letters to them, upon their allegiance to furniſh them.

"8. They have committed ſundry outrages and violences upon the perſons of ſome of the garriſons at Edinburgh, that came out of the caſtle to buy victuals.

"9. They have begun to raiſe works and fortifications againſt the ſaid caſtle, thereby to block up that our royal fort, and to render it unuſeful. And they have fortified ſundry other places in that our kingdom, and particularly Inſgarvy, where they have mounted divers pieces of ordnance.

"10. They have lately impriſoned the lord of Southeſk, and ſundry others of quality, for not adhering to them, and for their fidelity to us.

"11. The magiſtrates of Edinburgh have upon ſundry occaſions refuſed to yield us due obedience, alleging, that they have delivered up the power of governing the town into the hands of the committee of the pretended tables, by which they have not only voluntarily diſabled themſelves to ſerve us, but have incurred the guilt of high treaſon, by conferring upon any that power of government which they derive and hold from us alone."

Of theſe eleven articles nine were inconſiderable. As after the prorogation of the parliament, the Scots had great reaſon to fear the king intended to renew the war, the precautions they took for their defence, could not be deemed a juſt cauſe of invading them, though their fears had been vain. At leaſt, all theſe proceedings could have been eaſily repaired by the concluſion of a good peace. But the moſt material article, on which the king chiefly inſiſted, was,

"12. A letter communicated to him by the earl of Traquair, and which had been intercepted by his lordſhip. It was written to the king of France by the chief of the malecontents to deſire his aſſiſtance. The letter follows, with this indorſement, 'Au Roy,' which, as his majeſty obſerved, is in France always underſtood from thoſe ſubjects only to their natural prince.

"SIR,

"YOUR majeſty being the refuge and ſanctuary of afflicted princes and ſtates, we have found it neceſſary to ſend this Gentleman, Mr. Colvil, to repreſent unto your majeſty the candour and ingenuity, as well of our actions and proceedings, as of our intentions, which we deſire to be engraven and written to the whole world with a beam[e] of the ſun, as well as to your majeſty. We therefore moſt humbly beſeech you (Sir) to give faith and credit to him, and to all that he ſhall ſay on our part, touching us and our affairs; being moſt aſſured (Sir) of an aſſiſtance equal to your wonted clemency heretofore, and ſo often ſhewed to this nation, which will not yield the glory to any other whatſoever to be eternally, Sir,

"Your majeſty's moſt humble, moſt obedient,
"and moſt affectionate ſervants,

Rothes. Montroſe. Leſly. Marre.
Montgomery.
Lowdon. Forreſter."

This letter, though no date appears, was writ before the peace. At leaſt, the lord Lowdon, who was committed to the Tower on that account, affirmed it, and I do not find he was ever contradicted. On the other hand, the king who pretended to receive great advantages from this letter, never ſaid it was penned ſince the ſigning of the articles of pacification. From whence it may be inferred, either the ſub-

[d] During theſe commiſſioners ſtay in England, many ſecret councils were held with them by the diſcontented Engliſh; chiefly by the favourers of preſbytery, and thoſe who had ſuffered in the ſtar chamber, or high-commiſſion. The earls of Eſſex, Bedford, and Holland; the lord Say, Mr. Hampden, and Pym, and others of great intereſt and quality, were deep in with them. Whitelock, p. 3. The lord Savile in particular, with great vehemence preſſed them to engage in a new war, and among other motives, brought them engagements in writing from moſt of the greateſt peers in England, to join with them, and aſſiſt them when they ſhould come into England with an army. But theſe engagements were diſcovered at the treaty of Rippon to have been a baſe forgery. Burnet's Mem. of Hamil. p. 165. Hiſtory of his Time. p. 37. Hiſtory of the Stuarts, p. 141, &c.

[e] It is in the original Raye (which ſignifies a Thornback) inſtead of Rais or Rayon; for which reaſon it ſeems, after the letter was ſigned by ſix of the covenanting lords, it was rejected by the lord Maitland, becauſe it was falſe French; and ſo it was laid aſide, and never again taken into conſideration: but one taking up the letter, brought it to Traquair. Mem. of Duke Hamilton, p. 161.——It was ſaid, however, that the Scots were encouraged to take up arms from cardinal Richelieu, by his chaplains, Chamberlain and Con. Scots; and by letters which a page of his brought to ſeveral in England and Scotland. Whitelock, p. 33. Coke. p. 325.

Sir

ſcribers forgot to date it, or the date was not ſerviceable to the king who produced it. However this be, though the letter was never ſent to France, ſince it was put into the hands of the earl of Traquair in Scotland, the king, who had reſolved to renew the war, made great uſe of it to vindicate his conduct. He pretended, the Scots deſigned to introduce a foreign army into their country to invade England, and therefore he was indiſpenſably obliged to defend his Engliſh ſubjects. But it will be ſeen hereafter, that he did not reap from it all the advantages he expected.

Upon this foundation however, he reſolved to renew the war with Scotland. But though he alleged many reaſons, as we have ſeen, it is certain, the chief motive was the abolition of epiſcopacy, to which he could not conſent. If this ſingle point could have been adjuſted, the reſt were not conſiderable enough to oblige the two parties to take up arms again. So the whole queſtion of right between Charles and the Scots was reduced to this: whether James and Charles could alter the government of the kirk of Scotland, notwithſtanding the oppoſition of the kirk itſelf; and whether the Scots might demand the abolition of epiſcopacy, eſtabliſhed upon the ruins of preſbytery, on the pretence of artifices practiſed by the court to get theſe acts paſſed.

The war being reſolved, the king took all poſſible meaſures to have a numerous army, by taxing, as uſual, each county to find a certain number of troops. On the other hand, a ſea-fight between the Spaniards and Dutch, near the coaſt of England, furniſhed the king with a pretence to renew his warrants for the payment of ſhip-money. As on this occaſion the Dutch, who were the aggreſſors, had ſhewn little regard to the ſovereignty of the ſea aſſumed by the king, his majeſty loudly complained of the affront he had received, and upon this foundation ſeemed bent to equip a powerful fleet to preſerve the dominion of the ſea, and defend the kingdom. Wherefore he ordered ſhip-money, as well as the arrears of that tax, to be levied with great ſeverity. The ſheriff of Northamptonſhire having ſent to court a petition of the county againſt ſhip-money [f], the council reprimanded him very ſharply, commanding him to do his office on pain of exemplary puniſhment. On the other hand, ſir John Finch being made lord-keeper [g] upon the death of the lord Coventry, made a ſpeech to the judges, to exhort them to uſe in their circuits all their authority to promote this tax. So it was evident the king was reſolved to compaſs his ends, let what would be the conſequence, and that this impoſition was grown by degrees a ſtanding tax upon the people.

At laſt, the king appointed Algernoon Piercy earl of Northumberland for general of the army againſt Scotland, and gave him for lieutenant-general Thomas lord Wentworth, deputy of Ireland, lately made earl of Strafford. As he always dreaded the correſpondents the Scots had in England, and for that reaſon durſt not truſt his council with all his affairs, he appointed a ſecret council, conſiſting of three perſons only, namely, the archbiſhop of Canterbury, the marquis of Hamilton, and the earl of Strafford [h]. Theſe three entirely directed the king's moſt important affairs, and were the perſons, that after mature deliberation adviſed him to call a parliament. But as the king objected to them, that before the ſubſidies, which the parliament ſhould grant, could be paid, he ſhould be reduced to great ſtraits; the ſecret council provided againſt this inconvenience, by adviſing him to borrow of each of his counſellors or others, who ſhould be willing to lend, the ſums he ſhould want to ſupply his preſent occaſions. The earl of Strafford alone ſubſcribed 20,000l. The example of the counſellors being followed by ſome other lords, the king was enabled to make preparations for the war, before he had received any aid from the parliament. So the parliament was called for the 13th of April, and a few days after the king publiſhed a proclamation, to revoke the ſame patents which had ſerved to eſtabliſh monopolies, though they had been revoked once before without any effect.

The parliament being aſſembled at Weſtminſter, on the day appointed, the king went to the houſe of lords, and made the following ſpeech to both houſes:

"My lords and gentlemen,

"THERE was never a king that had a more great and weighty cauſe to call his people together than myſelf; I will not trouble you with the particulars; I have informed my lord-keeper, and commanded him to ſpeak; and deſire your attention."

Then ſir John Finch lord-keeper, ſpoke thus:

"My lords, and you the knights, citizens, and burgeſſes of the houſe of commons,

"You are here this day aſſembled by his majeſty's gracious writ and royal command, to hold a parliament, the general, ancient, and greateſt council of this renowned kingdom. By you, as by a ſelect choice and abſtract, the whole kingdom is preſented to his majeſty's royal view, and made happy in the beholding of his excellent and ſacred perſon. All of you, not only the prelates, nobles, and grandees, but in your perſons that are of the houſe of commons, every one, even the meaneſt of his majeſty's ſubjects, are graciouſly allowed to participate and ſhare in the honour of thoſe counſels, that concern the great and weighty affairs of the king and kingdom. You come all armed with the votes and ſuffrages of the whole nation: and I aſſure myſelf, your hearts are filled with the zealous and humble affection to his majeſty's perſon and government, that ſo juſt, ſo pious, and ſo gracious a king, hath reaſon to expect from all his ſubjects. I doubt not, but you rejoice at this day's meeting, and methinks you ſhould do ſo too; and good reaſon you have to do ſo, and with all humbleneſs of heart to acknowledge, the great goodneſs of his majeſty, who ſequeſtring the memory of all former diſcouragements in preceding aſſemblies, is now of a fatherly affection to his people, and a confidence that they will not be failing in their duty to him, who is pleaſed graciouſly to invite you and all his loving ſubjects to a ſacred unity of hearts and affections, in the ſervices of him and of the common-wealth, and in the execution of thoſe counſels that tend only to the honour of his majeſty, and to the good preſervation of you all. His majeſty's kingly reſolutions are ſeated in the ark of his ſacred breaſt, and it were a preſumption of too high a nature, for any Uzzah uncalled to touch it: yet his majeſty's is now pleaſed to lay by the ſhining beams of majeſty, as Phœbus did to Phaeton, that the diſtance between ſovereignty and ſubjection ſhould not bar you of that filial freedom of acceſs to his perſon and counſels, only let us beware how, with the ſon of Clymene, we aim at the guiding of the chariot, as if that were the only teſtimony of fatherly affection: and let us ever remember, that though the king ſometimes lays by the beams and rays of majeſty, he never lays by majeſty itſelf.

"In former parliaments you have been adviſed with, for the preventing and diverting of thoſe dangers, which by foreign and more remote counſels, might have tended to the diſhonour and ruin of this nation; therein his majeſty's great wiſdom and providence hath for many years eaſed you of that trouble, his majeſty having with great judgment and prudence not only ſeen and prevented our danger, but kept up the honour and ſplendor of the Engliſh crown, of which at this day we find the happy and comfortable experience; Almighty God having vouchſafed ſuch ſucceſs to his majeſty's counſels, that our fleece is dry, when it raineth blood in all the neighbouring ſtates. But what availeth this kingdom, Si foras hoſtem non inveniat, ſi modo domi inveniat? You are now ſummoned to counſels and reſolutions that more nearly concern you, to prevent a danger and diſhonour that knocks at our gates, and that moves from ſuch, from whom we had little reaſon to ſuſpect it. It is well known upon what happy and ſolid counſels one of our wiſeſt kings made a match with Scotland for his eldeſt daughter. We cannot forget (I am ſure we ſhould not) the bleſſed ſucceſs that waited upon thoſe counſels, when the crown of England deſcended upon king James of ever bleſſed and famous memory, who with the fulneſs of joy to all true Engliſh hearts, made his entry not by bloodſhed. The wall of ſeparation was thereby taken away; and that glorious king, to make his word good, faciam eos in gentem unam, made all England rejoice, and Scotland I am ſure had no reaſon to be ſorry for it: they participated of Engliſh honours, the wealth and revenue of this nation they ſhared in, and no good thing was with-holden from them; ſuch was the largeneſs of heart in that moſt excellent king, and ſuch was the comfort we took in this fraternity, or rather unity: when both of us had but one brazen wall of fortification to look unto, the ſea, and all things ſo equally and evenly carried

[f] Sir Chriſtopher Yelverton high-ſheriff of Northamptonſhire (Rapin by miſtake ſays of Northumberland) ſent, incloſed in a letter, a copy (under the hand of the clerk of the peace) of a preſentment made by the grand jury, at a quarter-ſeſſions concerning ſhip-money. Ruſhworth, tom. III. p. 991, 992.

[g] He was created baron of Fordwick in Kent, April 7. Ibid. tom. III. p. 1102.

[h] The affairs of ſtate were principally managed by the archbiſhop of Canterbury, the earl of Strafford, and lord Cottington. To theſe were added the earl of Northumberland, for ornament; the biſhop of London, for his place, being lord-treaſurer; the two ſecretaries, Vane and Windebank, for ſervice and intelligence: only the marquis of Hamilton by his ſkill and intereſt meddled juſt ſo far, and no farther, than he had a mind. Theſe perſons made up the committee of ſtate, reproachfully after called the Junto, and enviouſly then in the court, the Cabinet Council. Clarendon, tom. I. p. 117.

between us, that Tros Tyriuſque nullo diſcrimine habentur. His majeſty, our moſt gracious ſovereign, became heir, as well to his father's virtues as to his kingdoms, Pacatumque regit, &c. and in his gracious and tender affection to that nation, hath given as many indulgent teſtimonies of love and benignity as they could expect. Thus became we both like a land flowing with milk and honey: peace and plenty dwelt in our ſtreets, and we have had all our bleſſings crowned with the ſweet hopes of perpetuity. God found out for my lord the king a companion mete for him, his royal conſort, our moſt gracious queen, who, as ſhe is not to be paralleled for her perſon and virtue, ſo hath ſhe made his majeſty and the whole kingdom moſt happy and bleſſed in the ſweeteſt pledges of their love, and our hopes, which ever ſtood like olive-branches about the throne or table: but which I ſorrow for, Civiles furores patriæ nimia infelicitas, and when his majeſty had moſt reaſon to expect a grateful return of loyalty and obedience from all the Scotiſh nation, ſome men of Belial, ſome Zeba, hath blown the trumpet there, and by their inſolencies and rebellious actions drawn many after them, to the utter deſertion of his majeſty's government; and his majeſty's and his kingly father's love and bounty to that nation quite forgotten, his goodneſs and piety unremembered.

"They have lead a multitude after them into a courſe of diſloyalty and rebellious treaſon, ſuch as former times have not left in mention, nor this preſent age can any where equal; they have taken up arms againſt the Lord's anointed, their rightful prince, and undoubted ſovereign, and following the wicked counſels of ſome Ahithophel, they have ſeized on the trophies of honour, and inveſted themſelves with regal power and authority: ſuch, and ſo many acts of diſloyalty and diſobedience, as (let their pretences be what they will be) no true Engliſh or chriſtian heart, but muſt acknowledge them to be the effects of foul and horrid treaſon.

"The laſt ſummer his majeſty, at his own charge, and at the vaſt expence of many of his faithful and loving ſubjects of England, went with an army, and then they took upon them the boldneſs to out-face and brave his royal army, with another of their own raiſing; yet for all this, his majeſty's goodneſs was not leſſened by that, nor could his gracious nature forget what he was to them, nor what they were to him; but conſidering with himſelf they were ſuch quos nec vincere, nec vinci glorioſum fuerat, out of his piety and clemency, choſe rather to paſs by their former miſcarriages, upon their humble proteſtations of future loyalty and obedience, than by juſt vengeance to puniſh their rebellion.

"But his majeſty (who is ever awake for the good and ſafety of all his ſubjects) hath ſince too plainly diſcovered, that they did but prevaricate with him to divert the ſtorm which hung over their heads, and by gaining time to purchaſe themſelves more advantage for purſuing their rebellious purpoſes.

"For ſince his majeſty came from Berwick, it is come to his certain knowledge, that inſtead of performing that loyalty and obedience, which by the laws of God, of nature, and nations, they owe unto him, they have addreſſed themſelves to foreign ſtates, and treated with them to deliver themſelves up to their protection and power (as by God's great providence and goodneſs, his gracious majeſty is able to ſhew under the hands of the prime ring-leaders of that faction) than which nothing could be of more dangerous conſequence to this and his majeſty's other kingdoms. Whoſoever they be that do, or ſhall wiſh England ill, they may know it to be of too tough a complexion and courage, to be aſſailed in the face, or to be ſet upon at the fore-door: and therefore it is not unlikely, but they may (as in former times) find out a poſtern-gate.

"There were heretofore two of them, Scotland and Ireland, and both of them had their ſeveral defences.

"Ireland, through his majeſty's juſt and prudent government, is not only reduced from the diſtemper of former times, but ſettled in ſuch a condition of peace, and during his majeſty's happy reign ſo altered and civilized, that inſtead of being a charge to him (as it was to his predeceſſors) hath yielded to him ſome revenue, and his ſubjects there do daily give very acceptable teſtimonies of their loyal and dutiful affection, both to his perſon and government. And now lately at the parliament aſſembled, they have not only with full and free conſent, made his majeſty a cheerful aid towards his preſent preparations, to reduce his diſaffected ſubjects in Scotland to their due obedience, but they have alſo profeſſed and promiſed, that they will be ready with their perſons and eſtates, to the uttermoſt of their ability, for his majeſty's future ſupply, as his great occaſions, by the continuance of his forces againſt that diſtemper, ſhall require; ſo that the hopes of hurting England that way, are quite extinct.

"Scotland then only remains, whither (as to a weak and diſtempered part of the body) all the rheums and fluxes of factious humours make away.

"His majeſty hath taken all theſe and much more into his princely conſideration; and to avoid a manifeſt and apparent miſchief, threatened to this and his other kingdoms, hath reſolved, by the means of a powerful army, to reduce them to the juſt and modeſt conditions of obedience.

"It is a courſe his majeſty takes no delight in, but is forced unto it; for ſuch is his majeſty's grace and goodneſs to all his ſubjects, and ſuch it is and will be to them (how undutiful and rebellious ſoever they now are) that if they put themſelves into a way of humility becoming them, his majeſty's piety and clemency will ſoon appear to all the world: but his majeſty will not endure to have his honour weighed at the common beam; nor admit any to ſtep between him and his virtue: and therefore as he will upon no terms admit the mediation of any perſon whatſoever, ſo he ſhall judge it as high preſumption in any perſon to offer it, and as that which he muſt account moſt dangerous to his honour, to have any conceit, that the ſolicitation of others can, by any poſſibility, better incline him to his people than he is, and ever will be out of his own grace and goodneſs.

"The charge of ſuch an army hath been thoroughly adviſed, and muſt needs amount to a very great ſum, ſuch as cannot be imagined to be found in his majeſty's coffers, which, how empty ſoever, have neither yet been exhauſted by unneceſſary triumphs, or ſumptuous buildings, or other magnificence whatſoever, but moſt of his own revenue, and whatſoever hath come from his ſubjects, hath been by him employed for the common good and preſervation of the kingdom. And like vapours ariſing out of the earth, and gathered in a cloud, are fallen in ſweet and refreſhing ſhowers upon the ſame ground. Wherefore his majeſty hath now at this time called this parliament, the ſecond means under God's bleſſing to avert theſe public calamities threatened to all his kingdoms, by the mutinous behaviour of them.

"And as his majeſty's predeceſſors have accuſtomed to do with your fore-fathers, ſo his majeſty now offers you the honour of working together with himſelf, for the good of him and his, and for the common preſervation of yourſelves and your poſterity.

"Counſels and deliberations that tend to benefit or profit, may endure diſputes and debates, becauſe they ſeem only accompanied with perſuaſions; but deliberations that tend to preſervation are waited upon by neceſſity, and cannot endure either debate or delay; of ſuch nature are the bleeding evils that are now to be provided againſt.

"This ſummer muſt not be loſt, nor any minute of time foreſtowed, to reduce them of Scotland, leſt by protraction here they gain time and advantage to frame their parties with foreign ſtates.

"His majeſty doth therefore deſire, upon theſe preſſing and urgent occaſions, that you will for a while lay aſide all other debates, and that you would paſs an act for ſuch and ſo many ſubſidies, as you in your hearty affection to him, and to your common good, ſhall think fit and convenient for ſo great an action; and withal, that you would haſten the payment of it, as ſoon as may be: and his majeſty aſſures you all, that he would not have propoſed any thing out of the ordinary way, but that ſuch is the ſtraitneſs of time, that unleſs the ſubſidies be forthwith paſſed, it is not poſſible for him to put in order ſuch things as muſt be prepared before ſo great an army can be brought into the field.

"And indeed had not his majeſty upon the credit of his ſervants, and ſecurity out of his own ſtate, taken up and iſſued between three and four hundred thouſand pounds, it had not been poſſible for his majeſty to have provided thoſe things to begin with, which were neceſſary for ſo great an enterpriſe, and without which we could not have ſecured Berwick and Carliſle, or avoided thoſe affronts which the inſolency of that faction might have put upon us, by injuring the perſons and fortunes of his loyal ſubjects in the northern parts.

"To avoid all queſtion and diſpute that may ariſe, touching his majeſty taking tunnage and poundage, his majeſty hath commanded me to declare unto you, that he hath taken it only de facto, according to the example of former kings, from the death of their paſt predeceſſors, until the parliament had paſſed an act for it themſelves. That in like manner, his majeſty deſires not to claim it, but by grant of parliament; for this purpoſe his majeſty hath cauſed a bill to be prepared in the ſame form as it paſſed to his royal father of bleſſed memory, adding only words to give it him, from the firſt of his majeſty's reign.

"This and the bill of ſubſidies his majeſty expects (for the

the preſſing reaſons before delivered unto you) may be diſpatched with all ſpeed, which his majeſty commanded me to tell you he ſhall graciouſly accept, as the welcome pledges of your loving, happy, and dutiful affection to him, his perſon and government.

And his majeſty is graciouſly pleaſed to give you his royal word, that afterwards he will give you time for conſidering of ſuch petitions as you ſhall conceive to be good for the commonwealth, even now before you part, according as the ſeaſon of the year, and the great affairs in hand, will permit; and what is now omitted, his majeſty will give you time to perfect towards winter, when your own leiſure and conveniency may better attend it, he knowing well that theſe ſubſidies can be but of little uſe, without that more ample ſupply which his majeſty expects upon the happy concluſion of this ſeſſion, and therein his majeſty is graciouſly pleaſed (according to the ancient way of parliaments) to ſtay till your juſt grievances be heard and redreſſed.

"And his majeſty aſſures you, that he will go along with you for your advantage, though all the gracious expreſſions of a juſt, a pious, and gracious king, to the end there may be ſuch a happy concluſion of this parliament, that it may be a cauſe of many more meetings with you. I have now delivered what I have in command from his majeſty."

When the lord keeper had ended his ſpeech, the king ſaid,

"My lords,

"YOU ſhall ſee he hath ſpoken nothing hyperbolically, or nothing but what I ſhall make good one way or other.

"And becauſe he did mention a letter by my ſubjects in Scotland, who did ſeek to draw in foreign power for aid, here is the original letter, which I ſhall command him to read unto you.

"And becauſe it may touch a neighbour of mine, whom I will ſay nothing of but that which is juſt (God forbid I ſhould) for my part, I think it was never accepted of by him: indeed it was a letter to the French king, but I know not that ever he had it; for by chance I intercepted it as it was going unto him; and therefore I hope you will underſtand me right in that."

His majeſty delivering the letter to the lord-keeper, his lordſhip began to read it, and obſerved as follows:

"The ſuperſcription of the letter is this, AU ROY. For the nature of which ſuperſcription, it is well known to all that know the ſtyle of France, that it is never written by any Frenchman to any, but to their own king; and therefore being directed (AU ROY) it is to their own king, for ſo in effect they do by that ſuperſcription acknowledge."

Then his lordſhip having read the letter both in French and Engliſh, the king added as follows:

"Of theſe gentlemen that have ſet their hands to this letter, here is one, and I believe you would think it very ſtrange if I ſhould not lay him faſt; and therefore I have ſigned a warrant to lay him cloſe priſoner in the Tower.

"My lords, I think (but that I will not ſay poſitively, becauſe I will not ſay any thing here but what I am ſure of) I think I have the gentleman, that ſhould have carried the letter, faſt enough; but I know not, I may be miſtaken."

The king being withdrawn, the commons returned to their houſe, and choſe ſerjeant Glanvile for their ſpeaker.

The king imagined the parliament would take fire at hearing the letter written by the Scotiſh lords to the king of France. And therefore immediately after the commons had preſented their ſpeaker, and appointed their committees, the lord Cottington reported to the upper houſe, that by his majeſty's command, he and ſecretary Windebank, with the attorney general, had examined the lord Lowdon in the Tower, and that Lowdon owned the letter to be his hand-writing, but alleged it was penned before the pacification, and never ſent [i]. However, neither the lords nor commons would interpoſe in the affair. Some days after, the king ſent a meſſage to the to the commons by ſecretary Windebank, repreſenting to them the affronts and indignities he had received from the Scots: but the ſecretary's ſpeech was heard with great coldneſs, without producing any apparent effect. Inſtead of concerning themſelves with the affairs of Scotland, the commons eagerly received a petition from the county of Hertford, complaining of ſundry grievances, as ſhip-money, monopolies, ſtar chamber, high commiſſion. Several ſpeeches not very favourable to the king, were made on this occaſion. The next day were read petitions from divers counties upon the ſame ſubject; after which Mr. Pym roſe up, and reducing the grievances of the people to three heads, namely, the privileges of parliament, innovations in religion, propriety of goods and eſtates, made a long ſpeech to ſhew, that in all theſe things the nation's rights had been violated.

On the 18th, it was moved to ſend for the rolls of the ſtar chamber, to examine the proceſs againſt ſir John Elliot and others. Then it was ordered, that the court-rolls containing Mr. Hampden's trial for refuſing to pay ſhip-money, ſhould be laid before the houſe. On the 20th, the ſpeaker being examined, anſwered, that he had refuſed to put the queſtion by his majeſty's expreſs command; whereupon it was immediately voted to be a breach of privilege. On the 21ſt, both houſes were ordered to attend the king at Whitehall, where the lord keeper ſpoke to them in this manner, in the king's preſence.

"My lords and gentlemen,

"YOU may well remember, upon the beginning of this parliament, his majeſty commanded me to deliver unto you the cauſes of calling it, which was for the aſſiſtance and ſupply of his majeſty in ſo great, weighty, and important affairs, as ever king of England had to require at his ſubjects hands.

"I am now to put you in mind what I then ſaid unto you, and withal to let you know that ſuch and ſo great are his majeſty occaſions at this time, that if the ſupply be not ſpeedy, it will be of no uſe at all: For the army is now marching, and doth ſtand his majeſty in at leaſt one hundred thouſand pounds a month, and if there be not means uſed to go on with this as is fitting, his majeſty's deſign will be loſt, and the charge all caſt away. It is not a great and ample ſupply for the perfecting of the work, that his majeſty doth now expect, but it is ſuch a ſupply, as without which, the charge will be loſt, and the deſign fruſtrated, being built upon thoſe weighty reaſons which tend to the infinite good of the kingdom, and preſervation of you all.

"This done, his majeſty will give you ſcope and liberty to preſent your juſt grievances unto him, and he will hear them with a gracious ear, and give them ſuch an anſwer, as you and all the kingdom ſhall have reaſon to joy therein.

"His majeſty taketh notice of one particular, and that is concerning ſhip-money; wherein his majeſty hath commanded me to declare thus much unto you: Firſt, his majeſty never had it in his royal heart to make an annual revenue of it, nor ever had a thought to make the leaſt benefit or profit of it: but whatſoever he did or intended in it, it was for the common good of you all; for the honour, glory, and ſplendor of this nation, and that every one of us are made ſharers and partakers in the benefits, fruits, and ſucceſſes of it, which otherwiſe you would have felt the woes of it. He hath been ſo far from making the leaſt benefit of it, that he hath expended great ſums of money out of his own coffers to work with, to thoſe neceſſary ends I have named unto you.

"The accompts of ſuch moneys ſo received, have been brought to the council-table, the moneys delivered to ſir William Ruſſel the treaſurer of the navy, and by them all it may appear, whether there hath been a fulneſs and clearneſs of truth in the diſburſements thereof, for the good and ſafety of the kingdom.

"It is true, his majeſty had once intended this year not to have taken that courſe, but an army, which his majeſty, ſo juſt a king, for the preſervation of the kingdom, hath now taken into conſideration; and I muſt tell you, that his majeſty prizeth nothing more than his honour, and he will not loſe for any earthly thing, his honour in the leaſt; they cannot make thoſe expreſſions of love, duty, and affection to him, which the graciouſneſs of his nature will not exceed in.

"Of all his kingdoms this ought to be the neareſt and deareſt unto him; yet for his kingdom of Ireland, the laſt parliament before this, the very ſecond day of the parliament they gave him ſix ſubſidies, they relied upon his gracious words, the ſucceſs was, that, before the end of the parliament they had all they deſired granted, and had with it an advantage. This laſt parliament there, it is well known unto you all, what a cheerful ſupply they have given unto his majeſty, for their hearts went with it; and let it not be apprehended, that ſubſidies there are of a ſmall value; there is not a ſubſidy that is granted, but it is worth fifty or ſixty thouſand pounds at the leaſt: conſider that kingdom, what

[i] There were (ſays Burnet) ſome ill inſtruments about the king, who adviſed him to proceed capitally againſt Lowdon, which it is believed went very far. However, the marquis of Hamilton, with the king's permiſſion, tried to gain Lowdon to the king, and finding him pliant, they came to a private agreement, and Lowdon was enlarged, and permitted to go down to Scotland, having promiſed to do the king ſervice. See Burnet's Memoirs, p. 170, 171.

So

proportion it holdeth with this of England, and you will find that it is a conſiderable gift, as hath been given in many years. It hath wrought this effect, that certainly his majeſty will make it apparent to all the world, what a good conſtruction, and how graciouſly he doth eſteem and interpret this act of theirs. I have directed hitherto my ſpeech to you that are of the houſe of commons; now I ſhall addreſs myſelf to your lordſhips.

"It is true, the proper and natural ſupply proceeds from the houſe of commons, yet in aid at this time, his majeſty hath called you hither, and hoped he ſhall not find the houſe of commons backward to his deſires, nor your lordſhips to concur with them.

"To you of the houſe of commons, I did forget one thing of an objection that might perhaps be made; that tunnage and poundage is given towards the maintenance of a fleet at ſea, let me tell you the tunnage and poundage was never intended but for ordinary preſervation of the ſea, not that that ſhould be to defend the dominion of the narrow ſeas, when the natives of all the princes of chriſtendom, are ſo increaſed as they are. It is fit for his majeſty (as things now ſtand) to have ſuch a ſtrength at ſea, as may be a terror to others abroad.

"His majeſty was once reſolved, that no ſhipping-writs ſhould have iſſued out this year, but he was enforced for your good, and the good of the kingdom, and for his honour, upon neceſſary and weighty reaſons to ſend forth writs, and thoſe reaſons were theſe.

"It was of neceſſity for his majeſty to prepare an army to reduce his diſaffected ſubjects of Scotland to their due obedience. This very year all the neighbouring princes are preparing with great fleets of ſhips, ſo as it is time, for his majeſty to put himſelf into a ſtrength that he may be able to preſerve the dominion of the narrow ſeas, without which this kingdom will be loſt, he not being able to maintain his right of being the moderator of the ſea, whereby there may be freedom and commerce of trade, which adds exceedingly to the flouriſhing of this kingdom. Another reaſon for ſhipping-writs this year is, that thoſe of Algier are grown to that inſolence, that they are provided of a fleet of ſixty ſail of ſhips, and have taken divers ſhips, and one called the Rebecca of London, well known to the merchants upon the Exchange, taken upon the coaſt of Spain, worth at leaſt two hundred and ſixty thouſand pounds. And therefore the writ having gone out upon thoſe weighty reaſons, before it was poſſible the parliament could give any ſupply to provide for thoſe things, his majeſty cannot this year forbear it, but he doth expect your concurrence in the levying of it for the future. I ſhall ſpeak that unto you by his majeſty's command, which may comfort any Engliſh heart; his majeſty hath no thoughts of inriching himſelf by the moneys coming in upon theſe writs; he doth deſire but to live as it behoves a king of England, able to defend you and this nation in honour and in luſtre, which is famous abroad, and glorious at home, and to live but like ſuch a king, as every true Engliſh heart deſireth their king ſhould be.

"Be maſters of your own way, ſettle it ſo ſecure and ſo ſafe, that it may never come to the leaſt benefit and advantage to himſelf, but for the common good and thoſe neceſſary ends wherein you ſhall all ſhare in your plenty, peace, honour, and whatſoever any Engliſhman can glory in. His majeſty commands me to tell you, you ſhall propound nothing wherein you may receive all ſecurity for the property of your goods, and nothing for ſecuring your own liberties, wherein he will not moſt readily liſten unto you; and be as willing to grant, as you to aſk. His majeſty doth now offer unto you the reaſons, occaſions, and the way to make this the moſt bleſſed and moſt happy parliament that ever was, and that may produce ſuch effects, that the king may delight in his people, and the people in their king. And he layeth before you not only the counſel to do ſo; but he will tell you the way, and that is, by putting an obligation of truſt and confidence upon him, which ſhall more ſecure you than all that you can invent, or fears or jealouſies can imagine to be provided for; it is a courſe that good manners, duty, and reaſon ſhould require of you, to take into conſideration."

This ſpeech was not capable of hindering the commons from proceeding in the examination of the grievances, and thereby they inverted the order preſcribed them by the king. He was extremely troubled to ſee the time paſs away to no purpoſe, and that the commons ſhould ſo little regard him, as not to rely on his promiſe to hearken to their grievances when the affair of ſupply ſhould be ended. In ſhort, perceiving the commons were not much moved by whatever he could repreſent to them, he ſo managed, that the lords demanded a conference, where they endeavoured to ſhew, that the affair of ſupply ought to precede that of grievances. This conference ſerved only to retard the king's affairs. The commons taking offence, that the lords ſhould meddle with what did not belong to them, voted it to be a breach of privilege [k]. Several days were ſpent in this conteſt, and many conferences held, in which, contrary to the king's expectation, much time was loſt. Wherefore, on the 2d of May, the king ſent a meſſage to the commons for a poſitive anſwer concerning the ſupply he expected. But as they made no haſte to anſwer, on the 4th of May his majeſty ſent ſir Henry Vane ſecretary of ſtate, with the following meſſage:

"His majeſty (the better to facilitate your reſolutions) this day has thought fit to let you know, that of his grace and favour he is pleaſed, upon your granting twelve ſubſidies to be preſently paſſed, and to be paid in three years, with a proviſo, that it ſhall not determine the ſeſſions, his majeſty will not only for the preſent forbear the levying any ſhip-money, but will give way to the utter aboliſhing of it, by any courſe that yourſelves ſhall like beſt."

The commons having taken this offer into conſideration, great debates enſued, many thinking the king's demand exorbitant [l]. However, the lord Clarendon, who was then a member of the houſe, affirms, that notwithſtanding the clamours of thoſe who oppoſed the court, the houſe was inclined by degrees to give the king ſome ſatisfaction. But as the houſe could not come to a reſolution the firſt day, ſir Henry Vane was deſired to acquaint his majeſty, that they hoped to return him an anſwer on the next. Mean while, the king was maliciouſly informed, that the commons ſought only to gain time, in order to vote on the morrow againſt the war with Scotland [m]. The king unfortunately gave entire credit to this information, the falſhood whereof he perceived not till it was too late to repair his error. So, the next day, going to the houſe of lords, and ſending for the commons, he made the following ſpeech, addreſſing himſelf only to the lords:

"My Lords,

"THERE can no occaſion of my coming to this houſe be ſo unpleaſing to me, as this at this time. The fear of doing that which I am to do this day, made me not long ſince come into this houſe, where I expreſt as well my fears, as the remedy which I thought neceſſary for the eſchewing of what is to follow.

"I muſt confeſs and acknowledge, that you my lords of the higher houſe, did give me ſo willing an ear, and with ſuch an affection did ſhew yourſelves, that certainly I may ſay, that if there had been any means to have given an happy end to this parliament, you took it; ſo that it was neither your lordſhips fault nor mine, that it is not ſo. Therefore, in the firſt place, I muſt thank you my lords for your good endeavours.

"My lords, I hope you remember what, the firſt day of the parliament, my lord-keeper ſaid to you in my name, and what likewiſe he ſaid in the banqueting-houſe in Whitehall, and what lately I ſaid unto you, in this place myſelf. I name all this unto you, not doubting that you do not well remember it, but to ſhew you that I never ſaid any thing in way of favour to my people, but (by the grace of God) I will punctually and really perform it.

"I know that they have inſiſted very much on grievances; I will not ſay, but there may be ſome, though I will confidently affirm, that there are not by many degrees ſo many as the public voice doth make them. Wherefore I deſire you take notice, now eſpecially at this time, that out of parliament I ſhall be as ready (if not more willing) to hear and redreſs any juſt grievances, as in parliament.

"There is one thing much ſpoken of, I mean as to matters of religion. Concerning which, albeit I expreſſed myſelf fully the laſt day in this place, yet I think it fit again, on this occaſion to tell you, that as I am concerned, ſo I ſhall

[k] So high a breach (ſays the lord Clarendon) that they could not proceed upon any other matter, until they firſt received ſatisfaction from the houſe of peers. Clarendon, tom. I. p. 106.

[l] Whitelock ſays, ſir Henry Vane eſcaped not without cenſures. "That his commiſſion from the king was but to demand ſix ſubſidies, and that his miſtake in requiring twelve ſubſidies, was on purpoſe to raiſe the houſe to animoſity." Which, adds he, took effect, but whether intended ſo or not, is hard to judge. Whitelock's Mem. p. 34. See Nalſon, tom. I. p. 343.

[m] The lord Clarendon ſays, ſir Henry Vane, and the ſolicitor general, made a worſe repreſentation of the humour and affection of the houſe than it deſerved, and undertook to know, that if they came together again, they would paſs ſuch a vote againſt ſhip-money, as would blaſt that revenue, and other branches of the receipt. Vol. I. p. 110.

He

be moſt careful to preſerve that purity of religion, which I thank God is ſo well eſtabliſhed in the church of England, and that, as well out of as in parliament.

" My lords, I ſhall not trouble you long with words, it being not my faſhion; wherefore to conclude, what I offered the laſt day to the houſe of commons, I think it is very well known to you all; as likewiſe how they accepted it, which I deſire not to remember, but wiſh they had remembered, how at firſt they were told by my lord keeper, that delay was the worſt kind of denial; yet I will not lay this fault on the whole houſe of commons; I will not judge ſo uncharitably of thoſe, whom, for the moſt part, I take to be loyal and well-affected ſubjects, but it hath been the malicious cunning of ſome few ſeditiouſly affected men, that hath been the cauſe of this miſunderſtanding.

" I ſhall now end as I have begun, in giving you thanks for your affections ſhewn to me at this time, deſiring you to go on and aſſiſt me in the maintaining of that regal power that is truly mine. As for the liberty of the people, that they now ſo much ſtartle at; know, my lords, that no king in the world ſhall be more careful in the propriety of their goods, liberty of their perſons, and true religion, than I ſhall.

" And now, my lord-keeper, do as I have commanded you."

The lord-keeper then added,

" My lords, and you the gentlemen of the houſe of commons, The king's majeſty doth diſſolve this parliament."

Next day, officers were ſent by the council to ſearch the lord Brook's pockets and ſtudy for papers, he being ſuſpected of holding intelligence with the Scots. Henry Bellaſis, knight of the ſhire for the county of York, and ſir John Hotham, were examined in council, and committed to the Fleet, for refuſing to anſwer to queſtions concerning things done in parliament. John Crew, eſq; afterwards lord Crew, who had been chairman of the committee for the affairs of religion, refuſing to deliver to the clerk of the houſe of commons, ſuch petitions and papers as he had received, was ſent to the Tower.

The lord Clarendon owns, the king had no ſooner diſſolved the parliament, but he was heartily ſorry for it [n]. Nevertheleſs, he publiſhed the following declaration to juſtify his conduct.

His majeſty's declaration to all his loving ſubjects, of the cauſes which moved him to diſſolve the laſt parliament.

" THE king's moſt excellent majeſty well knoweth, that the calling, adjourning, proroguing and diſſolving of parliaments, are undoubted prerogatives inſeparably annexed to his imperial crown; of which he is not bound to render any account, but to God alone, no more than of his other regal actions.

" Nevertheleſs, his majeſty (whoſe piety and goodneſs have made him ever ſo order and govern all things, that the clearneſs and candour of his royal heart may appear to all his ſubjects, eſpecially in thoſe great and public matters of ſtate, that have relation to the weale and ſafety of his people, and the honour of his royal perſon and government) hath thought fit (for avoiding and preventing all ſiniſter conſtructions and miſinterpretation, which the malice of ſome ill-affected perſons to his crown and ſovereignty, hath or may practiſe, to infuſe into the minds and ears of his good and faithful ſubjects) to ſet down by way of declaration, the true cauſes, as well of his aſſembling, as of his diſſolving the late parliament.

" It is not unknown to moſt of his majeſty's loving ſubjects, what diſcouragements he hath formerly had, by the undutiful and ſeditious carriage of divers of the lower houſe, in preceding aſſemblies of parliaments, enough to have made him averſe to thoſe ancient and accuſtomed ways of calling his people together; when inſtead of dutiful expreſſions towards his perſon and government, they vented their own malice and diſaffections to the ſtate, and by their ſubtle and malignant courſes, endeavoured nothing more than to bring into contempt and diſorder all government and magiſtracy.

" Yet his majeſty well conſidering, that but few were guilty of that ſeditious and undutiful behaviour, and hopeing that time and experience had made his loving ſubjects ſenſible of the diſtemper the whole kingdom was like to be put into, by the ill-governed actions of thoſe men; and his majeſty being over-deſirous to tread in the ſteps of his moſt noble progenitors, was pleaſed to iſſue forth his writs under the great ſeal of England for a parliament, to be holden the 13th day of April laſt. At which day his majeſty, by the lord keeper of his great ſeal, was graciouſly pleaſed to let both houſes of parliament know how deſirous he was, That all his people would unite their hearts and affections in the execution of thoſe counſels that might tend to the honour of his majeſty, the ſafety of his kingdoms, and the good and preſervation of all his people. And withal, how confident he was, that they would not be failing in their duties and affections to him and to the public.

" He had lain open to them the manifeſt and apparent miſchiefs threatened to this and all his other kingdoms, by the mutinous and rebellious behaviour of divers of the Scotiſh nation, who had by their examples drawn many of his ſubjects there into a courſe of diſloyalty and diſobedience, not fit for his majeſty in honour, ſafety, or wiſdom, to endure.

" How (to ſtrengthen themſelves in their diſloyal courſes) they had addreſt themſelves to foreign ſtates, and treated with them to deliver themſelves up to their protection and defence, as was made apparent under the hands of the prime ringleaders of that rebellious faction.

" Theſe courſes of theirs tending ſo much to the ruin and overthrow of this famous monarchy, united by the deſcent of the crown of England upon his majeſty and his father of bleſſed memory: his majeſty (in his great wiſdom, and in diſcharge of the truſt repoſed in him by God, and by the fundamental laws of both kingdoms, for the protection and government of them) reſolved to ſuppreſs, and thereby to vindicate that ſovereign power intruſted to him.

" He had by the laſt ſummer's trial found, that his grace and goodneſs was abuſed, and that, contrary to his expectation and their faithful promiſes, they had (ſince his being at Berwick, and the pacification there made) purſued their former rebellious deſigns: and therefore it was neceſſary now for his majeſty by power to reduce them to the juſt and modeſt condition of their obedience and ſubjection, which whenever they ſhould be brought unto, or ſeeing their own errors, ſhould put themſelves into a way of humility and obedience becoming them, his majeſty ſhould need no other mediator for clemency and mercy to them, than his own piety and goodneſs, and the tender affection he hath ever borne to that his native kingdom.

" This being of ſo great weight and conſequence to the whole kingdom, and the charge of an army fit to maſter ſuch a buſineſs amounting to ſuch a ſum as his majeſty hath no means to raiſe, having not only emptied his own coffers, but iſſued between three and four hundred thouſand pounds, which he borrowed of his ſervants upon ſecurity of his own eſtate, to provide ſuch things as were neceſſary to begin ſuch an action with; his majeſty, after the example of his predeceſſors, reſorted to his people in their repreſentative body the parliament, whom he deſired (with all the expreſſions of grace and goodneſs which could poſſibly come from him) that taking into ſerious and dutiful conſideration the nature of theſe bleeding evils, and how dangerous it was to loſe the leaſt minute of time, leſt thereby thoſe of Scotland ſhould gain the opportunity to frame their parties with foreign ſtates; and that they would for a while lay aſide all other debates, and paſs an act for the ſpeedy payment of ſo many ſubſidies, as might enable his majeſty to put in readineſs for this ſummer's expedition thoſe things which were to be prepared before ſo great an army could be brought into the field.

" For further ſupply neceſſary for ſo great undertaking, his majeſty declared, that he expected it not till their might be a happy concluſion of that ſeſſion, and till there juſt grievances might be firſt graciouſly heard and relieved.

" Wherein as his majeſty would moſt willingly have given them the precedence before matter of ſupply, if the great neceſſity of his occaſions could have permitted; ſo he was graciouſly pleaſed for their full aſſurance and ſatisfaction therein, to give them his royal word, that without determining the ſeſſion (upon granting of the ſubſidies) he would give them, before they parted, as much time as the ſeaſon of the year, and the great affair in hand would permit, for conſidering all ſuch petitions as they conceived to be good for the commonwealth, and what they would not now finiſh, they ſhould have full time to perfect towards winter: his

[n] He conſulted, the ſame day, or the next, whether he might by his proclamation, recall them to ſit again. Clarendon, tom. I. p. 111. Though the lord Clarendon lays the blame upon ſir Henry Vane; yet Whitelock ſays, it was chiefly by Laud's, and the ſecret council's advice, that the parliament was diſſolved. Whitelock's Memoirs, p. 32. Dugdale ſays, the queen was the cauſe of it. View of the Troubles, p. 61. The lord Clarendon ſays, there could not a greater damp have ſeized upon the ſpirits of the whole nation than this diſſolution cauſed, and men had much of the miſery in view, which ſhortly after fell out. It could never be hoped that more ſober and diſpaſſionate men would ever meet together in that place, or fewer who brought ill purpoſes with them: nor could any man imagine what offence they had given which put the king upon that reſolution. Vol. I. p. 140.

majeſty graciouſly aſſuring them, that he would go along with them for their advantage, through all the expreſſions of a gracious and pious king, to the end there might be ſuch a happy concluſion of that, as might be the cauſe of many more meetings with them in parliament.

" From their firſt aſſembling until the 21ſt of April, the houſe of commons did nothing that could give his majeſty any content or confidence in their ſpeedy ſupplying of him: whereupon he commanded both the houſes to attend him in the banqueting-houſe at Whitehall in the afternoon of the 21ſt of April, where (by the lord-keeper) his majeſty put them in mind of the end for which they were aſſembled, which was for his majeſty's ſupplies; that if it were not ſpeedy, it would be of no uſe to him, part of the army then marching at the charge of above a hundred thouſand pounds a month; which would all be loſt if his majeſty were not preſently ſupplied, ſo as it was not poſſible to be longer forborne.

" Yet his majeſty then expreſſed, that the ſupply he for the preſent deſired, was only to enable him to go on with his deſigns for three or four months, and that he expected no further ſupply till all their juſt grievances were relieved.

" And becauſe his majeſty had taken notice of ſome miſapprehenſions about the levying of ſhip-money, his majeſty commanded the lord-keeper to let them know that he never had any intention to make any revenue of it, nor had ever made any, but that all the money collected had been paid to the treaſurer of the navy, and by him expended, beſides great ſums of money every year out of his majeſty's own purſe.

" That his majeſty had once reſolved this year to have levied none, but that he was forced to alter his reſolution, in regard he was of neceſſity to ſend an army for reducing thoſe of Scotland, during which time it was requiſite the ſeas ſhould be well guarded.

" And beſides, his majeſty had knowledge of the great fleets prepared by all neighbouring princes this year, and of the inſolencies committed by thoſe of Algiers, with the ſtore of ſhips they had in readineſs.

" And therefore though his majeſty for this preſent year could not forbear it, but expected their concurrence in the levying of it, yet for the future, to give all his ſubjects aſſurance how juſt and royal his intentions were, and that all his aim was, but to live like their king, able to defend himſelf and them; to be uſeful to his friends, and conſiderable to his enemies; to maintain the ſovereignty of the ſeas, and ſo make the kingdom flouriſh in trade and commerce: he was graciouſly pleaſed to let them know, that the ordinary revenue now taken by the crown, could not ſerve the turn: and therefore that it muſt be by ſhip-money, or ſome other way, wherein he was willing to leave it to their conſiderations what better courſe to find out, and to ſettle it how they would (ſo the thing were done) which ſo much imported the honour and ſafety of the kingdom.

" And his majeſty, for his part, would moſt readily and cheerfully grant any thing they could deſire, for ſecuring them in the property of their goods and eſtates, and in the liberty of their perſons. His majeſty telling them, it was in their power to make this as happy a parliament as ever was, and to be the cauſe of the king's delighting to meet with his people, and his people with him.

" That there was no ſuch way to effect this, as by putting obligations of truſt and confidence upon him, which as it was the way of good manners with a king, ſo it was a ſurer and ſafer courſe for themſelves, than any their own jealouſies and fears could invent; his majeſty being a prince that deſerved their truſt, and could not loſe the honour of it; and a prince of ſuch a gracious nature, that diſdained his people ſhould overcome him by kindneſs.

" He had made this good to ſome other ſubjects of his, and if they followed his counſel, they ſhould be ſure not to repent it, being the people that were neareſt and deareſt unto him, and ſubjects whom he did and had reaſon to value more than the ſubjects of any his other kingdoms.

" His majeſty having thus graciouſly expreſſed himſelf unto them, he expected the houſe of commons would have the next day taken into conſideration the matter of ſupply, and laid aſide all other debates, till that was reſolved of, according to his deſire.

" But inſtead of giving an anſwer therein, ſuch as the preſſing and urgent occaſions required, they fell into diſcourſes and debates about their pretended grievances, and raiſed up ſo many and of ſo ſeveral natures, that in a parliamentary way they could not but ſpend more time than his majeſty's great and weighty affairs could poſſibly afford.

" His majeſty foreſeeing in his great wiſdom, that they were not in the way to make this a happy parliament (which he ſo much deſired and hoped) that nothing might be wanting on his part to bring them into the right way, for his honour, the ſafety of the kingdom, and their own good, he reſolved to deſire the aſſiſtance of the lords of the higher houſe, as perſons in rank and degree neareſt to the royal throne; and who having received honour from him and his royal progenitors, he doubted not would, for thoſe and many other reaſons, be moved in honour and dutiful affection to his perſon and crown, to diſpoſe the houſe of commons to expreſs their duties to his majeſty, in expediting the matter of ſupply for which they were called together, and which required ſo preſent a diſpatch.

" For this purpoſe, his majeſty in his royal perſon came again to the lords houſe on Wedneſday the 24th day of April, where himſelf declared to the lords the cauſe of his coming, which was to put them in mind of what had been by the lord keeper in his name delivered to both the houſes the firſt day of the parliament, and after at Whitehall: how contrary to his expectation, the houſe of commons having held conſultation of matter of religion, property of goods, and liberty of parliament, and voted ſome things concerning thoſe three heads, had thereby given them the precedence before the matter of his ſupply. That his neceſſities were ſuch, they could not bear delay; that whatever he had by the lord-keeper promiſed he would perform, if the houſe of commons would truſt him.

" For religion, that his heart and conſcience went together with the religion eſtabliſhed in the church of England: and he would give order to his archbiſhops and biſhops, that no innovation in matter of religion ſhould creep in.

" For the ſhip-money, that he never made, nor intended to make any profit to himſelf of it, but only to preſerve the dominion of the ſeas; which was ſo neceſſary, that without it the kingdom could not ſubſiſt. But for the way and means, by ſhip-money or otherwiſe, he left it to them.

" For property of goods and liberty of parliament, he ever intended his people ſhould enjoy them; holding no king ſo great, as he that was king of a rich and free people; and if they had not property of goods and liberty of perſons, they would be neither rich nor free.

" That, if the houſe of commons would not firſt truſt him, all his affairs would be diſordered, and his buſineſs loſt. That though they truſted him in part at firſt, yet before the parliament ended he muſt totally truſt them; and in concluſion, they muſt for execution of all things wholly truſt him.

" Therefore ſince the matter was no more, than who ſhould be firſt truſted; and that the truſt of him firſt, was but a truſt in part, his majeſty deſired the lords to take into their conſiderations his and their own honour, the ſafety and welfare of this kingdom, with the danger it was in, and that they would by their advice diſpoſe the houſe of commons to give his ſupply the precedence before the grievances.

" His majeſty being departed, the lords took into ſerious conſideration what his majeſty had commended to their care, and forthwith laying aſide all other debates, their lordſhips delivered their votes in theſe words: 'We are of opinion, that the matter of his majeſty's ſupply ſhould have precedence, and be reſolved of, before any other matter whatſoever. And we think fit, there ſhall be a conference deſired with the houſe of commons, to diſpoſe them thereunto.'

" Accordingly, the next day being Saturday, the 25th day of April, a conference was had in the painted chamber by a committee of both houſes, where the lord keeper (by the lords command) told the houſe of commons of his majeſty's being the day before in perſon in the higher houſe, how graciouſly he had expreſt himſelf in matters of religion, property of goods, and liberty of parliament; and that he would therein graciouſly hear and relieve them, and give them what in reaſon could be deſired, with the effect of what elſe had been graciouſly delivered unto them by his majeſty; as well touching his conſtant zeal and affection to the religion eſtabliſhed in the church of England, as touching the ſhip-money.

" By all the proceedings herein declared, it is evident to all men, how willing and deſirous his majeſty hath been to make uſe of the ancient and noble way of parliaments uſed and inſtituted by his royal predeceſſors, for the preſervation and honour of this famous monarchy: and that on his majeſty's part nothing was wanting, that could be expected from a king, whereby this parliament might have had a happy concluſion, for the comfort and content of his majeſty's ſubjects, and for the good and ſafety of this kingdom.

" On the contrary it is apparent, how thoſe of the houſe of commons (whoſe ſiniſter and malicious courſes enforced his majeſty to diſſolve this parliament) have vitiated and abuſed that ancient and noble way of parliament, perverting the

the ſame to their own unworthy ends, and forgetting the true uſe and inſtitution of parliaments.

"For whereas, theſe meetings and aſſemblies of his majeſty, with the peers and commons of this realm, were in their firſt original, and in the practice of all ſucceeding ages, ordained and held as pledges and teſtimonies of affection between the king and his people; the king for his part graciouſly hearing and redreſſing ſuch grievances, as his people in humble and dutiful manner ſhould repreſent unto him; and the ſubjects on their part (as teſtimonies of their duty) ſupplying his majeſty upon all extraordinary occaſions, for ſupport of his honour and ſovereignty, and for preſerving the kingdom in glory and ſafety.

"Thoſe ill-affected members of the houſe of commons, inſtead of an humble and dutiful way of preſenting their grievances to his majeſty, have taken upon them to be the guiders and directors in all matters that concern his majeſty's government, both temporal and eccleſiaſtical: and (as if kings were bound to give an account of their regal acts, and of their manner of government to their ſubjects aſſembled in parliament) they have, in a very audacious and inſolent way, entered into examination and cenſuring of the preſent government, traduced his majeſty's adminiſtration of juſtice, rendered, as much as in them lay, odious to the reſt of his majeſty's ſubjects, not only the officers and miniſters of ſtate, but even his majeſty's very government, which hath been ſo juſt and gracious, that never did this, or any other nation, enjoy more bleſſings and happineſs, than hath been by all his majeſty's ſubjects enjoyed ever ſince his majeſty's acceſs to the crown: nor did this kingdom ever ſo flouriſh in trade and commerce, as at this preſent, or partake of more peace and plenty in all kinds whatſoever.

"And whereas, the ordinary revenues of the crown not ſufficing to defray extraordinary charges, it hath ever been the uſuage in all parliaments, to aid and aſſiſt the kings of this realm with free and fitting ſupply towards the maintenance of their wars, and for making good their royal undertakings; whereby the kingdom, intruſted to their protection, might be held up in ſplendour and greatneſs:

"Theſe ill-affected perſons of the houſe of commons, have been ſo far from treading in the ſteps of their anceſtors, by their dutiful expreſſions in this kind, that contrarily they have introduced a way of bargaining and contracting with the king; as if nothing ought to be given him by them, but what he ſhould buy or purchaſe of them, either by quitting ſomewhat of his royal prerogative, or by diminiſhing and leſſening his revenues; which courſes of theirs, how repugnant they are to the duty of ſubjects, how unfit for his majeſty in honour to permit and ſuffer, and what hazard and diſhonour they ſubject this kingdom to, all men may eaſily judge, that will but equally and impartially weigh them.

"His majeſty hath been by this means reduced to ſuch ſtraits and extremities, that were not his care of the public good and ſafety the greater, theſe men (as much as in them lies) would quickly bring ruin and confuſion to the ſtate, and render contemptible this glorious monarchy.

"But this frowardneſs and undutiful behaviour of theirs cannot leſſen his majeſty's care of preſerving the kingdoms entruſted to his protection and government, nor his gracious and tender affection to his people, for whoſe good and comfort his majeſty, by God's gracious aſſiſtance, will ſo provide, that all his loving ſubjects may ſtill enjoy the happineſs of living under the bleſſed ſhade and protection of his royal ſcepter.

"In the mean time, to the end all his majeſty's loving ſubjects may know how graciouſly his majeſty is inclined to hear and redreſs all the juſt grievances of his people, as well out of parliament as in parliament, his majeſty doth hereby further declare his royal will and pleaſure, that all his loving ſubjects, who have any juſt cauſe to preſent, or complain of any grievances or oppreſſions, may freely addreſs themſelves by their humble petitions to his ſacred majeſty, who will graciouſly hear their complaints, and give ſuch fitting redreſs therein, that all his people ſhall have juſt cauſe to acknowledge his grace and goodneſs towards them; and to be fully ſatisfied, that no perſons or aſſemblies can more prevail with his majeſty, than the piety and juſtice of his own royal nature, and the tender affection he doth and ſhall ever bear to all his people and loving ſubjects."

After the reading of this declaration, the inſerting it here at length will perhaps be thought needleſs, ſince it contains nothing but what was related before. However, it is of uſe to ſhew, that the king and his adverſaries agreed as to facts, and diſputed only upon the conſequences and point of right.

Though the parliament was diſſolved, the king however continued the convocation, under the title of ſynod. Since the time of the reformation, it had been always cuſtomary to aſſemble the clergy, at the ſame time with the parliament, and this aſſembly of the clergy was called the convocation, and always begun and ended with the parliament. The king not thinking himſelf bound to a ſtrict obſervance of this cuſtom, diſſolved the parliament, and continued the convocation, contrary to the opinion of ſeveral [o], who believed that he thereby exceeded his power. But the judges of the realm determined, that notwithſtanding the diſſolution of the parliament, the convocation ſubſiſted, unleſs diſſolved by the king's writ [p]. The convocation therefore continued a month longer, and in that time did two things which gave occaſion to great complaints in the enſuing parliament. Firſt, they made certain canons, whereby all clergymen and graduates in the univerſities were enjoined to take the following oath [q].

"I A. B. do ſwear, that I approve the doctrine and diſcipline, or government eſtabliſhed in the church of England, as containing all things neceſſary to ſalvation: and that I will not endeavour, by myſelf or any other, directly or indirectly, to bring in any popiſh doctrine, contrary to that which is ſo eſtabliſhed: nor will I ever give my conſent to alter the government of this church, by archbiſhops, biſhops, deans and archdeacons, &c. as it now ſtands eſtabliſhed, and as by right it ought to ſtand; nor yet ever to ſubject it to the uſurpations and ſuperſtitions of the ſee of Rome. And all theſe things I do plainly and ſincerely acknowledge and ſwear, according to the plain and common ſenſe and underſtanding of the ſame words, without any equivocation, or mental evaſion, or ſecret reſervation whatſoever. And this I do heartily, willingly, and truly, upon the faith of a chriſtian. So help me God in Jeſus Chriſt."

This oath was thought very ſtrange for ſeveral reaſons. 1. It was not liked that the clergy ſhould take upon them to enjoin oaths, which, according to the general opinion, belonged to the parliament only. 2. The et cætera after the word archdeacons, offended many, becauſe thoſe that ſwore could not tell what they were to underſtand by this abbreviation. The preſcribing ſuch an oath was affirmed to be a confinement and tying down of the civil legiſlature, ſince thereby the government was deprived of the liberty of making any alteration in the diſcipline of the church, which nevertheleſs might be altered without any danger to ſalvation. 4. It was objected, that the perſon was to declare, "he took the oath moſt willingly," though he was conſtrained thereto under very ſevere penalties.

The ſecond thing the convocation did before they broke up, was the granting the king, for the Scotch war, a ſubſidy of four ſhillings in the pound for ſix years [r]. This proceeding, which tended to diminiſh the parliament's power, was no leſs diſliked than the former. It is true, that to juſtify it, a precedent was alleged; for it muſt be obſerved, that in this reign, examples or precedents in favour of the crown, were looked upon as ſo many laws. The clergy, it ſeems, in the year 1585, after having granted Elizabeth a ſubſidy approved by the parliament, made of themſelves an addition of two ſhillings in the pound, which the queen accepted without conſulting the parliament. But, beſides that this was a ſingle precedent, there was a great difference between the time of Elizabeth, and that of Charles I. In Elizabeth's days, every one was pleaſed with the government. It was believed the queen was not capable of making an ill uſe of theſe unuſual favours, but employed the money given her ſolely for the good of the kingdom. It was not the ſame in the time of Charles I. The king was not truſted at all; it was known by experience, that he would draw from the leaſt

[o] Dr. Brownrigg, Dr. Hacket, and other members of this convocation, (in all thirty-ſix) proteſted againſt the continuance of its ſeſſion. Fuller, B. XI. p. 169.

[p] This was the opinion of the lord keeper Finch, the earl of Mancheſter, ſir John Bramſton, ſir Edward Littleton, ſir Robert Heath, ſir Ralph Whitfield, and ſir John Banks. However, the king granted a new commiſſion to continue the ſitting of the convocation, which laſted till May 29. Nalſon, tom. I. p. 364, &c. Ruſhworth, tom. III. p. 1172. Whitelock.

[q] The canons, ſeventeen in all, with the oath, were voted, nemine contradicente, except Godfrey Goodman, biſhop of Glouceſter, who did not reliſh the oath. Wherefore he was ſuſpended; but afterwards he ſubmitted, took the oath, and in a letter to the archbiſhop Laud, ſays, he was encouraged to diſſent by biſhop Montague, though at that inſtant he could have proved that Montague did viſit, and hold correſpondence, with the pope's agent, &c. Ruſhworth, tom. III. p. 1187. Nalſon, tom. I. p. 371.

[r] The convocation voted ſix ſubſidies payable in ſix years. Their ſubſidies were rated according to the valuation of the livings in the king's books. Nalſon, tom. I. p. 366. A ſubſidy of four ſhillings in the pound, amounted to above twenty thouſand pounds. So the whole ſix came to 120,000 l.

Theſe

precedent, conſequences deſtructive of the liberties of parliaments, and in fine, the number of the male-contents was infinite: nay the king ſeemed to do all that lay in his power to increaſe it, or at leaſt not to regard it. And what ſtill more inflamed the people's diſcontent, was the ſeeing the popiſh recuſants not only tolerated, but moreover protected, countenanced, and conſidered as the beſt ſubjects. They reſorted publicly to maſs to Somerſet-houſe, and returned from thence in great multitudes, as if their churches had been allowed by authority. A public agent from Rome reſided at London, count Rozetti by name, who openly went to court in great pomp, and whoſe houſe was the general rendezvous of the catholics. The queen had prevailed with the king to receive this agent as a ſort of nuncio, and by that, as well as by the avowed protection ſhe afforded thoſe of her religion, ſhe ſo drew upon herſelf the people's hatred, that they were even wanting in that outward reſpect they ought to have paid her.

All theſe diſcontents were fomented by the Scots, who ſeeing themſelves upon the point of being attacked, were extremely diligent by means of their emiſſaries, to incenſe the people againſt the king. In juſtifying their own conduct, they forgot not to inſinuate to the Engliſh, that the tyranny which was intended to be eſtabliſhed in Scotland, was in order to introduce the like into England. And that if the king laboured to ſupport the hierarchy erected in the kirk of Scotland by his father and himſelf, it was not ſo much for the ſake of epiſcopal government, as in order to eſtabliſh in that kingdom an arbitrary power, which would be one day fatal to the Engliſh. Nay, that there was great danger, that after the accompliſhment of his deſigns, he would reſtore popery in his kingdoms, ſince he could refuſe nothing to the queen, to Laud, and the other enemies of the proteſtant religion. The king himſelf by his conduct rendered thoſe inſinuations ſo plauſible, that beſides the preſbyterians, who were very numerous, there were many church of England men, who could not forbear dreading that the king's zeal for the church was only to engage them to be ſubſervient to his more hidden deſigns. Be this as it will, the kingdom was full of ſuſpicions, fears, jealouſies, diviſions, ſo that if the king had been well informed, he might eaſily have ſeen there were but very few that ſerved him willingly and cheerfully in the war he was going to wage with Scotland. This he had cauſe to know preſently after.

The king being engaged in a war with Scotland, without having received any ſupply from the parliament, was in great ſtraits. He even foreſaw, that it would not be poſſible for him to maintain his army, unleſs he had recourſe to extraordinary methods to raiſe money. Accordingly, he made uſe of the following expedients, to ſupply in part what he had expected from the parliament. 1. He ordered that the counties ſhould advance coat and conduct-money for their reſpective troops[s]. 2. He bought upon credit of the Eaſt-India merchants all their pepper, and ſold it again for ready money. 3. He took forty thouſand pounds worth of the bullion, which the merchants had brought into the mint to be coined, which ſum was afterwards punctually repaid[t]. 4. He would have borrowed two hundred thouſand pounds of the city of London, but had the mortification to meet with a denial. He was ſo diſpleaſed at it, that he reſolved to be revenged in this manner. The city, having ſome time before ſettled a colony at Londonderry in Ireland, had obtained a patent from the king for certain lands in that country. The Londoners had no ſooner refuſed to lend the king the money, but the lord mayor and the ſheriffs were cited before the ſtar chamber, to anſwer to the charge of having abuſed the patent, by uſurping more lands than the king had granted to the city. Upon this charge, whether well or ill-grounded, the Londoners were condemned to forfeit their rights, and grievouſly fined, but upon payment of the fine their patent was reſtored[u]. They had but too many opportunities afterwards to be revenged of the king in their turn. On the other hand, the writ to levy ſhip-money having been ſent to the city of London, as well as to all the other towns in the kingdom, it appeared that the lord mayor and city council had neglected to levy this tax, or at leaſt, they had not diſtrained any one perſon for non-payment, according to the tenor of the writ. For this reaſon the council ſent the following order to the attorney general.

At Whitehall, July 5, 1640. Preſent, &c.

"WHEREAS the lord mayor of London and the two ſheriffs did this day appear before his majeſty and the board, to give an account of their proceedings upon the writ for the ſhip buſineſs this preſent year: foraſmuch as it did appear, that beſides all former neglects in the execution of that writ, his majeſty having reſpited the information againſt them for the ſame; yet they have not ſince diſtrained any one perſon according to the ſaid writ. It was this day ordered by his majeſty, with the advice of the board, that his majeſty's attorney general ſhall forthwith prefer an information in the ſtar chamber againſt the lord mayor, and ſheriffs of London and Middleſex, for their contempt and default in the execution of the ſaid writ; and ſhall forthwith proceed againſt them, de die in diem, until the cauſe be ready for hearing: and if upon examination of the ſaid cauſe, his majeſty's attorney general ſhall find ſufficient cauſe againſt any of the aldermen, that then he do prefer one other information againſt the ſaid aldermen; and in like manner do proceed againſt them apart."

Thus the king, inſtead of relinquiſhing this odious tax, continued to exact it with great rigour, though his affairs were then at a criſis, which ſhould have inſpired him with a dread, that in caſe the ſucceſs of the Scotch war did not anſwer his expectations, he ſhould be little able to ſupport himſelf. But in all appearance, he thought himſelf ſecure of victory.

Part of the army deſigned againſt Scotland was now upon the frontiers, under the command of the lord Conway, general of the horſe, whilſt the reſt lay encamped near York. The earl of Northumberland, who was to command under the king, remained ſick at London, and the earl of Strafford, who was lieutenant general, had not been able to depart ſoon enough, becauſe he was a very neceſſary member of the king's ſecret council. The lord Conway being advanced as far as Newcaſtle, with three thouſand foot and fifteen hundred horſe, was informed that Leſley, general of the Scots[x] was preparing to march at the head of two and twenty thouſand men, in order to enter England. And indeed, he paſſed the Tweed the 20th of Auguſt, the very day the king departed from London for York, where he arrived on the 23d. Leſley purſuing his march came the 27th to Newburn, on the north-ſide of the Tine, four miles from Newcaſtle. At his arrival, he found the lord Conway poſted with his troops on the ſouth-ſide of the river, where he had raiſed breaſt-works over againſt the two fords, to oppoſe his paſſage. It is needleſs to give a particular account of this action. It ſuffices to ſay, the Scots forced the paſſage of the Tine, after a fight very faintly maintained by the Engliſh. The lord Conway was ſeized with ſo great terror, that he left Newcaſtle the next day and retreated to Durham, where not thinking himſelf yet ſafe, he went and joined the king's army, which was advanced to Northampton. The king's troops had no ſooner quitted Newcaſtle, but the Scots entered, and found there the artillery and ſtores ordered thither by the king, who deſigned that place for the magazine of his army.

The entrance of the Scots into England, and the taking of Newcaſtle, broke all the king's meaſures. Though in this firſt action he had not loſt above three or four hundred men, this inconſiderable loſs produced however great effects all to the king's diſadvantage. 1. The earl of Strafford having ſpoken a little too roughly to the officers and ſoldiers, who were returned from the defeat of Newburn, diſpleaſed the whole army, and thereby put the vanquiſhed upon magnifying in their own vindication the valour and number of the Scotch troops. This could not but produce a very ill effect in the king's army, which before was not very well inclined. 2. The Engliſh male-contents were more at eaſe, and ſpoke more boldly againſt the government, knowing it was no proper ſeaſon to ſilence them. 3. The Scots did not loſe this opportunity to ſhew the Engliſh, by as moderate a conduct as the juncture could allow, that their deſign in entering England

[s] Theſe troops were preſſed out of the militia of each county. Their allowance was eight-pence a day; and their whole number amounted to 16,800. There were forces raiſed in the ſame manner to go by ſea. What number of theſe were furniſhed by each county, ſee in Nalſon. tom. I. p. 381, 386. London found 1200. Eſſex and Kent 700 a piece, &c. In all 10,000. The firſt were to be at the rendezvous the 10th of May, and the latter the 25th or 27th.

[t] The bullion of the mint was ordered to be ſeized; but the merchants repreſenting to his majeſty and council the great prejudice it would be to his majeſty's honour, reputation and intereſt, both at home and abroad, the deſign was laid aſide, and 40,000 l. taken up of the merchants concerned in the Mint, upon credit of the cuſtoms. There was likewiſe a deſign to debaſe the coin, but it was laid aſide by the remarks of ſir Thomas Rowe, in a ſpeech at the council table. Nalſon, tom. I. p. 391.—The ſeveral methods, and particularly a voluntary loan of ſome lords of the council, and other gentlemen, brought the king in 300,000 l. Clarendon, tom. I. p. 111.

[u] They offered, by way of compoſition, to build for the king a ſtately palace in St. James's-park, and to pull down Whitehall, and make a ſtately way by the Thames-ſide, ſtrait from Charing-croſs to Weſtminſter-hall. Whitelock. p. 35.

[x] To maintain their army the Scots impoſed a tax of the tenth penny upon all the rents of Scotland. Nalſon, tom. I. p. 408.

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land was not to injure the Engliſh, but only to procure acceſs to the king in order to lay their grievances before him. By this means they ſeparated, as much as they could, the king's cauſe from that of the people of England, which did the king an unſpeakable prejudice. 4. The conſternation cauſed by the Newburn defeat, and, on the other hand, the moderation of the Scots, who, notwithſtanding the ſucceſs of their arms, affected to deſire only an accommodation, inclined the whole nation to peace. None but the court party uſed their utmoſt endeavours, though in vain, to inſpire the Engliſh with a deſire of revenge. 5. As in the king's preſent circumſtances, with an army of enemies before him, and numberleſs male-contents in all the reſt of the kingdom, as well as in his own army, it was not poſſible for him to raiſe money by the ſame methods he had till then practiſed, there reſulted a general opinion that a parliament was abſolutely neceſſary. To this it was that the Scots and the Engliſh male-contents deſired to lead him, though againſt his will, knowing it was hardly poſſible that a new parliament ſhould be diſpoſed in his favour.

The Scots had in England more correſpondents than the king had till now imagined, but he perceived it not, till his affairs began to decline. They had diſperſed two manifeſtos, of which one was entitled, "Six conſiderations of the lawfulneſs of their expedition into England," and the other, "Intentions of the Scots and their army manifeſted to their brethren of England." In theſe two papers they were extremely careful to ſhew, that the motive of their armament and entry into England was not to invade that kingdom, but only to defend themſelves againſt ſome particular perſons, their ſworn enemies, among whom they named as the principal, the earl of Strafford and the archbiſhop of Canterbury. They ſaid, in their preſent ſituation, their conntry being blocked up by ſea and land, and their trade interrupted, it was not poſſible to wait any longer the coming of their enemies to attack them, without being expoſed to certain ruin. They compared themſelves to a man who, when his houſe is beſet and his enemies ready to aſſault it, ſallies out himſelf and attacks them in hopes of averting by a vigorous effort the impending ruin. They maintained, it was the king that had broke the peace, and having granted that the general aſſembly ſhould regulate the affairs of the kirk, and its regulations be ratified in parliament, had without any lawful cauſe prorogued the parliament, before what the general aſſembly had judged neceſſary was confirmed. Nay, he had denied to give audience to the deputies of the parliament, and though he had agreed other deputies ſhould be ſent to him, it was only to amuſe them, ſince the war with Scotland had been already determined in the council, and the parliaments of Ireland and England convened in order for ſupplies. They repreſented the juſtice and equity of the late parliament of England in denying the king money for a war ſo notoriouſly unjuſt. In ſhort, for it would be too tedious to relate all the particulars contained in theſe two papers, their aim was to demonſtrate to the people of England, 1. The juſtice of their cauſe. 2. The artifices of their enemies to ſurpriſe them. 3. The neceſſity they were under of taking up arms in their own lawful defence, and to prevent their ruin. 4. They ſaid, notwithſtanding their entry into England, the war was defenſive on their part: and 5. That they intended not to offer any injury or violence, or inrich themſelves with the ſpoils of the Engliſh, but only to procure acceſs to his majeſty to preſent their grievances, which was denied them, unleſs they would entirely deliver themſelves to the mercy of their enemies. 6. They called God to witneſs, this was their intention; and the better to gain belief, they made uſe of the ſtrongeſt expreſſions and moſt ſolemn oaths. 7. Laſtly, they forgot not to inſinuate to the Engliſh, that they had the ſame cauſe to maintain, ſince the liberties of England were equally in danger with thoſe of Scotland.

Theſe manifeſtos, which were doubtleſs owing to the counſels of ſome of the Engliſh male- contents, produced ſuch an effect upon the people, the army, and the lords themſelves who were not wholly devoted to the court, that the king might very eaſily ſee how difficult it would be to ſupport the war, and to what danger he would be expoſed, if he hazarded a battle at ſuch a juncture. Nothing was more diſadvantageous to the king, than the extreme deſire expreſſed by the Scots to end the quarrel by an agreement, which ſhewed their aim was not to make war upon the Engliſh, whereas it was the king's intereſt to engage them both in a national quarrel. Wherefore the Scots did not fail to improve the advantage of their moderate conduct. As ſoon as they were maſters of Newcaſtle, they ſent a very humble petition to the king, beſeeching him to give ear to their complaints, and cure their evils by the advice of the parliament of England. The king who was preſſed on all ſides, had already ſummoned the nobility to meet him at York the 24th of September, to give their advice upon the preſent ſituation of his affairs. He therefore told the Scots, that their petition was expreſſed in ſuch general terms, that he could not give them a poſitive anſwer. But if they would ſpeak more plainly, and declare the particulars of their demands, he would give ſuch anſwers as the peers who were to meet at York ſhould think proper. Upon this they ſent their demands to the king the 8th of September, namely:

"1. That his majeſty would be graciouſly pleaſed to command, that the laſt acts of parliament may be publiſhed in his highneſs's name, as our ſovereign lord, with the eſtates of parliament convened by his majeſty's authority.

"2. That the caſtles of Edinburgh and other ſtrengths of the kingdom of Scotland may, according to the firſt foundation, be furniſhed and uſed for our defence and ſecurity.

"3. That our countrymen in his majeſty's dominions of England and Ireland may be freed from cenſure for ſubſcribing the covenant, and be no more preſſed with oaths and ſubſcriptions unwarrantable by our laws, and contrary to our national oath and covenant approved by his majeſty.

"4. That the common incendiaries which have been the authors of this combuſtion may receive their juſt cenſure.

"5. That all our ſhips and goods, with all the damage thereof, may be reſtored.

"6. That the wrongs, loſſes, and charges which all this time we have ſuſtained, may be repaired.

"7. That the declarations made againſt us as traitors, may be recalled in the end, by the advice and counſel of the ſtates of England convened in parliament. His majeſty may be pleaſed to remove the garriſons from the borders, and any impediments which may ſtop free trade."

It appears by this laſt article, how careful the Scots were to loſe no opportunity to gain the people of England to their intereſt. Of this they alſo gave the following inſtance: as the Londoners had all their coals from Newcaſtle, and could by no means be without that trade, the Scots were no ſooner maſters of Newcaſtle, but they writ to the lord mayor and aldermen of London, "That knowing how neceſſary the free traffick of coals was for their city, and other places of England, they had, as a teſtimony of greateſt reſpect and good-will to the city of London, ſent two noblemen to declare to the maſters of ſhips, who, poſſeſſed with needleſs fears, were haſtening out of the river, that their purpoſe was not to ſtop, but to uſe their beſt means to continue that trade."

This letter anſwered the expectations of the Scots: preſently after, it was publicly talked at London of preſenting a petition to the king, to pray him to ſummon a parliament. The privy council, left by the king at London, having ſome notice of this deſign, endeavoured to prevent it by a letter directed to the lord mayor and aldermen: but they could not ſucceed. So a petition was reſolved, and ſent to his majeſty at York by ſome of the aldermen and common-council, which was as follows:

"Moſt gracious ſovereign,

"BEING moved by the duty and obedience which by the laws your petitioners owe unto your ſacred majeſty, they humbly preſent unto your princely and pious wiſdom the ſeveral preſſing grievances following, viz.

"1. The preſſing and unuſual impoſitions upon merchandiſe, importing and exporting, and the urging and levying of ſhip-money, notwithſtanding both which, merchants ſhips and goods have been taken and deſtroyed both by Turkiſh and other pyrates.

"2. The multitude of monopolies, patents, and warrants, whereby trade in the city and other parts of the kingdom is much decayed.

"3. The ſundry innovations in matter of religion.

"4. The oath and canons lately enjoined by the late convocation, whereby your petitioners are in danger to be deprived of their miniſters.

"5. The great concourſe of papiſts, and their inhabitations in London and the ſuburbs, whereby they have more means and opportunity of plotting and executing their deſigns againſt the religion eſtabliſhed.

"6. The ſeldom calling, and ſudden diſſolutions of parliaments, without the redreſs of your ſubjects grievances.

"7. The impriſonment of divers citizens for non-payment of ſhip-money and impoſitions, and the proſecution of many others in the ſtar chamber, for not conforming themſelves to committees in patents of monopolies, whereby trade is reſtrained.

"8. The great danger your ſacred perſon is expoſed unto in the preſent war, and the various fears that ſeized upon

your petitioners and their families, by reaſon thereof, which grievances and fears have occaſioned ſo great a ſtop and diſtraction in trade, that your petitioners can neither buy, ſell, receive, or pay as formerly, and tends to the utter ruin of the inhabitants of the city, the decay of navigation and cloathing, and the manufactures of this kingdom.

" Your humble petitioners conceiving that the ſaid grievances are contrary to the laws of this kingdom, and finding by experience that they are not redreſſed by the ordinary courſe of juſtice, do therefore moſt humbly beſeech your moſt ſacred majeſty to cauſe a parliament to be ſummoned with all convenient ſpeed, whereby they may be relieved in the premiſes.

" And your petitioners," &c.

Within a few days, this petition was followed by another from twelve lords, in behalf of themſelves and divers others.

" Moſt gracious ſovereign,

" THE ſenſe of that duty and ſervice which we owe unto your ſacred majeſty, and our earneſt affection to the good and welfare of this your realm of England, have moved us in all humility to beſeech your royal majeſty to give us leave to offer unto your moſt princely wiſdom, the apprehenſion which we and other your faithful ſubjects have conceived of the great diſtempers and dangers now threatening the church and ſtate of your royal perſon, and the fitteſt means by which they may be prevented.

" The evils and dangers whereof your majeſty may be pleaſed to take notice are theſe:

" 1. That your ſacred majeſty is expoſed to hazard and danger in the preſent expedition againſt the Scotiſh army, and by the occaſion of the war your revenue is much waſted, your ſubjects burdened with coat and conduct-money, billeting of ſoldiers, and other military charges, and divers rapines and diſorders committed in ſeveral parts in this your realm, by the ſoldiers raiſed for that ſervice, and your whole kingdom become full of fear and diſcontent.

" 2. The ſundry innovations in matters of religion; the oath and canons lately impoſed upon the clergy, and other your majeſty's ſubjects.

" 3. The great increaſe of popery, and employing of popiſh recuſants and others ill affected to the religion by law eſtabliſhed, in places of power and truſt, and eſpecially commanding of men and arms both in the field and other counties of this realm; whereas by the laws they are not permitted to have arms in their own houſes.

" 4. The great miſchief which may fall upon this kingdom, if the intentions which have been credibly reported, of bringing in of Iriſh forces, ſhall take effect.

" 5. The urging of ſhip-money, and proſecution of ſome ſheriffs in the ſtar chamber for not levying of it.

" 6. The heavy charges of merchandiſe, to the diſcouragement of trade, the multitude of monopolies or other patentees, whereby the commodities and manufactures of the kingdom are much burdened, to the great and univerſal grievance of your people.

" 7. The great grief of your ſubjects by the intermiſſion of parliaments, in the late former diſſolving of ſuch as have been called, with the hoped effects which otherwiſe they might have procured.

" For a remedy whereof, and prevention of the danger that may enſue to your royal perſon, and to the whole ſtate, who do in all humility and faithfulneſs beſeech your moſt excellent majeſty, that you would be pleaſed to ſummon a parliament within ſome ſhort and convenient time, whereby the cauſe of theſe, and other great grievances, which your poor petitioners now lie under, may be taken away, and the authors and counſellors of them may be there brought to ſuch legal trial and condign puniſhment as the nature of the offence does require: and that the preſent war may be compoſed by your majeſty's wiſdom without blood-ſhed, in ſuch manner as may conduce to the honour and ſafety of your majeſty's perſon, and content of your people, and continuance of both of your kingdoms againſt the common enemy of the reformed religion[s]."

Francis Bedford.	Say and Seal.
Ro. Eſſex.	Ed. Howard.
William Hartford.	Bullingbrook.
Warwick.	Mandevile.
Earl of Briſtol.	Brook.
Mulgrave.	Pagett.

[s] The king's anſwer to this petition was, " That before the receipt thereof, he well foreſaw the danger that threatened himſelf and crown, and therefore reſolved to ſummon all the peers to his preſence the 24th of September, and with them to conſult, what in this caſe is fitteſt to be done for his honour, and the ſafety of the kingdom; where the petitioners with the reſt, might offer any thing conducing to theſe ends." Whitelock's Memoirs, p. 36.

Preſently after, the king having called the Yorkſhire gentry together, propoſed to them the payment of the trained-bands for two months. The propoſal being accepted, the gentlemen prepared an addreſs to inform the king of their conſent, but withal they beſought his majeſty to endeavour to compoſe the differences with the Scots, and to ſummon a parliament. The earl of Strafford being deſired to preſent the addreſs to the king, refuſed it unleſs the clauſe about calling a parliament was left out, alleging he knew the king fully deſigned it. But the gentlemen were unwilling to leave out theſe words, and delivered their addreſs themſelves.

The king perceiving by the petitions which were preſented to him, that it was the nation's fervent deſire a parliament ſhould be called, did not doubt it would be the firſt advice the peers, when aſſembled, would give him. He reſolved therefore to prevent that advice, by ſummoning a parliament to meet on the 3d of November, for fear, if he delayed it any longer, he might be thought to be forced to it. The great council of the peers being aſſembled at York the 24th of September, the king ſpoke to them as follows:

" My lords,

" UPON ſudden invaſions where the dangers are near and inſtant, it hath been the cuſtom of my predeceſſors to aſſemble the great council of the peers, and by their advice and aſſiſtance to give a timely remedy to ſuch evils, which could not admit a delay ſo long as muſt of neceſſity be allowed for the aſſembling of the parliament.

" This being our condition at this time, and an army of rebels lodged within this kingdom, I thought it moſt fit to conform myſelf to the practice of my predeceſſors in like caſes; that with your advice and aſſiſtance we might juſtly proceed to the chaſtiſement of theſe inſolencies, and ſecuring of my good ſubjects.

" In the firſt place, I muſt let you know that I deſire nothing more than to be rightly underſtood of my people. And to that end I have of myſelf reſolved to call a parliament, having already given order to my lord keeper to iſſue the writs inſtantly, ſo that the parliament may be aſſembled by the 3d of November next; whither if my ſubjects bring thoſe good affections which become them towards me, it ſhall not fail on my part to make it a happy meeting. In the mean time there are two points wherein I ſhall deſire your advice, which indeed were the chief cauſe of your meeting.

" Firſt, what anſwer to give to the petition of the rebels, and in what manner to treat with them. Of which, that you may give a ſure judgment, I have ordered that your lordſhips ſhall be clearly and truly informed of the ſtate of the whole buſineſs, and upon what reaſons the advices that my privy-council unanimouſly gave me, were grounded.

" The ſecond is, how my army ſhall be kept on foot and maintained, until the ſupplies of a parliament may be had; for ſo long as the Scotch army remains in England, I think no man will counſel me to diſband mine: for that would be an unſpeakable loſs to all this part of the kingdom, by ſubjecting them to the greedy appetite of the rebels, beſides the diſhonour that would thereby fall upon this nation."

When the king had thus ſpoken to the lords, he commanded to be read the reaſons which had induced his council to adviſe the levying an army againſt the Scots, and the petition of the Scots preſented to the king ſince their taking of Newcaſtle, as alſo the king's anſwer, and their particular demands. Then the earl of Traquair, by the king's order, explained theſe demands to the peers, and endeavoured to ſhew how ſome of them ſubverted the fundamental laws of the kingdom of Scotland, others the juſt prerogative and dignity of his majeſty, and of which many were to the detriment of the king's profit, and prejudice of divers good ſubjects there. The reſult of the deliberations of the peers was, that certain of themſelves ſhould be ſent as commiſſioners to treat with the Scots, and endeavour to conclude a peace. Purſuant to this reſolution ſixteen peers were choſen for commiſſioners[t], to whom were added by the king as aſſiſtants, the earls of Traquair, Morton, and Lanerick ſecretary of Scotland, ſir Henry Vane, ſir Lewis Steward, and ſir John Burrough. It was farther agreed, that the treaty ſhould begin at Rippon[u] the 1ſt of October, and that the earl of Lanerick ſhould ſignify this reſolution to the Scots.

This article being diſpatched, the king deſired the lords to conſider of means to maintain the army during the treaty. It

[t] The earls of Hertford, Bedford, Pembroke, Saliſbury, Eſſex, Holland, Warwick, Briſtol, and Berkſhire; the lord viſcount Mandevile; the lords Pagett, Wharton, Dunſmore, Brook, Savile, Paulet, and Howard of Eſcrick, were choſen by the king. Clarendon, tom. I. p. 123. Ruſhworth, tom. III. p. 1276.

[u] York was named firſt, but the Scots refuſed to treat there, " as not ſecure

is ſtrange the king ſhould undertake this war without having any ſupply from the parliament, and ſhould be ſo ill provided for the payment of his army, that within a month after the opening of the campaign, he was unable to maintain it. For my part I cannot deviſe any other reaſon of this conduct, except that for the ſupport of this war he had depended upon ſuch means as were no longer in his power to employ. However this be, the earl of Strafford having informed the peers of the number of troops the king had on foot, namely, about four-and-twenty thouſand men, declared that the payment of this army amounted to threeſcore thouſand pounds a month, and that to keep the army together for three months, no leſs would ſerve than the ſum of 200,000l. He added, if the army ſhould diſband, all Yorkſhire would be loſt in two days, and the whole kingdom endangered. Whereupon it was reſolved, that a letter, ſubſcribed by all the peers preſent, ſhould be ſent to the city of London for lending the 200,000l. upon ſuch ſecurity as ſhould be agree on, each of the peers offering to become bound.

The Scots having appointed their commiſſioners to treat with the Engliſh, the negotiation began at Rippon the 1ſt of October[w]. But before the principal point of the treaty was conſidered, certain preliminary articles were to be ſettled, which the Scots propoſed as abſolutely neceſſary to a happy concluſion. They repreſented therefore, that their army had ſtopped at Newcaſtle by his majeſty's expreſs order: that they ſubſiſted by means of the contributions raiſed upon Cumberland, Newcaſtle, and Durham; and as the negotiation might laſt ſome time, it was neceſſary before all things to provide for the ſubſiſtence of their troops during the treaty. This was the principal article on which they inſiſted, as a preliminary to the treaty. There were alſo other articles, which I do not think abſolutely neceſſary to be mentioned, ſince it will appear preſently what was the principal point by the preliminaries that were agreed on. I ſhall only add, that the Scots would never ſuffer the earl of Traquair to aſſiſt at the treaty, becauſe he was one of thoſe they called incendiaries, againſt whom they demanded ſevere juſtice. After many debates, the commiſſioners of the two nations agreed at laſt, the 16th of October, on the following preliminaries.

" 1. That the Scotch army ſhall have for a competent maintenance, the ſum of 850l. per diem; and that the payment thereof ſhall continue for two months, in caſe the treaty ſhall ſo long laſt; which payment to be made weekly upon the Friday of every week.

" 2. The days of the returning of the army to be numbered within the days of the allowed maintenance.

" 3. That the Scotch army ſhall content themſelves with the aforeſaid maintenance, and ſhall neither moleſt papiſts, prelates, nor their adherents, nor any other perſons of whatſoever quality.

" 4. That the inhabitants of the ſaid counties ſhall alſo have liberty to return peaceably to their own dwellings, and ſhall be refuſed no courteſy, it being always preſuppoſed, that the fit lodging of their army ſhall be allowed.

" 5. That the army be furniſhed with coals in a regular way, and not at the pleaſure of the ſoldiers.

" 6. That there be a proviſion of forage, at the prices to be ſet down in a table, which muſt alſo contain the particular prices of all ſorts of victuals, and other neceſſaries for the army, to be indifferently agreed upon by perſons nominated on both ſides.

" 7. That free trade and commerce between both nations be reſtored, and not to be interrupted but upon the warning of three months. But no victuals, arms, nor ammunition, to be imported into Newcaſtle, &c.

" 8. That victuals and other neceſſaries for the army be free of cuſtom; and that his majeſty's cuſtom of coals and other ware be left free to be levied by his own officers.

" 9. That there be a freedom to furniſh neceſſaries for both armies, and liberty be granted for milling, brewing, &c.

" 10. That the arrears of the contributions due to the Scotch army, be completely paid to October 19.

" 11. That there be a ceſſation of arms, according to the particulars to be agreed upon.

" 12. As for ſecuring the ſum of 850l. per diem above ſpecified, there is a committee appointed, who have power to treat with Northumberland, the biſhopric of Durham, Newcaſtle, and (if need require) with Cumberland and Weſtmoreland, about the payment of it.

" 13. The lords will, before their going from York, ſettle a committee, who ſhall have charge to ſee the contribution orderly raiſed and paid; and that there ſhall likewiſe be a committee nominated, to whom either the Scotch commiſſioners, or the committees of the country, may weekly give an account of the carriage of the buſineſs."

The Scots had the addreſs to prolong the ſigning of theſe preliminaries till the 16th of October, after which it ſtill remained to agree on the conditions of the truce. It was therefore almoſt impoſſible to enter into a diſcuſſion of the articles, which were to be the chief ſubject of the treaty, before the 3d of November, the day appointed for the meeting of the parliament. The lords, as well thoſe at Rippon as thoſe at York, being indiſpenſably obliged to repair to London, it would have been needleſs to begin the negociation at Rippon, where the time would ſcarce have allowed it to be opened. Wherefore the Engliſh commiſſioners, whether of themſelves, or by the ſuggeſtion of the Scots, propoſed to the king the removal of the treaty from Rippon to London; and the king was forced to conſent to it, though he plainly perceived the Scots expected to find many friends at London, and even in the parliament, as indeed was the caſe. One may venture to ſay, that on occaſion of this treaty, the king committed three capital errors. Firſt, in ſummoning the parliament to meet at Weſtminſter, ſince he could not be ignorant how much the city of London was diſſatisfied with the government, and conſequently ready to countenance ſuch reſolutions as the parliament might take againſt it. Whereas, had he ſummoned the parliament to meet at York, or in any other place at a diſtance from London, he would thereby have broken in part the meaſures of the Scots and Engliſh malecontents. He had but too much cauſe afterwards to be ſenſible of this error. The ſecond was, the removal of the treaty to London, where the Scots had their principal correſpondents. The third, in taking ſo ſhort a time for the meeting of the parliament, ſo that he had only the month of October to conclude a peace with the Scots, a ſpace hardly ſufficient to agree with them on the preliminaries and terms of the ceſſation, before the king and peers would be obliged to leave York and go to London. If he had not been in ſuch haſte to fix the meeting of the parliament to the 3d of November, he might have either concluded the treaty with the Scots by granting what he could not have helped, or at leaſt, left them without excuſe, if they had obſtinately perſiſted in any unreaſonable demands. Whereas, not being able to finiſh the negociation at Rippon, he was forced to remove the conferences to London, a city well affected to the Scots, and where they could better than any where elſe, take juſt meaſures, either with the chief inhabitants, or with their friends in parliament. The king was ſufficiently convinced of theſe errors, when it was too late to retrieve them.

Not to omit any thing, which to me ſeems material in this hiſtory, I thought proper to add here the earl of Briſtol's proceſs at the beginning of king Charles's reign. For, it is not foreign to the purpoſe. On the contrary, this proceſs, with the earl's anſwers, may be of ſervice to clear the latter part of the reign of James I. as to the negociation of the marriage of prince Charles with the Spaniſh infanta, and the reſtitution of the Palatinate. It may alſo give an idea of the character of Charles I. and the duke of Buckingham. But it could not be inſerted in any other place, without a too great interruption of the thread of the hiſtory.

ſecure for their commiſſioners, ſo long as the earl of Strafford commanded there in chief, who had proclaimed them traitors in Ireland before the king had done it in England." This was the firſt public appearance of the Scots enmity againſt Strafford, and it is ſtrange it ſhould not be more regarded. Whitelock, p. 36.

[w] The Scotiſh commiſſioners were the earl of Dunfermling, lord Lowdon, ſir Patrick Hepburne, ſir William Douglas, Mr. Smith, Mr. Wedderburn, Mr. Henderſon, Mr. Johnſton. Ruſhworth, tom. III. p. 1282.

PROCEEDINGS againſt the EARL of BRISTOL.

THE earl of Briſtol, who had been embaſſador in Spain to negociate prince Charles marriage with the Spaniſh infanta, was confined at his return to England, without being ſuffered to come into the king's preſence. As long as king James lived, the duke of Buckingham, who was the cauſe of the earl's diſgrace, pretended however to be willing to adjuſt this affair, if he would but anſwer to ſome queſtions or objections before the commiſſioners appointed by the king. The earl anſwered thoſe queſtions, but his reconciliation was not advanced by it. On the contrary, he found himſelf much farther from it by the death of king James, and the acceſſion of Charles I. to the crown. The earl of Briſtol finding himſelf on very ill terms, wiſhed to come off if poſſible without injuring his honour. To that end, he applied to

to the lord Conway ſecretary of ſtate, to deſire him to intercede for him with his majeſty. There paſſed ſome letters between theſe two lords upon that ſubject, and at laſt, during the ſecond parliament of king Charles in 1626, the earl received from the lord Conway, the following letter:

My lord,

I RECEIVED a letter from your lordſhip, dated the 4th of this month, written in anſwer to a former letter, which I directed to your lordſhip by his majeſty's commandment. This laſt letter, according to my duty, I have ſhewed unto his majeſty, who hath peruſed it, and hath commanded me to write back to you again, that he finds himſelf nothing ſatisfied therewith. The queſtion propounded to your lordſhip from his majeſty, was plain and clear, whether you did rather chuſe to ſit ſtill, without being queſtioned for any errors paſt in your negotiation in Spain, and enjoy the benefit of the late gracious pardon granted in parliament, whereof you may have the benefit: or whether, for the clearing of your innocency (whereof yourſelf, and your friends and followers are ſo confident), you will be content to wave the advantage of that pardon, and put yourſelf into a legal way of examination for the trial thereof? His majeſty's purpoſe thereby, is not to prevent you of any favours the law hath given you: but if your aſſurance be ſuch as your words and letters import, he conceives it ſtands not with that public and reſolute profeſſion of your integrity to decline your trial. His majeſty leaves the choice to yourſelf, and requires from you a direct anſwer, without circumlocution, or bargaining with him for future favours beforehand; but if you have a deſire to make uſe of that pardon, which cannot be denied you, nor is any way deſired to be taken from you, his majeſty expects you ſhould at the leaſt forbear to magnify your ſervice, and out of an opinion of your innocency, caſt an aſperſion upon his majeſty's juſtice, in not affording you that preſent fulneſs of liberty and favour, which cannot be drawn from him, but in his good time, and according to his good pleaſure.

Thus much I have in commandment to write to your lordſhip, and to require your anſwer clearly and plainly, by this meſſenger ſent on purpoſe for it: and ſo remain,

Your lordſhip's humble ſervant,

Whitehall, 24 March, 1626. Edw. Conway.

The earl of Briſtol's anſwer.

My lord,

I HAVE received your letter of the 24th of March, the 28th, and I am infinitely grieved to underſtand, that my former anſwer to yours of the 4th of March, hath not ſatisfied his majeſty, which I will endeavour to do in this, to the beſt of my underſtanding; and to that end, ſhall anſwer to the particular points of your preſent letter, with the greateſt clearneſs I am able.

Firſt, whereas you ſay in your letter, that the queſtion propounded to me was plain and clear, viz. Whether I would chuſe to ſit ſtill, without being queſtioned for any errors paſt in my negociation with Spain, and enjoy the benefit of the late gracious pardon, whereof I may take the benefit? Or whether, being content to wave the advantage of that pardon, I ſhall put myſelf into a legal way of examination for the tryal thereof, &c.

Firſt, your lordſhip may be pleaſed to remember, your laſt propoſition was, whether I deſired to reſt in the ſecurity I was in, which you now expreſs, whether I will chuſe to ſit ſtill?

Secondly, your propoſition was, whether I would acknowledge the gracious favour of his majeſty that now is, who had been pleaſed not to queſtion my actions, when it is beſt known to your lordſhip, that by a commiſſion of the lords, I was queſtioned upon twenty articles, divers involving felony and treaſon. Although it be true, that when I had ſo anſwered (as I am confident their lordſhips would have cleared me), I was ſo unhappy, as their lordſhips never met more about that buſineſs.

But now your propoſition is, whether I will now chuſe to ſit ſtill without being further queſtioned for errors paſt? whereas before it was required I ſhould acknowledge that I have not been queſtioned at all, which is a different thing. But conferring both your letters together, and gathering the ſenſe and meaning, by making the latter an explanation of the former, which I could have wiſhed your lordſhip would have more clearly explained, I return unto your lordſhip this plain and direct anſwer.

That underſtanding by the ſecurity I am in, and ſitting ſtill, and not being further queſtioned, I am reſtored to the bare freedom and liberty of a ſubject and peer (for a man being called in queſtion by his majeſty, if after his majeſty ſhall be pleaſed out of his goodneſs, that he reſt quiet and ſecure, and that he ſhall not be farther queſtioned, I conceive that it is not apparent that his liberty naturally revolveth unto him, when by his majeſty's grace he is pleaſed to declare, he ſhall not be farther queſtioned, but may live in further ſecurity). So that underſtanding your letter in this ſort (for no direct anſwer can be made, until the ſenſe of the queſtion be truly ſtated), I do moſt humbly acknowledge and accept his majeſty's grace and favour, and ſhall not wave any thing that ſhall come to me by the pardon of the 21 Jac. regis, nor by the pardon of his majeſty's coronation; and am ſo far from bargaining, as you are pleaſed to expreſs it, for future favour (though I hope my humble and ſubmiſſive courſe of petitioning his majeſty, neither hath, nor ſhall deſerve ſo hard an expreſſion), that I ſhall not preſume ſo much as to preſs for any favour, until my dutiful and loyal behaviour may move his majeſty's royal and gracious heart thereunto, but receive with all humbleneſs, this my freedom and liberty; the which I ſhall only make uſe of in ſuch ſort, as I ſhall judge may be moſt agreeable to his majeſty's pleaſure.

As for the ſecond part of your letter, wherein you ſay, that if I deſire to make uſe of that pardon, his majeſty expects that I ſhould at leaſt forbear to magnify my ſervices; or out of an opinion of my own innocency caſt an aſperſion upon his majeſty's juſtice. To this point I anſwer, that as I hope I ſhall never err in that ſort of immodeſty of valuing my ſervices, which I acknowledge to have been accompanied with infinite weakneſs and diſabilities; ſo I truſt it ſhall not diſpleaſe, that I make uſe to my own comfort, and the honour of my poſterity, of thoſe many written teſtimonies which my late moſt bleſſed maſter hath left me, of his gracious acceptance of my ſervices for the ſpace of twenty years. So likewiſe I hope the modeſt avowing of mine innocency will not be thought to caſt any aſperſion upon his majeſty's honour or juſtice. I muſt freely confeſs unto your lordſhip, I am much afflicted to ſee inferences of this nature made, both in your lordſhip's laſt letter and in this. For if it ſhall be inferred as a thing reflecting upon the king's honour, that a man queſtioned, ſhall not endeavour to defend his own innocency before he be convicted, it will be impoſſible for any man to be ſafe; for the honour of his majeſty is too ſacred a thing for any ſubject, how innocent ſoever, to conteſt againſt. So likewiſe, God forbid that it ſhould be brought into conſequences (as in your former letter), as a tax upon the government and juſtice of his late majeſty, and majeſty that now is, that I ſhould have ſuffered ſo long time, not being guilty. For as I never have been heard ſo much as to repine of injuſtice in their majeſties in all my ſufferings, ſo I well know, that the long continuance of my troubles may well be attributed unto other cauſes; as to my own errors of paſſion, or other accidents; for your lordſhip may well remember that my affairs were almoſt two years ſince upon the point of a happy accommodation, had it not been interrupted by the unfortunate miſtaking of the ſpeeches I uſed to Mr. Clark.

I ſhall conclude by intreating your lordſhip's favour, that I may underſtand from you, as I hope for my comfort, that this letter hath given his majeſty ſatisfaction; or if there ſhould yet remain any ſcruple, that I may have a clear and plain ſignification of the king's pleaſure, which I ſhall obey with all humility.

Your lordſhip's humble ſervant,

Briſtol.

Not long after, the earl of Briſtol being informed that the houſe of commons were ill-affected to the duke of Buckingham, believed he ought to improve that juncture. For which purpoſe he petitioned the houſe of lords, ſhewing that he being a peer of the realm, had not received a ſummons to parliament, and deſired their lordſhips to mediate with his majeſty, that he might enjoy the liberty of a ſubject, and the privilege of his peerage, after almoſt two years reſtraint without being brought to a trial. And if any charge be brought in againſt him, he prayed that he might be tried by parliament.

Upon which petition, it was reſolved in a committee of the upper houſe, that their lordſhips ſhould humbly beſeech his majeſty, that a writ of ſummons might be ſent to the earl of Briſtol.

Hereupon the duke of Buckingham ſignified to the houſe, that upon the earl of Briſtol's petition to the king, his majeſty had ſent him his writ of ſummons: and withal, ſhewed the lords a copy of a letter written from the king unto the ſaid earl, being as followeth:

"We have received your letter addreſſed unto us by Buckingham,

ingham, and cannot but wonder that you ſhould through forgetfulneſs, make requeſt to us of favour, as if you ſtood evenly capable of it, when you know what your behaviour in Spain deſerved of us, which you are to examine by the obſervations we made, and know you well remember; how at our firſt coming into Spain, taking upon you to be ſo wiſe as to foreſee our intention to change our religion, you were ſo far from diſſuading us, that you offered your advice and ſecrecy to concur in it; and in many other conferences preſſing to ſhew how convenient it was to be a Roman catholic; it being impoſſible in your opinion to do any great action otherwiſe: And how much wrong, diſadvantage, and diſſervice you did to the treaty, and to the right and intereſt of our dear brother and ſiſter, and their children; what diſadvantage, inconvenience, and hazard you intangled us in by your artifices, putting off and delaying our return home; the great eſtimation you made of that eſtate, and the low price you ſet this kingdom at; ſtill maintaining that we under colour of friendſhip to Spain did what was in our power againſt them, which they ſaid, you very well knew: and laſt of all, your approving of thoſe conditions, that our nephew ſhould be brought up in the emperor's court, to which ſir Walter Aſhton then ſaid, that he durſt not give his conſent for fear of his head: you replying unto him, that without ſome ſuch great action, neither marriage nor peace could be had.

The lord keeper to the earl of Briſtol.

My very good lord,

BY his majeſty's commandment, I herewith ſend unto your lordſhip your writ of ſummons for the parliament; but withal to ſignify his majeſty's pleaſure herein further, that howſoever he gives way to the awarding of the writ; yet his meaning is thereby, not to diſcharge any former directions for reſtraint of your lordſhip's coming hither, but that you continue under the ſame reſtriction as you did before; ſo as your lordſhip's perſonal attendance is to be forborne, and therein I doubt not but your lordſhip will readily give his majeſty ſatisfaction. And ſo I commend my ſervice very heartily unto your lordſhip, and remain,

Your lordſhip's aſſured friend and ſervant,

Dorſet Court, March 31, 1626. Tho. Coventry, C. S.

The earl of Briſtol's anſwer to the lord keeper.

May it pleaſe your lordſhip,

I HAVE received your lordſhip's letter of the 31ſt of March, and with it his majeſty's writ of ſummons for the parliament; in the one his majeſty commandeth me, that all excuſes ſet aſide, upon my faith and allegiance, I fail not to come and attend his majeſty; and this under the great ſeal of England. In the other, as in a letter miſſive, his majeſty's pleaſure is intimated by your lordſhip, that my perſonal attendance ſhould be forborne: I muſt crave leave ingenuouſly to confeſs unto your lordſhip, that I want judgment rightly to direct myſelf in this caſe; as likewiſe that I am ignorant how far this may trench upon the privileges of the peers of this land, and upon mine and their ſafety hereafter: for if the writ be not obeyed, the law calleth it a miſpriſon, and highly fineable, whereof we have had late examples; and a miſſive letter being avowed or not, is to be doubted would not be adjudged a ſufficient diſcharge againſt the great ſeal of England. On the other ſide, if the letter be not obeyed, a peer may, "de facto," be committed upon a contempt, in the interim, and the queſtion cleared afterwards; ſo that in this caſe it is above mine abilities. I can only anſwer your lordſhip, that I will moſt exactly obey; and to the end I may underſtand which obedience will be, in all kinds moſt ſuitable to my duty, I will preſently repair to my private lodging at London, and there remain until in this, and other cauſes, I ſhall have petitioned his majeſty, and underſtand his further pleaſure. For the ſecond part of your lordſhip's letter, where your lordſhip ſaith, "That his majeſty's meaning is not thereby to diſcharge any former directions for reſtraint of your lordſhip's coming hither, but that you continue under the ſame reſtriction as before; ſo that your lordſhip's perſonal attendance here is to be forborne:" I conceive your lordſhip intendeth this touching my coming to parliament only; for as touching my coming to London, I never had at any time one word of prohibition, or colourable pretence of reſtraint; but on the contrary, having his late majeſty's expreſs leave to come to London, to follow my affairs: out of my reſpect to his majeſty, then prince, and to the duke of Buckingham, I forbore to come until I might know, whether my coming would not be diſagreeable unto them. Whereunto his majeſty was pleaſed to anſwer both under the hand of the duke, and of Mr. Secretary Conway, that he took my reſpect unto him herein in very good part, and would wiſh me to make uſe of the leave the king had given me: ſince which time I never received any letter or meſſage of reſtraint; only his majeſty by his letter, bearing date June the laſt, commandeth me to remain as I was in the time of the king his father, which was with liberty to come to London to follow my own affairs as I pleaſed, as will appear unto your lordſhip, if you will afford me ſo much favour as to peruſe them. I have writ this much unto your lordſhip, becauſe I would not, through miſunderſtanding, fall into diſpleaſure by my coming up, and to intreat your lordſhip to inform his majeſty thereof, and that my lord Conway, by whoſe warrant I was only reſtained in the late king's time of famous memory, may produce any one word, that may have ſo much as any colourable pretence of debarring my coming up to London. I beſeech your lordſhip to pardon my deſire to have things clearly underſtood; for the want of that formerly hath cauſed all my troubles; and when any thing is miſinformed concerning me, I have little or no means to clear it; ſo that my chief labour is to avoid miſunderſtanding. I ſhall conclude with beſeeching your lordſhip to do me this favour, to let his majeſty underſtand, that my coming up is only rightly to underſtand his pleaſure, whereunto I ſhall in all things moſt dutifully and humbly conform myſelf. And ſo with my humble ſervice to your lordſhip, I recommend you to God's holy protection, and remain,

Your lordſhip's moſt humble ſervant,

Sherborn, April 12, 1626. Briſtol.

The earl of Briſtol's ſecond petition preſented to the houſe of lords, April 19, 1626.

The humble petition of John earl of Briſtol,

Humbly ſhewing unto your lordſhips,

THAT he hath lately received his writ of parliament, for which he returneth unto your lordſhips moſt humble thanks, but jointly with it a letter from my lord keeper, commanding him in his majeſty's name to forbear his perſonal attendance; and although he ſhall ever obey the leaſt intimation of his majeſty's pleaſure, yet he moſt humbly offereth unto your lordſhips wiſe conſiderations as too high a point for him, how far this may trench upon the liberty and ſafety of the peers, and the authority of their letters patents, to be in this ſort diſcharged by a letter miſſive of any ſubject, without the king's hand; and for your lordſhips due information, he hath annexed a copy of the ſaid lord keeper's letter, and his anſwer thereunto.

He further humbly petitioneth your lordſhips, that having been, for the ſpace of two years, highly wronged in point of his liberty, and of his honour, by many ſiniſter aſperſions which have been caſt upon him, without being permitted to anſwer for himſelf; which hath been done by the power and induſtry of the duke of Buckingham, to keep him from the preſence of his majeſty and the parliament, leſt he ſhould diſcover many crimes concerning the ſaid duke.

He therefore moſt humbly beſeecheth, that he may be heard both in the point of his wrong, and of his accuſation of the ſaid duke; wherein he will make it appear, how infinitely the ſaid duke hath both abuſed their majeſties, the ſtate, and both the houſes of parliament. And this he is moſt confident will not be denied, ſince the court of parliament never refuſeth to hear the pooreſt ſubject ſeeking for redreſs of wrongs, nor the accuſation againſt any, be he never ſo powerful: and herein he beſeecheth your lordſhips to mediate to his majeſty, for the ſuppliant's coming to the houſe, in ſuch ſort as you ſhall think fitting; aſſuring his majeſty, that all he ſhould ſay, ſhall not only tend to the ſervice of his majeſty and the ſtate, but highly to the honour of his majeſty's royal perſon, and of his princely virtues: and your ſuppliant ſhall ever pray for your lordſhips proſperity.

Hereupon the lord keeper delivered this meſſage from the king to the houſe of lords.

That his majeſty hath heard of a petition preferred unto this houſe by the earl of Briſtol, ſo void of duty and reſpects to his majeſty, that he hath great cauſe to puniſh him: that he hath alſo heard with what duty and reſpectfulneſs to his majeſty their lordſhips have proceeded therein, which his majeſty conceiveth to have been upon the knowledge they have, that he hath been reſtrained for matters of ſtate; and his majeſty doth therefore give their lordſhips thanks for the ſame, and is reſolved to put the cauſe upon the honour and juſtice of their lordſhips and this houſe. And thereupon his majeſty commanded him (the lord keeper) to ſignify to their

lordſhips his royal pleaſure, that the earl of Briſtol be ſent for as a delinquent, to anſwer in this houſe his offences, committed in his negotiations before his majeſty's being in Spain, and his offences ſince his majeſty's coming from Spain, and his ſcandalizing the duke of Buckingham immediately, and his majeſty by reflection, with whoſe privity, and by whoſe direction, the duke did guide his actions, and without which he did nothing. All which his majeſty will cauſe to be charged againſt him before their lordſhips in this houſe.

The lords appointed a committee to attend the king, and to preſent their humble thanks to his majeſty, for the truſt and confidence he had placed in the honour and juſtice of their houſe.

On Monday the 1ſt of May, the gentleman uſher brought the earl of Briſtol to the bar, according to their lordſhips order; and the lord keeper acquainted them, that the king had commanded his attorney general, to charge the earl of Briſtol before their lordſhips with high treaſon, and other offences and miſdemeanours of a very high nature, that they might proceed in a legal courſe againſt him, according to the juſtice and uſual proceedings of parliament.

Articles of accuſation againſt the earl of Briſtol, preſented to the upper houſe by the king's attorney general.

I. Offences done and committed by the earl of Briſtol, before his majeſty's going into Spain, when he was prince.

I. THAT the ſaid earl being truſted and employed by the ſaid late king as his embaſſador to Ferdinando, then and now emperor of Germany; and to Philip the IVth, then and now king of Spain, in annis 1621, 22, 23. And having commiſſion, and particular and ſpecial direction, to treat with the ſaid emperor and the king of Spain, for the plenary reſtoring of ſuch parts of the dominions, territories, and poſſeſſions of the count Palatine of Rhine, who married with the moſt excellent lady Elizabeth his now royal conſort, the only daughter of the ſaid late king James; which were then wrongfully and in hoſtile manner taken, and poſſeſſed with and by the armies of the ſaid emperor and king of Spain, or any other; and for the preſerving and keeping ſuch other parts thereof as were not then loſt, but were then in the protection of the ſaid late king James, and to the uſe of the ſaid count Palatine and his children: and alſo to treat with the ſaid king of Spain for a marriage to be had between the moſt high and excellent prince Charles, then Prince of Wales, the only ſon and heir-apparent of the ſaid king James, and now our moſt ſovereign lord, and the moſt illuſtrious lady Donna Maria the infanta of Spain, ſiſter to the now king of Spain: he, the ſaid earl, contrary to his duty and allegiance, and contrary to the truſt and duty of an embaſſador, at Madrid in the kingdom of Spain, to advance and further the deſigns of the ſaid king of Spain againſt our ſaid ſovereign lord, his children, friends and allies, falſely, willingly, and traiterouſly, and as a traitor to our ſaid late ſovereign lord the king, by ſundry letters and other meſſages ſent by the ſaid earl from Madrid, in the year aforeſaid, unto king James and his miniſters of ſtate of England, did confidently and reſolutely inform, adviſe, and aſſure the ſaid late king, that the ſaid emperor and king of Spain would really, fully and effectually make reſtitution and plenary reſtauration to the ſaid count Palatine, and his children, of the ſaid dominions, territories, and poſſeſſions of the ſaid count Palatine, and of the ſaid electoral dignity: and that the ſaid king of Spain did really, fully and effectually intend the ſaid marriage between the ſaid lady his ſiſter, and the ſaid prince our now ſovereign lord, according to articles formerly propounded between the ſaid kings: whereas in truth, the ſaid emperor and king of Spain, or either of them, never really intended ſuch reſtitution as aforeſaid; and whereas the ſaid king of Spain never really intended the marriage according to thoſe articles propounded, but the ſaid emperor and king of Spain, intended only by thoſe treaties, to gain time to compaſs their own ends and purpoſes, to the detriment of this kingdom (of all which, the ſaid earl of Briſtol neither was nor could be ignorant) the ſaid late king James by entertaining thoſe treaties, and continuing them upon thoſe falſe aſſurances given unto him by the ſaid earl, as aforeſaid, was made ſecure, and loſt the opportunity of time, and thereby the ſaid dominions, territories and poſſeſſions of the ſaid count Palatine, and the electoral dignity became utterly loſt; and ſome parts thereof were taken out of the actual poſſeſſion of the ſaid king James, unto whoſe protection and ſafe keeping they were put, and committed to the ſaid count Palatine; and the moſt excellent lady Elizabeth his wife, and their children, are now utterly diſpoſſeſſed and bereaved thereof, to the high diſhonour of our ſaid late ſovereign lord king James, to the diſheriſon of the ſaid late king's children, and their poſterity, of their ancient patrimony, and to the diſadvantage and diſcouraging of the reſt of the princes of Germany, and other kings and princes in amity and league with his majeſty.

II. That the ſaid earl of Briſtol being embaſſador for his late majeſty king James as aforeſaid, in annis ſupradictis, and having received perfect, plain, and particular inſtructions and directions from his ſaid late majeſty, that he ſhould put the king of Spain to a ſpeedy and punctual anſwer, touching the treaties aforeſaid: and the ſaid earl well underſtanding the effect of thoſe inſtructions and directions ſo given unto him, and taking preciſe knowledge thereof; and alſo knowing how much it concerned his late majeſty in honour and ſafety (as his great affairs then ſtood) to put theſe treaties to a ſpeedy concluſion: yet nevertheleſs, he the ſaid earl, falſely, willingly and traiterouſly, contrary to his allegiance, and contrary to the truſt and duty of an embaſſador, continued thoſe treaties upon generalities, without effectual preſſing the ſaid king of Spain unto particular concluſions, according to his majeſty's directions as aforeſaid; and ſo the ſaid earl intended to have continued the ſaid treaties upon generalities, and without reducing them to certainties and to direct concluſions, to the high diſhonour of his ſaid late majeſty, and to the extreme danger and detriment of his majeſty's perſon, his crown and dominions, confederates and allies.

III. That the ſaid earl of Briſtol being embaſſador for his ſaid late majeſty as aforeſaid, in the years aforeſaid, to the intent to diſcourage the ſaid late king James, for the taking up of arms, entering into hoſtility with the ſaid king of Spain, and for reſiſting him and his forces, from attempting the invaſion of his ſaid late majeſty's dominions, and the dominions of his ſaid late majeſty's confederates, friends, and allies; the ſaid king of Spain having long thirſted after an univerſal monarchy in theſe weſtern parts of the world, hath many times, both by words and letters to the ſaid late king and his miniſters, extolled and magnified the greatneſs and power of the ſaid king of Spain, and repreſented unto his ſaid late majeſty, the ſuppoſed dangers which would enſue unto him, if a war ſhould happen between them; and affirmed, and inſinuated unto his ſaid late majeſty, that if ſuch a war ſhould enſue, his ſaid late majeſty, during the reſt of his life, muſt expect neither to hunt, nor hawk, nor eat his meat in quiet: whereby the ſaid earl of Briſtol did cunningly and traiterouſly ſtrive to retard the reſolutions of the ſaid late king, to declare himſelf an enemy to the ſaid king of Spain (who, under colour of treaties and alliances, had ſo much abuſed him), and to reſiſt his arms and forces, to the loſs of opportunity of time, which cannot be recalled or regained, and to the extreme danger, diſhonour, and detriment of this kingdom.

IV. The ſaid earl of Briſtol, upon his diſpatch out of this realm of England, in his embaſſage aforeſaid, having communication with divers perſons of London, within this realm of England, before his going into Spain, in and about his embaſſage concerning the ſaid treaty, for the negociation whereof, the ſaid earl purpoſely was ſent; and he the ſaid earl being then told, there was little probability that theſe treaties would or could have any ſucceſs, he the ſaid earl acknowledged as much; and yet nevertheleſs, contrary to his duty and allegiance, and to the faith and truth of an embaſſador, he the ſaid earl ſaid and affirmed, that he cared not what the ſucceſs thereof would be; for he would take care to have his inſtructions, and purſue them punctually; and howſoever the buſineſs went, he would make his fortune thereby, or uſed words at that time to ſuch effect; whereby it plainly appeareth, that the ſaid earl, from the begining herein, intended not the ſervice or honour of his late majeſty, but his own corrupt and ſiniſter ends, and for his own advancement.

V. That from the beginning of his negociation, and throughout the whole management thereof, by the ſaid earl of Briſtol, and during his ſaid embaſſage, he the ſaid earl, contrary to his faith and duty to God, the true religion profeſſed by the church of England, and the peace of this church and ſtate, did intend and reſolve, that if the ſaid marriage ſo treated of as aforeſaid, ſhould by his miniſtry be effected, that thereby the Romiſh religion, and profeſſors thereof, ſhould be advanced within this realm, and other his majeſty's realms and dominions, and the true religion and profeſſors thereof, diſcouraged and diſcountenanced. And to that end and purpoſe, the ſaid earl, during the time aforeſaid, by letters unto his late majeſty and otherwiſe, often counſelled and perſuaded his ſaid late majeſty to ſet at liberty the jeſuits and prieſts of the Romiſh religion; which, according to the good, religious and public laws of this kingdom, were impriſoned or reſtrained, and to grant, and to allow unto the papiſts, and profeſſors of the Romiſh religion, free toleration, and ſilencing of all the laws made, and ſtanding in force againſt them.

VI. That

VI. That by the falſe informations and intelligence of the ſaid earl of Briſtol, during the time aforeſaid, unto his ſaid late majeſty, and to his majeſty that now is (being then prince) concerning the ſaid treaties; and by the aſſurances aforeſaid given by the ſaid earl, his ſaid late majeſty, and the prince, his now majeſty, being put in hopes, and by the ſaid long delay uſed, without producing any effect, their majeſties being put into jealouſies, and juſt ſuſpicion, that there was no ſuch ſincerity uſed towards them as they expected; and with ſo many anſwers from the earl, had on their part been undertaken, the ſaid prince, our now gracious ſovereign, was inforced, out of his love to his country, to his allies, friends, and confederates, and to the peace of Chriſtendom, who all ſuffered by thoſe intolerable delays, in his own perſon to undertake his long and dangerous journey into Spain, that thereby he might either ſpeedily conclude thoſe treaties, or perfectly diſcover, that on the emperor's, and the king of Spain's part, there was no true and real intention to bring the ſame to concluſion, upon any fit and honourable terms and conditions, and did abſolutely and ſpeedily break them off. By which journey, the perſon of the ſaid prince, being then heir-apparent to the crown of this realm, and in his perſon, the peace and ſafety of this kingdom, did undergo ſuch apparent, and ſuch inevitable danger, as at the very remembrance thereof, the hearts of all good ſubjects do even tremble.

II. Offences done and committed by the ſaid earl, during the time of the prince's being in Spain.

VII. THAT at the prince's coming into Spain, during the time aforeſaid, the earl of Briſtol, cunningly, falſely, and traiterouſly, moved and perſuaded the prince, being then in the power of a foreign king of the Romiſh religion, to change his religion, which was done in this manner. At the prince's firſt coming to the ſaid earl, he aſked the prince, for what he came thither? The prince at firſt not conceiving the earl's meaning, anſwered, You know as well as I. The earl replied, Sir, ſervants can never ſerve their maſters induſtriouſly, although they may do it faithfully, unleſs they know their meanings fully. Give me leave therefore to tell you what they ſay in the town is the cauſe of your coming, that you mean to change your religion, and to declare it here, and yet cunningly to diſguiſe it. The earl added further, Sir, I do not ſpeak this, that I will perſuade you to do it, or that I will promiſe you to follow your example, though you will do it; but as your faithful ſervant, if you will truſt me with ſo great a ſecret, I will endeavour to carry it the diſcreeteſt way I can. The prince being moved at this unexpected motion, again ſaid unto him, I wonder what you have ever found in me, that you ſhould conceive I would be ſo baſe and unworthy, as for a wife to change my religion. The ſaid earl replying, he deſired the prince to pardon him if he had offended him, it was but out of his deſire to ſerve him. Which perſuaſions of the ſaid earl were the more dangerous, becauſe the more ſubtle; whereas it had been the duty of a faithful ſervant, to God and his maſter, if he had found the prince ſtaggering in his religion, to have prevented ſo great an error, and to have perſuaded againſt it, ſo to have avoided the dangerous conſequence thereof to the true religion, and to the ſtate, if ſuch a thing ſhould have happened.

VIII. That afterwards, during the prince's being in Spain, the ſaid earl having conference with the ſaid prince about the Romiſh religion, he endeavoured falſely and traiterouſly to perſuade the prince to change his religion, and to become a Roman catholic, and to become obedient to the uſurped authority of the pope of Rome: and to that end and purpoſe, the ſaid earl traiterouſly uſed theſe words unto the ſaid prince, that the ſtate of England never did any great thing but when they were under the obedience of the pope of Rome, and that it was impoſſible they could do any thing of note otherwiſe.

IX. That during the time of the prince's being in Spain, the prince conſulting and adviſing with the ſaid earl, and others, about a new offer made by the king of Spain, touching the Palatinate's eldeſt ſon, to marry with the emperor's daughter, but then he muſt be bred up in the emperor's court; the ſaid earl delivered his opinion, that the propoſition was reaſonable; whereat, when ſir Walter Aſton, then preſent, falling into ſome paſſion, ſaid, that he durſt not for his head conſent to it; the earl of Briſtol replied, that he ſaw no ſuch great inconvenience in it; for that he might be bred up in the emperor's court in our religion. But when the extreme danger, and, in a manner, the impoſſibility thereof, was preſſed unto the ſaid earl, he ſaid again, that without ſome great action, the peace of Chriſtendom would never be had; which was ſo dangerous and ſo deſperate a council, that one near the crown of England ſhould be poiſoned in his religion, and become an untriend to our ſtate, that the conſequences thereof, both for the preſent and future times, were infinitely dangerous; and yet hereunto did his diſaffection to our religion, the blindneſs in his judgment, miſled by his ſiniſter reſpects, and the too much regard he had to the houſe of Auſtria, lead him.

III. Offences done and committed by the ſaid earl, after the prince's coming from Spain.

X. THAT when the prince had clearly found himſelf and his father deluded in theſe treaties, and hereupon reſolved to return from the court of Spain; yet becauſe it behoved him to part freely, he left the powers of the deſponſories with the earl of Briſtol, to be delivered upon the return of the diſpenſation from Rome, which the king of Spain inſiſted upon; and without which, as he pretended, he would not conclude the marriage. The prince foreſeeing and fearing, leſt after the deſponſories, the infanta that ſhould then be his wife, might be put into a monaſtery, wrote a letter back to the ſaid earl from Segovia, thereby commanding him not to make uſe of the ſaid powers, until he could give him aſſurance, that a monaſtery ſhould not rob him of his wife; which letter the ſaid earl received, and with ſpeed returned an anſwer thereto in England, perſuading againſt this direction, yet promiſing obedience thereunto. Shortly after which, the prince ſent another letter to the ſaid earl into Spain, diſcharging him of his father's command. But his late majeſty, by the ſame meſſenger, ſent him a more expreſs direction, not to diſpatch the deſponſories, until a full concluſion were had of the other treaty of the Palatinate with this of the marriage; for his majeſty ſaid, that he would not have one daughter to laugh, and leave the other daughter weeping. In which diſpatch, although there were ſome miſtaking, yet in the next following, the ſame was corrected, and the earl of Briſtol tied to the ſame reſtriction, which himſelf confeſſed in one of his diſpatches afterwards, and promiſed to obey punctually the king's command therein; yet nevertheleſs, contrary to his duty and allegiance, in another letter ſent immediately after, he declared, that he had ſet a day for the deſponſories, without any aſſurance, or ſo much as treating of thoſe things which were commanded to him as reſtrictions; and that ſo ſhort a day, that if extraordinary diligence, with good ſucceſs in the journey, had not concurred, the prince's hands might have been bound up; and yet he neither ſure of a wife, nor any aſſurance given of the temporal articles. All which, in his high preſumption, he adventured to do, being an expreſs breach of his inſtructions; and if the ſame had not been prevented by his late majeſty's vigilancy, it might have turned to the infinite diſhonour and prejudice of his majeſty.

XI. Laſtly, That he hath offended in a high and contemptuous manner, in preferring a ſcandalous petition to this honourable houſe, to the diſhonour of his majeſty of bleſſed memory, deceaſed, and of his ſacred majeſty that now is, which are no ways ſufferable in a ſubject towards his ſovereign; and in one article of that petition ſpecially, wherein he gives his now majeſty the lie, in denying and offering to falſify that relation which his majeſty affirmed, and thereunto added many things of his own remembrance to both houſes of parliament.

Robert Heath, [Attorney general.]

The earl of Briſtol, upon the attorney general's accuſing him of high-treaſon, thus expreſſed himſelf:

"That he had exhibited his petition to the houſe, April 19, that he might come up and be heard in his accuſation of the duke of Buckingham, and that thereupon, he being a peer of this realm, is now charged with treaſon: That he had heretofore informed the late king of the duke's unfaithful ſervice, and thereupon the duke laboured that he might be clapt up in the Tower, preſently upon his return out of Spain: That he importuned the late king, that he might be heard before himſelf, and his majeſty promiſed it; "I pray God (ſaid he) that the promiſe did him no hurt, for he died ſhortly after." And for the king's promiſe, he vouched the lord chamberlain for a witneſs; and he deſired the lords to take notice, that their houſe was poſſeſſed already of his ſaid petition, and of his accuſation of the ſaid duke: And therefore deſired firſt, that they would receive his charge againſt the duke and the lord Conway, and not to invalid his teſtimony againſt them by the king's charge againſt him; and that he might not be impeached, till his charge of ſo high a nature be firſt heard.

"So he tendered to the houſe the articles againſt the duke, which the clerk received, and he withdrew, and his petition exhibited the 19th of April was read; and the lords reſolved upon the queſtion, that the ſaid earl's charge againſt the duke of Buckingham and the lord Conway ſhould be preſently read."

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The earl being ſhortly after called in again to the bar ofthe lord's houſe, concerning his articles againſt the duke, made this ſpeech.

Firſt, he craved pardon of their lordſhips for his earneſt ſpeeches the other day, confeſſing them to have been in paſſion, ſaying, that unexpected accuſation of treaſon would warm any honeſt heart, but would hereafter amend it. Then he returned their lordſhips humble thanks for their manner of proceeding againſt him; and deſired to know, from Mr. Attorney, whether that was his whole charge or not. Mr. Attorney anſwered, that he had commandment to open no more againſt him; peradventure, upon the opening of the charge, ſome particulars might ariſe, and be urged, but no new matter ſhould.

Then the earl deſired to know of Mr. Attorney, who was the relator to his charge, and that he might underſtand who was his accuſer. Mr. Attorney anſwered, that the king himſelf out of his own mouth, had given him directions for his own relation againſt him; and corrected many things that were added. Unto which the earl anſwered, that he would not conteſt with the king, neither did it beſeem him ſo to do; neither eſteemed he his life or his fortunes ſo much, as to ſave them by conteſting with his ſovereign; and therefore would make no reply or anſwer, were it not that his religion and honour were jointly queſtioned with his life; but that being to deſcend to his poſterity, for their ſakes he was an humble ſuitor unto his majeſty, that he would not take indignation at his own juſt defence, yet would he be ready to make any humble ſubmiſſion to his majeſty; and heartily deſired ſome means might be made, that he might make it perſonally to himſelf, wherein he would ſubmit himſelf moſt willingly to ſome ſuch act of humiliation and ſubmiſſion (not wronging his innocency), that never ſubject did towards his ſovereign: and alſo that his majeſty would be pleaſed to ſet himſelf in his throne of juſtice, and declare out of his royal juſtice, that he would have the duke and him upon equal terms, and that neither of their cauſes ſhould be advanced before the other's.

Theſe were his humble petitions, which he beſought their lordſhips to preſent unto his majeſty, and to take it into their conſiderations, of how dangerous a conſequence it would be, if the king ſhould be accuſer, judge, witneſs, and ſhould have the confiſcation. As touching the charge againſt him, he ſaid, He had once anſwered it all, except that of his petition; and he doubted not but to clear himſelf before their lordſhips, of every particular of it. He ſaid he expected not to have heard of this again, having once anſwered it: he rather expected to have been charged with ſome practice with Spain againſt the ſtate; or the receipt of ten or twenty thouſand pounds, for the perſuading and procuring of the delivery up of ſome town, of which the crown was in poſſeſſion, as might be the town of Fluſhing, the Brill, or the like; or for being the means of lending the king's ſhips to a foreign nation, and that againſt thoſe of our own religion; or for revealing his majeſty's higheſt ſecrets, which none above two or three dares know; or for treating the greateſt affairs[a], as it were by his own authority, without formal inſtructions in the points; for having taken rewards; or been corrupted by a foreign prince; or to have broken his inſtructions in any eccleſiaſtical point; or, as the law calleth it, to have committed an overt act of diſloyalty; and not to be charged, after ſeven embaſſages, with diſcourſes and inferences.

Then he deſired their lordſhips, that he might have a copy of his charge in writing, and time allowed him for his anſwer, and counſel aſſigned him to plead his cauſe; and ſaid, there was a great difference between the duke of Buckingham and him; for the duke was accuſed of treaſon and yet at large, and in the king's favour: and he being accuſed but of that which he had long ſince anſwered, was a priſoner: and therefore he moved, that they might be put in equal condition.

And as touching the lord Conway, in as much as he had given in articles againſt him, he deſired his lordſhip, he might not meddle in that particular buſineſs, or uſe the king's name againſt him, ex officio; he alſo beſought their lordſhips to be ſuitors to his majeſty on his behalf, that all the particular diſpatches of his own embaſſages, and ſir Walter Aſton's, might be brought thither, and that he might make uſe of them for his defence, as his evidence: then he deſired their lordſhips, not to think it tedious for him to proceed, and lay open his caſe unto them: which being granted, he began as followeth.

He ſaid, that he had the honour to ſerve the late king his maſter, of happy memory, for the ſpace of twenty years, and a long time as a counſellor, and in ſeven foreign embaſſages: in all which time, in point of his negociacion, he had never received one check or rebuke, until the return of the duke of Buckingham out of Spain; and therefore, from thence he would begin his preſent narration.

The very day that his majeſty departed from Spain, he was pleaſed to tell him, that he had no ways offended him, but did him the honour to truſt him with the cuſtody of the powers for his marriage; and after his return into England, wrote unto him ſome letters, which did in no kind expreſs any diſtruſt or diſpleaſure againſt him. About the ſame time, he wrote unto his majeſty ſeveral letters, as in duty he was bound, not for any earthly reſpect whatſoever, to conceal from him the true eſtate of his affairs; in which letters he ſet down truly and honeſtly, that he conceived, that the diſtaſtes grown there betwixt the king of Spain and his miniſters, and the duke of Buckingham, would diſorder and utterly overthrow all his affairs, if his wiſdom prevented it not; hinc illæ lachrymæ: the duke of Buckingham got a ſight and knowledge of the letters; and fearing, leſt the earl at his return ſhould diſcover unto his ſaid late majeſty, his practices and miſdemeanours in Spain, he reſolved, that his acceſs to the king was no ways to be admitted, and therefore laboured and endeavoured, that he might be committed to the Tower preſently upon his arrival; and conceiving that the lord marquis Hamilton, in regard of his friendſhip with the earl, and the alliance which was then intended between them, might oppoſe his courſe, he earneſtly preſſed him therein, and moved him to deal with my lord chamberlain to the ſame purpoſe, vowing, that there was no hurt intended to the earl, but only that he feared, that if he ſhould be admitted to the king, he would croſs and diſturb the courſe of affairs. But they were ſo honourable, that neither of them would condeſcend thereunto; and ſo that intention of his took no effect.

This deſign of the duke not taking, he fell upon other things, indeed to have frightened the earl out of his country and honour; and thereupon laid ſome great and ſiniſter aſperſions upon him in both houſes of parliament, thinking thereby to have terrified him, that he ſhould not return, ſaying, that if he kept not himſelf where he was, and laid hold of thoſe great offers which he heard were made unto him in Spain, it would be worſe with him.

"Here the earl deſired my lord chamberlain, that he would be pleaſed upon his honour to deliver what he knew of the matter. Whereupon the lord chamberlain atteſted the truth of what the earl had ſaid concerning the duke of Buckingham, the marquis of Hamilton, and himſelf."

Then the earl of Briſtol proceeded and ſaid, that the knowledge of theſe aſperſions caſt upon him in the parliament, came firſt unto him at Bourdeaux in France, where he was coming home at leiſure, in the company of his wife and family, having formerly ſent a poſt on purpoſe to the lord Conway, to know if his ſpeedy return would be any way uſeful to his majeſty's ſervice: who anſwered him, that he might very well return at leiſure with his family. And in the mean time, he was fallen upon by the duke of Buckingham in parliament, in ſuch ſort as your lordſhips well remember, of whoſe declaration, he ſaid, he would boldly affirm unto their lordſhips, that there was ſcarce any one thing concerning him in it, which was not contrary to, or different from the truth.

From Bourdeaux the earl took poſt, making haſte, for that he hoped to clear his honour in parliament before it ſhould break up; and being arrived at Calais, he ſent over to have one of the king's ſhips, for which there was public order given: but although both wind and weather were as fair as could be, and the king's ſhips lay at Boloigne, having carried over count Mansfield, and might every day within three hours have been with him, yet the ſhip came not in eight days expectance; ſo that the earl, fearing the parliament would be diſſolved, was enforced to paſs the ſea in a boat with ſix oars, as he did, having with him thirty or forty thouſand pounds of the king's jewels.

Upon his landing at Dover, hoping that if his arreſt ſhould have been deferred till his coming to London, he might have gotten directly to the king's preſence, which the duke reſolved was by no means to be admitted: the earl was there, by a letter of the lord Conway's, delivered unto him by a ſervant of his, in his majeſty's name, commanded to retire himſelf to his houſe, and not to come to the court, or the king's preſence, until he ſhould have anſwered unto certain queſtions, which his majeſty would appoint ſome of the lords of the council to aſk him. Hereupon he ſent preſently to his

[a] Of all theſe things was the duke of Buckingham accuſed by the public. Rapin.

majeſty

majeſty, who ſent him word, that his reſtraint was neither for any ill-meaning unto him, nor that it ſhould laſt long, but was intended for his good, to keep the parliament from falling violently upon him. And the ſame reaſon the duke alleged to ſome of his friends; and all thoſe his troubles, which have followed upon his firſt reſtraint, have been procured by the duke's art, under colour of favour. But the earl having received his meſſage from the king, became a moſt humble ſuitor unto his majeſty, that he would expoſe him to the parliament; for that if he had not ſerved him honeſtly in all things, he deſerved no favour, but to be proceeded againſt with all ſeverity. And in this particular he preſſed the king, as far as could ſtand with duty and good manners; but received anſwer from his majeſty, that there ſhould but few more days paſs, before he would put an end to his affairs. And about this time the parliament was diſſolved.

He ſtill continued his ſolicitation to be admitted to the king's preſence, who ſent him word, and confirmed it by oath: That as ſoon as he ſhould have anſwered the queſtions which the commiſſioners were to propound to him, he would both ſee him and hear him, and wondered that he ſhould ſo much doubt thereof. He then ſolicited with all earneſtneſs to have the queſtions ſent unto him, which was promiſed ſhould be within a few days. In the interim, his majeſty being deſirous that the buſineſs ſhould have been accommodated, ſent ſecretly to him by a gentleman (who is ready to depoſe it) this meſſage; "That he ſhould write a fair letter to the duke, and leave the reſt to him." Hereupon the duke ſent a gentleman (one Mr. Clark) with fair propoſitions, offering to procure him whatſoever he could reaſonably pretend; only he muſt not be admitted to the king's preſence for ſome time; and that the duke would have the diſpoſing of his vice chamberlain's place, having been therein formerly engaged. The earl told the gentleman, That to condeſcend to any ſuch courſe were jointly to confeſs himſelf faulty in ſome kind, which he would not do for any reſpect in the world; and let him know the great wrong that the duke had already done him; and therefore it would be more honourable for him to procure him ſome reparation, than to preſs him farther. Moreover, not by way of meſſage, but by way of information of the ſaid Mr. Clark, he let him know, how fit it were for the duke not to preſs theſe things, who could not but be conſcious of his own faults, and know his innocency; and withal ſhewed him a paper that he had made ready for the king, containing the particulars wherein the duke had diſparaged him.

Mr. Clarke making the duke acquainted herewith, the duke wrote a letter the next day to the earl, bearing date 7 Julij, telling him that he had willingly intended the accommodation of his affairs; but by what he had now ſaid to Mr. Clark, he was diſobliged, unleſs he ſhould be pleaſed to relent it. Whereupon the earl anſwered with that directneſs he thought befitting him in point of honour. The courſe of mediation was interrupted, and the duke ſo far incenſed, that he ſwore he would have him queſtioned for his life. In the interim (which the earl deſired might be known to the lords) his late majeſty was ſo far from thinking him a delinquent, or any way diſhoneſt, that he was often heard to ſay and ſwear, That he held him an honeſt man, and that he would anſwer for him, that he had neither committed felony nor treaſon. And this divers are ready to depoſe. The which he well confirmed, for that he gave general leave to all gentlemen of the court, privy counſellors, and to his ſecretary of ſtate, to have free acceſs unto him; yea even ſo far as to admit of viſits and intercourſes with Spaniſh embaſſadors, and the Paedre Maeſtre, as is beſt known to my lord Conway, by whoſe letter he received his majeſty's leave in that particular.

Then he reſumed the ſtate of his buſineſs where he left it, which was in the hands of the commiſſioners, and they were to frame interrogatories for him; the which, although they had promiſed ſhould be ſent within a few days, yet ſuch art was uſed, that ſix or ſeven weeks were ſpent in the framing of them, to the end that his majeſty's progreſs beginning, there might be no means for the farther clearing of the buſineſs: and ſo ſuppoſing that for the anſwering of the twenty interrogatories of ſo high a nature, the earl would take ſome time, they cauſed the ſaid interrogatories to be delivered unto him within a few days before the beginning of the progreſs; but he uſed ſo much diligence, that he made ready to anſwer in perſona, though it were in the nature of a delinquent. Unto which his majeſty anſwered moſt graciouſly, That out of his favour, and for that he would not do him wrong, he would not admit of it, but that he would ſend his anſwer, and he would inſtantly put an end to his buſineſſes; as will appear by letters. Hereupon the duke was put into a great ſtrait how to keep him any longer from his majeſty, but deſired that only a few queſtions more might be aſked of him; which the king upon great urging and inſtance, condeſcended unto, ſo that the queſtions might be preſently ſent him: But herein were ſuch artifices uſed, that the bringing of any was delayed until the king had begun his progreſs; and then within a day or two, the lord Conway ſent him word, that he had orders indeed for the ſending of him ſome more queſtions, but out of his affection to him he forbore the ſending of them, unleſs he ſhould preſs for them. Whereupon the earl inſtantly wrote unto him, that they might be ſent unto him. My lord Conway made him anſwer by his letter, that he wiſhed rather the courſe of mediation might be purſued, for that would but further exaſperate; but if he would needs have the queſtions they ſhould be ſent to him. Whereupon he ſent to ſolicit his lordſhip for them with all earneſtneſs, inſomuch as to petition his late majeſty twice, that the ſaid queſtions might be ſent: but when the turn was ſerved of keeping him from the king's preſence, the ſaid queſtions were never more heard of till this day.

So likewiſe the earl having ſent his anſwer to all the commiſſioners, who moſt of them made not nice to declare, that they were fully ſatisfied; and when it was perceived that the commiſſioners would certainly clear him, and that he thereby ſhould be reſtored unto his majeſty's favour, they were never more permitted to meet: a proceeding, which, as he conceived, their lordſhips would think hardly to be paralleled, that a commiſſion ſhould be appointed to condemn, if there had been cauſe, but not to clear.

After the progreſs was ended, he began again to ſolicit his majeſty, and wrote particularly unto the duke of Buckingham. Whereupon the duke was pleaſed to ſend four or five propoſitions, which he deſired he ſhould acknowledge; the which propoſitions contained nothing but what hath been already propounded and ſatisfied in the former interrogatories: and if he would make his acknowledgment, he then promiſed to imploy his force and power with the king and prince, that he ſhould be admitted to kiſs their hands, and be received into their gracious favour; but otherwiſe, in a menacing ſort, that he ſhould lay his hands upon his breaſt, and ſo that would be beſt for him. And in the preface of the ſaid propoſitions, he writeth theſe words which follow, "It is an aſſertion not granted, that the earl of Briſtol, by his anſwer hath ſatisfied either the king, the prince, or me, of his innocency." A preſumptuous commination for any ſubject.

But theſe propoſitions were ſo unjuſt, that he wrote unto the duke, that inſtead of an acknowledgment, he had ſent him an anſwer unto them; unto which, if either himſelf, or any man living was able to reply, he would ſubmit himſelf to any thing that ſhould be demanded. But this no way ſatisfied the duke, although it did his late majeſty, who, in the duke's preſence, ſaid, "I were to be accounted a tyrant, to enjoin an innocent man to confeſs faults, of which he was not guilty." And thereupon ſent him word, that he ſhould make his anſwer, but acknowledge nothing he was not faulty in. And although he had received this meſſage from the king's own mouth, as will be depoſed, yet the duke at the ſame time wrote unto him, that the concluſion of all that has been treated with his majeſty, was, that he ſhould make the acknowledgment in ſuch manner, as was ſet down in this paper. And at this time likewiſe it was that his majeſty ſent him word, that he would hear him concerning the duke of Buckingham, as well as he had heard the duke concerning him. And this was not long before his majeſty's ſickneſs: and in the interim, as he had heard by ſeveral ways the king ſuffered much, and was infinitely preſſed by the duke concerning the ſaid earl and his affairs; and this he ſaid, was the ſuffering he had ſpoken of to their lordſhips the other day.

The earl craved leave of their lordſhips to ſpecify ſome other particulars, whereby it ſhould appear, that his majeſty was in no kind ill-opinioned of him till his dying day, viz. That ſeveral perſons will depoſe, that they have heard his majeſty ſay, that he eſteemed him an honeſt man; and that he was pleaſed to accept of toys by way of preſent from him, graciouſly, and in good part; and at laſt was likewiſe pleaſed to give him leave to come to London, and to follow his own affairs; and that his pleaſure was ſignified unto him by the duke his own letter. Whereupon he determined to come to London, intimating to the duke his intention of going to his lodgings in Whitehall; but the duke was therewith incenſed again, and ſaid, he miſtook the king's meaning, which was, that he might privately follow his own buſineſs. And this he ſaid, was the true ſtate and conditions when it pleaſed God to take unto his mercy his late moſt gracious majeſty.

Upon his majeſty's coming to the crown, he ſaid, he wrote a moſt humble letter unto his majeſty, imploring his grace and goodneſs, and deſiring the duke's mediation. But he was

pleaſed to anſwer by his letter of 7 May 1625, that the reſolution was to proceed againſt him, without a plain and direct confeſſion of the point which he had formerly required him to acknowledge; and in a courtly manner of menace telleth him, that he would take the freedom to adviſe him, to bethink himſelf in time what would be moſt for his good. But in the interim, his majeſty was graciouſly pleaſed that his writ of parliament ſhould be ſent him; and thereupon he wrote unto the duke of the receipt of the ſaid writ, but that he ſhould do nothing but what he ſhould underſtand to be moſt agreeable to his majeſty's pleaſure. Whereunto the duke anſwered in his letter of May, in this manner: "I have acquainted his majeſty with your requeſt towards him, touching our ſummons to the parliament, which he taketh very well, and would have you rather make excuſe for your abſence, notwithſtanding your writ, than to come yourſelf in perſon." Whereupon he ſent humbly to deſire a letter of leave under his majeſty's hand for his warrant; but inſtead thereof, he received from the lord Conway an abſolute prohibition, and to reſtrain and confine him in ſuch ſort, as he hath been in the late king's time: and although he was indeed abſolutely ſet free, he could never get cleared by the lord Conway, though he ſent him all the papers to examine; and when he could make no farther reply, he ſaid, he conceived he was under reſtraint, and that his liberty expired with the late king's death; when indeed reſtraint may expire, but liberty is natural. After this he continued for the ſpace of three quarters of a year in the country without moving, in which time he was removed from thoſe places and offices he held during his late majeſty's life; and the greateſt part of his eſtate being laid out in their majeſties ſervice, by their particular appointment, he could never be admitted ſo much as to the clearing of accompts. Yet hereof he never made the leaſt complaint: but againſt the time of his majeſty's coronation, he thought it fit to lay hold of that occaſion, when princes do acts of grace and favour, to be a moſt humble ſuitor to his majeſty for his grace and goodneſs; and addreſſed his letters unto the duke of Buckingham, from whom he received a letter all written in his own hand, and therein a letter incloſed from his majeſty, ſo different from ſome gracious meſſage which he had received from his majeſty ſince the ſaid earl returned into England, upon the occaſion of a great ſickneſs, and likewiſe from his ſpeeches ſeveral times delivered to his wife, to wit, that he had never offended him, and that for his faults he no ways held them criminal, but to be expiated by any eaſy acknowledgment; that he confeſſed he knew not what judgment to make of the ſaid letter, neither hath preſumed hitherto to make any anſwer thereto; although by reducing the occaſion of ſpeeches and circumſtances to his majeſty's memory, he no ways doubteth but he ſhall be able to give unto his majeſty ſuch ſatisfaction to every particular, that his majeſty would not remain with the leaſt ſcruple in any one point.

After this, he ſaid, that his writ of parliament was detained; whereupon he addreſſed himſelf to the lord keeper, that he would be a ſuitor to his majeſty for him in that behalf: which diligences not taking effect, by petition he became a ſuitor to their lordſhips for their honourable mediation to his majeſty, and thereupon his writ of parliament was awarded; but the duke of Buckingham upon that took occaſion, as he had publiſhed copies of the ſaid letter over all the kingdom, to read it likewiſe unto that honourable houſe, as was beſt known to their lordſhips, and the writ was accompanied with a prohibition from the lord keeper; whereupon he addreſſed himſelf for juſtice to that honourable houſe (being poſſeſſed of his cauſe by his petition), for both redreſs of his own wrongs, and likewiſe of complaints againſt the duke for many crimes. And that honourable houſe being poſſeſſed of his cauſe by his petition, there is preferred againſt him a ſucceeding complaint, amounting as high as treaſon (as it is pretended) although he for divers years hath not been queſtioned; yet ſince his complaint againſt the duke, he hath been fetched up like a priſoner, and brought into the houſe as a delinquent; and the duke, of whom he hath complained for his great crimes, is admitted ſtill to ſit in the houſe as one of his judges. The which, with all that he hath formerly ſaid, together with his life, fortunes and honour, he did with all willingneſs, humility, and duty, ſubmit to the juſtice and honour of that houſe.

Then the lords aſked him, when he would bring in his anſwer? He promiſed to anſwer as ſoon as might be, but knew not how far he ſhould have occaſion to uſe his ancient diſpatches. The lord keeper told him, that Mr. Attorney might help him by letting him know it. The Attorney ſaid, that his charge ſhould in nothing look further back than to the year 1621, which he deſired might be recorded.

Whereupon the earl thanking their lordſhips for their patience, he was carried away by Mr. Maxwell the gentleman-uſher, in whoſe houſe and cuſtody he remainded.

Then were read the earl's articles againſt the duke and the lord Conway; viz.

Articles of the earl of Briſtol, whereby he chargeth the duke of Buckingham, bearing date the 1ſt day of May 1626.

I. THAT the duke of Buckingham did ſecretly combine with the condé of Gondomar, embaſſador for the king of Spain, before his, the ſaid embaſſador's, laſt return into Spain, in the ſummer, anno 1622, to carry his majeſty (then prince) into Spain, to the end he might be informed and inſtructed in the Roman religion, and thereby have perverted the prince, and ſubverted the true religion eſtabliſhed in England: from which miſery this kingdom (next under God's mercy) hath, by the wiſe, religious, and conſtant carriage of his majeſty, been almoſt miraculouſly delivered, conſidering the many bold and ſubtle attempts of the ſaid duke in that kind.

II. That Mr. Porter was made acquainted therewith, and ſent into Spain; and ſuch meſſages at his return framed, as might ſerve for a ground to ſet on foot this conſpiracy: the which was done accordingly, and thereby the king and prince highly abuſed, and their conſents thereby firſt gotten to the ſaid journey, that is to ſay, after the return of the ſaid Mr. Porter, which was about the end of December, or the beginning of January 1622, whereas the ſaid duke had plotted it many months before.

III. That the ſaid duke, at his arrival in Spain, nouriſhed the Spaniſh miniſters, not only in the belief of his own being popiſhly affected, but did (both by abſenting himſelf from all exerciſes of religion, conſtantly uſed in the earl of Briſtol's houſe, and frequented by all other proteſtant Engliſh, and by conforming himſelf to pleaſe the Spaniards in divers rites of their religion, even ſo far as to kneel and adore their ſacrament) from time to time give the Spaniards hope of the prince his converſion: the which converſion, he endeavoured to procure by all means poſſible; and thereby cauſe the Spaniſh miniſters to propound far worſe conditions for religion, than had been formerly by the earl of Briſtol, and ſir Walter Aſton, ſettled and ſigned under their majeſty's hands, with a clauſe in the king of Spain's anſwer of December 12, 1622, that they held the articles agreed upon ſufficient, and ſuch as ought to induce the pope to the granting of the diſpenſation.

IV. That the duke of Buckingham having ſeveral times in the preſence of the earl of Briſtol, moved and preſſed his late majeſty, at the inſtance of the condé of Gondomar, to write a letter unto the pope; and to that purpoſe having once brought a letter ready drawn, wherewith the earl of Briſtol, by his majeſty's being made acquainted, did ſo ſtrongly oppoſe the writing of any ſuch letter, that during the abode of the ſaid earl of Briſtol in England, the ſaid duke could not obtain it; yet not long after the earl was gone, he procured ſuch a letter to be written from his ſaid late majeſty unto the pope, and to have him ſtiled [Sanctiſſime Pater.]

V. That the pope being informed of the duke of Buckingham's inclination and intention in point of religion, ſent unto the ſaid duke a particular bull in parchment, for to perſuade and encourage him in the perverſion of his majeſty then prince.

VI. That the ſaid duke's behaviour in Spain was ſuch, that he thereby ſo incenſed the king of Spain and his miniſters, as they would admit of no reconciliation, nor further dealing with him. Whereupon the ſaid duke, ſeeing that the match would be now to his diſadvantage, endeavoured to break it, not for any ſervice to the kingdom, nor diſlike of the match in itſelf, nor for that he found (as ſince he had pretended) that the Spaniards did not really intend the ſaid match, but out of his particular ends, and his indignation.

VII. That after he intended to croſs the marriage, he put in practice divers undue courſes; as namely, making uſe of the letters of his majeſty (then prince) to his own ends, and not to what they were intended; as likewiſe concealing divers things of high importance from his late majeſty, and thereby overthrew his majeſty's purpoſes, and advanced his own ends.

VIII. That the ſaid duke, as he had with his ſkill and artifices formerly abuſed their majeſties, ſo to the ſame end he afterwards abuſed both houſes of parliament, by his ſiniſter relation of the carriage of affairs, as ſhall be made appear almoſt in every particular, that he ſpake unto the ſaid houſes.

IX. As for ſcandal given by his perſonal behaviour, as alſo the employing of his power with the king of Spain for the procuring of favours and offices which he beſtowed upon baſe and unworthy perſons, for the recompence and heir of his luſt;

luſt: theſe things, as neither fit for the earl of Briſtol to ſpeak, nor indeed for the houſe to hear, he leaveth to your lordſhips wiſdom, how far you will be pleaſed to have them examined; it having been indeed a great infamy and diſhonour to this nation, that a perſon of the duke's great quality and employments, a privy counſellor, and embaſſador, eminent in his maſter's favour, and ſolely truſted with the perſon of the prince, ſhould leave behind him in a foreign court ſo much ſcandal as he did by his ill behaviour.

X. That the duke hath been in great part the cauſe of the ruin and misfortune of the prince Palatine, and his eſtates, inaſmuch as thoſe affairs had relation unto this kingdom.

XI. That the duke of Buckingham hath in his relations to both houſes of parliament, wronged the earl of Briſtol in point of his honour, by many ſiniſter aſperſions which he hath laid upon him, and in point of his liberty by many undue courſes, through his power and practices.

XII. That the earl of Briſtol did reveal unto his late majeſty, both by word and letter, in what ſort the ſaid duke had diſſerved him, and abuſed his truſt: and that the king by ſeveral ways ſent him word, that he ſhould reſt aſſured, he would hear the ſaid earl, but that he ſhould leave it to him to take his own time. And thereupon, a few days before his ſickneſs, he ſent the earl word, that he would hear him againſt the ſaid duke, as well as he had heard the ſaid duke againſt him. Which the duke himſelf heard; and not long after his bleſſed majeſty ſickened and died, having been in the interim much vexed and preſſed by the ſaid duke.

Articles of the earl of Briſtol againſt the lord Conway, bearing date 1 Maij 1626.

I. THAT the lord Conway is ſo great a ſervant of the duke of Buckingham's, that he hath not ſtuck to ſend the earl of Briſtol plain word, that if buſineſſes could not be accommodated betwixt him and the duke, he muſt then adhere and declare himſelf for the ſaid duke; and therefore unfit to be a judge in any thing that concerneth the duke or the earl.

II. That the ſaid lord Conway profeſſeth himſelf to be a ſecretary of the duke of Buckingham's creation, and ſo acknowledgeth it under his own hand: and although that he be the king's ſecretary of ſtate, and a privy counſellor, he uſually beginneth his letters to the duke [Moſt gracious patron.]

III. That as a creature of the ſaid duke's, the ſaid lord Conway hath been made the inſtrument of keeping the earl of Briſtol from the king's preſence, and of impriſoning of him by warrants only under his own hand; for which he cannot (as the earl conceiveth) produce any ſufficient warrant.

IV. That by the ſpace of twelve months laſt paſt, the ſaid lord Conway hath been the cauſe of the earl's reſtraint, only by miſinforming his majeſty, and procuring a letter of reſtraint upon undue grounds: and when it was made apparent unto him, that the ſaid earl was reſtored to his liberty, freely to follow his own affairs, by his late majeſty of bleſſed memory, he replied, that that liberty given him by his majeſty expired with the king's death.

V. That the earl of Briſtol's mother lying ſick upon her death-bed, deſired for her comfort to ſee her ſon, and to give him her laſt bleſſing: whereupon the earl writ to the lord Conway, to deſire him to move the king for his leave: which he putting off from day to day, told the perſon employed, that by reaſon of the duke's ſickneſs, he could not find opportunity to get the duke's leave to move the king: and having ſpoken with the duke, he made a negative anſwer in the king's name. Whereupon when the earl acquainted the king by ſome of his bed chamber, his majeſty was in a very great anger, ſwearing the ſecretary had never moved him, and that to deny the ſaid earl leave, was a barbarous part; and thereupon ſent him preſently free leave, which the ſecretary hearing of, ſent afterwards a letter of leave, but with divers clauſes and limitations, differing from the leave ſent him from the king's own mouth.

VI. That the having the buſineſſes of the earl of Briſtol in his own hands, and the earl being commanded by the king to addreſs himſelf in his occaſions unto his lordſhip, he would never deliver any meſſage from the ſaid earl, without acquainting the ſaid duke, and receiving his directions, and in a noble manner of freeneſs, ſtuck not to ſend him word.

VII. That the earl of Briſtol having received from the lord Conway twenty interrogatories in his late majeſty's name, drawn up by a commiſſion of the lords appointed to ſearch into the proceedings and employments of the ſaid earl, in which ſearch there was more than two months ſpent, divers of the ſaid interrogatories involving felony and treaſon; and his majeſty having been pleaſed to aſſure the ſaid earl, both by meſſage and letters, that upon ſatisfaction given to himſelf and the commiſſioners by his anſwers, he would preſently put an end to the earl of Briſtol's buſineſs. The earl of Briſtol having ſo fully anſwered, as would admit of no reply; and that many of the commiſſioners declared themſelves to be fully ſatisfied: the ſaid lord Conway (being the ſecretary in the commiſſion, to whom it properly belonged to call the lords to aſſemble) perceiving the earl of Briſtol was like to be cleared, never moved for any further meeting, neither have they ever been permitted to meet until this day, whereby the troubles of the earl of Briſtol have been kept on foot till this preſent, and the ſaid earl's impriſonment hath been enlarged twenty months. And by the artifices of the ſaid duke of Buckingham and the ſaid lord Conway (as ſhall be made appear), the ſaid earl hath been inſenſibly involved and ſtaulked into the troubles he is now in, which he doubteth not but your lorſhips will judge to be a very conſiderable caſe.

VIII. That for a colour of keeping the earl from his late majeſty's preſence, it being pretended, after the anſwer to the twenty interrogatories, that there were ſome few queſtions more to be added, whereunto when he ſhould have anſwered, his majeſty ſwore ſolemnly, that without any delay he ſhould be admitted to his preſence, and that within two or three days he ſhould have the ſaid queſtions ſent unto him; the lord Conway, notwithſtanding he acknowledged under his hand, that he had received his majeſty's directions for the ſending of the ſaid articles, and was often thereunto ſolicited on the behalf of the ſaid earl, would never ſend the ſaid queſtions, and at laſt anſwered, that he had no more to do with the earl's buſineſſes.

IX. That the earl of Briſtol being ſet free by his late majeſty to come to London, to follow his own affairs as he pleaſed, and thereupon having his writ of parliament ſent unto him, without any letter of prohibition; but the earl of Briſtol, out of his great deſire to conform all his actions to that which he ſhould underſtand would beſt pleaſe his majeſty, ſent to know, whether his going or ſtay would be moſt agreeable unto his majeſty? Who was pleaſed to anſwer by a letter from my lord duke of Buckingham, that he took in very good part the ſaid earl's reſpect unto him; but wiſhed him to make ſome excuſe for the preſent: the which accordingly he did, and moved, that he might have a letter under the king's hand to warrant his abſence; but under colour of this letter of leave, upon the earl of Briſtol's own motion and deſire, the lord Conway ſent a letter from his majeſty, abſolutely forbidding his coming to parliament, and therein likewiſe was inſerted a clauſe, that the earl ſhould remain reſtrained as he was in the time of his late majeſty; and ſo thereby a colour of reſtraint under his majeſty's hand was gotten, which could never be procured in his late majeſty's time; whereby the earl of Briſtol hath been unduly reſtrained ever ſince, without being able to procure any redreſs, or to make the lord Conway willing to underſtand his caſe, although he ſent him all the papers whereby he might clearly ſee that the earl was not under reſtraint in his late majeſty's time; but never other anſwer could be procured from him, but that he judged the ſaid earl to be under reſtraint, and that his liberty was expired by the late king's death, as is aforeſaid.

X. That the lord Conway, knowing that the match for the marrying of the king of Bohemia's eldeſt ſon with the emperor's daughter, and being bred in the emperor's court, was allowed and propounded by his late majeſty: and that his majeſty, by his letters unto his ſon-in-law, declareth, that he thinketh it the faireſt and cleareſt way for the accommodation of his affairs, and that he will take ſufficient care for his breeding in true religion. And notwithſtanding that the ſaid earl received a copy of the ſaid letter by the ſaid king's order, with other papers, ſetting down all that had been done in the ſaid buſineſs, and his majeſty's aſſent thereunto from the lord Conway himſelf; yet hath he ſuffered all to be charged as a crime againſt the earl of Briſtol, both in the twentieth interrogatory, and in his majeſty's laſt letter, that he ſhould conſent to the breeding of the young prince in the emperor's court. And further, in the interrogatory he allegeth, it is an aggravation againſt the ſaid earl, that the breeding of the ſaid prince in the emperor's court, inferred to the perverſion of his religion, when he knew that the ſaid breeding was never thought nor ſpoken of by the king, nor any other, but with that expreſs clauſe and condition, that he ſhould be bred in his own religion, and have ſuch tutors and ſervants as his father ſhould appoint.

XI. That the lord Conway had been the cauſe of all the earl of Briſtol's troubles, by his dubious and intrapping diſpatches, and inferring, that the ſaid earl hath failed in his directions, when it ſhall be made appear, that his diſpatches contained no ſuch directions as he hath alleged were given.

The houſe not being ſatisfied to commit the earl to the Tower, let him remain where he was before, with the gentleman-

tleman-uſher; and further ordered, that the king's charge againſt the earl of Briſtol be firſt heard, and then the charge of the ſaid earl againſt the duke; yet ſo, that the earl's teſtimony againſt the duke be not prevented, prejudiced, or impeached.

The day following, the lord keeper delivered a meſſage from the king to the houſe of lords.

A meſſage from the king to the houſe of lords.

"THAT his majeſty taketh notice of the articles exhibited againſt the duke of Buckingham by the earl of Briſtol: and he obſerveth that many of them are ſuch, as himſelf is able to ſay more of his own knowledge than any man, for the duke's ſincere carriage in them: that one of them, touching the narrative made in parliament in the one and twentieth of king James, trencheth as far upon himſelf as the duke; for that his majeſty went as far as the duke in that declaration; and that all of them have been cloſed in the earl's own breaſt now for theſe two years, contrary to his duty, if he had known any crime of that nature by the duke; and now he vents it by way of recrimination againſt the duke, whom he knows to be a principal witneſs to prove his majeſty's charge.

"And therefore, that his majeſty gave them thanks, that they gave no way to the earl of Briſtol's unreaſonable motion, of putting the duke under the ſame reſtraint that they had put the earl, thereby eſchewing what the earl aimeth at, to alter their dutiful proceedings towards his majeſty: that thereby they had made his majeſty confident, that as they have, ſo they will put a difference between his majeſty's charge, againſt one that appeareth as a delinquent, and the recrimination of the earl of Briſtol againſt his majeſty's witneſs; and they will not equal them by a proceeding pari paſſu."

In the mean time, the king not being very ſure of the lords, endeavoured to take the earl's cauſe out of the upper houſe, and to proceed by way of indictment in the King's-Bench: but the lords would not conſent to it, for which they alleged ſeveral reaſons, that were confirmed by the judges, who declared, "That a peer of the realm, impeached for treaſon, was to be tried in parliament.

The upper houſe being willing to ſecure the earl of Briſtol from being over-powered by the duke of Buckingham's exhorbitant authority, aſked the judges opinion upon the two following queſtions:

"1. Whether the king could be a witneſs in caſe of treaſon?

"2. Admitting that he could, yet whether he might be ſo in the preſent caſe, i. e. when the king is the informer?"

Before the judges brought in their anſwer, this meſſage and command came from the king to them, That in this general queſtion they ſhould not deliver any opinion, but if any point came in particular, they, upon mature deliberation, might give their advice.

About the middle of May, the earl of Briſtol gave in his anſwer to the articles brought againſt him; upon the delivering of which, he made the following ſpeech:

The earl of Briſtol's ſpeech, by way of introduction, before he gave in his anſwer.

"I AM not inſenſible upon what diſadvantages I come to trial in this cauſe: for firſt, I am fallen into his majeſty's heavy diſpleaſure, and am to encounter with a potent adverſary, highly in favour, and am accuſed for treaſon; for which all counſel and friends abandon me, as a man infected with the plague; I am become bound and under reſtraint; whereas a man who is to encounter for his life and honour, and with a ſtrong adverſary, had need to come upon equal terms.

"But as to the matter, I find myſelf charged with divers articles of high treaſon; but looking into them with the eyes of my beſt underſtanding, with the opinion alſo of my counſel lately aſſigned me, and taking them apart one article from another, I find not any thing in them like treaſon, or that hath ſo much as the ſhew or countenance of a fault, either in act or words; only by laying all things together, and by wreſting the wreſts with a ſtrained conſtruction, directly contrary to the true ſenſe and meaning of them, and the occaſion whereupon they were ſpoken, it is informed, and that by the way of inference only, that the intent was evil, and the matter to prove the intent to be evil, depends upon two props, viz. ill-affection to religion, and too much affection to Spain; which if I ſhall clear, the inference grounded upon theſe props will fall of itſelf.

"Therefore I crave leave of your lordſhips, before I give my anſwer to the charge, that I may give you an account of theſe two particulars; and I humbly beſeech you that what I ſhall ſpeak in my juſt defence, may not be conceived to proceed of vain oſtentation.

"And firſt for religion: I was in my childhood bred in the proteſtant religion, and rather after the ſtricter manner than otherwiſe. When I grew in years fit, I travelled into France, Italy, and Rome itſelf: in all which travels, I can produce ſome that I conſorted withal, who will witneſs with me, that I ever conſtantly uſed the religion I profeſſed without the leaſt prevarication, no man being able to charge me that ſo much as out of curioſity I ever was preſent at any of the exerciſes belonging to the Roman religion, or did the leaſt act of conformity to any of their rights or ceremonies.

"Secondly, after my return home, I was received into the ſervice of his late majeſty, of bleſſed memory, whom I ſerved ſome years as a gentleman of his privy chamber, and carver, in which time none of his majeſty's ſervants received the holy ſacrament, frequented ſermons, and other exerciſes of our religion, more than I.

"Thirdly, in that time of my youth, not to avoid idleneſs, but out of affection to religion, I tranſlated that excellent book of our faith, and great points of our religion, written by monſieur Moulins; which his late majeſty having ſometimes after ſeen, approved ſo well, that he would needs have it printed; which accordingly was printed in the name of Mr. Sampford my chaplain, to whom I gave the honour: but it was my own act, as Mr. Sampford will not deny, though to this hour I never had before ſpoken it.

"Fourthly, about ſeven or eight and twenty years of my age, I was employed embaſſador into Spain, in that great buſineſs of the treaty of the marriage; and whereas others before me carried with them but one chaplain, I had two, viz. Mr. Sampford and Mr. Boſwel; and at my arrival at the court of Spain, I cauſed it to be publiſhed, that ſuch a day (God willing) I propoſed to have a communion, to the end that ſuch Engliſh as were in the town, might reſort thither. Whereat the duke de Lerma, and other the great miniſters of Spain, took offence, and told me, they might well perceive I brought no good affection to the buſineſs I came about, that would ſo publicly and avowedly in that court, where never the like was done, proclaim there a communion; and with high expreſſions perſuaded me to decline it. Whereunto I anſwered, I came to do my maſter's ſervice which I would heartily and effectually endeavour, but would not omit my ſervice to God, no though by my maſter commanded. And at the communion there were preſent one hundred perſons, ſome of them brothers, kinſmen, and near dependants upon ſome of their lordſhips, whom I ſee there in my eye. This I did in Spain; the like I did in Germany, in the emperor's courts, in my embaſſage thither.

"Fifthly, I had in my ſeveral employments into Spain and Germany, above five hundred perſons of all qualities attending upon me, and never one perverted in religion; my children carefully inſtructed and bred in the ſame religion. I had conſtantly every Sabbath a ſermon in my houſe; and ſacraments, and other exerciſes of our religion frequented.

"Sixthly, a foul-mouthed Shimei railed againſt our late king and religion in Spain; how I cauſed that to be revenged by a near kinſman of my own, is well known.

"Seventhly, one of the Engliſh dying in the town of Madrid, of whoſe religion there was ſome queſtion made; and the king's chaplains telling me, that they at the day of his death had been with him, and taken an account of his faith, and that he died a proteſtant: I cauſed him to be brought home to my houſe, and there buried according to our rites; whereat much ado was made, and it was threatened, that the inquiſitors and other officers, would come and fetch him out, and bury him after their manner; I ſtood upon it, and that it was the king of England's houſe, and openly proteſted, that whoſoever ſhould come thither with ſuch intent, I would ſhoot him with a piece; and exhorted all my people, that if ſuch an attempt ſhould be, they ſhould rather, than ſuffer ſuch a diſhonour to our religion, die with me in that quarrel, and hoped ſuch Engliſh as were in the town would do the like.

"Eighthly, there having been a monaſtery for Engliſh jeſuits founded and ſettled at Madrid before my coming thither, and the Engliſh arms ſet up, I laboured to ſuppreſs it, and having written thereof to the late king, his majeſty adviſed me not to run my head againſt the rock, for it was an impoſſible thing for me to do: yet I undertook it, and it pleaſed God to bleſs my endeavours, that I abſolutely diſſolved and overthrew it. For which the biſhop of Wincheſter, Montague (now with God), wrote unto me by his majeſty's direction, a letter of his majeſty's gracious acceptance of ſo great a ſervice; telling me, beſides the ſervice I had

had done to the church and common wealth, it ſhould remain a trophy of honour to me and my poſterity for ever: and the king himſelf, with his own hand, wrote unto me, beginning his letter, "Good fortune Digby, your good luck in your ſervice well deſerves that ſtyle."

"Ninthly, in all negociations in Spain, in point of religion, I ever ſtraitened my inſtructions.

"Tenthly, the match with Spain, was not moved by me; I ever adviſed a proteſtant match, and ſhewed many reaſons, both of conſcience and ſtate; but if with a catholic, then rather with Spain than France, ſo as good conditions might be made for religion; as appears by a letter I wrote, and delivered to the prince, at his firſt going upon the employment; for which I had like then to have been ruined for being a puritan, as I am now for being a papiſt, and all by one and the ſame hand.

"Eleventhly, and I appeal to the teſtimony of Dr. Maſon and Dr. Wren, the king's chaplains with me in Spain; and to Mr. Sampford, Mr. Boſwel, and Mr. Frewin, my own chaplains there. And that ſuch papiſts as have been my ancient acquaintance and friends, being men of worth, well known to many of their lordſhips, may be examined upon oath, whether I have not in all places, as well in Spain as in England, and at all times upon fit occaſions, avowed myſelf a proteſtant, without the leaſt prevarication? Or whether I did ever any the leaſt act that was not ſuitable to the ſame profeſſion? And that Mr. Frewin, and Mr. Wake, my own chaplains, may give their teſtimonies, whether in the time of ſeveral dangerous ſickneſſes, which I had of late years fallen into, I have not in the time of ſuch my ſickneſſes (when no man can be ſuppoſed to diſſemble with the world, being ready to leave it) made before them a confeſſion of my faith, and made my peace with God, reſolving to die as befitted a proteſtant, and a good chriſtian. This I tell your lordſhips was the religion I was bred in, have ever profeſſed and lived in, and was reſolved by God's grace to die in; and and yet was ſo unhappy, by reaſon of employment, to be diſtaſteful to many good men, that I have been ſuſpected even by them, not well knowing me: and this hath been the riſe the duke hath now taken againſt me. Then for my love to Spain, I wonder from whence that opinion ſhould grow, ſince I was there hated and ſhamed, as the man whom of all others, they deſired to have the leaſt to do withal, having ſtood ever ſtricter in point of religion, than by my inſtructions I might have done; as after the capitulation concluded on, they underſtood by ſome intelligence, which cauſed their hatred towards me.

"Sure I am, I ſhewed it not by the ſervice I did them; for divers years together there was not a letter ſent by that king to any other ſtate, that the king my maſter had not a copy of before, or by that time it came to the place whether it was directed. There was not any great action on foot, whereof I had not the private inſtructions, and ſent them hither: not any expedition by ſea or land, wherein I had not ſome miniſters or intelligencers, that gave me from time to time advertiſements of their actions, and moſt private intentions, whereof I advertiſed his majeſty from time to time. I uſed ſuch induſtry, as to get all the papers of that king's private cabinet into my hands: took copies and notes of ſuch of them as I thought uſeful, and upon every of them ſet my private mark before they were conveyed back again, to the end, that if I ſhould have had an occaſion to have charged him with any thing mentioned in the ſame papers, I might have let him ſee I knew it, by telling him what paper it was, and marked with ſuch a mark.

"There was not a port in Spain, that I had not cauſed the depth of it to be ſounded; nor a fort whereof I knew not the ſtrength, both for the garriſon, munition, and other matters of advantage and diſadvantage; inſomuch as if it ſhould pleaſe the king to appoint a committee of the lords to take an account of me, I ſhould, by the ſtores I gathered there, and brought with me, make it appear, I was as uſeful a ſervant to his majeſty in a war, as in a peace. Whereas at his majeſty's coming out of Spain, the powers of the deſponſories were to be depoſited in ſome man's hands; and the duke, upon pretence of doing me honour, but intending to break my neck by it, moved they might be left with me, and the king of Spain was contented; and ſo they were put into my hands, not as an attorney only for the prince: but the king of Spain having taken the ſubſtitution of them by his ſecretary of ſtate, entered in a legal form; whereby that king was then become intereſted in them by their occupation, as well as the prince by granting of them. And becoming the inſtrumentum ſtipulatum, wherein they were both intereſted, they were depoſited in my hands, as an indifferent perſon, truſted between the king of Spain and the prince, with a declaration of the truſt. And now the duke was returned out of Spain, he plotted my ruin, and put it in execution in this manner: He concealed that the powers were to expire at Chriſtmaſs, and procured his majeſty to write a letter, (not a direct command) but expreſſing a deſire that the deſponſories ſhould not be till one of the days in Chriſtmaſs, intending thereby to draw me into a dilemma, that if I proceeded in the match, this letter ſhould, as now it is, have been enforced againſt me, as a breach of inſtructions: if I had not proceeded, then I had broken my truſt between the prince and king of Spain, overthrown the marriage ſo long ſought and laboured, it being the main ſcope of my embaſſage, contrary to expreſs warrant, and that upon a letter I muſt needs know to be a miſtake. And when I had written into England, to have a direct warrant in the point, the duke then ſeeing that plot would not take, he dealt with divers great lords, as well known to ſome of their lordſhips there preſent, to have me, upon my arrival in England, committed to the Tower, before I ſhould ever come to ſpeak with the king; which the Spaniſh embaſſador here in England, having gotten private notice of, gave advertiſement thereof to that king; who thereupon foreſeeing my danger, and conſulting with his council and divines, what were fit for him in honour and conſcience to do in that caſe, they reſolved, that ſeeing my ſufferings grew by being an honeſt man, and endeavouring to perform the truſt repoſed in me by that king as well as the prince; that king was bound both in honour and conſcience, not only to preſerve me from ruin, but to make me reparation for any loſs I ſhould ſuſtain by occaſion of the truſt: whereupon, at my departure going to court to take my leave, the condé Olivares told me what was plotted againſt me in England; and in reſpect of the danger, by reaſon of the greatneſs of my adverſary, perſuaded me to ſtay there, and in his maſter's name made an offer, not in ſecret, but in the preſence of ſir Walter Aſton."

Here the earl of Briſtol explained wherein thoſe offers conſiſted, namely, in a blank ſigned by the king of Spain, wherein the earl might ſet down his own conditions, both in point of title and fortune. But all this he refuſed, as well as a large ſum of money offered by the king. Then the earl concluded in the following manner:

"Upon what grounds and hope came I to encounter with thoſe dangers? Not upon hope of my greatneſs in court, and ſtrength of friends there to boulſter out an ill cauſe; no ſure, my ſtrength was too weak, and my adverſaries too powerful. But I knew my conſcience was clear, and my cauſe good, and truſt in God Almighty. And to him now, and to their lordſhips judgments, recommend myſelf and my cauſe."

The anſwer of the earl of Briſtol to the articles of accuſation brought againſt him by his majeſty's attorney general.

I. THE firſt article he denieth; and becauſe the matters contained in the ſaid article conſiſt of ſeveral parts, viz. the loſs of the ſaid Palatinate, and the match with the ſaid lady of Spain, and of the ſeveral employments, as of one extraordinary embaſſage to the emperor, and another to the king of Spain, in the years 1621, 22, and 23. He humbly craves leave of this moſt honourable court to ſeparate the buſineſſes, and diſtinguiſh the times.

And beginning with the Palatinate firſt, to give an account of his embaſſage to the emperor, and ſo to make as brief a deduction as he could of the whole carriage in that buſineſs, from the beginning of his employment to the time he left it. In his embaſſage to the emperor, he propounded all things faithfully according to his inſtructions; and the anſwers which he returned to his late majeſty of bleſſed memory, were the very ſame and no other than ſuch as were given by the emperor under his hand and imperial ſeal; the which, according to his duty, he faithfully ſent unto his ſaid majeſty, and withal did honeſtly and truly advertiſe his ſaid majeſty, what he underſtood and thought then upon the place; but was ſo far from giving to his majeſty any ill-grounded hopes in that behalf, that he wrote unto the lords of the council here in England from Vienna, 26 July 1624, in ſuch ſort as followeth:

"I AM further to inform your lordſhips, that there may be a diſpatch made preſently into Spain, to his majeſty's embaſſador Mr. Cottington, that they deal effectually for the repairing and ripening of the buſineſs againſt my coming; that they uſe ſome plain and direct language, letting the miniſters there know, that the late letter ſent by the king of Spain to the emperor, was colder and more reſerved than his maſter had reaſon to expect. I ſhall conclude with telling your lordſhips, that although I deſpair not of good ſucceſs in that knotty buſineſs, yet I hope his majeſty and your lordſhips lay not aſide the care of all fitting prepa-

rations for war, in caſe a peace cannot be honourably had. And amongſt other things, I moſt earneſtly commend unto your lordſhips, and by your lordſhips unto his majeſty, the continuing yet abroad, for ſome ſmall time, of ſir Robert Manſel's fleet upon the coaſts of Spain; which, in caſe his majeſty ſhould be ill uſed, will prove the beſt argument we can uſe for the reſtitution of the Palatinate."

And this his advice, he ſaith, was wholly intended by his actions, by being the cauſe, as he returned homeward out of Germany, to bring down count Mansfield, whereby the town of Frankendale was relieved, by ſupplying of his majeſty's army, when in great diſtreſs, with moneys and plate, to the value of ten thouſand pounds, merely out of his zeal and affection to the good of the king and his children, having no warrant or order, but that his heart was ever really bent in effects more than in ſhews, to ſerve the king's ſon-in-law and his cauſe, as by the diſcourſe of this buſineſs will appear. And how acceptable theſe ſervices were, will more appear, by the letters of the queen of Bohemia, in theſe words following:

"My lord,

"HAVING underſtood from Heidelburgh, how you have ſhewed your affection to the king and me in all things, and in the help of money you have lent our ſoldiers; I cannot let ſo great obligations paſs, without giving many thanks for it by theſe lines, ſince I have no other means to ſhew my gratefulneſs unto you: howſoever, aſſure yourſelf that I will never be forgetful of the teſtimonies you give of your love, which I intreat you to continue, in doing the king and me all good offices you can to his majeſty. You have been an eye witneſs of the miſerable eſtate our countries are in; I intreat you therefore to ſolicit his majeſty for our help. You having given me an aſſurance of you affection; I intreat you now to ſhew it in helping of us by your good endeavours to his majeſty, and you ſhall ever bind me to continue, as I am already, "Your very affectionate friend,

"ELIZABETH."

Which letters were ſeconded with others about the ſame time, both from the king of Bohemia and council of Heidelburgh, to the ſame effect; and how much ſatisfaction his late majeſty received in that behalf, and touching that buſineſs, will plainly appear ſeveral ways, and particularly by his ſpeech in parliament. And the ſaid earl likewiſe appealeth to both houſes of parliament, to whom by his late majeſty's order, he gave a juſt and true account of that employment, with what true zeal he proceeded; and how he preſſed that ſingle treaty, and promiſes no longer to be relied on, but that a fitting preparation for war might go along hand in hand with any treaty of accommodation. And for a concluſion, among many of his late majeſty's approbations of his carriage in this employment, he humbly deſired that a letter of the duke of Buckingham's under his own hand, bearing date the 11th of October 1621, may be produced, being as followeth:

"My lord,

"I AM exceeding glad that your lordſhip hath carried yourſelf ſo well in this employment, that his majeſty is infinitely pleaſed with your ſervice you have done, for which he commanded me to give your lordſhip thanks in his name, until he ſee you himſelf. You, of all men, have cauſe to commend his majeſty's choice of ſuch a man, that unleſs your heart had gone with the buſineſs, you could never have brought it to ſo good a paſs. Amongſt other things, his majeſty liketh well the care of clearing his honour, whereof he will adviſe further with your lordſhip at your next coming over. I hope you will not find your negociation with the infanta of ſuch difficulty as you ſeem to fear in your letter, ſeeing my brother Edward hath brought with him a letter from his majeſty's ſon-in-law, whereby he putteth himſelf ſolely to his majeſty's advice and pleaſure for his ſubmiſſion, as you will perceive by the copy of the letter itſelf, which I here ſend your lordſhip; wherein, though there may be many things impertinent, yet of that point you may make good uſe for the accompliſhment of the buſineſs, wherein I have written to the Spaniſh embaſſador to uſe his means and credit likewiſe; which I aſſure myſelf he will effectually do, eſpecially ſeeing the impediments are taken away by count Mansfield's compoſition, and the conformity of his majeſty's ſon-in-law, to this ſubmiſſion. For the money your lordſhip hath ſo ſeaſonably laid forth, his majeſty will ſee you ſhall ſuſtain no loſs, holding it very unconſcionable you ſhould ſuffer by the care of his ſervice; which you have ſhewed ſo much to his contentment, to the great joy of your lordſhip's faithful ſervant,

"GEO. BUCKINGHAM."

Having given this account of his employment with the emperor, he humbly craveth leave to make it known, in what ſort, before this his employment, he endeavoured to ſerve the prince Palatine, and his cauſe, which will beſt appear by his majeſty's own teſtimony, upon the going of ſir Francis Netherſole to the prince Palatine; at which time his majeſty being, out of his royal and juſt heart, deſirous to do a faithful ſervant right, commanded ſir Francis Netherſole to let the prince Palatine underſtand how good a ſervant the ſaid earl had been unto him and how active in his affairs, as will beſt appear by a diſpatch of ſir Francis Netherſole, written all with his own hand to ſir George Calvert, dated in Prague, Auguſt 11, 1620, and ſent by his late majeſty to the ſaid earl for his comfort, being as followeth:

"Right honourable,

"THAT you may be the better aſſured that I have neither forgotten nor neglected the commandments received from his majeſty by your honour; you will be pleaſed to have the patience to hear me report what I ſaid to this king upon the delivery of my lord deputy's letters to his majeſty; which was, that the king my maſter, whoſe juſtice is ſo renowned over the world, did uſe to ſhew in nothing more than in vindicating his ſervants from wrongful opinions, whereof he knew noble hearts more ſenſible than of injuries done to their perſons or fortunes; that out of his royal diſpoſition, his majeſty having found my lord Digby miſtaken by ſome of his own people at home, by occaſion of his being by him employed in the affairs with Spain, having thereupon received a jealouſy, that the ſame noble lord might be alſo miſreported; hitherto his majeſty's hands in that reſpect gave me a particular commandment, to aſſure his majeſty he had not a more truly affectionate ſervant in England: and for proof thereof, to let his majeſty underſtand, that whereas the baron of Doncaſter, now his majeſty's embaſſador for England, had, ſince his coming hither, obtained but three great boons for his majeſty's ſervice, viz. the loan of money from the king of Denmark, the contribution in England of the city and countries, and the ſending embaſſadors to the contrary parties, that my lord Digby had been the firſt propounder of all thoſe to the king my maſter, before his majeſty's embaſſador, or any other of his majeſty's ſervants in England! although his lordſhip were contented that others who were but ſet on, ſhould carry away the thanks and prayers, becauſe his lordſhip, being known to be the firſt mover therein, might poſſibly weaken the credit he hath in Spain, and ſo render himſelf the more valuable to ſerve both his own maſter and his majeſty; in which reſpect I humbly prayed his late majeſty to keep this to himſelf."

By which teſtimony it may appear, as the ſaid earl conceiveth, how he, the ſaid earl, beſtowed himſelf before his embaſſage, and in his ſaid embaſſage with his ſaid late majeſty's approbation thereof. Now he humbly craved leave to give your lordſhips account how he proceeded after his return from the emperor's court.

As ſoon as he came into England, he diſcovered unto his majeſty and the lords of the council, in what great want he had left the forces in the Palatinate, and ſolicited the preſent ſending away of money; thereupon 30,000l. were borrowed of ſir Peter Vanlore, ſir Baptiſt Hicks, and ſir William Cortine, and preſently ſent unto the Palatinate, beſides the 10,000l. which he lent, for which he paid the intereſt out of his purſe for ſix months, having alſo given, not long before, 500l. by way of benevolence, to the ſervice of the ſaid Palatinate.

Now in the interim, betwixt his returns from the Engliſh coaſts, which was in November 1621, and his going into Spain in May 1622, he firſt gave his account as aforeſaid of his embaſſage to both houſes of parliament, and moved them effectually as was poſſible for the ſupplying of his majeſty, and that the money might be wholly employed for the ſuccour of the Palatinate.

The parliament being diſſolved, he ſolicited with great care and induſtry the ſettling of ſome courſe for the ſupplying of the Palatinate, and his majeſty was perſuaded to maintain eight thouſand foot, and ſixteen hundred horſe, under his ſtandard, and at his own purſe, in the Palatinate, to eſtabliſh a certain courſe for due payment of the ſaid army; the lord Chicheſter was, upon the ſaid earl's motion, ſent for out of Ireland, and the ſaid earl, by his majeſty's command, took order for his diſpatch. In this eſtate the ſaid earl left his affairs at his departure towards Spain in May 1622, nothing doubting but that all things would have effectually and conſtantly been purſued, according to the order which was ſettled and reſolved on at his departure.

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At his arrival at the court of Spain, he preſently proceeded according to his inſtructions, preſſing the buſineſs of the Palatinate as effectually as he could, and faithfully laboured and effected from time to time (as far as to the point of negociation) all particulars that were given him in charge, as it will appear by his late majeſty's letter upon every particular occaſion; and if by the accidents of war for that ſummer, the marquis of Baden, the count Mansfield, and the duke of Brunſwick, received each of them an overthrow (the ordering of whoſe affairs his majeſty ſo far complained of to his ſon-in-law, as to give order for the withdrawing of his forces, as will appear by his majeſty's letters on the 3d of June 1622, and alſo by his letters unto ſir Horace Vere, and the lord Chicheſter of the ſame date, if there was not a ſpeedy redreſs) if by any of thoſe accidents thoſe buſineſſes have miſcarried, the ſaid earl hopes he ſhall not be liable to the blame, it having no relation to him or to his employment, having ſo far and ſo honeſtly, with his beſt affections, employed his care and utmoſt ſervices in the buſineſſes, as his majeſty was pleaſed, by many ſeveral letters upon ſeveral occaſions, to ſignify his gracious receptance of his ſervice, as in his letters of November 24, 1622, written as followeth, viz.

"Your diſpatches are in all points ſo full, and in them we receive ſo good ſatisfaction, as in this we ſhall not need to enlarge any farther, but only tell you, we are well pleaſed with this diligent and diſcreet employment of your endeavours, and all that concerneth our ſervice; ſo we are likewiſe with the whole proceedings of our embaſſador, ſir Walter Aſton.

"Thus we bid you heartily farewel."

Newmarket,
November 24, 1622.

And afterwards his majeſty was likewiſe pleaſed in his letters of January 8, 1622, a little before our gracious ſovereign lord the king, then prince, his coming into Spain, as followeth:

"Concerning that knotty and unfortunate affair of the Palatinate, to ſay the truth, as things ſtand, I know not what you could have done more than you have done already."

And whereas it is objected, the Palatinate ſhould be loſt by the hopes he, the ſaid earl, gave by his letters out of Spain, it is an objection of impoſſibility; but there was nothing left but Manheim and Frankendale, when his firſt letters out of Spain could poſſibly come to his late majeſty's hands; for he did not begin to negociate that buſineſs until Auguſt 1622, and about that time Heidelburgh, and all but Manheim and Frankendale was loſt; and Manheim he had ſaved by his induſtry, had it not been ſo ſuddenly delivered, as is by his majeſty acknowledged by letter of 24 November 1622, written thus, viz.

"And howſoever the order given to the infanta, for the relief of Manheim, arrived too late, and after the town was yielded to Tilly; yet muſt we acknowledge it to be a good effect of your negociation, and an argument of that king's ſincere and ſound intention."

And Frankendale being by the ſaid earl's means once ſaved, was again the ſecond time ſaved merely by the ſaid earl's induſtry, and procuring a letter from the king of Spain, dated the 2d of February 1623. Whereupon followed the treaty of ſequeſtration, which hath ſince continued. And he, the ſaid earl, was ſo far from hindering ſuccours by any letter or council of his, that he was the ſolicitor, and in great part the procurer of moſt of the ſuccours that had been ſent thither, as is formerly ſet down. And when his royal majeſty that now is, and the duke of Buckingham, arrived at the court of Spain, they found the buſineſs of the Palatinate in ſo fair a way, that the Spaniſh miniſters told them the king ſhould give his late majeſty a blank, in which we might frame our own conditions; and the ſame he confirmeth unto us now; and the like touching this blank was likewiſe acknowledged by the duke of Buckingham, in his ſpeech in parliament, after the return of his majeſty out of Spain. And it will appear by the teſtimony of ſir Walter Aſton, and by his and the ſaid earl's diſpatches, that the ſaid earl wanted not induſtry and zeal in the buſineſs: inſomuch as the laſt anſwer the ſaid earl procured herein from the king of Spain, was fuller than he the ſaid earl was ordered by his late majeſty's lateſt letters to inſiſt upon. So, as by that which hath been alleged, the ſaid earl hopeth your lordſhips will be ſatisfied, not only that he wanted neither will nor induſtry, but that he hath, with all true zeal and affection, and with his own means, faithfully ſerved their majeſties and the prince Palatine in this cauſe: and for aſſurance in that affair, he had all that could be between Chriſtian princes; and if in the ſaid aſſurances there hath been any deceit, as by the ſaid articles is intimated, which he never knew nor believed, he referred it to God to puniſh their wickedneſs; for betwixt princes there can be no greater tie than their words, their hands, and ſeals, all which he procured in that behalf; and both the ſaid earl and ſir Walter Aſton were ſo confident that the buſineſs would be ended to his late majeſty's ſatisfaction, that in a joint diſpatch to his late majeſty of 24 November 1623, after his own majeſty's return into England, they wrote as followeth, viz.

"We hope that your majeſty may, according to your deſire ſignified to me the earl of Briſtol, by the letters of October 8, give to your majeſty's royal daughter this Chriſtmaſs the comfortable news of the near expiring of her great troubles and ſufferings, as unto the prince your ſon in the congratulation of being arrived to a moſt excellent princeſs."

And having thus given your lordſhips an account of his proceedings touching the Palatinate, he will by your lordſhips good favours, proceed to the other part of that charge concerning the marriage.

And firſt touching his hopes and aſſurances, that he is charged to have given to his late majeſty, and his miniſters of ſtate here in England, of the Spaniards real proceedings in the ſaid match, when, he ſaid, he knew he never meant it: He ſaith, he never gave any hopes of their real proceedings, but ſuch, and the very ſame that were firſt given to him, without adding or diminiſhing; neither could he have done otherwiſe, either with honeſty or ſafety. And he further ſaith, that the hopes he gave were not upon any intelligence; but as well in that of the match, as the other of the Palatinate, his advertiſements were grounded upon all the aſſurances both of word and writing, that could poſſibly paſs between Chriſtians, as will be made evidently appear by his diſpatch of 9 September 1623, which he humbly deſires may be read, if the length of it may not diſpleaſe. The ſubſtance being to ſhew all the engagements and promiſes of the king of Spain, that he really intended the match. And the cauſes why the condé Olivares pretended to the duke of Buckingham, that the match was not formerly meant, was only thereby to free himſelf from treating any longer with the ſaid earl, to the end that he might treat for larger conditions, in point of religion with the ſaid duke: The ſaid condé Olivares taking advantage of having the perſon of his majeſty, then prince, in his hands. And with this diſpatch the ſaid earl acquainted his majeſty that now is, in Spain, before he ſent it.

And by this diſpatch the earl doubted not, but that it will appear to this honourable court, that whilſt the treating of this buſineſs was in hand, he proceeded in that, not only with care and induſtry, but with ſome meaſure of vigilancy. And for clearing an objection that hath been alleged, that the match was never meant before the duke's coming into Spain, nor after; the earl craveth leave to ſet down ſome few reaſons of many, which cauſed him to believe that the ſaid match was, and hath been really meant, and that it was ſo conceived by both their majeſties, and the king of Spain, and their miniſters on both ſides.

For 1ſt, The duke of Buckingham certified his late majeſty, that the buſineſs of the marriage was brought to a happy concluſion; whereupon his late majeſty was pleaſed to give orders to the duke and earl, to proceed in the buſineſs; which his ſaid majeſty would not have treated till the ſaid marriage was concluded, as will appear by a letter of his ſaid late majeſty, jointly to the duke of Buckingham, and the ſaid earl, of the 23d July 1623.

2dly, It will appear by letters of the ſaid lord Conway to the duke of Buckingham, bearing date September 4, 1623, that the ſaid duke had good aſſurance of the concluſion of the ſaid match; and upon this confidence were all things put in due execution in England, as had been capitulated; and the lord Conway and others faithfully agreed and ſettled all the points of immunity and liberty for the Roman catholics, and for the uſe of their religion, as was ſet down in their declaration, Auguſt 9, 1623, hereafter mentioned in the anſwer of the fifth article of this charge.

3dly, The very day his now majeſty and the duke of Buckingham departed from the Eſcurial in Spain, towards England, the ſaid duke ſolemnly ſwore to the treaty of the ſaid marriage, and the furtherance of it all that ſhould be in his power, upon the holy evangeliſts, in the preſence of the ſaid earl and ſir Walter Aſton.

4thly, The treaty of the ſaid marriage had been formerly ſigned, ſealed, and ſolemnly ſworn by the king of Spain: And when his majeſty, and that king took their leaves, he did ſolemnly, in the words of a king, faithfully and punctually proteſt to perform all that had been capitulated in the treaty of marriage; and thereupon embraced his majeſty at his departure, and ſent the very next day a letter, written all with his own hand, to his majeſty, vowing and proteſting to make all good that he had capitulated or promiſed unto his majeſty

majeſty at his departure the day before. So that if there were no true meaning on the part of Spain to make the marriage, as by Mr. Attorney is pretended, yet certainly the earl hath not been ſlightly deceived; neither can it be, as he conceiveth, any fault in him, ſince not only his late majeſty, but alſo his majeſty that now is, and the duke of Buckingham, being then both upon the place, did confidently believe, and that upon other grounds than miſ-information, ſuggeſtions, and perſuaſions of the ſaid earl, that the marriage was really intended: And to that effect, both his late majeſty of bleſſed memory, and his moſt excellent majeſty that now is, after his return into England, wrote unto him, the ſaid earl, ſeveral letters, aſſuring him, that their intents and pleaſures, were to have the ſaid match proceeded in, and thereupon the proxies of his majeſty, then prince, were again inrolled and ſent unto the ſaid earl. So that the ſaid earl having ſo many and ſo great cauſes to be aſſured that the match was really intended on both ſides, he conceiveth it will be hard for Mr. Attorney to make good that part of his charge, wherein he affirmeth, that the earl ſhould know the contrary, or the aſſurance to be upon falſe grounds, as in the ſaid article is alleged.

II. To the ſecond article, he directly denieth all the ſuppoſed offences wherewith he ſtands charged by the ſaid article. And for a clear declaration and manifeſtation of the truth and manner of his proceedings, he ſaith,

Firſt, As to the continuing the treaties upon generalities, that the temporal articles were by agreements on both ſides not to be treated or ſettled until ſuch time as the articles of religion were fully agreed on; for that it was held moſt proper and honourable for both ſides, firſt, to ſee if the difficulty of religion might be removed, before they paſſed to any further engagements. And the ſaid articles of religion, by reaſon of the pope's new demands ſent into England by Mr. Gage, were not ſigned nor condeſcended to by his late majeſty, nor his majeſty that now is, then prince, till January 5, 1622; and were then ſent away in poſt out of England to the ſaid earl by Mr. Simon Digby, who arrived with them at Madrid in Spain, about the 25th of the ſame month. But the earl's care was ſuch, to have no time ſpent in the ſettling of the temporal articles, that before he would condeſcend ſo much as de bene eſſe unto the articles of religion, that they ſhould be ſent back to Rome, he procured the king of Spain to promiſe, that within the time limited for procuring the deſponſories, which was by March or April following at the furtheſt, all temporal articles ſhould be ſettled and agreed, to the end that the infanta might be delivered at the ſpring, as by the king of Spain his anſwer in writing was declared to be the king's intention; and accordingly ſir Walter Aſton and the ſaid earl did not deal in general, but did moſt induſtriouſly labour to ſettle all in particular, viz. That the portion ſhould be two millions, it appearing that it was ſo agreed by the late king of Spain[t]; that the diſpenſation coming, the deſponſories ſhould be within forty days after; and that don Duarté de Portugal ſhould be the man that ſhould attend the infanta in the journey. And all other particulars neceſſary for the concluſion of the ſaid treaties, were, by ſir Walter Aſton and the ſaid earl, and the Spaniſh commiſſioners, drawn up into heads, in writing, and after many debates, they were conſulted with that king; and 2 Martij 1623 ſtilo vet. the condé Gondomar, and the ſecretary don Andreas de Prada, were appointed to come home to the houſe of the ſaid earl, to ſignify unto ſir Walter Aſton and himſelf, as they did, that the king of Spain had declared his reſolution in all the particulars, and given them order to come to a ſpeedy concluſion with them in all things: And that king's anſwer to that concluſion, the earl ſaw and read, all written with the king of Spain's own hand.

On the 7th day of the ſaid month of March 1623, the king's majeſty then prince, and the duke of Buckingham, arrived at Madrid; and the Spaniards took new laws, and the negociation was put into a new form. So that whereas it is objected againſt the earl, that he entertained and continued the treaties ſo long upon generalities, he conceives it is not meant upon the ſpiritual articles; for they were ſuch as were ſent from Rome into England, from thence they came to the earl: And for the temporal articles, they were not to be ſettled and treated till the articles of religion were concluded. He conceiveth it cannot be alleged with any colour, that his majeſty was entertained with generalities, ſince the time that the ſaid articles of religion were brought unto the ſaid earl by Mr. Simon Digby, being about the 25th of January, there were but ſix weeks until March 7 following, when his majeſty, then prince, arrived in Madrid; and in the interim, all the above-mentioued particulars were ſettled: And the time that hath been ſpent in this treaty, hath not been through his, the ſaid earl's default, in continuing upon generalities, without preſſing to particulars, but hath been cauſed, as well by difficulties which the buſineſs brought with it, as alſo with exterior accidents, viz. The wars of Bohemia, the death of two popes, and the late king of Spain, without the leaſt fault of the ſaid earl, as is acknowleged by the late king of bleſſed memory, in the ſaid earl his inſtructions, on the 14th of March 1621.

Neither could any delay therein be attributed to him the ſaid earl; for he was employed in thoſe times into Germany and Flanders, and ſir Walter Aſton and ſir Francis Cottington, for the ſpace of three or four years, were reſident in Spain; from whence the hopes they gave were upon all the diſcreet grounds that miniſters can expect from a ſtate: But the earl re-aſſumed his buſineſs ſix months before his majeſty's coming into Spain; and he was ſo deſirous to ſee his majeſty, then prince, beſtowed, that he preſſed nothing ſo much, both to the king and prince, as that the prince might loſe no more time, and rather to break the match with Spain, than ſuffer any further delays; as will appear by his diſpatches from his firſt arrival at the court of Spain, until his majeſty, then prince, his coming. For in his letters of June 20, 1622, being the firſt he wrote after his firſt audience, he was ſo deſirous that no time might be loſt, that in them he craved leave of his majeſty, that in caſe he ſhould find any delays in Spain, he might, without expecting any order, take his leave and come home.

Upon the return of ſir Francis Cottington, in September following, he wrote both to the king, and his majeſty, then prince. To the king as followeth:

"I ſhall preſume to add to that which Mr. Cottington ſhall deliver unto your majeſty by word of mouth, of the preſent eſtate of the match, what I conceive to be the right way to bring it to a ſpeedy iſſue: That your majeſty will be pleaſed poſitively to declare, what you will do in point of religion, and that you will appoint me a certain limited time, by which this king ſhould procure the diſpenſation, or conclude the match without it; and in caſe there ſhall be any farther delay therein, that I may then declare your majeſty to be free and diſengaged, to beſtow the prince in ſuch ſort as you ſhall judge moſt convenient."

And to that prince at the ſame time, wrote in theſe ſubſequent words, viz.

"That which will be neceſſary for his majeſty preſently to do on his majeſty's part, is to declare himſelf, how far he will be pleaſed to yield in point of religion, as Mr. Cottington will approve unto your highneſs: And that he ſet a prefixed time to break or conclude the match, either with the diſpenſation, or without the ſame. And for the reſt, it may be left to my negociation. But your highneſs may be pleaſed to haſten his majeſty's reſolution with all poſſible ſpeed."

And the ſaid earl ſaith, that having received from his ſaid late majeſty his reſolution in point of religion, and a limited time according to his deſire, he was ſo preciſe and punctual therein, that although the making or breaking of the marriage depended upon it, he would not give one month's reſpite longer time for the procuring of the diſpenſation, until he had firſt acquainted his late majeſty therein, and received his directions under his own hand; as will appear by his majeſty's letters of October 25, 1622, as followeth:

"Right truſty and well beloved couſin and counſellor, we greet you heartily well. Whereas by your laſt letter written to our ſecretary, dated September 29, you are deſirous to have our pleaſure ſignified unto you under our own hand, whether we will be content or not to grant a month's time longer, for the coming of the diſpenſation from Rome, than we have already limited unto you, in caſe they ſhall there conclude all things elſe for our contentment, with a reſolution to ſend the infanta hither the next ſpring; we do hereby declare unto you, that in that caſe you ſhall not break with them for a month's longer delay. We alſo wiſh you not to trouble yourſelf with the raſh cenſure of other men, in caſe your buſineſs ſhould not ſucceed; reſting in that full aſſurance of our juſtice and wiſdom, that we will never judge a good and faithful ſervant by the effect of things ſo contingent and variable. And with this aſſurance we bid you heartily farewel."

And he further ſaith, That when he had agreed to the articles of religion, and that a certain time was ſet for the coming of the diſpenſation, and a concluſion of the match, although he would bind himſelf to nothing, without his majeſty's approbation, yet for that no time might be loſt, he

[t] Philip III.

agreed

agreed to the propoſitions de bene eſſe, ſent by Mr. Porter December 10, 1622, to the end the articles might be immediately ſent to Rome, without loſing ſo much time as to hear firſt from England: And humbly moved, that in caſe his majeſty ſhould like of the ſaid articles, he would ſend his approbation directly to Rome for the gaining of time; which his majeſty was pleaſed to do. And at the ſame time he wrote both to his ſaid late majeſty, and his majeſty, then prince, as followeth, viz. to his majeſty.

"This is the true ſtate of the buſineſs as it now ſtandeth. If your majeſty approve of what is done, I hope it will be a happy and a ſhort concluſion: If your majeſty think it not fit to allow and condeſcend to the ſaid articles, I have done the uttermoſt of my endeavours, and ſhall humbly perſuade your majeſty not to loſe a day longer in the treaty; ſo much it importeth your majeſty and your kingdoms that the prince were beſtowed."

And to the prince, in letters of the like date, in this ſort.

"I have preſumed to write to his majeſty, that which I think my duty to ſay to your highneſs, That in caſe you ſhall not approve of what is now conditionally agreed, you permit not a day more to be loſt in this treaty: For it is of ſo great conſequence that your highneſs were beſtowed, that it importeth almoſt as much that you were ſpeedily, as fitly matched. But I hope his majeſty, and your highneſs, will in ſuch ſort approve of this laſt agreement, as you will ſpeedily bring this long treaty to a happy concluſion. I am out of hope of bringing things to any better terms; therefore I deal clearly with your highneſs, and do not only moſt humbly perſuade, but on my knees beg it of you, that you either reſolve to conclude this match as you may, or ſpeedily to break it, and beſtow yourſelf elſewhere; for no leſs than the happineſs of your kingdom, and the ſecurity of the king your father, and yourſelf, depend upon it."

All which things being conſidered, the earl moſt humbly ſubmitteth himſelf to the judgment of that moſt high and honourable court, whether the delays which accidents have brought forth in this buſineſs, can be attributed to his fault; ſince on the one ſide it will evidently appear to your lordſhips, that he never moved his majeſty and the prince to admit of delays, but rather to think of ſome other courſe; and it will on the other ſide appear by all the diſpatches, that he preſſed things with the miniſters of Spain to as ſpeedy a concluſion, as the uttermoſt terms of fair negociation and good manners would bear. And whereas it is pretended, that the Spaniards ſhould take occaſion, by entertaining the ſaid treaties, to abuſe his ſaid late majeſty (which he knoweth not) yet, he ſaith, he uſed all the vigilancy and induſtry that a careful miniſter could do, and had from the Spaniards all the aſſurances by oaths, words and writings, which could be expected from Chriſtians; the which, without adding or diminiſhing, he faithfully preſented unto his late majeſty; and his ſaid late majeſty was pleaſed in thoſe times, to conceive upon thoſe aſſurances, that they dealt really with him: And he conceiveth that his majeſty that now is, then prince, and the duke of Buckingham, were pleaſed to write as much to the late king's majeſty, at their firſt coming into Spain, and that all which the earl had written touching that employment, was there avowed by the condé Olivares and condé Gondomar, to the ſaid prince and the duke, at their arrival at Madrid; and he hoped, that if that diſpatch may be peruſed, it will as well appear and be adjudged, that he ſerved his majeſty with ſome meaſure of vigilancy, as well as fulneſs of fidelity.

III. To the third article the ſaid earl ſaith, That he did not, either by words or by letters to his late majeſty or his miniſters, extol or magnify the greatneſs and power of the king of Spain, nor repreſented to his late majeſty the ſuppoſed danger that might enſue unto him if a war ſhould happen between him and the king of Spain, nor affirmed, nor inſinuated the ſame, as in the ſaid article is mentioned; but if he did at any time ſpeak or write of the power and greatneſs of the king of Spain, or repreſent any danger to his ſaid late majeſty that might enſue by entering into hoſtility with the ſaid king of Spain, it was as a faithful counſellor and ſervant to his majeſty, by way of his advice and opinion, which he ever delivered ſincerely, faithfully, and truly, according to the preſent occaſion, and in no wiſe with ſuch an intent as in the ſaid articles is mentioned, nor to any other evil intent or purpoſe whatſoever.

But he hath been ſo far from diſſuading his late majeſty to take arms, that he hath upon all juſt occaſions adviſed, that all fitting preparations for war might be made, as beginning with the year 1621, from which time he is only charged, will appear by his ſpeech in parliament preſently after his return out of Germany; and that he hoped his majeſty would no longer rely upon ſingle treaties, but make all fitting preparations for war; and that the parliament would enable his majeſty thereunto; and by the care he took before his going again upon his embaſſage into Spain, that the eſtabliſhment of an army under his majeſty's own ſtandard of horſe and foot, and under his own pay, might be ſettled and provided for; as likewiſe his advice to the lords of the council, that his majeſty might have a curb upon the king of Spain upon all occaſions, by continuing of ſir Robert Manſel's fleet on the coaſts of Spain, as will appear by his letter written from Vienna, 26th of July 1621, mentioned in the anſwer to the firſt article. By all which it appeareth, that he laboured and endeavoured as much as in him lay, that his majeſty might be well prepared for any occaſions of war that ſhould happen. And he no way remembered to have diſcouraged, or to have ſpoken or written any thing, that might have been underſtood to have tended to the diſcouraging of his ſaid late majeſty for the taking of arms, and entering into hoſtility with Spain, or for reſiſting of him and his forces, from attempting the invaſions of his late majeſty's dominions, or the dominions of his late majeſty's confederates, friends or allies, as by the ſaid articles is charged againſt him; neither remembereth that he had any cauſe ſo to do. But if he have in any kind ſpoken or written of Spain, or the power thereof, it may have been to his late majeſty, or to his majeſty that now is, by way of diſcourſe, ſpeaking of the ſolidneſs of the Spaniſh proceeding, of their ſerious and deliberate debating of buſineſſes before they reſolve on them, of the conſtant purſuing of them when they are once reſolved, wiſhed that England and other nations would therein imitate them: For he ſuppoſeth the right way to impeach their greatneſs was to grow as wiſe as they, and to beat them at their own weapons. But otherwiſe he is confident never to have been heard to ſpeak or write any thing, that might have any terror or diſcouragement to his late majeſty or his chief miniſters, knowing that England well ordered, need to take little terror at the power of Spain, having almoſt in all attempts and enterpriſes won honour upon them. And as for the preventing of dangers that might enſue upon a war, though he knew not what is aimed at in that particular, yet he is moſt confident, out of the integrity of his own conſcience, that he neither ſaid, nor adviſed any thing but what befitted a faithful counſellor and embaſſador, which was truly to deliver his opinion as he underſtood it upon the preſent occaſion: and as for affirming that his majeſty's quiet ſhould be diſturbed, and he not be permitted to hawk or to hunt, he remembereth not what diſcourſe he may have had, or written to any perſon, how fit it might be upon the being broiled in a great war, ſeriouſly to intend it, and make it our whole work. But as he is confident it will appear, that what diſcourſe ſoever it might have been, it wanted not true zeal and affection which he hath ever borne to the king's ſervice; and he hoped it will not be found to want due reſpect and reverence on his part, which he ought to ſhew to ſo gracious a maſter. Neither can it be conceived, that the conſiderations of hunting and fowling, ſhould be conſiderations worthy of ſo great and prudent a king, to withhold from a war for the good of Chriſtendom, and his kingdom, if he ſhould have been juſtly provoked thereunto.

IV. To the fourth article the ſaid earl ſaith, That he did not any thing contrary to his duty or allegiance, or contrary to the faith and duty of an embaſſador, as by this article is alleged; but did intend the ſervice and honour of his late majeſty; and no corrupt and ſiniſter ends of his own advancement, as by this article is ſo alleged. And as for the conference, which is pretended he ſhould hold concerning the treaty, that being told there was little probability that the ſaid treaties would or could have good ſucceſs, he ſhould acknowledge as much; and yet ſaid, he cared not what the ſucceſs thereof might be, but that he would take care to have his inſtructions perfect, and to purſue them punctually, and would make his fortune thereby, or words to that effect; he doth not ever remember to have held ſuch diſcourſe. Though it be true, the time hath been many years ſince, when he thought the match very unlike to be effected, in regard unequal anſwers were given in prince Henry's days, and of the unlikelihood of accommodating the differences of religion; and ſaith further, that the reviving of the treaty of the ſaid match for his majeſty that now is, was not by his means, for he ever declared his opinion clearly, both to his late majeſty, and to his majeſty that now is, that in the firſt place, he wiſhed and adviſed a proteſtant match, but in the duty of a ſervant, underſtanding that both their majeſties deſired the match really with Spain, he did really and faithfully intend the ſervice and honour of their majeſties, and effectually en-

deavoured to procure their ends. And it is very likely he might ſay, he would get his inſtructions perfect, and purſue them punctually, as he conceiveth was lawful and fit for him; but the latter part of this conference, that he ſhould ſay he would make his fortune by it, or any other words to that effect, he was in anno 1621, and ever ſince, of that rank and quality, both in regard of his employments, fortunes, and his majeſty's favour, that he aſſureth himſelf he did not, and dares anſwer ſo far for his diſcretion, that it was impoſſible for him to hold ſo mean and unworthy diſcourſe.

V. To the fifth article he ſaith, That what is therein alleged, is ſo far from being ſo, that contrarily upon all occaſions to the utmoſt of his power, he did labour to prevent all the inconveniencies in point of religion, that might come by matching with a princeſs of a different religion, as well appeareth by the paper of his opinion, that his majeſty ſhould marry with a lady of his own religion, hereafter mentioned in his anſwer to the ſeventh article. And for further proof thereof, he ſaith, that in the whole treaty with Spain, he ſtood more ſtrict in points of religion, than by his inſtructions he needed to have done, as will appear by the teſtimony of ſir Walter Aſton, and his diſpatches of the 12th of December 1622, and other diſpatches, which he deſireth may be read. And as for concealing or perſuading to ſet at liberty the prieſts or jeſuits, he utterly denieth to have done any ſuch thing, as before he hath anſwered. Although it be true, that the embaſſage in Spain be far different from the employment of other places, where there is a body of our reformed religion, and where his majeſty hath kindred and allies; whereby his majeſty's miniſters may be informed of the neceſſary occurrences of ſtate, without the helps of prieſts or jeſuits. But in Spain there being none but Roman catholics, nor any manner of correſpondency or intelligence but by them, the embaſſadors muſt make uſe of all ſorts of people, eſpecially of jeſuits and prieſts, and to that end embaſſadors ſent thither have a large and particular warrant under the king's hand, to treat and make uſe of prieſts and jeſuits, and all other ſorts of men, unleſs it be ſuch as are proclaimed rebels. And divers times the miniſters employed in Spain, to gratify ſome whom there they employed for the king's ſervice, have, as he believeth, at their particular ſuit, moved his majeſty to extend grace and favour to ſome particular friend and kinſman of his, being a Roman catholic, and impriſoned in England; and that he remembereth to have happened to others, but doth not remember himſelf to have written to his late majeſty in that kind: and as concerning his advice and counſel, to ſet at liberty jeſuits and prieſts, and the granting to the papiſts a toleration, or the filencing of the laws againſt them, he ſaid, that his late majeſty was engaged by the treaty of Madrid 1617, in divers matters concerning religion; likewiſe by promiſe to condé Gondomar, and his letters to the king of Spain, April 1620, wherein he is pleaſed to promiſe ſome particulars in favour of Roman catholics, as by the ſaid letters will appear: and underſtanding the ſaid earl had ſufficient warrant under the king's own hand, to aſſure the king of Spain, whatſoever was agreed in the ſaid article, or in the ſaid letters, his majeſty would ſincerely perform; yet the ſaid earl was ſo cautious in that point, that when, for the concluſion of the match, the other articles of religion being allowed, it was preſſed by the Spaniſh miniſters, that a clauſe of convenience might be inſerted, with proteſtation, that the form and way thereof ſhould be wholly left to his majeſty's wiſdom and clemency, and that his majeſty's Roman catholic ſubjects ſhould acknowledge this grace to have come from the king's majeſty's mercy and goodneſs: yet the ſaid earl would not condeſcend hereunto, de bene eſſe, as by his letters to maſter ſecretary Calvert, 8 October 1622, will appear, hereby to give his majeſty time to have recourſe unto his ſecond conſultation, and to take it into conſideration before he would engage or bind himſelf in this point: but his late majeſty, and his majeſty that now is, were pleaſed to condeſcend hereunto, by ſigning the ſaid articles with their own hands, and likewiſe by writing their private letters of the 8th of January 1622, to that effect to the king of Spain, as by the ſaid letters will appear. Neither did the ſaid earl, by letters or otherwiſe, ever counſel or perſuade his late majeſty, to grant or allow unto the papiſts or profeſſors of the Romiſh religion a free toleration, and filencing of the laws made and ſtanding in force againſt them, but ever proteſted againſt any ſuch toleration; and when any ſuch proviſion hath been offered to be made in Spain, he ever refuſed ſo much as to give ear to it, or to ſuffer it to be propounded; although it be true, that he hath ſince ſeen a paper touching pardons, ſuſpenſions, and diſpenſations for the Roman catholics, bearing date the 7th of Auguſt 1623, ſigned by the lord Conway and others, which in effect is little leſs than a toleration; which paper is that which followeth:

Saliſbury, 7 Auguſt 1623.

The declaration touching the pardons, ſuſpenſions, and diſpenſations of the Roman catholics.

This declaration having been inſerted, in the reign of king James I. under the year 1623, there is, I think, no occaſion of repeating it here.

But this declaration, the ſaid earl ſaith and affirmeth, was the effect of the duke of Buckingham's negociation, and treated and concluded by the lord Conway, with the Spaniſh embaſſador here, whilſt the prince was in Spain; neither was his privity or advice in it: for if he had known it, he ſhould have proteſted againſt it. All which, together with the difference betwixt the conditions of religion agreed at the treaty of Madrid, 12 December 1622, by the ſaid earl, and the ſaid ſir Walter Aſton, being by their lordſhips conſidered, the ſaid earl doubteth not but that it will manifeſtly appear, whoſe endeavour it was to advance the Romiſh religion, and the profeſſors thereof; and judges the ſaid earl moſt unfortunate to be charged with an article of this kind.

VI. To the ſixth article the earl ſaith, That the aſſurances which he gave his late majeſty, and his majeſty that now is, concerning the treaties, were ſuch, that it had been diſhoneſty and breach of his duty and truſt for him to have held them back, being the ſame that were given him by the emperor, and the king of Spain, and their miniſters, upon as great aſſurances as can paſs between miniſters of princes in the like caſe. And for the delays of Spain, they could never be ſo ill, and with ſo little colour complained of, as at the time of his majeſty's coming thither; for that a certain time was before then prefixed for the coming of the diſpenſation, viz. in April 1623, at the fartheſt, which was next month after the prince's arrival at Madrid; the deſponſories were to be within four days following, and the infanta begin her journey into England twenty days after: ſo as three months patience longer would have ſhewed the iſſue of the buſineſs without putting of the perſon of the prince, being heir apparent to the crown, in ſo imminent a hazard for the trying of an experiment. And it is an argument of great ſuſpicion, becauſe the Spaniards were ſuſpected to have dealt falſely, and ſo the leſs to be truſted with the perſon of the prince, to be put into their hands to try concluſions: but the truth is, though that was made the pretended ground, and the occaſion of the journey, it was neither the aſſurances of the ſaid earl, nor the jealouſies of Spain, but other motives that were the original cauſe of his majeſty's ſaid journey, as ſhall be ſufficiently made apparent in due time. And the ſaid earl having got an inkling of it by ſomething that was let fall from the condé Gondomar to that purpoſe, inſtantly diſpatched away by Mr. Griſly to his late majeſty, to have his journey prevented; who upon the confines of France, met with his majeſty and the duke of Buckingham on his journey towards Spain, and told them as much. So that although he confeſſeth what is laid in the charge to be true, viz. that by the ſaid journey the perſon of the prince, the peace and ſafety of the kingdom did undergo further danger (at the remembrance thereof the hearts of all good ſubjects do tremble) yet the blame is due to the authors and adviſers of the ſame journey, and not to the ſaid earl; and although it pleaſed God, to the exceeding great joy and comfort of the ſaid earl, and of all good men, to ſend his gracious majeſty home with ſafety, yet never was the perſon of any prince, upon ſuch grounds, expoſed to ſo great an hazard; and in ſuch caſes, not the ſucceſs, but the counſellors are conſiderable.

VII. To the ſeventh article the ſaid earl ſaith, That he did not move or perſuade his majeſty, then prince, to change his religion, neither in the manner in the ſaid article mentioned, nor in any other manner whatſoever; neither doth he conceive, that the charge in itſelf as it is laid, will in any reaſonable conſtruction bear any ſuch inference as is made therein; ſo as he conceiveth, he needeth not make any further or other anſwer thereunto. Yet that it may appear, that the manner he uſed to the ſame prince was not traiterouſly, falſely, or cunningly, nor without ground, or to any ſuch intent as in the ſaid article is ſuppoſed; and to manifeſt unto this moſt high and honourable court, how far he was from all ſuch intention, he ſaith, that he doth acknowledge, that within few days after his majeſty's coming into Spain, whilſt he had the great honour to have his majeſty lodged at his houſe, and to have ſo royal a gueſt, finding by the Spaniſh miniſters, that there was a general opinion, that his majeſty's coming thither was with an intention to become a Roman catholic; and the

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condé Gondomar having that very morning preſſed the earl not to hinder ſo pious a work (as he termed it) of his majeſty's converſion, and ſeeming to be aſſured of the duke of Buckingham's aſſiſtance therein, his majeſty being all alone in a withdrawing room in the ſaid earl's houſe, the ſaid earl kneeled unto him, and told him, that he had a buſineſs to impart unto him, which highly imported his majeſty to know, ſo that he might be aſſured his boldneſs therein might be pardoned; which his majeſty graciouſly promiſed. And thereupon the ſaid earl told his majeſty, that the general opinion of the court was, that his majeſty's coming into Spain was with an intent to be a Roman catholic, and there to declare it. And he confeſſeth, that at the ſame time, in regard of thoſe things he had heard, he humbly beſought his majeſty to deal freely with him as a ſervant, of whoſe fidelity he might be confident, or words to that effect: but he was ſo far from perſuading his majeſty to be a Roman catholic, that without reſpecting his majeſty's anſwer, he declared himſelf to be a proteſtant, and ſo ſhould always continue; yet he ſaid, he ſhould always ſerve his majeſty, and labour to advance his, and the king his father's affairs, with as much fidelity and honeſty, as any catholic whatſoever; and his majeſty was pleaſed then to make unto the ſaid earl a full and clear declaration of his religion, and of his conſtant reſolution therein; and ſeemed to be much diſpleaſed, that any ſhould have ſo unworthy an opinion of him, as to think he would for a wife, or any other earthly reſpect whatſoever, ſo much as waver in his religion. Whereupon the earl beſought his majeſty to pardon his boldneſs, and then intreated him not to ſuffer his buſineſs to be overthrown, by permitting that conceit of his converſion any longer to remain in the Spaniards, nor to any thing that might give them hope therein; alleging, that it was impoſſible the marriage could be without a diſpenſation; and ſo long as the Spaniards, who were to procure the diſpenſation, ſhould have hope of his majeſty's converſion, they would never content themſelves with a part; to which they were tied by the articles agreed upon with the ſaid earl and ſir Walter Aſton. At which time his majeſty was pleaſed to approve of his opinion, and ſaid, he would expect the diſpenſation, and did thereupon afterwards ſend Mr. Andrews to Rome to haſten it; and the next day the ſaid earl dealt very roundly with the condé Olivares, and Gondomar, telling them it was a diſcourteous manner of proceeding, to preſs his majeſty to further conditions than were formerly agreed upon in point of religion, and to make his conditions the worſe for the great obligation he had put upon them, by putting himſelf into their hands; whereat they took ſuch great offence, that they eſtranged themſelves from him for a long time after. And that the ſaid earl did thus proceed with the ſaid condé, and that it was not a new-framed anſwer to ſatisfy preſent objection; but that which really and indeed paſſed, will really appear by his diſpatches unto his late majeſty of bleſſed memory; and before his majeſty that now is, came out of Spain, they were there ſhewed unto his majeſty, bearing date the 9th of September 1623. So that although it be true, that he the ſaid earl did not diſſuade his majeſty, for that there was no cauſe for it; yet without expecting his majeſty's anſwer, he firſt made a clear and true profeſſion of his own religion; and when his majeſty had declared to him his zeal and conſtancy, he humbly beſought him, that the Spaniards might not for any reſpect be longer held in hopes of that point. And becauſe point of religion is that which all men of honour and honeſty would chiefly deſire to clear, eſpecially having an imputation of that nature laid upon them, as the ſaid earl hath in the ſaid article; he humbly beſeecheth your lordſhips, that he may not ſeem to digreſs from his charge; intending your lordſhips ſatisfaction in that particular, not by the aforeſaid verbal diſcourſe only, which he profeſſeth was in much zeal to religion and dutiful care to the prince in that kind, but by ſome written teſtimony of his former opinion both of the match and religion. When he was firſt employed into Spain for the treaty of his marriage 1617, his late majeſty having commanded him to give an account thereof unto his majeſty that now is, he at his departure towards Spain, preſumed to give unto his majeſty that now is, his opinion in writing ſigned with his own hand, to be kept as a teſtimony of future action, the copy whereof is this as followeth:

"SIR,

"THE opinion which I have ever preſumed humbly to offer unto his majeſty concerning your highneſs's marriage, hath been, that both in regard of conſcience and ſatisfaction unto his majeſty's people and allies; likewiſe for the ſecurity and quiet of your majeſty's eſtates, your highneſs might take for wife ſome proteſtant princeſs, although ſhe neither were daughter to a king, nor had ſo ample a portion as might relieve the king's preſent neceſſities and wants; for then there might be many ways found to help the king's wants, either by ſome few years providence and frugality, or by winning the affections of the people, to the ſupplying of his majeſty by way of ſubſidies in parliament; whereas contrariwiſe, if the number and power of the papiſts ſhall be increaſed, as undoubtedly they will be by your highneſs's matching with any catholic princeſs, through the conceſſion which muſt be of neceſſity for the exerciſe of her religion for herſelf and family, within your highneſs's courts, and thereby by degrees theſe two different religions ſhall grow to an equality of power; it will be great hazard and diſquiet to the ſtate, and not to be redreſſed without great danger, and courſes of more violence than is uſual for this ſtate to put in practice. But in caſe his majeſty, out of his wiſdom and conſideration beſt known to himſelf, hold it fitteſt that your highneſs match with France, or Spain, or any other catholic, either for that the preſent time affordeth no proteſtant princeſs, who is for years or blood ſuitable for your highneſs, or that can in any conſiderable meaſure by the portion, ſupply his majeſty's preſent wants, I then conceive that the match by which this ſtate ſhall ſuffer leaſt inconveniency and cumbers, and whereby his majeſty's neceſſities ſhall by the greatneſs of the portion be the moſt relieved, is with Spain, if ſuch a match may be made with ſuch conditions of religion, as other catholic princes will contract themſelves withal.

"Thus much I thought fit humbly to preſent unto your highneſs, for that I ſee my employment liable to the cenſure of many worthy perſons, with whom though I concur in my opinion, yet I ſeem much to differ from them many ways; for that it is more proper to me to be true to my maſter's ends and ſervices, than by the declaring this, to procure their ſatisfaction: only to your highneſs I thought fit to make this declaration, and ſhall be a ſuitor to you for your favour, as you ſhall ſee me really labour to put this in effect. And if his majeſty ſhall, either upon motion of parliament, or any other propoſition that can be made unto him, think fit to proceed with a proteſtant match, as I ſhall wiſh as well unto it as any man living, ſo I hope in ſuch ſort to manage the preſent buſineſs that I have in hand, that it ſhall rather much further, than any way croſs or hinder it. But in caſe his majeſty ſhall not be drawn to any propoſition for a proteſtant match, I then conceived, that your highneſs both doth, and will approve, that I really and effectually labour to procure a match for your highneſs in Spain, upon ſuch conditions, in point of religion and portion, as to his majeſty ſhall ſeem fit."

Beſides which declaration of his opinion, he hath all the days of his life, and in all places, lived and allowed himſelf to be a proteſtant, never having done any the leaſt act that was not ſuitable to that profeſſion: and in all his former employments, for the ſpace of fourteen years, of more than five hundred perſons of all qualities that attended on him, there was never one perverted in his religion, ſaving two Iriſh footmen, who in Ireland had been bred papiſts. And he humbly deſired the teſtimony of doctor Maſon, and doctor Wren, his majeſty's chaplains, who were with his majeſty in Spain; and of Mr. Sampford, one of the prebends of Canterbury, Mr. Boſwel, parſon of St. Lawrence in London, and Mr. Frewen, divinity-reader in Magdalen college in Oxford, and now one of his majeſty's chaplains, who were his majeſty's chaplains in Spain; as well for the frequent uſe of the ſacrament, as conſtant profeſſion and exerciſes of religion, and the teſtimony of ſuch catholics as are known to have been his ancient acquaintance and friends, to examine them upon oath, whether publicly or privately, in Spain or in England, they had known him in any kind to make ſhew, or ſo much as to forbear, upon all occaſions, to declare the religion he profeſſeth. And that the ſaid Mr. Frewen and Mr. Wake may be alſo examined, whether in extremity of ſeveral ſickneſſes whereinto he hath of late years fallen, he hath not ever ſettled his conſcience with them towards God, and made a confeſſion of his faith; reſolving, as befitting a proteſtant or good chriſtian.

VIII. To the eighth article the earl ſaith, That he did not at any time, or in any place, endeavour to perſuade the prince, touching his religion, to become a Roman catholic, and to be obedient to the uſurped authority of Rome; neither did the ſaid earl, to that end and purpoſe or otherwiſe, uſe unto his majeſty, then prince, the words in the article mentioned. But the ſaid earl acknowlegeth, That upon occaſion of a letter that came to his majeſty, then prince, putting his majeſty in mind of the great actions of his royal progenitors in the holy war, that the great kings of theſe times did

did not only employ their forces, but in their perſons went into the Holy Land; the earl believeth, that by way of diſcourſe only, and not otherwiſe, he may have ſaid, That in regard of the difference in religion, it was of more difficulty to undertake ſuch great actions now, than in former ages; and it might well be inſtanced in the preſent treaty of the marriage, wherein the pope's conſent was to be obtained. And to this effect, and upon the like grounds, he is confident there was very many that have, nay, few of nearneſs about his late majeſty, that have not often heard his majeſty ſay, That he was the true martyr, that ſuffered more for his religion than all the princes of Chriſtendom beſides; inſtancing in divers particulars, but eſpecially in this, That he could not match his children with kings of his own rank, without the pope's leave.

But the ſaid earl ſaith, He never alleged any ſuch thing to any other purpoſe, than to ſhew, that only conſcience, and love to truth (in which regard proteſtants ſuffered much), not any temporal reſpects, made men conſtant and zealous to the profeſſion of our religion. By which diſcourſe he ever attributed much to the honour and ſecurity of the proteſtant religion; but never uſed it as an argument to perſuade to the contrary, as in the accuſation is inſinuated.

Beſides, he conceiveth, by way of anſwer thereunto, the ſaid queſtion may be aſked, which his majeſty was pleaſed to aſk of the earl in the ſeventh article, viz. "What the ſaid earl ſaw in his majeſty, that he ſhould think him ſo unworthy, as to change his religion for a wife, or any earthly reſpect whatſoever?" So why ſhould it be thought, that being more fit to undertake great actions in the world (being a mere moral and temporal reſpect) ſhould be an argument to perſuade in conſcience ſo religious and wiſe a prince, and ſo well inſtructed as his majeſty is, as though the ſoul of a chriſtian prince was to be wrought upon, in point of truth and belief, by temporal and worldly reſpects of conveniences and greatneſs? It were neceſſary, for the proving, that the ſaid earl perſuaded his majeſty touching religion, to produce ſome arguments that he uſed out of ſcripture, to ſatisfy him in point of conſcience in ſome tenets of the Roman church, or that he produced any conference with the learned men for his ſatisfaction in point of religion: Otherwiſe the articles uſed in this againſt the ſaid earl, do (as he conceiveth) carry little ſtrength to prove the charge of perſuading his majeſty, either in regard of itſelf, or in regard of his majeſty's piety.

IX. To the ninth article, the ſaid earl ſaith, That there was a diſcourſe in Spain of the way of accommodating the prince Palatine his affairs; and by way of diſcourſe it was moved, That the marriage of his eldeſt ſon with a daughter of the emperor, and his ſon to be bred in the emperor's court, would be the faireſt way for the pacifying of, and accommodating thoſe buſineſſes. And the earl, by way of diſcourſe, and not otherwiſe, did ſay, That he thought his late majeſty could not be averſe, either to the ſaid match, or to the breeding of the prince Palatine his ſon with the emperor; ſo as thereby, the whole patrimonial eſtate of the prince Palatine and the dignity electoral might be fully reſtored, and that his ſon might be bred in his own religion, and have ſuch preceptors, and ſuch a family, as his late majeſty and his father, meaning the prince Palatine, ſhould appoint; and they to have free exerciſe of religion: For ſo his late majeſty hath often declared himſelf to the ſaid earl, and wiſhed him to lay hold on any occaſion for entertaining of any ſuch propoſition. And otherwiſe than ſo, and upon the terms aforeſaid, and by that way of conference and diſcourſe only, he delivered not any opinion to his majeſty, at his majeſty's being in Spain: For the ſaid earl is very confident, that his majeſty was returned out of Spain before any propoſition was made for the ſaid marriage, other than by way of diſcourſe, as aforeſaid; the ſame as the ſaid earl believeth, being firſt moved and debated on by way of propoſition, between, Mr. ſecretary Calvert, and the embaſſador of the king of Spain, October 2, 1623. His late majeſty, upon a relation made unto him by a letter of Mr. ſecretary Calvert, approved of the ſaid propoſition, and declared the ſame to be the only way, as he conceived, to accommodate with honour thoſe great buſineſſes: And wrote to that purpoſe to his ſon-in-law the prince Palatine, by his letters dated 9th of November 1623, a copy of which he, together with Mr. ſecretary Calvert's relation, and the lord Conway, by his late majeſty's commandment, ſent unto the ſaid earl, the tenor of which tranſlated out of French, is as followeth:

"We have thought good, that we may provide beſt and moſt ſoundly for your affairs, not only to procure, but alſo to aſſure your peace, were to cut up by the very roots that evil, which hath been ſettled in the heart of the emperor, by the great diſpleaſure and enmity, he hath conceived againſt you. For the removing and quite extinguiſhing of which, it ſeemeth to us no better or more powerful means can be uſed, than a good alliance, which may be propoſed by us, between your eldeſt ſon, and the daughter of the ſaid emperor, upon the aſſurance we have, we ſhall not be refuſed in this matter, if you on your part will give your conſent. And for the more ſurety of the good ſucceſs thereof, we are determined, before any ſuch propoſition be made to the emperor, to intereſt the king of Spain with us in the buſineſs, who, we truſt, will lend us his helping hand, as well for the effecting of it, and bringing it to a good concluſion, as in procuring likewiſe, that the conditions be duly obſerved. Amongſt which conditions, if it happen that the emperor ſhould demand, that your ſon, during his minority, ſhould be brought up in his court, we ſhall tell you, that we, for our own part, ſee no reaſon why you ſhould ſtick at it, upon ſuch conditions as he might be tied unto, to wit, That the young prince ſhould have with him ſuch governor as you ſhall pleaſe to appoint him, although he be no Roman catholic; and that neither he, nor any of his, ſhould be any way forced in matter of their conſcience. And our meaning is, ſo to order our proceeding in this treaty, that before your ſaid ſon be put into the hands of the emperor, we will have a clear and certain aſſurance of an honourable, entire, and punctual reſtitution of all whatſoever belonging to you: As alſo we will take care to provide accordingly, as fully and exactly for the aſſurances requiſite for the liberty of conſcience, for him and his domeſtics, as they have done here with us, touching thoſe that have been granted them for the infanta. And therefore ſeeing there is no inconvenience at all, that may cauſe your averſeneſs or backwardneſs in this buſineſs, which we for our parts think to be the beſt, ſhorteſt, and moſt honourable way that you can take, for the compaſſing of the entire reſtitution, and making your peace ſure with the emperor, we hope your opinion will concur with us therein, and ſhall intreat you by the firſt, to ſend us your anſwer."

By which letters, after his majeſty's coming out of Spain, it appeareth to your lordſhips, that there was no propoſition of the marriage betwixt the ſon of the prince Palatine, and the emperor's daughter, when the letter was written; for therein his majeſty ſaith he was determined to intereſt the king of Spain in the buſineſs, before any ſuch propoſition ſhould be made to the emperor. And it will alſo thereby appear, that his late majeſty's inclination was of the conveniency thereof, which the ſaid earl hopeth will acquit him, if by way of diſcourſe only he declared what his majeſty's opinion was, which, with honeſty, he could not have concealed. And the ſaid earl ſaith, he doth not remember what anſwer ſir Walter Aſton made upon that diſcourſe which he then delivered, nor what replies the ſaid earl made; but ſure he is, whatſoever the ſaid earl ſaid, or what anſwer or reply ſoever was made, as it was by way of diſcourſe, and not otherwiſe, ſo it was according to that which he truly conceived to be the beſt and eaſieſt way to accommodate the buſineſs and to be his majeſty's pleaſure (which the ſaid ſir Walter Aſton may be ignorant of, as he is confident that he was) and not out of any diſaffection to our religion, or for any ſiniſter reſpect or regard to the houſe of Auſtria, as by the ſaid article is intimated: for he did not conceive the breeding of the prince Palatine's ſon with the emperor, having a governor appointed by his late majeſty and his father, and he and his domeſtics to have free uſe of their own religion, to be a matter of impoſſibility, or ſuch dangerous conſequence in point of religion, as to imply his converſion, as by the article it is intimated; well knowing that in the emperor's court, all princes there, though his priſoners, and others his counſellors and ſervants about his perſon, and ſo great command in his armies, being avowed proteſtants, have the free uſe of their religion: And it is not to be ſuppoſed, the ſon of the prince Palatine, grandchild to the king of Great Britain, ſhould be matched and no care taken to capitulate for the uſe of his religion, being ever granted to the meaneſt prince that is beſtowed. And his majeſty's ſpecial care in this point, is fully ſeen in the ſaid letter.

X. To the tenth article he ſaith, That by comparing of this article of his too much forwardneſs, with the ſecond article, whereby he is charged with continuing the treaty upon generalities, without reducing them to certainties, and direct concluſions, your lordſhip will perceive how impoſſible it was for him to avoid an exception. But for direct anſwer to the preſent charge, he ſaith he did not preſumptuouſly, nor yet to his knowledge, break his inſtructions nor ſet a day at all for the deſponſories; but was therein merely paſſive,

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in admitting the day nominated by the king of Spain according to the capitulation before made: nor did he presumptuously, wilfully, or willingly disobey any commandment or direction of his majesty that now is, then prince, which he could understand not to be countermanded, either by present or future instructions otherwise explained.

And for the better manifestation of the truth of his proceedings in, and concerning the same, he saith, that on the day of the departure of his majesty, then prince, from the Escurial in Spain, his highness delivered unto him, in presence of the commissioners, his proxies powers, with public declaration taken in writing by the secretary to the king of Spain, of the prince his pleasure, and how the said earl should use them, viz. That he should deliver them to the king of Spain, upon the coming of the dispensation cleared from Rome, according to that which hath been agreed, which was to be within ten days after the coming of the dispensation. And he farther saith, That it is true, that the prince afterwards by his letters sent by one Mr. Clarke, commanded him the said earl not to deliver the said proxies till he should have received security, that the infanta, after her being betrothed, should not enter into any religious order, and that before he proceeded, he should send to his majesty, then prince, such securities, as should be offered, that he might judge whether it were sufficient or not.

Whereupon the said earl, as became a faithful servant, presented unto his majesty that now is, then prince, such assurances as were offered unto him, for securing of that point, together with such reasons as he conceived were fit to be offered to their considerations; which gave unto his late majesty, and his majesty that now is, then prince, such satisfaction, as they were pleased to dispatch a post presently unto him, absolutely discharging him of that commandment, as by their several letters, dated October 8, 1623, will appear as followeth:

"We have received your letters by Grisley, and the copy of them to our dear son; and we cannot forbear to let you know how well we esteem that dutiful, discreet, and judicial relation, and humble advice to our son: whereupon, having fully deliberated with ourself, and communicated with our dear son, we have resolved, with the good liking of our son, to rest upon that security in point of doubt, for the infanta's taking a religious order, which you in your judgment shall think meet."

And by that other letter of his majesty that now is, then prince, as followeth, viz.

"Your letter to the king and me, concerning that doubt I made after I came from St. Laurence, hath so satisfied us both, that we think it fit no longer to stick upon it, but leave it to your discretion to take what security you shall think fitting."

Whereby he was absolutely freed of that command; and being so freed thereof, he then remained under the order which his majesty, then prince, had left with him at his departure, which was to proceed according to the capitulations, and his highness's declaration, when he delivered the said proxies unto him: and so he intended to have done, till by his highness's letters, November 13, 1623, he was directly commanded the contrary, which commandment he directly and punctually obeyed.

And for such his intentions, till he was countermanded, he conceived he had not only sufficient warrant, but had highly offended if he had done otherwise. For first, for his proceedings to consumate the match, he had warrant and instruction under his late majesty's hand. Secondly, it was the main scope of his embassage. Thirdly, he was enjoined by the king and prince his commission, under the great seal. Fourthly, he had positive order under his majesty's hand, by letters since. Fifthly, it was agreed by capitulation, that it should be within so many days after the coming of the dispensation. Sixthly, his late majesty, and his majesty that now is, then prince, signified by their letters unto him, at the same time, when they discharged him of his commandment touching the infanta's entering into religion, that they intended to proceed in the marriage, as by his majesty's letters, October 8, 1623, will appear. Seventhly, The proxies were to that end left in his hands, and after again renewed, after his majesty's return into England. Eighthly, He had overthrown the marriage without order: For although sir Walter Aston and himself used all possible means for the gaining of time, and deferring the desponsories; yet the king of Spain caused it to be protested, That in case he the said earl should insist upon the deferring of the desponsories, he would free himself from the treaty by the said earl's infringing of the capitulations: and in truth, although the king of Spain should have condescended to have prolonged the desponsories, until one of the days of Christmas, as by the letter was required; yet the prince's proxies had been before that time expired, and he durst not, without a precise warrant, put such a scorn upon so noble a lady, whom he then conceived was likely to have been the prince his wife, as to nominate a day of marriage when the proxies were out of date, and he was himself sworn to the treaty. And lastly, he could not in honour and honesty, but endeavour to perform that public trust reposed in him, when the proxies were deposited in his hands, with public and legal declaration, with an instrument by a secretary of state to the king of Spain, leading and directing the use of them, and the same being then Instrumentum stipulatum, wherein as well the king of Spain was interested by the acceptation of the substitution, as the prince by granting of the proxies, he could not in honesty fail the public trust, without clear and undoubted warrant; which as soon as he had, he obeyed. So as the case standing thus, the said earl is very confident, that the supposed countermands, directions, and restrictions, when they should be perused and considered of, will appear to have been very slender and insufficient warrant against the aforesaid orders and reasons before specified: and is also as confident, that what is assured out of his, the said earl's dispatches, will also appear to be misunderstood; and that if he had proceeded to the execution of the desponsories, before he received direct and express commandment to the contrary by the aforesaid letters, November 13, 1623. which he readily and punctually obeyed, he had not, under favour, broken his instructions, or deserved any blame for lack of assurance of the restitution of the Palatinate, and temporal articles.

And first, of the Palatinate, his said majesty did not send to the said earl express directions not to dispatch the desponsories, until a full conclusion were had of the other treaty of the Palatine, together with that of the marriage, as by the said articles is alleged; only his late majesty, by the aforesaid letters of October 8, required the said earl so to endeavour, that his majesty might have the joy of both at Christmas. Whereas his instructions of May 14, 1621, were express, that he should not make the business of the Palatinate a condition of the marriage. And his late majesty's letters of December 30, 1623, were fully to the same effect. Yet did the said earl, according to what was intimated by the said letter of October 8, so carefully provide therein, as that before the proxies were to be executed, he had an absolute answer in the business of the Palatinate, the same should be really restored according to his late majesty's desire; and the condé Olivares both in his majesty's name, and in his own, desired the said earl and sir Walter Aston, that they would assure his majesty of the real performance of the same, and intreated, if need were, they should engage their honour and life for it, as by their joint dispatches of November 23, 1623, will appear; and so much the said sir Walter Aston and the said earl agreed should be delivered to them in writing before they would have delivered their proxies, and so the said earl declared it; the which answer in writing should have been the same, which since was given them of January 8, 1623. And both sir Walter Aston and the said earl were confident therein, as they by their said letters of November 23, wrote to his late majesty as followeth, viz.

"That his majesty might according to his desire, signified to the said earl, by his letters of October 8, give, as well to his majesty's daughter that Christmas, the comfortable news of the expiring of her great troubles and sufferings, as to his son the prince, the congratulation of being married to a most worthy and excellent princess."

By which it will evidently appear, he meant not to leave the business of the Palatinate loose, when he intended to proceed to the marriage; but he confessed that he was ever of opinion, that the best pawn and assurance his late majesty could have of the real proceeding of the Palatinate, was, that they proceeded really to the effecting of the match; and of the same opinion was his late majesty also, and the lords commissioners here in England, as appeareth by his instructions, dated March 14, 1621, which opinion still continued in them, as appeareth by his late majesty's letters of January 7. 1622. And as for the temporal articles, the said earl saith, when the desponsories were formerly appointed to have been, as he remembereth, on Friday, August 29, before the departure of his majesty, then prince, out of Spain, which was only hindered by the not coming of the dispensation, the prince appointed him and sir Walter Aston to meet with the Spanish commissioners, and they drew up the heads of the temporal articles, wherewith the prince and the duke of Buckingham were acquainted; and in case the dispensation had

come, and the desponsories being performed on that day, there had been no other provision made for them before the marriage; but presently, upon the prince his departure, he, the said earl, caused them to be drawn into form, and sent them to his late majesty, Sept. 27, 1623, desiring to understand his majesty's pleasure with all speed, especially if he disapproved any thing in them; but never received notice of any dislike thereof, until the aforesaid letters of November 13, 1623, which put off the desponsories. So as it appeareth the said earl was so far from breaking his instructions, or from having any intention to have proceeded to the execution of the desponsories, before his majesty and the prince were satisfied of this point of the infanta entering into religion, or before convenient assurance, as well for the restitution of the Palatinate, as performances of the temporal articles, that he deserveth, as he conceiveth under favour, no blame, so much as in intention; but if he had erred in intention only, (as he did not) the same being never reduced into act, the fault (as he conceiveth) was removed by his obedience before the intention was put into execution: For so it is in cases towards God. And as to the matter of aggravation against him, that he appointed so short a time for the desponsories, as that without extraordinary diligence the prince had been bound, he thereto saith, as he said before, that he set no day at all thereunto, nor could defer it after the dispensation came from Rome, without a direct breach of the match so long laboured in, and so much desired; yet he and sir Walter Aston having used all possible industry to discover how the motion of deferring the match would be taken; and finding an absolute resolution in the king of Spain to proceed punctually, and to require the proxies according to the capitulation, within ten days after the coming of the dispensation; and that time also getting advertisement from Rome, that the dispensation was granted, and would presently be there; he, the said earl, to the end, in so great a cause, he might have a clear and undoubted understanding of his late majesty's pleasure, sent a dispatch of November 1, with all diligence unto his majesty, letting his majesty know, that it could not be possible for him to protract the marriage above four days, unless he should hazard the breaking, for which he had no warrant.

But that this was now no new resolution, nor the king so straitned in time, as by the said article is pretended, will appear by the said earl's dispatch of September 28, 1623. In which, upon scruple that was then made of the infanta's entering into religion, he wrote to the same effect, viz. "That if the dispensation should come, he knew no means how to detain the proxies above twenty or twenty four days." So that although no difficulty happened until the midst of November 1623, yet it was foreseen, that it must of necessity happen whensoever the dispensation should come; and then was warning of two months given thereof; viz. from September 24, until November 29, which was the time appointed for the desponsories.

So, as he most humbly submits himself unto your lordships, which of the two ways was the safer or dutifuller for him to take; whether upon inferences and conjectures, to have overthrown so great a business; or, on the other side, first, to have presented unto his majesty the truth and sincerity as he did, the true estate of his affairs, with his humble opinion therein, with an intimation, that if his majesty should resolve to break the match, that for the said earl his honest discharge of the public trust reposed in him, when the proxies were deposited in his hands, and for his sufficient warrant in so great a cause, his majesty would be graciously pleased to give clear and express order, (which he had not) and in the interim, whilst his majesty might take into consideration the great inconveniencies that might ensue, the said inconveniencies might be suspended, and the business kept upon fair terms, that his majesty might have his way and choice clear and unsoiled before him.

And as to the evil consequences which are pretended would have followed, if the said earl had proceeded to the consummation of the match, before he had express order and warrant to the contrary; he supposed his majesty should speedily have seen the marriage, which he so long sought to have effected; that the prince should have had a worthy lady whom he loved; that the portion was much greater than ever was given in money in Christendom, that the king of Spain had engaged himself for restitution of the Palatinate; for which the said earl conceived a daughter of Spain, and two millions, had been no ill-pawn; besides many other additions of advantage to the crown of England: whereas on the contrary side, he foresaw that the prince would be kept a year longer unmarried, a thing that so highly concerneth these kingdoms; he doubteth, that the recovery of the Palatinate from the emperor, and duke of Bavaria, by force, would prove a great difficulty, and that Christendom was like to fall into a general combustion: so that desiring that his majesty should have obtained his ends, and have had the honour and happiness, not only to have given peace, plenty, and increase, unto his own subjects and crowns, but to have propounded the greatest differences that had been these many years in Christendom: and by his piety and wisdom, to have prevented the shedding of so much Christian blood, as he feared would ensue, if these businesses were disordered. These reasons, he confessed, and the zeal unto his majesty's service, made him so earnestly desire the effecting of this business, and cannot but think himself an unfortunate man, (his majesty's affairs being so near settling to his majesty's content, as he conceiveth they were, and hoping to have been to his majesty, not only a faithful servant, but a successful servant) to see the whole estate of his affairs turned upside down, without any the least fault of his; and yet he, the only minister on the English and Spanish side, that remained under disgrace.

XI. To the eleventh article the said earl saith, that the article is grounded upon a petition by him preferred to this honourable house, supposed to be scandalous; which your lordships (as he conceiveth) according to the customs and privileges of the house of peers, would have been pleased first to have adjudged so to have been, either for matter appearing in itself, or upon hearing the said earl; for if the matter appearing in the petition itself be not to be excepted unto, it cannot, as he conceiveth, by collateral accidents, be taken for a scandal, till it be examined and found false. For a plain and direct answer thereunto he saith, that the said petition is such, as will not warrant any such inference, as by the said article is inforced. And that he hoped to justify the contents of the said petition in such sort, as shall not displease his majesty, nor deserve that expression which is used in the charge; but contrarily what he hath said, or shall say therein in his defence, shall in all things tend to the honour and service of his majesty, by reducing into his memory divers circumstances, and laying before him the passages of divers particulars, which by undue practices have been either concealed from his majesty, or mis-related unto him.

"Having thus offered to this high and honourable court, such proofs and reasons as he hoped shall, in your lordships wisdom and justice, clearly acquit him of any capital crime, or wilful offence; if it shall appear, that out of errors and judgment, too much ferventness and zeal to his majesty's service, or the ignorance of the laws of this realm, (wherewith he hath not been able to be so well acquainted as he ought, by reason of foreign employments by the space of many years) or by any other ways or means he hath fallen into the danger of the laws for any thing pardoned in the general pardon, made in the parliament holden at Westminster, 'anno vicesimo primo regni imp. Jacobi Angliæ, &c.' of blessed memory, he humbly prayeth allowance of the pardons, and the benefit thereof, (with this clause, that he doth and will aver, that he is none of the persons excepted out of the same (although he is very confident, he shall not need the help of any pardon, having received many significations, as well from his majesty's own mouth, that he had never offended his majesty, as lately, by several letters of the lord Conway, that he might rest in the security he was in, and sit still, and should be no farther questioned. But he hopes your lordships will not only find him so far from blame, but that he hath served his late majesty of blessed memory, and his most gracious son, the king's majesty that now is, with that fidelity, care, and industry, that your lordships will take course, as you, in your wisdoms, shall think fit, not only for upholding the honour and reputation of a peer in this realm, after so many employments, but likewise become humble and earnest suitors to his majesty on this behalf (which he humbly prayeth) that he may be restored to his majesty's good favour, which, above all worldly things, he most desireth."

This defence of the earl of Bristol seemed to me worthy to be transmitted to posterity, in a language more generally known than the English. Truth is visible throughout: the whole is perfectly coherent: nothing appears disguised, and the earl's innocence is so clearly seen, as to be almost beyond doubt. But on the other hand, there appears a furious persecution against this lord, from those who must have been convinced of his innocence. In this persecution is seen the extreme weakness of James I. who, contrary to his own knowledge, not only permitted the earl of Bristol to be oppressed, who had served him very faithfully, but also was induced to tell the parliament, in 1624, two things equally distant

tant from the truth. The firſt, that when the prince and duke of Buckingham came to Madrid, they found the affair with which the earl of Briſtol was charged, as untouched, as if it had never been mentioned before. And yet, he had himſelf ſigned the articles of the treaty, and nothing was wanting but the pope's diſpenſation to celebrate the marriage, as manifeſtly appears in the earl of Briſtol's anſwer. The ſecond, that the affair upon which he conſulted the parliament, namely, whether he ſhould break the treaties with Spain, was yet, "Res integra," though theſe intreaties had been entirely broken two months before. But Charles I's prejudice againſt the earl of Briſtol is ſo ſurpriſing, that after having ſeen the earl's defence, one can hardly believe, a prince, ſo judicious in other reſpects, could be induced to dictate to his attorney-general, an accuſation ſo full of calumnies againſt a lord, whom certainly he could not think guilty, ſince no man knew no more of the affair than himſelf. This is a character which does not redound to his honour. He would have been more excuſable, if he had cauſed the duke of Buckingham to act alone, whoſe reputation ought not to have been more dear to him than his own. In ſhort, we ſee in the earl of Briſtol's defence, a clear and full explication of what paſſed in Spain, in the negociation of the two treaties, for the marriage, and for the reſtitution of the Palatinate, which is the principal ſubject of the reign of James I. The earl's defence undeniably ſhews alſo, what all the good writers affirm, that the duke of Buckingham's narrative to the parliament in 1624, was all falſe. And therefore I thought this narrative of the duke's would not be ill-placed after the earl of Briſtol's defence, that the reader, by comparing the one with the other, may be ſatisfied with his own eyes, how unworthily king James, the prince his ſon, and the duke of Buckingham, acted with the parliament, in order to cauſe them to adviſe a rupture with Spain, on which advice king Charles afterwards ſo ſtrenuouſly inſiſted.

The duke of Buckingham's narrative [a] of the tranſactions in Spain, delivered to both houſes of parliament, by order of king James I. in the year 1624.

THE duke in his narration, obſerved ſix diſtinct and ſeveral parts. I. The motives of the prince's journey to Spain. II. The treaty of the marriage ſet on foot in Spain, ſeverally and by itſelf. III. The treaty of the marriage and reſtitution, united together by a reciprocal ſubordination. IV. The prince's return from Spain. V. His majeſty's ſubſequent proceedings in both treaties, ſince the return. VI. The ſtating of the queſtion, "ſuper totam materiam," wherein both the houſes were to offer to his majeſty their advice and counſel.

ARTICLE I.

The motives of the prince's journey to Spain.

The negociation of ſir Richard Weſton chancellor of the Exchequer, with the archduchеſs of Bruſſels, miniſtred unto his majeſty the firſt occaſion of jealouſy, and made a kind of diſcovery of the Spaniards indirect dealing with this ſtate.

"After the duke had ſpoken theſe few words, there was read a letter of the 3d of October 1622, from the king to the earl of Briſtol, wherein Briſtol was required to let the king of Spain know, how ſenſible king James was of the emperor's proceedings towards him; and that he ſhould demand of the king of Spain a promiſe, under hand and ſeal, that Heidelbergh ſhould be delivered within ſeventy days after audience, and the like for Manheim and Frankendale, if they be taken; and if this be denied, to preſs to have leave to march through the king of Spain's territories with an army for the recovering of his children's patrimony; and that the king of Spain ſhould aſſiſt us with his forces."

Then the duke deſired the houſes to take for truth whatever he ſhould ſay, granted and atteſted by the prince's preſence; and ſhewed, that this letter was not put home to the utmoſt by the earl of Briſtol. Hereupon a diſpatch was ſent away to my lord of Briſtol, expreſly commanding him to preſs his directions more home than yet he had done, and in caſe he ſhould be denied or delayed by the king of Spain, then to take his leave and come away: this was not ſo fully exacted by my lord of Briſtol.

Porter, that carried theſe letters, was commanded not to ſtay above ten days, who after he had been there ſome four or five days, and ſaw nothing towards a diſpatch, went himſelf to the condé Olivares, (having been his creature) and deſired him that he would ſpeed his diſpatch. Olivares aſked him what he would have? Who replied, no more than what had been formerly promiſed, that in caſe the emperor ſhould deny the reſtitution of the Palatinate, the king of Spain ſhould aſſiſt our king by arms to recover it, or elſe give way to our forces to march thither through his country. Olivares replied, that this was a prepoſterous demand; what, to aſſiſt with arms againſt the king's uncle, and the catholic league! Porter ſpeaking to him of the marriage of our prince with the infanta of Spain, he told him, that he underſtood not a word of it [b].

Porter acquainted Briſtol herewith: he ſaid, he would call Olivares to an account, if he held this language with him, and would make him underſtand, that an earl of England was as good a man as a condé of Spain. But ſending for Porter the next morning, he changed his reſolution, and concluded to carry the buſineſs more calmly, and ſaid, the condé was ſo reſerved, becauſe he was ſhy and dainty to report thoſe myſteries with that freedom to him, who was not qualified as a public miniſter. The condé was angry with Porter for communicating what he ſaid to Briſtol. Mr. Porter returned with a diſpatch fraught with generalities, and without any one particular or certainty at all, made his relation to the prince's highneſs; who thereupon took his reſolution to go in perſon to Spain, and gave himſelf theſe reaſons for the enterprize.

He ſaw his father's negociation plainly eluded; matters of religion gained upon, and extorted [c]: his ſiſter's cauſe more and more deſperate; and that this was the way to put things off or on; and that in this particular, delay was worſe than a plain denial; and that, according to the uſual proverb, "a deſperate diſeaſe muſt have a deſperate remedy [d]."

Hereupon the king commanded the duke to accompany his highneſs in his journey.

ARTICLE II.

The treaty of the marriage ſevered, and by itſelf.

When the prince had arrived at Madrid, the condé gave him a viſit; magnified exceedingly the prince's journey; amplified the obligations his highneſs had put upon that king; and ſaid, that now without all peradventure, it muſt be a match, and we muſt part and divide the whole world betwixt us.

The next day the condé taking the duke into his coach, and Mr. Porter for his interpreter, falling into diſcourſe of the match, he ſaid unto the duke, let us diſpatch this match out of hand, and ſtrike it up without the pope; the duke anſwered, he liked the matter very well, but deſired to underſtand the means. The means, quoth the condé, is very eaſy; it is but the converſion of the prince; which we cannot conceive but his highneſs intended upon his reſolution for this journey.

The duke anſwered forthwith, that with freedom they came thither, and with freedom they would return again: they were no jugglers, neither came they to Spain to make new bargains [e]: that the prince was ſettled in his religion; his conſcience was troubled with no ſcruples in that kind: if they ſtruck any more upon that ſtring, they would mar all the harmony. Then ſaid the condé, there is no way but to ſend to Rome to haſten the diſpenſation; to which the duke aſſented. Hereupon the condé wrote his letter to the cardinal Ludovicio the pope's nephew; which being ſhewed to the duke, ſeemed to him to be very heavy; the duke therefore deſired to quicken it with this poſtſcript, "That now the prince being arrived, muſt not be ſent back without a wife; that delay to a ſuitor is a kind of refuſal; that clogging inſtructions would amount to a denial, and new conditions to an abſolute breach." The condé fell into choler, and ſaid directly it could not be done. This the prince affirmed to be acted in his preſence: but the earl of Briſtol made a more benign conſtruction thereof, the duke a right-down concluſion, that this people never intended either match or reſtitution; and ſo wiſhed his highneſs fairly at home again: however the meſſenger was diſpatched to Rome.

[a] This narrative has been collated with the record in Rymer, tom. xvii. p. 556, &c. by means whereof, ſeveral miſtakes that were in Ruſhworth, are rectified.

[b] The marriage had been now ſix years negociating at Madrid. There were ſome articles ſigned, which Gregory XV. had ſent back with his anſwers. Either therefore condé Olivares, or Porter, or the duke of Buckingham, did not ſpeak the truth. Rapin.

[c] Theſe matters became much worſe after the prince was in Spain. Rapin.

[d] All theſe reaſons are extremely weak. For ſuppoſing them to be true, they only prove at moſt the neceſſity of a rupture with Spain, but not of the prince's journey thither. Rapin.

[e] They however made new terms. Rapin.

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Four or five days after his highneſs was placed to ſee his miſtreſs in her paſſage through the ſtreets, as ſhe made her viſits from church to church: but preſſing for acceſs, he was delayed, but at laſt obtained a viſit; but a very ſtrange one. He was not ſuffered to ſpeak unto her, but as they had ſet it down in words and ſyllables in writing; ſaying, they were no aſtrologers, and could not foreſee the event of this marriage: and therefore they reſolved to admit him as a prince only, and not as a ſuitor. But the condé ſalved this up with a compliment, that if the diſpenſation were once returned, he ſhould lye with her even that very night; nay, have her he ſhould upon any terms. If he could not be qualified to enjoy her as a wife, yet he ſhould have her as a miſtreſs.

Soon after, riding in a coach, it was urged by the condé, that the infanta was of a tender conſcience, and if ſhe ſhould come into England, and find the prince an enemy to her religion, it would quite diſhearten her. His highneſs conſented to hear her upon this ſubject, becauſe he was as like to convert her, as ſhe was to pervert him. A conference with divines was preſſed upon his highneſs, which he refuſed, and ſaid, if after a diſputation with them, they ſhould not prevail againſt a young man, they would remain much diſguſted, and ill affected to the whole negociation, this kind of importunity was ſtill uſed towards the prince, till the return of the diſpenſation.

Six weeks after the prince's arrival came the diſpenſation; but his highneſs underſtood from Rome, by Mr. Gage, that the diſpenſation was returned, much clogged in matter and manner, eſpecially with the annexed new condition. The king of Spain, before the receiving of the diſpenſation, was to take an oath to ſee all the articles performed; whereupon faculty was iſſued, really performed, or elſe to make war, in caſe of any failure, upon the king of England.

His highneſs ſignified his reſolution unto them, that he neither could nor would add or alter any thing of the firſt articles ſent to England.

A juncto of divines are appointed to meet and conſider, whether the king might ſafely take the oath. By this time the prince had gone through all the articles, ſitting in perſon with the committee; only leaving three undecided, that of the church, that of the nurſe, and that of the education of the children; which his highneſs reſerved till he ſhould ſpeak with the king. Then ſaid the condé, now buſineſs is in a better way than ever it was, a match, and without more ado ſhe was his wife.

But the next day came Gondomar, and ſpake unto the prince of the ſame match, as of a new thing, and told him plainly, that unleſs his highneſs came to all the conditions of the diſpenſation as they were ſent from Rome, clearly and entirely, nothing would be done; for they had no power to remove or alter a word of falſe Latin. Whereupon his highneſs was juſtly diſtaſted, and offered to break. Then they preſſed the prince, that he would be pleaſed to ſtay twenty days, until the king of Spain might receive an anſwer from England. The prince reſolved to ſtay, upon condition that ſir Francis Cottington might be diſpatched away within two days, and ſome meſſenger that might overtake him with the articles that ſhould be ſent after, as ſoon as ever they could be made ready: but the two days of their hammering ſpun out to twenty; at the end thereof they brought them with new additions.

The articles being at laſt ſent to England, the juncto of divines delivered their opinions, that the infanta could not be ſent over before the ſpring; at which his highneſs was offended, but the condé prevailed with him to ſtay, until their embaſſador ſhould certify out of England, that the articles were aſſented unto by king James, and put in execution, and then the lady ſhould go with the prince.

The biſhop of Segovia was pleaſed to ſay to the duke, that he had heard ſomething of the eſtate of our kingdom, and had received it from good hands; that our king could not make a toleration without a rebellion, and he eaſily believed it; becauſe the king of Spain is not able, in his dominions, to effect the like enterprize, without incurring the like danger: therefore he concluded, it was unſafe to ſend the lady thither at this time, becauſe we having granted as much in effect as a toleration, it was very probable ſhe ſhould be welcomed with a riſing and rebellion. To which the duke replied, that if the favors which the king his maſter had exhibited to his catholics, and the mediation of that king, and the advice of that very committee, of which that biſhop was one, be of ſo dangerous a conſequence; it ſeems their lordſhips, who gave the advice for that article, though they pretended religion, intended plain and open rebellion. But you muſt know quoth the duke, if his highneſs had been of my lord biſhop's opinion, that theſe connivances had amounted to a toleration, he had never accepted of theſe articles to have gained any alliance: for what was agreed unto, was but a temporary ſuſpenſion of penal laws, but no toleration; for that could not be done, but by conſent of parliament. Then Gondomar hereupon ſaid, that for his part, he did not hold it fit to ſend the infanta thither, before the articles be perfectly put in execution. And Gondomar privately infuſed to the prince his highneſs, being incenſed againſt the duke, that the duke was in heart (as he ſaid all his kindred were) a Roman catholic; and he ſaid to a jeſuit of great account and zeal in thoſe parts, that the duke was a moſt obſtinate, perverſe, and refractory puritan.

About this time it was reported, that the prince intended to ſteal away; whereupon they laid wait to intercept him: hereupon the duke was ſent to tell them, that although they had ſtole thither out of love, they would never ſteal thence out of fear.

About this time the prince ſent a meſſage to his father, that if he ſhould receive any advertiſement, that he was detained by that ſtate as a priſoner, he would be pleaſed, for his ſake, never to think upon him any longer as a ſon, but reflect upon the good of his ſiſter, and the ſafety of his own kingdoms.

ARTICLE III.

The treaty of the match and reſtitution reciprocally ſubordinated.

It is fit to obſerve this paſſage, which is the hinge whereupon all his highneſs's ſubſequent actions are turned and moved. He had never ſtaid a ſevennight longer in Spain; he had never left any proxy with Briſtol; he had never taken any oath at the eſcurial; or ſo much as ever written a compliment to the lady; but that he had ſtill before his eyes, as his cynoſure[f], the promiſe made by the condé, for the reſtitution of the Palatinate.

To haſten the delivery of the lady, the duke preſented unto the condé, how his maſter was now in years; the prince his only ſon; and he would ſuffer in honour and reputation, to return home without his wife. The condé conſented hereunto, and deſired the prince would name a day for his departure.

This news came to the infanta, who ſeemed to be apprehenſive of the prince's going away, and prevailed with his higneſs to return this compliment unto her, that rather than he would give her Alteza any diſguſt, he would ſtay for ſeven years.

By this time ſir Francis Cottington is arrived with all things perfected by the king, and letters from the embaſſadors of good ſatisfaction, and a command from the king to his highneſs, to make his return within one month.

Now began the condé to enter into the treaty for the reſtitution of the Palatinate, ſaying, the lady ſhould by no means go to England, before that buſineſs was accommodated. And it was projected, that there ſhould be a reſtitution of the land to the prince Palatine, upon a condition of marriage with the emperor's daughter, and that he ſhould be bred in the emperor's court[g]. The prince demanded of the condé whether, in caſe the emperor proved refractory, the king his maſter would aſſiſt him with arms, to reduce him to reaſonable terms? The condé anſwered negatively[h], becauſe they had a maxim of ſtate, that the king of Spain muſt never fight againſt the imperor; for they would not employ their forces againſt the houſe of Auſtria.

Hereupon his highneſs made his protiſtation to the condé: "Look to it, Sir, for if you hold yourſelf to that, there is an end of all; for without this you may not rely upon either marriage or friendſhip."

By this time the prince is grown cheap and vulgar in the court of Spain, ſo that they will ſcarce beſtow a viſit upon him, and the condé came very ſeldom to him: and two letters came to the duke's hands, which ſhewed that all the condé did, was nothing but flaſhes and lightning; notwithſtanding, he ſeemed at this time to be in a good humour, and told the duke, that now certainly it muſt be a match,

[f] That is, pole-ſtar.

[g] It appears by the earl of Briſtol's defence, which is confirmed by a letter from king James, that this propoſal was not actually made till after the prince's departure from Madrid. Rapin.

[h] Either the earl of Briſtol, or the duke of Buckingham, muſt in this point not have ſpoken the truth. Rapin.

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and the devil could not break it: the duke replied, he thought ſo, and the match had need be very firm and ſtrong, it had been ſeven years in ſoadering. The condé denied it, and ſaid plainly, it had not been really intended ſeven months; and ſaid, I well fetch that out of my deſk, that ſhall aſſure you thereof; and ſo produced two letters, the firſt was written with the king of Spain's own hand, dated the 5th of November 1622; and the other from the condé Olivares, of the 8th of November 1622, being an anſwer to that letter [i].

"Theſe letters having been inſerted in the hiſtory of king James I. vol. II. page 444, there is no need of repeating them here over again."

ARTICLE IV.

The prince's return from Spain.

And now the prince returning for England, being engaged to leave his proxy, did depoſit the ſame in the hands of the earl of Briſtol, who was to keep it, and uſe it as his procurator; that is, as he ſhould receive his highneſs's directions from time to time: his order for the preſent was, ſaid the duke) that if the confirmation came from Rome clear and entire [k], (which it did not) then within ſo many days he ſhould deliver it to the king of Spain.

The ſecond direction ſent to him, was by a letter which his highneſs ſent him between his departure from the eſcurial, and coming to the ſea-ſide, to this effect: that for fear a monaſtry ſhould rob him of his wife, he ſhould ſtay the delivery of the powers until the doubts were cleared; and that his highneſs would ſend him in the premiſſes ſome farther directions: here becauſe my lord of Briſtol in his letter of the 1ſt of November 1623, doth preſs ſo vehemently the prince his highneſs concerning this proxy, and the prince vowed openly before both houſes [l], that he had never by oath or honour engaged himſelf not to revoke the powers more than by the clauſe, De non revocanda Procuratione, inſerted in the inſtrument itſelf, and that he conceived the clauſe to be matter of form; and although eſſentially of no binding power, yet uſually thruſt into every ſuch inſtrument; and that the Civilians do hold, that it is lawful by the civil and canon law, for any man to revoke his proxy of marriage, notwithſtanding it hath the clauſe, De non revocanda Procuratione inſerted in it: therefore as to this point the duke concluded, that the earl of Briſtol, in charging this matter ſo highly on the prince, had much forgot himſelf [m].

ARTICLE V.

The ſubſequent proceedings of his majeſty in both the treaties, ſince the return of his highneſs.

The prince, by the mercy of God, came to Royſton, and made his relation to the king of all that had paſſed. His majeſty was glad, and told him, that he had acted well the part of a ſon; and now the part of a father muſt come upon the ſtage, which was to provide with all circumſpection, that his only ſon ſhould not be married with a portion of tears to his only daughter. And therefore his majeſty commanded by an expreſs diſpatch, the ſtay of the proxy in the earl of Briſtol's hands, until he had ſome better aſſurance of the reſtitution of the Palatinate.

Then was read his majeſty's letter to the earl of Briſtol, dated the 8th of October 1623, wherein the earl of Briſtol was required by the king, "ſo to endeavour, that he might have the joy of both treaties at Chriſtmaſs;" namely, thoſe about the marriage, and the reſtitution of the Palatinate. This the duke would have had looked upon as a poſitive order, not to deliver up the procuration, till the reſtitution of the Palatinate was actually promiſed; concerning which matter, ſee the earl of Briſtol's anſwer to the tenth article of his accuſation.

After that the duke went on in the following manner: you would perceive that by this diſpatch, Briſtol would lay hold on all hints and emergent occaſions, to put off the deſponſories without this required aſſurance by arms firſt obtained; but the truth is he did not ſo.

For 1ſt, the confirmation came from Rome, clogged and mangled; and inſtead of challenging thereupon, he labours with no ſmall ſtrength of wit to hide and palliate the ſame [n].

2. In the temporal articles the portion was altered, from ſix hundred thouſand pounds in ready caſh, to eighty thouſand pounds in money, and a few jewels, and a penſion of twenty thouſand pounds per annum. Inſtead of quarrelling with this mean alteration, he ſeems to approve and applaud the payment [o].

3. For the aſſurance of reſtitution of the Palitinate, the main foundation, both of match and friendſhip, he is ſo far from providing for it before, (which was the method preſcribed by the king) that he leaves it to be mediated by the infanta after the marriage.

Laſtly, Inſtead of putting off the contract, as any man in the world (upon the diſpatch from Royſton) would have done, he comes to prefix a preciſe day for the deſponſories.

Now from this raſh fixing of the day for the deſponſories in Spain, which was controlled again by an expreſs [p], from hence iſſued an unneceſſary diſcourteſy put upon the king, and in a manner upon the infanta, by the earl of Briſtol: from that proceeded a great affront put upon the prince, the taking away the title la princeſſa from the infanta, and the debarring of our embaſſadors from any further acceſs to her perſon.

Then was produced an anſwer of the king of Spain, to the memorial of the Engliſh embaſſador, implying a refuſal to aſſiſt by arms for the recovery of the Palatinate, in caſe the emperor conſented not to a reſtitution.

ARTICLE VI.

This queſtion the duke ſtated after this manner: Whether this being the full effect and product of all the negociation, which I have opened unto you, be ſufficient Super totum materiam, for his majeſty to rely upon with any ſafety; as well for the marriage of his only ſon, as for the relief of his only daughter? Or, that theſe treaties ſet aſide, his majeſty were beſt to truſt to his own ſtrength, and to ſtand upon his own feet? So the duke ended with this concluſion, that if the bringing us from darkneſs to light, did deſerve any thanks, we owe it, and muſt wholly aſcribe it to the prince his highneſs.

It is needleſs, I think, to make upon this narrative, reflections which may occur to every reader, after having ſeen the earl of Briſtol's defence. I ſhall content myſelf therefore with obſerving, how little proper this narrative was to afford ſufficient information to the two houſes of parliament, to enable them, upon good grounds, to form their reſolutions concerning the queſtion propoſed to them by the king. And yet upon this alone it was that they reſolved to adviſe the king to break with Spain, and this haſty advice was the principal cauſe of the differences afterwards between Charles I. and his parliaments.

[i] The earl of Briſtol pretended, theſe letters were written with no other intent but to get the negociation out of his hands, becauſe the court of Spain was in hopes of obtaining better conditions from the duke of Buckingham. Rapin.

[k] It is very doubtful, whether this condition was inſerted in the princes's declaration. Ibid.

[l] About five months after. Ibid.

[m] See the earl of Briſtol's defence, Article X.

[n] This could not be true. For the diſpenſation did not come from Rome till the beginning of December 1623, and the king's abſolute order not to deliver the diſpenſation, was dated November 23. Therefore the earl of Briſtol had not time to write to England, to palliate the defects of the diſpenſation, ſuppoſing it to have had any. Rapin.

[o] This muſt be miſrepreſented; for if the earl of Briſtol had been guilty of ſuch prevarication, the king would not have failed to bring it as an article of accuſation againſt him, which alone would have been ſufficient to condemn him. Ibid.

[p] It was the prince himſelf, and the duke, who had agreed with the king of Spain on the day the marriage ſhould be ſolemnized, viz. ten days after the coming of the diſpenſation, which the earl of Briſtol altered not. Ibid.

THE HISTORY OF ENGLAND.

BOOK XX.

Containing the ſecond Part of the Reign of CHARLES I. from the Year 1640, to 1642.

[1640.] THE king's affairs, at the meeting of the parliament, were in a very ill ſituation. Inſtead of ſubduing the Scots, as he had flattered himſelf, he had the mortification to ſee them enter England, force the paſſage of the Tyne, defeat a conſiderable body of his army, and render themſelves maſters of Newcaſtle. Moreover, he ſaw his own troops not very ready to ſerve him. They conſiſted, for the moſt part, of ſoldiers liſted againſt their wills in the ſeveral counties, and prejudiced like the reſt of the nation againſt the government. Beſides, the valour of the Scots being magnified by thoſe who had been routed, and by the king's private enemies, inſpired the Engliſh troops with ſome terror. Moreover, the king wanted money to pay them. His whole reſource was the two hundred thouſand pounds borrowed of the city of London, till it ſhould pleaſe the parliament to furniſh him with the neceſſary ſupplies. But he could hardly expect that the parliament would be favourable to him. It was univerſally believed he had called it againſt his inclination, and becauſe he could find no other way to free himſelf from his preſent circumſtances; what had paſſed in the four parliaments held ſince the beginning of his reign, the diſſolutions of theſe parliaments with heat and animoſity, the impriſonment of the members, the diſcontinuance of parliaments for twelve years, the taxes impoſed by the king's ſole authority during that ſpace, the monopolies upon all ſorts of goods and commodities, the decay of trade, the open protection granted by the king to the papiſts and arminians, the ſeverities exerciſed upon the preſbyterians, the innovations in religion, the almoſt univerſal ſuſpicion of a deſign to introduce popery, the exceſſive authority uſurped by the council and ſtar-chamber, the corruption of the judges, in a word, the principles of arbitrary power aſſerted by the court, bred a general diſcontent. The king was not ignorant of it, and till now had diſregarded it; but he began to dread the conſequences when he ſaw himſelf upon the point of being expoſed to the ill humour of a new parliament, who probably would not loſe the opportunity of labouring the redreſs of grievances, which the former parliaments had in vain demanded. Nevertheleſs he was ſo prejudiced and exaſperated againſt the Scots, that he ſtill hoped the new parliament would look upon their entrance into England as an invaſion, as a war made, not upon the king, but the kingdom, and would furniſh the means to drive them into their conutry and chaſtize their audaciouſneſs. But it was not long before he perceived his hopes ill-grounded.

The parliament met the 3d of November, according to the king's writs: there had never been a more numerous aſſembly, very few members being abſent [q]. Every one looked upon this as the faireſt opportunity that could poſſibly offer to cure the evils of the kingdom; and all the members, except ſuch as were entirely devoted to the king, were ready to contribute to the reſtoring of the government to its true and ancient conſtitution. Accordingly this was what the people expected. On the firſt day, the king made the following ſpeech to both houſes.

"My Lords,

"THE knowledge I had of the deſires of my Scotiſh ſubjects, was the cauſe of my calling the laſt aſſembly of parliament; wherein, had I been believed, I ſincerely think that things had not fallen out as now we ſee. But it is no wonder that men are ſo ſlow to believe that ſo great a ſedition ſhould be raiſed on ſo little ground. But now, my lords, and gentlemen, the honor and ſafety of this kingdom lying ſo near at ſtake, I am reſolved to put myſelf freely and clearly on the love and affection of my Engliſh ſubjects, as theſe of my lords that did wait on me at York, very well remember I there declared.

"Therefore, my lords, I ſhall not mention my own intereſt, or that ſupport I might juſtly expect from you, till the common ſafety be ſecured; though I muſt tell you, I am not aſhamed to ſay, thoſe charges I have been at have been merely for the ſecurity and good of this kingdom; though the ſucceſs hath not been anſwerable to my deſires: therefore I ſhall only deſire you to conſider the beſt way both for the ſafety and ſecurity of this kingdom; wherein there are two parts chiefly conſiderable. Firſt, the chaſing out of rebels [r]. And ſecondly, that other, in ſatisfying your juſt grievances, wherein I promiſe you to concur ſo heartily and clearly with you, that all the world may ſee my intentions have ever been and ſhall be to make this a glorious and flouriſhing kingdom. There are only two things that I ſhall mention to you: the one is to tell you, that the loan of money which I lately had from the city of London, wherein the lords that waited on me at York aſſiſted me, will only maintain my army for two months, from the beginning of that time it was granted. Now, my lords and gentlemen, I leave it to your conſiderations what diſhonor and miſchief it might be, in caſe for want of money my army be diſbanded before the rebels be put out of this kingdom. Secondly, the ſecuring againſt the calamities the northern people endure at this time, and ſo long as the treaty is on foot: and in this I ſay not only they, but all this kingdom will ſuffer the harm: therefore I leave this alſo to your conſideration, for the ordering of thoſe great affairs, whereof you are to treat at this time. I am ſo confident of your love to me, and that your care is for the honor and ſafety of the kingdom, that I ſhall freely and willingly leave to you where to begin. Only this, that you may the better know the ſtate of all the affairs, I have commanded my lord keeper to give you a ſhort and free account of thoſe things that have happened in this interim, with this proteſtation, that if this account be not ſatisfactory as it ought to be, I ſhall whenſoever you deſire, give you a full and perfect account of every particular. One thing more I deſire of you, as one of the greateſt means to make this a happy parliament, that you on your parts, as I on mine, lay aſide all ſuſpicion one of another; for, as I promiſed my lords at York, it ſhall not be my fault if this be not a happy and good parliament."

After the king had done ſpeaking, the lord keeper Finch made his ſpeech. He began with encomiums of the king and queen, and then endeavoured to perſuade the two houſes that the calling of the parliament was wholly owing to his majeſty, who had reſolved it before he received any petition on that ſubject [s]. After that he endeavoured to ſhew, though in a very general manner, that the Scots had violated the late treaty, and the king, againſt his will, taken up arms by the unanimous advice of his council, to reduce them to obedience. He concluded with informing both houſes of what had paſſed as well in the beginning of the war as in the conferences at Rippon.

The commons being returned to their houſe, choſe for ſpeaker William Lenthall, bencher of Lincolns-Inn, who was propoſed by ſir Henry Vane, ſecretary of ſtate [t]. This choice being approved by the king, they appointed, accord-

[q] Dr. Welwood affirms that no age ever produced greater men than thoſe that ſat in this parliament. Memoirs, p. 42.

[r] That is, the Scots. Some exception being taken at the king's calling them rebels, he explained and juſtified that expreſſion in a ſpeech to the lords, November 5. See Ruſhworth, tom. iv. p. 17. Whitelock, p. 38.

[s] And yet the lord Clarendon aſcribes the calling the parliament to the advice of the great council of peers at York. Rapin.

[t] The lord Clarendon ſays, the king deſigned ſir Thomas Gardiner, recorder of London to be ſpeaker: but he could not get himſelf elected for London, nor anyother borough. And no wonder, if it be true, as Whitelock ſays,

ing to cuſtom, a committee to examine all queſtions that might ariſe about elections, returns, or other privileges of the houſe. Then it was reſolved, that a committee of the whole houſe ſhould meet on certain days of the week, for theſe five principal heads, namely, for religion, grievances, courts of juſtice, trade, and Ireland. Theſe were the articles which chiefly occaſioned the nation's complaints and murmurs, and the commons thereby evidently diſcovered their intentions.

As from the 3d of November 1640, to the 25th of Auguſt 1642, the hiſtory of this reign wholly conſiſts of parliamentary tranſactions, I think it neceſſary before all things to give a deſcription of this parliament, and of the different parties into which it was divided. It will afterwards be more eaſy to perceive the motives of their acts and reſolves, and withal the true grounds of the civil war that afflicted England.

Firſt, it is certain there was hardly a member of either houſe but what was diſpoſed to procure the redreſs of the grievances ſo long complained of. Theſe grievances were ſo manifeſt, that it was almoſt impoſſible, without ſubverting the conſtitution of the government, to find plauſible reaſons to juſtify the king's and the miniſtry's conduct, during the fifteen foregoing years. They were of ſuch a nature, that no man was free from them, not even thoſe who ſerved for inſtruments to impoſe them on the people, though they were in great meaſure indemnified ſome other way. In ſhort, they were of ſuch conſequence, that admitting the principles whereon they were founded, the neceſſary reſult was a total ſubverſion of the government, and an arbitrary power unknown to the Engliſh for many ages. It may therefore be affirmed, that from the very beginning of this parliament, the general ſentiment of both houſes was, that the preſent opportunity of applying proper remedies to the evils of the kingdom was not to be neglected.

But the members were divided upon a principal point, which however flowed from the general diſpoſition. Some were of opinion, that after all the grievances were redreſſed, the government ſhould be reſtored to its natural ſtate, ſuch as it was before the reigns of James and Charles, without any additions or alterations. Others, on the contrary, thought that after the redreſs of grievances, it would be neceſſary to uſe ſome effectual method to put it out of the king's power ever to invade the liberties of the people and the privileges of the parliament: but theſe carefully concealed their intentions, leſt they ſhould give occaſion to the others to ſuſpect a deſign to alter the eſtabliſhed government, and cauſe them to oppoſe even the moſt reaſonable things, out of fear of the conſequences. They hoped to find, or ſtart, in time, opportunities enough to inſpire the whole nation with a diſtruſt of the king, and by that means to accompliſh their ends.

Such being the general diſpoſition of the parliament, it is evident the entrance of the Scots into England was to be deemed a very conſiderable advantage, granted to the Engliſh by providence, to hinder the king from breaking the meaſures which might be taken againſt him. The king was under an abſolute neceſſity to maintain an army for his defence againſt the Scots, without having for that purpoſe other means than the aſſiſtance of the parliament: for the times being changed, the impoſing of arbitrary taxes could not be practiſed any longer, upon which probably he had depended in the beginning of the war, ſince, in a month after taking the field, he was deſtitute of money to pay his troops. So it was the parliament's intereſt to keep the king in his neceſſity, that he might not be able to oppoſe the reſolutions of the two houſes. It is not therefore to be thought ſtrange, that the parliament did not much attend to what the king moſt deſired, namely, to be enabled to drive the Scots out of the kingdom, ſince on the contrary the preſence of the Scots gave the two houſes a ſuperiority they were unwilling to loſe.

The ſentiments of the parliament were alſo very various with reſpect to religion. There were in the houſes rigid epiſcopalians, who believed biſhops eſſential to religion, and that without them there was no lawful ordination, nor conſequently any valid adminiſtration of the ſacraments: of this number were the biſhops, and almoſt all the king's party. There were moderate epiſcopalians, who being ſincerely attached to the church of England, had however different ideas of epiſcopacy: they had a veneration for epiſcopal government, as being very ancient in the church, and what they moſt liked; but though they had no deſign to alter it, they did not think it however ſo abſolutely neceſſary, but that religion might well ſubſiſt under any other kind of government: this was the prevailing opinion, and eſpouſed by a majority in both houſes. Wherefore it may be ſaid, that in the beginning of this parliament the members in general had no intention to attac the government of the church, eſtabliſhed in England ſince the reformation.

But there was in the two houſes another party more powerful by the ability of their leaders than by their number: I mean that of the preſbyterians, who were divided alſo into moderate and rigid. The former had no other view than to obtain ſome liberty and ſecurity againſt perſecution. The latter were of a different ſtamp. They conſidered epiſcopal government as repugnant to the word of God, and the juriſdiction of the biſhops as a real tyranny. Theſe were the particular objects of the hatred of the king, miniſtry, biſhops, and moſt of the clergy, becauſe their principles tended to the utter ruin of the church of England. For that reaſon they believed there was no ſafety for them, but in an entire change of epiſcopal into preſbyterian government. But they eaſily perceived, that to attain their ends the king was to be diſabled to oppoſe them, knowing that, as long as it was in his power, he would never conſent to that change. Their number was however ſo inconſiderable, that they would have made no figure in the parliament, had they not been ſupported by the Scots, whoſe aid they could not be without. Moreover, among theſe rigid preſbyterians lay concealed a certain ſet of men, known afterwards by the name of Independents, who held, concerning civil as well as eccleſiaſtical government, uncommon opinions, which they took care not to explain till they found occaſion to publiſh them. They were contented for ſome years to conceal themſelves among the rigid preſbyterians, in order at a proper time to accompliſh their deſigns more effectually. It was the particular intereſt of theſe men ſo to manage, that the government of the ſtate ſhould be changed, or rather overthrown, well knowing their party could never ſubſiſt but in anarchy. And therefore, without diſcovering their intentions, they improved all occaſions to ſow and cheriſh diſcord between the king and the parliament. The whole preſbyterian party was directed by the heads of the rigids and independents, men of great parts, who, without diſcovering themſelves more than was neceſſary, ſeemed to confine their deſigns to the redreſs of grievances, which was the general aim of the parliament, and wherein almoſt all were united. They found a double advantage in this conduct: firſt, they removed all ſuſpicion of their intending to change the government of church or ſtate, and withal preventing the union of the other members, who would not have failed to unite, in order to oppoſe ſuch a change. The ſecond advantage was, that by being ſolely intent at firſt upon the redreſs of grievances, they had frequent occaſions of exclaiming againſt the king's former adminiſtration, and fomenting the parliament's diſtruſt and jealouſy of him: for it was by that chiefly they hoped to be able to execute their projects.

Such being the diſpoſition of the parliament, it is eaſy to perceive the reaſon why the commons were ſo intent at firſt upon the redreſs of grievances, as well public as private. A great number of petitions upon that ſubject were preſented to them, within a few days after their meeting. Many members were likewiſe charged with the like petitions from their burroughs and ſhires, and ſeveral very mortifying ſpeeches to the king and his miniſters were made in the houſe [u]. Of all theſe ſpeeches I ſhall inſert only one, wherein are enumerated all the public grievances, of which the people thought to have reaſon to complain: it is that of Mr. Pym, member of parliament for Taviſtock in the county of Devon [x].

" Mr. Speaker,

" TO redreſs grievances will not hinder, but further the ſervice of the king: to take away the weights, does as much advantage motion, as to add wings.

" I ſhall, 1. Inſtance ſeveral heads of thoſe grievances we labour under. 2. Demonſtrate them to be as hurtful to the king as to the people. 3. That the remedies will prove equally good to both of them.

ſays, that ſuch a ſpirit of oppoſition to the court proceedings, was in the hearts and actions of moſt of the people, that very few of that party had the favour to be choſen members of this parliament. Clarendon, tom. I. p. 135. Whitelock, p. 37.

[u] Arthur Capel (afterwards lord Capel) preſented a petition for Hertfordſhire, ſir John Packington for Worceſterſhire, ſir John Culpeper for Kent, ſir Philip Muſgrave for Weſtmoreland, ſir Francis Seymour for Wilts, (theſe turned afterwards for the king); Henry Bellaſis and Ferdinando lord Fairfax for Yorkſhire, ſir Edmund Mountford for Norfolk, ſir Thomas Barrington for Eſſex, William Pierpont for Shropſhire, ſir Guy Palmer for Rutland, &c. Ruſhworth, tom. IV. p. 21.

[x] Rapin, by miſtake, has inſerted in his hiſtory Mr. Pym's ſpeech which he ſpoke the 17th of Auguſt, in the laſt parliament, and of which mention is made in vol. II. page 555. Wherefore the tranſlator has inſerted here the true ſpeech, as it is found in Ruſhworth, Ibid.

" The

" The king can do no wrong; the law caſts all miſcarriages upon the miniſters: thus the influence of heaven conveyeth vigour into ſublunary creatures; but the malignity of all epidemical diſeaſes proceedeth from the ill-affected qualities of the earth or air.

" There are a threefold ſort of grievances: 1. Some againſt the privilege of parliament: 2. Others to the prejudice of religion: 3. Some againſt the liberty of the ſubject. For the firſt, the members are free from arreſts; to have liberty of ſpeech; a legiſlative, judiciary, and conciliary power; being the ſame to the body politic, as the faculties of the ſoul to a man.

" Theſe privileges have been broken: 1. In reſtraining the members from ſpeaking. 2. In forbidding the ſpeaker to put a queſtion; both of theſe practiſed in the laſt parliament. 3. By impriſoning divers members for matters done in parliament. 4. By proceedings againſt them for the ſame in the inferior courts. 5. Enjoining them to give ſecurity for their good behaviour, and continuing them in priſon even to their death. 6. In abrupt diſſolutions of parliament; the great grievance; like the execution of a man without being heard: it receives a being by the ſummons, and a civil death by diſſolution; not only thereby to die, but to be made inteſtabiles, uncapable of making their wills, the good acts that they were about.

" The ſecond is, encouragement of popery: 1. By ſuſpenſion of laws againſt them: now it is certain, there can be no ſecurity from papiſts, but in their diſability; their principles are incompatible with any other religion; laws will not reſtrain them, nor oaths; for the pope diſpenſeth with both, and his command acts them againſt the realm in ſpirituals and temporals, in ordine ad ſpiritualia. Henry III. and Henry IV. of France, were no proteſtants, yet were murdered becauſe they tolerated reformation. 2. By allowing them places of truſt and honour in the commonwealth. 3. Their free reſort to London, and to the court; to communicate their counſels and deſigns, diving into the ſecrets of ſtate. 4. That as they have a congregation of cardinals at Rome, for advancing the pope's authority in England; ſo have they a nuntio here, for the execution thereof.

" Then as to innovations of religion introduced: 1. Maintenance of popiſh tenets, in books, ſermons, and diſputations. 2. Practice of popiſh ceremonies countenanced and enjoined, as altars, images, crucifixes, bowings, &c. Theſe I may in ſome reſpect compare to the dry bones in Ezekiel, which firſt came together, then ſinews and fleſh came upon them, afterwards the ſkin covered them, and then breath, and life was put into them; ſo firſt the form, then the ſpirit and life of popery was to come amongſt us. 3. Preferment of perſons popiſhly affected. 4. The diſcouragement of proteſtants, by over rigid proſecutions of the ſcrupulous for things indifferent: no vice made ſo great as inconformity; by puniſhing without law, for not reading the book for Sunday recreations; for not removing the communion-table otherwiſe; for not coming to the rails to receive the communion; for preaching on the Lord's day in the afternoon; for catechiſing otherwiſe than as in the ſhort catechiſm in the Common Prayer Book. 5. By incroachment of eccleſiaſtical juriſdiction; particularly, 1. In fining and impriſoning without law. 2. Challenging their juriſdiction to be appropriated to their order jure divino. 3. Contriving and publiſhing new articles of viſitation, new canons; and the boldneſs of biſhops, and their ſubordinate officers and officials.

" As to the third ſort of grievances, I ſhall obſerve rather the order of time when they were acted, than the conſequence; but when we come to the cure, it will be the beſt to begin with the moſt important.

" There is firſt, tunnage and poundage, and the late new book of rates taken by prerogative, without grant of parliament; from whence theſe inconveniences follow: 1. Mens goods are ſeized, their ſuits ſtopt. 2. Miſemployment of the ſums of money impoſed; for though intended for the guard of the ſeas, they are diſpoſed to other uſes, and a new tax raiſed for the ſame purpoſe. 3. The burden exceſſive, trade hindered, home commodities abaſed, and foreign inhanſed; by which means the ſtock of the kingdom is diminiſhed, eſpecially to the poor planters in America, by the tax upon tobacco.

" There is compoſition for knighthood; which, though it refers to a former cuſtom, yet upon the ſame grounds, the king may renew it by a new fine, immoderate multiplication of diſtreſs and iſſues, and enforce them to compound with the commiſſioners. An inundation of monopolies undertaken by papiſts, and full of miſchief: firſt, by imparing the goodneſs, and enhanſing the price of ſalt, ſoap, beer, coals, &c. Secondly, under colour of which, trade was reſtrained to a few hands. Thirdly, Many perſons thereupon illegally impriſoned.

" But the great and unparalleled grievance is the ſhip-money, being aggravated, not ſupported by the judgment, which is not grounded upon law, cuſtom, precedent, or authority: it being improper for a caſe of neceſſity; and abounding in variety of miſchief: as, firſt, The general extent to all perſons, all times, and the ſubject left remedileſs. Secondly, The arbitrary proportion without limits. Thirdly, Impoſed by writ, and diſpoſed by inſtructions. Improper for the office of a ſheriff in the inland counties, and inconvenient for the inhabitants; without rule or ſuitable means for the levying or managing of it.

" The enlargements of foreſts beyond the bounds of the ſtatutes 27 and 28 Edward I. which perambulations then were the cauſe of that famous Charta de Foreſta: and now reviving theſe old queſtions, new diſtempers may follow, and particular obliquities we may already obſerve, and ſurreptitious proceedings, as in Eſſex; yet that verdict was enforced in other counties, and a judgment upon the matter after three or four hundred years quiet poſſeſſion of the ſubject, who thereupon is forced to compound for great fines.

" The ſelling of nuſance: the king as a farther of the commonwealth, is to take care of the public commodities and advantages of the ſubjects, as rivers, highways, and common-ſewers, by ordinary writs, Ad quod damnum: but now by a courſe extrajudicial, by inforcing compoſitions: ſo then, if really it be a nuſance that is compounded for, it is an hurt to the people; if no nuſance, then it is a grand prejudice to the party.

" The commiſſion for buildings about London, was preſented as a grievance in the time of king James; now much more increaſed, and much more prejudicial.

" The commiſſion for depopulations began ſome few years ſince; by both theſe commiſſions, the ſubject is reſtrained from diſpoſing of his own; demoliſhing their houſes, puniſhing and fining their perſons for that, for which they are ſtill liable by law; for the king cannot licence a nuſance; and although theſe are not nuſances, yet it is of ill-conſequence to be compounded for, and may make a precedent for kings to licence ſuch things as are nuſances indeed.

" Military charges ought not to be laid upon the people by warrant of the king's hand, nor by letters of the council-table, nor by order of the lords lieutenants of counties, nor their deputies. It began to be practiſed as a loan for ſupply of coat and conduct-money in queen Elizabeth's time, with promiſe to be repaid it, as appears by a conſtat warrant in the Exchequer, and certain payments: but now a-days never repaid. The firſt particular brought into a tax was, the muſter-maſter's wages; which being but for a ſmall ſum, was generally digeſted: yet in the laſt parliament, it was deſigned to be remedied. But now there follows preſſing of men againſt their wills, or to find others. 2dly, Proviſions for public magazines for powder, ſpades, and pickaxes. 3dly, Salary of officers, cart-horſes, carts, and ſuch like.

" The extrajudicial declarations of judges without hearing of counſel or argument: a teeming grievance, productive of many others.

" Monopolies countenanced by the council-table, and the clauſe of their patents of monopolies, commanding the juſtices of the peace to aſſiſt them; whereby the great abilities of that honourable board receive a ſtain, by ſuch matters of ſo mean a report in the eſtimation of the law, ſo ill in the apprehenſion of the people.

" The high-court of ſtar-chamber, called in the parliament rolls Magnum Concilium to which the parliaments were wont to refer ſuch matters as they had not time to determine: a court erected againſt oppreſſion, a court of councils, and a court of juſtice, now an inſtrument of erecting and defending monopolies, to ſet a face of public good on things pernicious.

" That great and moſt eminent power of the king in edicts and proclamations, called Leges Temporis, uſed heretofore to encounter with ſudden and unexpected danger, till the great council of the king could be called, hath of late been exerciſed for enjoining and maintaining monopolies. But the laſt and greateſt grievance leads us a ſtep higher, even as high as heaven, as the throne of God, his word and truth. The ambitious and corrupt clergy, preaching down the laws of God, and liberties of the kingdom; pretending divine authority and abſolute power in the king, to do what he will with us; and this preaching is the highway to preferment: as one Manwaring ſentenced in the former parlia-

ment

ment for this doctrine, then a doctor, is now become a bishop. The intermission of parliaments contrary to the statute, whereby they are to be called once a year, is the main cause of all these and other mischiefs, to which parliaments give remedy.

"These grievances are as well hurtful to the king as to the subjects, by interrupting their communion; they have need of his general pardon, and to be secured from projectors and informers; to be freed from obsolete laws, and from the subtle devices of such who seek to strain the prerogative to their own private advantage, and the public hurt; and the king hath need of them for counsel, for support. Queen Elizabeth's victorious attempts, were for the most part carried on upon the subjects purses, and not upon her own; though the honor and profit were hers. These discontents at home diminish the king's reputation abroad, and disadvantage his treaties, and weaken his party beyond sea; by encouraging popery; by forcing the subjects to leave the kingdom, to the prejudice of the king's customs and subsidies. As for instance, divers clothiers forced away, who set up their manufacturies abroad to the hurt of the kingdom.

"The king hath received upon the monopoly of wines, thirty thousand pounds per ann. The vintner pays forty shillings per tun, which comes to ninety thousand pounds; the price upon the subject by retail is increased two-pence a quart, which comes to eight pounds a tun; and so forty-five thousand tun brought in yearly, amounts to three hundred and sixty thousand pounds; which is three hundred and thirty thousand pounds lost to the kingdom, above the king's receipt.

"Now the remedies, and removing these grievances, consist of two main branches, in declaring the law where it is doubtful, and in providing for the execution of the law where it is clear. But these I refer to a future time, and for the present advise speedily to desire a conference with the lords touching grievances; and always to humble ourselves for God's assistance."

As Mr. Pym, who spoke this speech, was one of the leading men in the house of commons, he was extremely applauded, and the more, that in giving a summary of all the public grievances, he had not used any disrespectful terms against the king or his ministers. This speech was followed with another by sir Benjamin Rudyard, who to intimate that there was a settled design to introduce popery and arbitrary power into England, expressed himself after this manner:

"They have brought it to pass, that under the name of puritans, all our religion is branded; and under a few hard words against jesuits, all popery is countenanced. Whosoever squares his actions by any rule, either divine or human, he is a puritan; whosoever would be governed by the king's laws, he is a puritan; he that will not do whatsoever other men would have him do, he is a puritan: their great work, their master-piece, now, is to make all those of the religion, to be the suspected party of the kingdom."

These speeches were seconded with so great a number of complaints and petitions concerning grievances both public and private, that the house was divided into above forty committees upon this single article, according to the different nature of the complaints. But before the particular examination of these grievances was begun, the commons thought fit to desire the concurrence of the lords to move the king, he would be pleased to appoint a fast, which met with no opposition either from the lords or the king[x]. Then they appointed a committee to examine what number of papists were in and about London, and how they were armed. As the king, by a message, had acquainted them with his design to publish a proclamation against recusants, the committee was empowered to examine the same after the publication, and see how it was executed.

Two days after, on the 9th of November, the house going upon the grievances, the lord Digby, son of the earl of Bristol, made on that subject a speech, which he concluded with this motion, "That a select committee may be appointed to draw out of all that has been complained of, such a remonstrance as may be a faithful and lively representation to his majesty of the deplorable state of the kingdom[y]." Very probably, this motion had been resolved among the leaders, because they were apprehensive of the king's opposing the redress of grievances, and because in that case it was requisite to shew the people the necessity of this redress, by informing them wherein consisted the grievances of the nation. The lord Digby's motion being approved, the house appointed a committee of twenty-four to prepare the remonstrance. But because the king shewed greater condescension than was expected, the remonstrance was not drawn till above a year after, and upon another occasion.

Sir John Culpeper, one of the members who had spoken upon the grievances, having chiefly insisted on monopolies, it was voted, that all such members as directly or indirectly had any share in, or benefit from any project or monopoly, should be disabled to sit in the house, and that Mr. Speaker should issue out writs to chuse others in their room. There were afterwards four expelled the house upon that account[z].

During the four or five first days, the house of commons was almost wholly employed in receiving petitions and complaints, as well from private persons, as from burroughs and shires. Amongst the private petitions, the most remarkable was those of Bastwick, Burton, Prynn[a], Lilburn, Leighton, Jennings, Smart[b]. These men complained of the exorbitant pains and penalties inflicted on them by the star-chamber and high commission. As I intend not to dwell upon the affairs of private persons, I shall only say, that within the space of about a year, the commons found time to examine all these sentences one after another, and to punish the members of the star-chamber, who had given their votes, by condemning them to pay all the costs and damages of the parties. The reparations to Bastwick, Prynn, and Burton were fixed to above four thousand pounds each[c]. All the other complaints of private persons against the courts of justice, or the star chamber and high commission, or certain bishops and deans, who laboured more than the rest, to introduce innovations in religion, were heard. The commons took a pleasure to mortify in their turn, those who had stretched the prerogative royal in persecuting the puritans, or rather such as did not bear the yoke patiently, who were confounded under that name, with the presbyterians.

If the commons endeavoured to do justice to private persons, who had suffered any injury during the first fifteen years of this reign, it may well be imagined, they neglected not to redress the grievances of the whole nation. This was their principal business during the first year of their session. Though the parliament was composed of several parties, who had not all the same views, they were however, united with respect to the redress of grievances. Even those members who were most devoted to the king, durst not oppose the general sentiment, some because they thought the thing just, others, not to lose their labour, and for fear of rendering themselves too suspected.

Among those who had most contributed to the public mischiefs, the archbishop of Canterbury was considered as one of the chief and most worthy of punishment, as being author of the innovations in the church, promoter of the war with Scotland, persecutor of the presbyterians, and head of the armenians. The earl of Strafford was likewise of this number, because he had so entirely devoted himself to the king, that in his two great offices of president of the court of York, and lord-lieutenant of Ireland, he had no other view than to stretch the prerogative royal, and increase the king's revenues. His proud and haughty carriage had no less offended the public than his actions, whereby he strove to establish an arbitrary power. He was accused of advising the king to transport his

[x] Dr. Cornelius Burgess, and Stephen Marshal, preached on that day before the house of commons, and preached and prayed at least seven hours betwixt them. Diurnal Occurrences, p. 4.

[y] In this speech he mentions among other things, the new canon-oath, and says, "My opinion of the oath is, that it is a covenant against the king for bishops; as the Scotish covenant is against the king and bishops, only so much worse than the Scotish, as they admit not of the supremacy in ecclesiastical affairs, and were sworn to it." Rushworth, tom. iv. p. 32. Whitelock, p. 38.

[z] Whitelock says, many members thereupon withdrew themselves, and new elections were made in their rooms. Ibid.

[a] See an account of the severe punishment of these three persons above, p. 531, note [l]. They were now by order of parliament, brought from their several places of confinement to London. Prynn and Burton landing at the same time, viz. November 28, at Southampton, were received with extraordinary demonstrations of esteem, had their charges bore, and liberal presents given them. This method and ceremony kept them company all their journey, and so many people met them upon their approach to London, that they were carried into the city by above ten thousand persons, with boughs and flowers in their hands. Clarendon, tom. i. p. 160. Nalson, tom. i. p. 570.

[b] Leighton, a physician, father of Dr. Leighton, archbishop of Glasgow, for writing a book called Sion's Plea against Prelacy, (wherein he accused the parliament "to kill all the bishops, by smiting them under the fifth rib," and railed against the queen, calling her a Canaanite and Idolatress) was thrown into a noisom prison, fined ten thousand pounds, stood in the pillory twice, having one ear cut off, one nostril slit, and one cheek fired, with thirty-six lashes each time. Whitelock, p. 15.—Alexander Jennings of Buckinghamshire, for refusing to pay ship-money, was imprisoned in the Fleet, by warrant of the council, without any cause expressed, and the court of king's-bench had refused to discharge or bail him when brought thither by Habeas Corpus. Peter Smart, canon of Durham, having in 1628. printed two sermons against innovations in the church of Durham, by Dr. Cosins, was by the high commission of York deprived of his prebend and living, fined 500l. and imprisoned many years. Rushworth.

[c] Nalson pretends, that the sentence in the star-chamber against Bastwick was not only just, but that he deserved even death, if he had not had to do with the most merciful of kings. Rapin.

Iriſh army into England, to ſubdue the oppoſers of his will. Though he was highly in the king's favour, he had nevertheleſs made himſelf many enemies at court and in the kingdom, who earneſtly ſought occaſions to ruin him. The lord-keeper Finch was looked upon alſo as a pernicious counſellor, wholly devoted to the king, and ready for any attempt to eſtabliſh a deſpotic government. It was not doubted, but he was the man that had corrupted the judges in the buſineſs of ſhip-money. Sir Francis Windebank, ſecretary of ſtate, was reckoned the patron of the catholics, and it was by his means that the condemned prieſts and jeſuits eſcaped one way or other the ſentence paſſed upon them. In ſhort, the judges of the realm had rendered themſelves extremely odious to the people, as well by the judgment they had given in Mr. Hampden's affair, as by numberleſs other acts of injuſtice on private perſons. Theſe were the principal authors of the grievances, whom the commons intended to bring to exemplary puniſhment.

The earl of Strafford was the firſt on whom the ſtorm fell. The 11th of November, eight days after the opening of the parliament, Mr. Pym having deſired, and obtained his deſire of the commons, that the doors of the houſe might be locked and the outward room cleared of ſtrangers, informed them, that there were ſeveral complaints againſt the earl of Strafford, which afforded good ground to accuſe him of high treaſon. Upon this information, the houſe immediately appointed a committee of ſeven [d], who withdrawing into another room, and conferring together, reported preſently after, that it was their opinion, there was juſt cauſe to impeach the earl of Strafford. Then Mr. Pym was ordered to go to the houſe of lords, and accuſe the earl of high-treaſon, in the name of all the commons. He had orders likewiſe to tell the lords that in due time the commons would produce the articles of accuſation, and in the mean time, deſired the accuſed might be put into ſafe cuſtody. The earl of Strafford was that very day come from the army, and had taken his place in the houſe of lords. Before his departure from the army, he had received notice that there was a deſign to attack him. But whether through pride, or a belief that having done nothing without the king's warrant, he was ſecure, he ſlighted the advice, and would be preſent in the parliament. Indeed, ſome months before, the king's protection was more than ſufficient to ſcreen him from all danger. But the face of affairs was altered, and it is ſtrange a perſon of ſo great a genius, and ſo good ſenſe, could imagine the king was able to protect him in ſuch a juncture [e]. However this be, upon the commons impeachment, the lords committed him to the cuſtody of the black-rod, and ſome days after ſent him to the Tower. As this affair was prolonged till May the next year, I ſhall not ſpeak of it, till I come to the time of this famous trial, and ſhall continue to relate, without interruption, what concerns the redreſs of grievances, and the puniſhment or accuſation of their authors.

Secretary Windebank was attacked next. Several petitions were preſented againſt him to the houſe, whereof he was member complaining, that as ſecretary of ſtate, he had iſſued out warrants under his own hand, for the diſcharge of proſecutions againſt prieſts, and for their releaſe out of priſon. All theſe petitions tended to ſhew, that he loſt no opportunity to countenance the papiſts, and gloried in being reckoned their patron. I do not know whether he profeſſed the Roman catholic religion. Be this as it will, he was ſummoned ſeveral times to come to the houſe, and anſwer what was laid to his charge. But he believed it more proper to avoid the impending ſtorm, and withdraw into France. When he was out of danger, he ſent the earl of Pembroke, lord chamberlain, a letter, lamenting his misfortune, and intimating, that if he was guilty, it was only for having ſerved the king faithfully, and obeyed his orders [f].

The convocation, their canons-oath, and the tax they had laid upon the clergy to aid the king in his war with Scotland, were next taken into conſideration by the houſe. This affair was debated with great warmth: ſeveral members made on the occaſion ſpeeches tending to ſhew the king could not, by his authority, turn the convocation into a ſynod. They alleged for reaſon, that the clergy who compoſed it could act but as members of the convocation, becauſe to act as members of a ſynod, they ought to have been elected by the people, and it did not belong to the king to make this election as he pleaſed. That the convocation or ſynod had not power to make canons for the whole nation, without the conſent of the people themſelves, nor conſequently without the intervention of the parliament. That moſt of the canons were unjuſt in themſelves, and tended to increaſe the clergy's power, to the prejudice of the king's authority and the people's liberties. That by theſe canons the convocation aſſumed a power above the parliament. That the oath they had impoſed was ſtrange, doubtful, contrary to the privileges of the parliament and the rights of the people, and obliged men to ſwear as neceſſary, things that were alterable without any danger to religion: for inſtance, ſuppoſing it true that biſhops are jure divino, which the church of England never acknowledged [g], it could not be affirmed that archbiſhops, deans, and archdeacons are of divine or apoſtolical inſtitution; and yet people were made to ſwear never to conſent to the altering of the government of the church by archbiſhops, biſhops, deans, archdeacons, &c. That by this oath, the repreſentatives of the nation would be ſo tied up, that though the parliament ſhould have power to alter the government of the church, they could not even debate upon that ſubject, by reaſon of their oath. Upon theſe and many other reaſons, which I omit, to avoid tediouſneſs, the commons voted unanimouſly, 1. That the clergy of England convened in a convocation or ſynod, or otherwiſe, have no power to make any conſtitutions, canons, or acts whatſoever, in matters of doctrine or diſcipline, or otherwiſe, to bind the clergy or laity of the land without common conſent in parliament. 2. That the canons treated upon by the late convocation, do contain matters contrary to the king's prerogative, to the fundamental laws and ſtatutes of the realm, to the rights of parliament, to the property and liberty of the ſubject, tending to ſedition, and of dangerous conſequence [h].

Immediately after theſe reſolutions, the houſe appointed a committee of thirty-ſix; to examine who were the chief promoters of theſe canons, and how they had been executed: to conſider how far, in particular, the archbiſhop of Canterbury had been concerned in the great deſign of ſubverting the laws of the land and religion; and to draw up a charge againſt him and ſuch others as ſhould appear guilty of the ſame crime. The Scotiſh commiſſioners, who were ſent to London to continue the treaty begun at Rippon, were, as I ſaid, in good underſtanding with the leading members of the commons, and in all appearance had been informed of the deſign to proſecute the archbiſhop: and therefore, to make the blow fall the heavier on this prelate, by joining their complaints with thoſe of the commons, they preſented the next day to the lords a charge againſt him to this effect:

"That he was the cauſe of all the troubles in Scotland,

[d] Mr. Pym, Mr. Strode. Mr. St. John, the lord Digby, ſir John Clotworthy, ſir Walter Earl, and Mr. Hampden. Ruſhworth, tom. IV. p. 43.

[e] Whitelock ſays, it was conſidered at York, whether the earl ſhould repair to the houſe, or continue in the north with the army. The earl humbly deſired his majeſty to excuſe his going to parliament, alleging, "He ſhould not be able to do him any ſervice there, but rather be a means to hinder his affairs; and beſides, in caſe they ſhould fall upon him, he being at a diſtance, might the better retire from danger, &c." The king, notwithſtanding all he could ſay, inſiſted upon the earl's coming to parliament, and told him, "As he was king of England, he was able to ſecure him from any danger, and the parliament ſhould not touch one heir of his head. So in obedience to the king's commands, the earl came to London, but not as Rapin ſays, the ſame day he was impeached, but a few days before. Whitelock. p. 37. The lord Clarendon ſays, it was believed he came to the houſe that day, to accuſe the lord Say, and ſome others, of having induced the Scots to invade the kingdom, Vol. i. p. 139. Heylin's obſerv. p. 211.

[f] Sir Francis Windebank had been Laud's pupil, and was by his recommendation, made ſecretary on June 15, 1632. Laud's Diar. In his letter to the earl of Pembroke are theſe words, "What I am guilty of none knows ſo well as his majeſty, whom I have ſerved faithfully, diligently, painfully, and with as true and loyal a heart, according to my poor abilities, as any other whatſoever. Nalſon, tom, I. p. 652.

[g] The words of Mr. Nathaniel Fienes's ſpeech are, "Whether biſhops be jure divino, we know is a diſpute among the papiſts, and never did any proteſtant hold it but of late years: but that archbiſhops, deans, archdeacons, &c. ſhould be jure divino, I do not know that ever any Chriſtian held it before, and yet he that takes this oath muſt ſwear it. Ruſhworth, tom. IV. p. 109.——Sir Edward Deering began his ſpeech about the canons to this effect: "The pope (ſay they) has a tripple crown, anſwerable thereto he pretends to a threefold law: the firſt is jus divinum, and this he would have you think to be the coronet next his head, and that which ſecures his power. The ſecond is jus humanum. Conſtantine's donation the gift of indulgent princes, temporal power: this is his middle crown. Out of theſe two the pope frames his third crown himſelf, and ſets it upon the top; that is jus canonicum, the canon law, of more uſe to his popeſhip than both the others.—Jus ſo our prelates, from the pretending divinity of their epiſcopacy, and from the temporal power granted by our princes, would now obtrude a new canon law upon us." He concludes with ſaying, "No canons can bind the laity, where we have no voice of our own, nor choice of the clergy perſons who do found them, nor aſſent in the ſuſception of them after they are framed; quod omnes tangit, ab omnibus tractari debet." Ruſhworth, tom. IV. p. 104—Mr. Bagſhaw, in his ſpeech, affirmed that the clergy who had held the late ſynod, were fallen into a premunire upon that account. Diurn. Oc. p. 3.

[h] It was voted likewiſe, nemine contradicente, that the ſeveral grants of the benevolence or contribution granted to his moſt excellent majeſty by the clergy in their late convocation, are contrary to the laws, and ought not to bind the clergy. Ruſhworth, tom. IV. p. 112——Some pretend theſe votes were very unjuſt; if ſo, it is ſtrange no member ſhould oppoſe them. The lord Clarendon freely owns that the canons were unwarrantable, even in a more favourable ſeaſon, tom. IV. p. 130.

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and the author and urger of introducing into Scotland the Book of Canons and the Liturgy, as appeared by fourteen letters which they offered to produce: that the Scotch prelates having ſent to him a book of canons, written upon the one ſide only, with the other ſide blank, he had made ſeveral interlinings, and filled up the blank pages with ſeveral directions; which changes and ſuppliments were taken from the romiſh rituals, that varied from the book of England: that they were contrary to the king's intentions, who in his large declarations had profeſſed that all the variations in the Scotch ſervice from that of England, ſhould be only in ſuch things as the Scotiſh humours would better comply with. But the archbiſhop had no regard to this: on the contrary, the Scotiſh prelates having petitioned the ſuppreſſion of ſome of the Engliſh ceremonies, the croſs in baptiſm, the ring in marriage, and ſome other things, he was ſo far from conſenting, that he had added ſeveral others; that in the order of the adminiſtration of the communion in the book of England, he had made ſeveral alterations, which plainly ſhewed his deſign of introducing popery into Scotland: that he had kindled war between the king and the Scots; and been one of the chief cauſes of breaking the laſt pacification and renewing the war: that he had inſerted into the divine ſervice a prayer againſt their nation, by name of traiterous ſubjects, having caſt of all obedience to their anointed ſovereign, and coming in a rebellious manner to invade England; that ſhame might cover their faces as enemies to God and the king."

I have very much abridged theſe articles, which are very particular; but what is here ſaid ſuffices to ſhew their deſign.

On the morrow, ſir Harbottle Grimſton made in the houſe a ſpeech againſt the archbiſhop, pretending to ſhew, that all thoſe who were concerned in the evils of the ſtate, the earl of Strafford, the biſhops of Cheſter, Oxford[i], Ely, Bath and Wells, had been raiſed by his means, and that there was not a ſingle grievance but what flowed from him. Whereupon the commons impeached, by Mr. Denzil Holles, the archbiſhop of high treaſon, and the lords committed him to the cuſtody of the gentleman uſher; ſome time after he was ſent to the Tower.

Then the commons ſent a meſſage to the lords, to let them know they had received information of a very high nature againſt Matthew Wren biſhop of Ely; and having heard that he intended to make an eſcape out of the kingdom, they deſired them to think of ſome way to prevent it. Whereupon the lords ordered the biſhop to give ten thouſand pounds bail for his forth-coming; to which he conſented.

Of thoſe whom the commons conſidered as the chief authors of the public grievances, there remained only the lord keeper Finch, and the judges. The firſt was declared a traitor by a vote of the houſe of commons, not withſtanding the eloquent ſpeech he was permitted to make at the bar of the houſe in his vindication. But before he was accuſed in form he fled into Holland. However he was impeached afterwards, though abſent. Preſently after his flight, the king made ſir Edward Littleton lord keeper.

In fine, the commons ſent word to the lords, that they had received informations againſt three judges, ſir John Bramſton lord chief juſtice of the king's bench, ſir Humphrey Davenport lord chief baron, and juſtice Crawley[k]; and deſired the houſe that they might put in good ſecurity for their appearance. Whereupon the lords obliged theſe three judges to give each ten thouſand pounds bail. The other judges were alſo accuſed afterwards.

Thus they who were conſidered by the commons as the principal authors of the public grievances, were diſabled not only to continue to adviſe the king, but alſo to eſcape puniſhment, except the lord Finch and ſir Francis Windebank, who ſaved their perſons by leaving their eſtates in England. I ſhall not ſtay to ſpeak of many others of an inferior rank, who were variouſly puniſhed for exerciſing monopolies, or inventing means to raiſe the king money, for introducing or countenancing innovations in religion, or laſtly, for prevaricating in the exerciſe of their offices.

Whilſt the commons were employed in ſecuring thoſe, they intended to puniſh, they alſo prepared what ever was neceſſary to free the nation from all their grievances. The ſame method was uſed to this end, as had been employed againſt the perſons: that is, petitions from all quarters were preſented to the houſe upon grievances. Theſe petitions being read, ſeveral ſpeeches were made in the houſe to ſhow how prejudicial theſe grievances were to the public; and the principles which gave them birth were particularly inſiſted on, as being directly contrary to the conſtitution, and tending to the ſubverſion of the government. Whereupon it was voted, that ſuch a thing was illegal, and ordered that a bill ſhould be prepared to aboliſh it. This was the ſubject of divers acts which were preſented to the king for the royal aſſent, from the 3d of November 1640, to the 10th of Auguſt 1641. The principal were theſe:

An Act for a Triennial Parliament: that is, to ordain that a parliament ſhould be held at leaſt every three years though the king ſhould neglect to call it, in order to prevent the inconveniencies ariſing from a too long intermiſſion of parliaments.

An Act to aboliſh the Star chamber and High commiſſion.

An Act to reduce the Foreſts to the ſame ſtate as under Edward I.

An Act to repeal the Statutes made in the Reign of Edward II. concerning Knighthood.

An Act to permit any Subject to make Salt-peter and Gunpower throughout the kingdom.

An Act to aboliſh Ship-money[l].

The neceſſity of theſe acts was ſo manifeſt, that the king muſt either have conſented to them, or plainly declared he would have governed with an abſolute power. But he was not ſo unwiſe as to oppoſe them in his preſent circumſtances. An illuſtrious hiſtorian makes no ſcruple to ſay, that, "theſe acts will be acknowledged by an incorrupted poſterity, to be everlaſting monuments of the king's fatherly affection to his people; and ſuch an obligation of repoſe and truſt from his majeſty in the hearts of his ſubjects, that no expreſſions of duty and confidence from them could have been more than a ſufficient return on their parts." The king himſelf afterwards would frequently have had theſe conceſſions to be conſidered as acts of pure grace, for which the public ought to have been thankful; but, unhappily for him, neither parliament nor people believed them to be the effect of his juſtice or affection to them, but rather of the neceſſity he was under of giving his aſſent.

Beſides theſe acts, the commons paſſed many general votes upon ſeveral other articles. Indeed theſe votes are not conſidered as laws, neither do the judges proceed by them in their determinations: nevertheleſs, ſuch is their effect, that few perſons are ſo hardy as to act directly contrary to theſe deciſions of the commons, ſince it is in ſome meaſure to oppoſe the ſentiment of the people whom they repreſent. Beſides, an action directly contrary to a vote of the houſe, is liable to be queſtioned when leaſt expected, and draws upon the actor the indignation of the houſe, who had but too many opportunities to make him feel the effects of their reſentment.

The deſign of the commons was not only to ſtop the evil by means of theſe votes, but alſo to terrify all thoſe who had been concerned in the grievances, in order to take from the king all hopes of ſupport in his people. For after the houſe had voted, for inſtance, that ſuch a monopoly was illegal, if any perſon concerned in that monopoly behaved in a manner diſagreeable to the commons, or appeared too much attached to the king, an accuſation againſt him was the certain conſequence of ſuch a behaviour. By that means, the king's moſt devoted friends choſe rather to relinquiſh his intereſt than be liable to a charge, from which they plainly ſaw it was not in the king's power to ſecure them. This had very clearly appeared by the great examples of the earl of Strafford, archbiſhop Laud, lord keeper Finch, and ſecretary Windebank, after whom no private perſon could hope for protection from the king. Thus the commons rendered themſelves ſo formidable at the very beginning of the parliament, that the king was ſuddenly deſerted by all, without having other refuge than to conſent to whatever was propoſed by the parliament. He hoped, however, that when all the grievances were redreſſed, he ſhould be, if not in the ſame ſtate he had been for fifteen years, at leaſt in the natural ſtate of a king of England, according to the laws and the conſtitution of the government. But it will hereafter appear how much he was miſtaken in his conjecture. His former adminiſtration had made too deep impreſſions in the minds of his ſubjects, for the majority ever to believe he would for the future be contented with the power allowed him by the law. This diſtruſt was the

[i] John Bancroft biſhop of Oxford was poſſeſſed with ſuch fear of this parliament, that he died about this time with little or no ſickneſs. The other biſhops were ſpoken of, here John Bridgman of Cheſter, Matthew Wren of Ely, and William Pierce of Bath and Wells.

[k] As alſo againſt juſtice Berkley. Ruſhworth, tom. IV. p. 130.

[l] At the ſame time tunnage and poundage, and other ſums of money upon merchandizes imported and exported, were granted to the king. See Statute Book.

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immediate cauſe of the war between the king and the parliament. But it is not yet time to deſcend to the particulars.

The commons uſed alſo another expedient to make themſelves feared. As there were many people who, in conformity to the intentions of the court, had been concerned in the monopolies, or countenanced the innovations, or been ſubſervient to introduce and ſupport the occaſion of any grievance, the commons, upon the petitions preſented to them againſt theſe men, ſent for them to London, and examining them by a committee, declared them delinquents; as much as to ſay, that, according to the opinion of the houſe, they were guilty of faults or offences, for which they deſerved to be proſecuted and puniſhed according to law. The word Delinquent was very much in uſe during this parliament: thus a great number of thoſe who had been moſt noted for their adherence to the maxims of the court, or the principles of the archbiſhop, were voted delinquents, and thereby kept in awe by the commons, who, according as they behaved well or ill to them, could proſecute or leave them unmoleſted. But the number of thoſe who were declared delinquents was nothing in compariſon of ſuch as had reaſon to fear the like declaration upon the leaſt petition againſt them. From hence there followed an unanimous approbation of whatever was done by the houſe; ſome conſenting becauſe they thought the things juſt, and others out of fear of chaſtiſement. This is what rendered the redreſs of grievances very eaſy to the commons, and would have made it impracticable for the king to oppoſe it, though he ſhould have had ſuch a thought. The king reaped at leaſt this advantage from his conſent to the redreſs of grievances, that he gave occaſion to many to believe he ſincerely concurred in that work. But his enemies drew from thence a very different conſequence: they ſaid, as the parliament's meaſures were ſo well laid, that it would have been in vain for the king to oppoſe them, he was not to be thanked for a conſent to which neceſſity forced him, ſince, whilſt it was in his power to hinder the redreſs of grievances, he had always refuſed to hearken to the inſtant deſires of his parliaments.

I am now to warn my readers, that we are come to a time wherein they muſt be very much upon the guard with reſpect to the partiality of the hiſtorians, each of whom does his utmoſt to prejudice his readers in favour, either of the king or the parliament. This partiality conſiſts not ſo much in diſguiſing the facts (wherein both parties are agreed) as in the principles they eſtabliſh. Thoſe for the king, exalt as high as poſſible the prerogative-royal; nay, ſome ſtretch it even to a ſort of deſpotic power, as we have ſeen inſtances in the writings and ſermons of Sibthorp, Montague, Manwaring, mentioned in this part of the reign. According to this principle, they think and maintain that the parliament's aim was not to reſtore the government to its natural ſtate, as was pretended, but rather to overturn the conſtitution both of church and ſtate. That therefore the objects were ſo much magnified, by aggravating ſome acts of authority done by the king as tending to ſubvert the government, though they might have been juſtified by the prerogative royal, if any but the commons had been judges. But though they manifeſtly declared themſelves parties againſt the king, they however made themſelves judges, voting ſuch and ſuch actions of the king to be contrary to the laws. Nothing ſhews more plainly, according to theſe writers, the parliament's ſecret deſign to overthrow the government, nor can a ſtronger proof of it be deſired than the experience of what afterwards happened, when the government of the ſtate and church were actually changed.

The favourers of the parliament ſay, that without examining the extent of the prerogative royal, it may at leaſt be affirmed, that it cannot be contrary to the laws: that if the king has his prerogatives, the parliament have their privileges, and the people their liberties, which the prerogative cannot invade without deſtroying the conſtitution of the government, which conſiſts in a happy mixture of the rights of king and people. That before this parliament, the king had manifeſtly ſtretched his prerogative to the prejudice of the nation's rights, which the moſt attached to his intereſts did not dare to deny. That this being the caſe, nothing was more juſt, nothing more neceſſary, than to reſtore the government to its natural ſtate. That it is therefore prepoſteous to have recourſe to a ſecret deſign of ſubverting the church and ſtate, ſince the neceſſity of redreſſing the grievances is undeniably evident: that ſuppoſing it true that the commons uſed ſundry artifices to render themſelves formidable, and the more eaſily accompliſh their deſign, namely, the redreſs of grievances, theſe artifices were not blameable, conſidering how impracticable the former parliaments had found it to execute the ſame deſign.

I am perſuaded, that moſt of the readers for whom I write this hiſtory, ſuch I mean as are not Engliſhmen, would not require of me a particular account of all that paſſed in the houſe of commons, concerning the redreſs of grievances. It would be too tedious a work, which, after all, would inform them of nothing more material than what has hitherto been ſaid: nevertheleſs, for the ſatisfaction of thoſe who are unacquainted with the manner of parliamentary proceedings, I ſhall give here a brief relation of what was done with regard to ſhip-money, the grievances moſt complained of, and by that will be ſeen the method taken with reſpect to the reſt.

During the firſt month of this ſeſſion, ſcarce a day paſſed, but the houſe received petitions from divers counties, concerning grievances, amongſt which, that of ſhip-money was never forgot. At laſt, on the 7th of December, the day appointed to debate upon that affair, the lord Falkland[m], afterwards ſecretary of ſtate, made the following ſpeech to the houſe.

" Mr. Speaker,

" I REJOICE very much to ſee this day; and the want hath not lain in my affection but my lungs, if to all that hath been paſt, I have not been as loud with my voice as any man in the houſe; yet truly my opinion is, we have yet done nothing, if we do no more; I ſhall add what I humbly conceive ought to be added, as ſoon as I have ſaid ſomething with reference to him that ſays it.

" I will firſt deſire the forgiveneſs of the houſe, if ought I ſay ſeem to intrench upon another's profeſſion, and enter upon the work of another robe. Since I have been intruſted by the report of a learned committee, and confirmed by the uncontradicted rule of the houſe; ſince I ſhall ſay nothing of this kind, but in order to ſomething further, and, (which moves me moſt to venture my opinion, and to expect your pardon) ſince I am confident, that hiſtory alone is ſufficient to ſhew this judgment contrary to our laws, and logic alone ſufficient to prove it deſtructive to our property, which every free and noble perſon values more than his profeſſion. I will not profeſs I know myſelf, but all thoſe who know me, know that my natural diſpoſition is to decline from ſeverity, much more from cruelty. That I have no particular provocation from their perſons, and have particular obligations to their calling, againſt whom I am to ſpeak; and though I have not ſo much knowledge in law, yet far more than I have uſe for; ſo I hope it will be believed, that only public intereſt hath extorted this from me, and that which I would not ſay, if I conceived it not ſo true, and ſo neceſſary, that no undigeſted meat can lie heavier upon the ſtomach, than this unſaid would have lain upon my conſcience. Mr. ſpeaker, the conſtitution of the commonwealth hath eſtabliſhed, or rather endeavoured to eſtabliſh to us the ſecurity of our goods, and the ſecurity of thoſe laws which would ſecure us and our goods, by appointing for us judges ſo ſettled, ſo ſworn, that there can be no oppreſſion, but they of neceſſity muſt be acceſſary; ſince if they neither deny, nor delay us juſtice, which neither for the great nor little ſeal they ought to do, the greateſt perſons in this kingdom cannot continue the leaſt violence upon the meaneſt; but this ſecurity, Mr. ſpeaker, hath been almoſt our ruin, for it hath been turned, or rather turned itſelf into a battery againſt us: and thoſe perſons who ſhould have been as dogs to defend the ſheep, have been as wolves to worry them. Theſe judges, Mr. ſpeaker, to inſtance not them only, but their greateſt crime, have delivered an opinion and judgment in an extrajudicial manner, that is, ſuch as came not within their cognizance, they being judges, and neither philoſophers nor politicians; in which, when that which they would have ſo abſolute and evident takes place, the law of the land ceaſes, and that of general reaſon and equity, by which particular laws at firſt were framed, returns to his throne and government, where " ſalus populi" becomes not only ſupreme, but " ſola lex," at which, and to which end, whatſoever ſhould diſpenſe with the king to make uſe of any money, diſpenſes with us, to make uſe of his, and one another's. In this judgment they contradicted both many and learned acts, and declarations of parliament; and thoſe in this very caſe, in this very reign, ſo that for them they needed to have conſulted with no other record, but with their memories.

" 2. They have contradicted apparent evidences, by ſuppoſing mighty and imminent dangers in the moſt ſerene,

[m] There are lords who are not peers, as all the ſons of a duke and marquis, and the eldeſt ſon of an earl, who may be choſen members of parliament, as may alſo Iriſh and Scotch peers. The viſcount Falkland was a Scotch peer, and member for Newport in the Iſle of Wight. Rapin.

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quiet, and halcion days, that could poſſibly be imagined, a few contemptible pyrates being our moſt formidable enemies, and there being neither prince nor ſtate, with whom we had not either alliance, or amity, or both.

" 3. They contradict the writ itſelf, by ſuppoſing that ſuppoſed danger to be ſo ſudden, that it would not ſtay for a parliament, which required but forty days ſtay; and the writ being in no ſuch haſte, but being content to ſtay forty days ſeven times over.

" Mr. ſpeaker, it ſeemed generally ſtrange, that they ſaw not the law which all men elſe ſaw, but themſelves; yet though this begot the more general wonder, three other particulars begot the more general indignation. The firſt of all the reaſons for this judgment was ſuch, that there needed not any from the adverſe party to help them to convert thoſe few, who before had not the leaſt ſuſpicion of the legality of that moſt illegal writ, there being fewer that approved of the judgment, than there were that judged it legal, for I am confident they did not that themſelves.

" Secondly, when they had allowed to the king the ſole power in neceſſity, the ſole judgment of neceſſity, and by that enabled him to take both from us, what he would, when he would, and how he would, they yet continued to perſuade us, that they had left us our liberties and properties.

" The third and laſt is, and which I confeſs moved moſt, that by the transformation of us from the ſtate of free ſubjects (a good phraſe, Mr. Speaker, under Dr. Heylin's favor) unto that of villains, they diſable us by legal and voluntary ſupplies to expreſs our affections to his majeſty, and by that to cheriſh his to us, that is, by parliaments. Mr. Speaker, the cauſe of all the miſeries we have ſuffered, and the cauſe of all our jealouſies we have had, that we ſhould yet ſuffer, is, that a moſt excellent prince hath been moſt infinitely abuſed by his judges, telling him, that by policy he might do what he pleaſed; with the firſt of theſe we are now to deal, which may be a leading to the reſt. And ſince in providing of theſe laws, upon which theſe men have trampled, our anceſtors have ſhewn their utmoſt care and wiſdom for our undoubted ſecurity, words having done nothing, and yet they have done all that words can do, we muſt now be forced to think of aboliſhing of our grievances, and of taking away this judgment, and theſe judges together, and of regulating their ſucceſſors by their exemplary puniſhment.

" I will not ſpeak much; I will only ſay we have accuſed a great perſon of high-treaſon, for intending to ſubvert our fundamental laws, and to introduce arbitrary government; which we ſuppoſe he meant to do, we are ſure theſe have done it, there being no law more fundamental than that they have already ſubverted, and no government more abſolute than that they have really introduced.

" Mr. ſpeaker, not only the ſevere puniſhment, but the ſudden removal of theſe men, will have a ſudden effect in one very conſiderable conſideration, we only accuſe, and the houſe of lords condemn; in which condemnation they uſually receive advice (though not direction) from the judges; and I leave it to every man to immagine, how prejudicial to us that is, to the commonwealth, and how partial to their fellow malefactors, the advice of ſuch judges is like to be. How undoubtedly for their own ſakes, they will think it may conduce to their power, that every action be judged to be a leſs fault, and every perſon to be leſs faulty, than in juſtice they ought to do: amongſt theſe, Mr. ſpeaker, there is one I muſt not looſe in the croud, whom I doubt not but we ſhall find when we examine the reſt of them, with what hopes they have been tempted, by what fears they have been aſſayed, and by what, and by whoſe importunity they have be purſued, before they conſented to what they did; I doubt not, I ſay, but we ſhall find him to have been a moſt admirable ſolicitor, but a moſt abominable judge; he it is, who not only gave away with his breadth, what our anceſtors had purchaſed for us by ſo large an expence of their time, their care, their treaſure, and their blood; and employed his induſtry, as great as his injuſtice, to perſuade others to join with him in that deed of gift: but ſtrove to root up thoſe liberties which they had cut down, and to make our grievances immortal, and our ſlavery irreparable, leſt any part of our poſterity might want occaſion to curſe him; he declared that power to be ſo inherent to the crown, as that it was not in the power even of parliaments to divide them.

" I have heard, Mr. ſpeaker, and I think here that common fame is ground enough for this houſe to accuſe upon; and then undoubtedly there is enough to be accuſed upon in this houſe; he hath reported this ſo generally, that I expect not that you ſhall bid me name him whom you all know, nor do I look to tell you news, when I tell you it is my lord keeper; but this I think fit to put you in mind of, that his place admits him to his majeſty, and truſts him with his majeſty's conſcience; and how pernicious every moment muſt be, which gives him means to infuſe ſuch unjuſt opinions of this houſe, as are expreſt in a libel, rather than a declaration, of which many believe him to be the principal ſecretary, and the other puts the moſt vaſt and unlimited power of the chancery into his hands, the ſafeſt of which will be dangerous: for my part, I think no man ſecure, that he ſhall think himſelf worth any thing when he riſes, whilſt all our eſtates are in his breaſt, who hath ſacrificed his country to his ambition, whileſt he who hath proſtrated his own conſcience, hath the keeping of the king's, and he who hath undone us already by wholeſale, hath a power left in him by retale.

" Mr. ſpeaker, in the beginning of the parliament he told us, and I am confident every man here believes it before he told it, and never the more for his telling, though a ſorry witneſs is a good teſtimoney againſt himſelf, that his majeſty never required any thing from any of his miniſters but juſtice and integrity. Againſt which, if any of them have tranſgreſſed, upon their heads, and that deſervedly, it all ought to fall; it was fully and truly ſaid, but he hath in this ſaying pronounced his own condemnation; we ſhall be more partial to him than he is to himſelf, if we be ſlow to purſue it.

" It is therefore my juſt and humble motion, that we may chuſe a ſelect committee to draw up his and their charge, and to examine their carriage in this particular, to make uſe of it in the charge, and if he ſhall be found guilty of tampering with judges againſt the public ſecurity, who thought tampering with witneſſes in a private cauſe worthy of ſo great a fine[a], if he ſhould be found to have gone before the reſt to this judgment, and to have gone beyond the reſt in this judgment, that in the puniſhment of it, the juſtice of this houſe may not deny him the due honor both to precede and exceed the reſt."

After this ſpeech, the affair of ſhip money having been debated, it was reſolved upon the queſtion " nemine contradicente."

1. That the charge impoſed upon the ſubjects, for the providing and furniſhing of ſhips, and the aſſeſſments for raiſing of money for that purpoſe, commonly called ſhip-money, are againſt the laws of the realm, the ſubjects right of property, and contrary to former reſolutions in parliament, and to the petition of right.

2. That the extrajudicial opinions of the judges publiſhed in the ſtar chamber, and enrolled in the courts of Weſtminſter in theſe words,——in the whole, and in every part of them, are againſt the laws of the realm, the ſubjects right of property, and contrary to former reſolutions in parliament, and to the petition of right.

3. That the writ following——and the other writs commonly called the ſhip-writs, are againſt the laws of the realm, the right of property, and the liberty of the ſubjects, and contrary to former reſolutions in parliament, and to the petition of right.

After theſe reſolutions, the houſe appointed a committee of ſixteen, at the head of whom was the lord Falkland, to go forthwith to the ſeveral judges, to know in what manner, and by whom they were ſolicited or threatened to give their extrajudicial opinion concerning ſhip-money. It was ordered, that every one of the judges ſhould be examined at the ſame time by two of the committee, and be told what had been voted in the houſe concerning ſhip-money, and that the committee ſhould aſk ſuch queſtions as they ſhould think material, to the execution of this order.

Next day, the houſe ordered that the committee appointed to conſider of the property of the ſubjects in their goods, ſhould take into conſideration ſome way of ſeeing the entering upon record, the king's ſeveral commiſſions for loans and exciſe, and the reſolutions of former parliaments thereon, and the addition that was offered by the lords to the petition of right, with the reſolution of the houſe; and alſo the reſolutions of the queſtions propoſed in the houſe concerning ſhip-money, that they might remain fair to poſterity. It was alſo referred to the ſame committee to make a preparation of the vote paſſed about ſhip-money, to be ſent to the lords; to draw up a charge againſt the lord Finch, and the reſt of the judges that gave their opinion upon that tax; and likewiſe to take into conſideration their extrajudicial opinions and the judgments in the caſe of ſhip-money; to inquire of the ſeveral denials

[a] This alludes to a fine of 10,000l. which Williams biſhop of Lincoln was condemned to pay for tampering with a witneſs. See Vol. II. p. 531.

Note [l]. Rapin.

of Habeas Corpus, and prohibitions, their extrajudicial proceedings and opinions concerning eccleſiaſtical juriſdictions, and the court of admiralty; their denial of legal and ordinary proceedings in caſes of juſtice, and the binding of the whole kingdom by any one man's particular caſe. The ſame committee had power to ſend for parties, witneſſes, papers, records, or any thing elſe that might conduce to this buſineſs, and were to preſent the ſtate of the whole matter to the houſe.

On the other hand, the 26th of February 1640-41, the lords ordered to be brought to their houſe the record in the exchequer of the judgment in Mr. Hampden's caſe, and alſo the rolls in the ſtar-chamber and other courts, wherein the extrajudicial opinions of the judges were entered, and cauſed them to be annulled in their preſence. They ordered moreover, that a copy of what they had done ſhould be delivered to the judges to be publiſhed at the aſſizes in every county within their circuits, and that an act of parliament ſhould be prepared concerning this matter.

All this produced at length charges againſt the lord keeper, and each of the judges, with an act to aboliſh ſhip-money, to which the king gave the royal aſſent the 7th of Auguſt 1641.

Much the ſame method was taken with regard to the other grievances, and in the end, there was not one, public or private, but what was redreſſed within the nine firſt months of this ſeſſion.

I intend not to include in theſe grievances, thoſe concerning religion. Beſides that theſe were not generally acknowledged for grievances, this matter requires a more particular explication of what paſſed in the parliament. I ſhall therefore ſhew in the firſt place, the diſpoſition of the parliament, with reſpect to religion, and then relate what paſſed concerning that ſubject.

Since the beginning of the reign of James I. the biſhops had rendered themſelves much more powerful than before. The oppoſition of the preſbyterians, who never ceaſed to exclaim againſt the hierarchy, though they were not in condition to overthrow it, had greatly contributed to the increaſe of the epiſcopal power. Their impetuous zeal cauſed the king to think it proper to humble them, leſt in the end they ſhould occaſion ſome diſturbance in the church, and the biſhops were charged with the care of executing this reſolution. The endeavours to reduce them to obedience, ſerved only to inflame the evil. Inſtead of trying to convince them by arguments, they were treated without moderation, and, if I may venture to ſay it, without charity. It was reſolved at any rate to compel them to conform to the church of England, not only in things conſidered as neceſſary, but alſo in others regarded by moſt people as indifferent. Moreover, divers ceremonies were added to the divine ſervice, which many perſons well affected to the church thought too near allied to popery. William Laud archbiſhop of Canterbury was the principal author of theſe ceremonies, as well before, as after he was archbiſhop. His chief aim was to mortify the puritans. But in proceeding too warmly or rather too rigorouſly, he gave them room to accuſe him that his deſign was to favour popery, on pretence of forcing the puritans to conform to the worſhip of the church of England. No man was ever more wedded to ceremonies, and the more he was reproached with it, the more he urged them as neceſſary. This chiefly gave occaſion to the puritans, and even to ſome church of England men to ſuſpect he had a deſign to introduce the Romiſh Religion; this extreme attachment to ceremonies ſeeming to them as a means whereby he intended to compaſs his ends. As for arminianiſm, all agree that Laud was not only an arminian, but alſo head of that party in England, from the time he was received into favour by king James I. through the duke of Buckingham's means. As the knowledge of what paſſed in the reign of James I. may be of great ſervice to the underſtanding the affairs of religion, which I have undertaken to explain, I ſhall briefly relate what I think moſt neceſſary, though mentioned before in king James's reign.

When the diſputes concerning grace aroſe in Holland, James I. eſpouſed the oppoſite party to Arminius, and uſed even threats to oblige the ſtates of Holland to condemn Vorſtius his ſucceſſor. After that, he ſent biſhops and divines to the ſynod of Dort, to ſtrengthen the contra-remonſtrants. Mean while the arminians in England were forced to lye dormant, becauſe the court was not their friend. Laud, then only a private doctor in the univerſity of Oxford, had yet no credit, though ſhortly after the duke of Buckingham procured him the Biſhopric of St. David's in Wales. At the ſame time king James was vigorouſly puſhing his deſign to ſtretch the prerogative royal, to which he met with great oppoſition, chiefly from the puritans, who concerning grace were directly contrary to the arminians. For this reaſon the king and the duke thought fit to careſs and ſupport the arminians, in order to oppoſe them to the puritans, the king's grand aim being to weaken that party, which was always ready to obſtruct the execution of his deſigns. From that time the arminian party became powerful. The heads were Neil biſhop of Wincheſter, and Laud biſhop of St. David's, who found means to gain the king's confidence, and to have the diſpoſal of the church preferments. They improved this advantage to ſtrengthen their party, by promoting to the benefices ſuch as were moſt averſe to the calviniſts, for ſo theſe began now to be called who embraced Calvin's opinion concerning grace, whether preſbyterians or church of England men. There were therefore three principal cauſes of the animoſity of the court and its friends againſt the preſbyterians.

The firſt was, that they rejected the eccleſiaſtical hierarchy.

The ſecond that they were entirely againſt the king's deſign to ſtretch his prerogative, knowing the more power he had, the more they ſhould be perſecuted.

The third, that they were all calviniſts as to the notions of grace. Though the king had not, perhaps, altered his opinion concerning that point, he deſerted however the calviniſts, becauſe they were in other reſpects, for the moſt part preſbyterians and puritans. From that time the court and their agents counted among the puritans, thoſe who refuſed to conform to the church of England: all the calviniſts, preſbyterians or others: all who oppoſed the king's deſigns with regard to the prerogative: and they were all, under the name of puritans, equally obnoxious to the hatred of the king and his miniſters. So, by this policy, many people who had no inclination for preſbyterianiſm, were made to become puritans. At leaſt, they were forced to join with the puritan party, to hinder the court on pretence of deſtroying puritaniſm, from eſtabliſhing by degrees an arbitrary power, which would have been fatal to the whole nation. For the king pretended, his will could be oppoſed but upon puritanical principles.

The reign of Charles I. was ſtill more violent in this reſpect, than that of James, as has been ſhewn in the firſt part. Laud being made biſhop of London, and afterwards, archbiſhop of Canterbury, and one of the king's prime miniſters, uſed all his induſtry and credit to humble the puritan-party, that is, not only the preſbyterians, but alſo the calviniſts, and ſuch who would not patiently bear the yoke of ſervitude. Matthew Wren biſhop of Norwich, and afterwards of Ely, the biſhop of Bath and Wells, Coſins prebendary of Durham [b]. being all of the ſame principles, ſeconded him in this deſign. And as if the difference between the church of England and preſbytery, had not been ſufficiently marked, they added to the worſhip ſundry innovations, and repreſented as abſolutely neceſſary, things indifferent, which religion might well have diſpenſed with. Hence pretences were found to perſecute the puritans, by reckoning among that party, all whom the court was pleaſed to call by that name.

The wiſeſt part of the nation had long ſince perceived the king's and the court's policy, and their artifices to pave the way to arbitrary power. But it had not been poſſible to avoid the effects of it, becauſe the king diſſolved the parliaments, the moment they were bent to examine the grievances. Thus the regal power had gained ground by degrees, no one being in a capacity to hinder its progreſs. But as ſoon as the king's affairs had taken a new turn, by the entrance of the Scots into England, and the taking of Newcaſtle, and when the king ſaw himſelf under an abſolute neceſſity of calling a parliament, moſt of the members reſolved not to loſe the opportunity of aboliſhing the perſecution, introduced under the ſpecious pretence of ſtopping the progreſs of puritaniſm, but in reality for the better advancement of arbitrary power. Above all, the houſe of commons conſidered the innovations and the rigour wherewith people were made to obſerve them, as ſo many artifices of the court-party, for the more eaſy attainment of their end. It muſt not therefore be thought ſtrange, if moſt of the members being united with regard to the grievances, were ſo likewiſe for the aboliſhing of innovations, and puniſhing the authors, as having ſerved for inſtruments to the king in the execution of deſigns, wherein re-

[b] Coſins was never dean of Durham, as Rapin by miſtake calls him. He was prebendary of Durham, and dean of Peterborough.

It

ligion was not ſolely concerned. This is what produced the charges againſt the archbiſhop of Canterbury, the biſhops of Ely, Bath and Wells, and againſt Coſins, beſides the brand of delinquents given by the commons to a great number of miniſters and others, who had countenanced the innovations.

Moſt of the members, as I ſaid, were united as to this point, becauſe there was not one but what conſidered it as a branch of the deſign to ſubject the realm to the king's will and pleaſure. But among this great number, there were real preſbyterians, who had more extenſive views, and thought, no doubt, of altering the government of the church, on pretence of the ill uſe, the biſhops had made of their power. Theſe, though not very numerous in the parliament, were ſupported by a great party in the kingdom, and particularly by the Scots, whoſe aſſiſtance was then abſolutely neceſſary. But they took care not to diſcover their intentions. They were contented at firſt to join with thoſe who only intended the redreſs of grievances, and to reſtore the government to its natural ſtate. They hoped, as it happened indeed, that the ſtrict examination of the grievances and innovations, would convince moſt of the members of the neceſſity to aboliſh the hierarchy, of which the court had made ſo great uſe in the execution of their deſigns. They propoſed to ſhew on all occaſions, that it was almoſt impoſſible to reſtore the civil government, whilſt the king had in the clergy of the church of England a ſupport capable of raiſing inſuperable obſtacles to the reformation of the government. For this reaſon, on all occaſions, the leaders of the preſbyterians were the moſt forward to ſpeak againſt the grievances. They aggravated chiefly thoſe that concerned the innovations in religion, which they openly aſcribed to the deſign of introducing the Romiſh religion. All this was done with a view to caſt upon the hierarchy, and the biſhops in general, the faults and ill conduct of ſome particular perſons.

The other members who were of the church of England, though very oppoſite to the king, ſaw what was the intention of the preſbyterians. But they were kept in awe by the fear of loſing the aſſiſtance of the Scots, who ſupported this party, and rendered it very conſiderable. Wherefore they durſt not diſpleaſe the preſbyterian party, for fear of cauſing in the parliament a diviſion, which would be fatal to the common cauſe, and conſequently very advantageous to the king. Beſides, the men I am ſpeaking of, did not believe the hierarchy to be abſolutely neceſſary in the church, or that religion could not ſubſiſt without biſhops. Only the rigid epiſcopalians, and the king's party were of this opinion, but they made not a majority. Thoſe therefore who had only in view the reformation of the ſtate, and not that of the church, could not however, without great inconveniences, help having ſome condeſcenſion for the preſbyterians, for the reaſons juſt mentioned. Perhaps they had no other view in their policy, than to gain time, till the civil grievances were redreſſed, without any deſign to go farther. But they had to deal with very able heads, who artfully led them beyond their firſt reſolutions.

On the other hand, the biſhops perfectly knew the intention of the preſbyterians, and that in leſſening the king's power, their deſign was to render him unable to oppoſe the change they were meditating. Wherefore they adhered the more firmly to the king's intereſt, and often, by the number of their voices, ſo managed it, that the upper-houſe voted directly contrary to the reſolutions of the lower. But thereby they procured the preſbyterians a conſiderable advantage. For the commons took occaſion from thence, to repreſent how advantageous it was for the king to have at his devotion ſo great a number of voices among the lords, and conſequently, how impoſſible it would be to ſucceed in the intended reformation, ſo long as the biſhops had votes in the upper-houſe. This led them at length to bring in a bill for the excluſion of all eccleſiaſtics from civil employments, and the biſhops in particular, from a right of ſittings in the houſe of lords.

Thoſe who had only in view to reſtore the civil government, without medling with the hierarchy, (and whom I call the politicians, though I do not know, they were ever ſo termed) were greatly embarraſſed. They plainly ſaw, that ſundry abuſes had crept into the church, and would have readily agreed to their abolition provided nothing more had been required. But it was propoſed to go one ſtep farther, and exclude the biſhops from the upper-houſe, in which they ſaw ſeveral inconveniencies, with regard to the intereſt of the church of England, to which they were attached. Though the preſbyterian party did not entirely diſcover themſelves, and ſeemed to have no other view than to facilitate the redreſs of all abuſes after the excluſion of the biſhops, it was eaſy to perceive, their projects reached farther, and that their aim was to undermine the hierarchy. It is certain, there was no leſs inconvenience in rejecting than conſenting to, the bill. By leaving the biſhops in the upper-houſe, the king would be always ſecure of ſo many votes. As the lords were not then ſo numerous as at preſent, as ſome were abſent or otherwiſe employed, and ſome alſo were Roman catholics, the biſhops and the reſt of the king's party greatly influenced the reſolutions of the upper-houſe, as was daily experienced. Conſequently the work of the reformation of the government could not but meet with great obſtacles. On the other hand, by rejecting the bill propoſed, the preſbyterian party would be diſpleaſed, which was very conſiderable in the kingdom, chiefly by the ſupport of the Scots, of whom there was great occaſion, ſince it was by their means that the parliament was enabled to labour effectually the redreſs of the grievances.

Now began to be debated the famous queſtion, By what title do biſhops ſit in parliament? It was not denied, they had enjoyed this privilege from the beginning of the monarchy; but ſome pretended, they ſat in parliament as barons only, on account of the crown-lands granted them by the Anglo-Saxon kings, for which they did homage to the king like the reſt of the barons. Others maintained, they had a ſeat there as repreſentatives of the clergy, who could not be bound by the laws made in parliament, without giving their conſent to them, according to the conſtant maxim of the kingdom, and the undeniable privilege which all Engliſh ſubjects had ever enjoyed. That the lords gave their conſent to laws for themſelves, and the commons for all the commons of the kingdom, and therefore it was neceſſary, there ſhould be in the parliament repreſentatives of the church and clergy, otherwiſe the maxim would be falſe, that no man can be bound by the laws to which he has not conſented. They added farther, that the parliament had always been thought to conſiſt of three eſtates, of which the clergy had been always conſidered as one, whence they inferred, that to exclude from the parliament one of its three eſtates, would be to ſubvert the conſtitution of the government.

To theſe arguments it was anſwered: Though it ſhould be true, that the clergy were an eſtate of parliament diſtinct from the reſt of the people, which was conteſted, it did not follow, that the biſhops repreſented the whole church: That there were in the parliament two houſes, one of the lords, and the other of the commons; and two houſes in the convocation, the upper of the biſhops, and the lower of the inferior clergy; and therefore, according to this rule, the inferior clergy ſhould likewiſe have repreſentatives in the parliament, that they might be deemed to give their conſent to the laws, which however, was never pretended. Hence it was inferred, the biſhops did not repreſent the clergy, and added, that this ſuppoſed repreſentation was a new thing, unheard of before, and that a few months ſince, the biſhops would have been very angry to be counted only bare repreſentatives: That though it was neceſſary, the clergy ſhould be repreſented in the parliament, it would not follow, that they ought to be repreſented by the biſhops, as all the people of England were not repreſented by the lords. That the abbots had formerly a ſeat in parliament, not as repreſentatives, but as being tenants in chief, and when they were excluded, it was not ſaid, that a breach was made in the conſtitution of the parliament, either by the excluſion of the abbots, or diſſolution of the monaſteries.

Theſe, if I am not miſtaken, are the principal arguments alleged for and againſt the biſhops, with regard to their ſeat in parliament. This queſtion was the more difficult, as it had been never determined by what right the biſhops ſat in parliament. Very probably, from the beginning of the monarchy, till about the end of the reign of Henry III. the parliaments conſiſted only of lords, who were in poſſeſſion of all the lands of the kingdom, for which they did homage to the king. And indeed it appears, the lords, before that time, granted the king the money neceſſary for the ſupport of the governments, without any mention of the commons. It may therefore be ſaid, that the lords ſat in parliament by a double title, namely, for themſelves, and as repreſentatives of the nation. But after the commons were introduced into parliament, and had a ſeparate houſe, the lords loſt the laſt of theſe titles, and ſat only for themſelves, the reſt of the people having other repreſentatives. The biſhops and abbots, who belonged to the body of the lords, had probably their ſeat too by a double title, as poſſeſſors of baronies, and as repreſentatives of the clergy, ſecular and regular. But as in introducing repreſentatives of the commons into the parliament, repreſentatives of the inferior clergy were not alſo introduced, the biſhops and abbots may be ſaid to preſerve their double title to ſit there, as poſſeſſors of baronies, and as repreſentatives of the clergy. The diſſolution of the monaſteries in the

the reign of Henry VIII. rendered needleſs the repreſentation of the regulars, who no longer ſubſiſted; but it made no alteration in the biſhops right, who according to this ſuppoſition, repreſented the ſecular clergy, and continued to ſit in parliament, though the abbots were aboliſhed. But after all it muſt be owned, this repreſentation of the ſecular clergy by biſhops, is only a ſuppoſition, which though probable, cannot be ſaid to be ſo evident as not to be oppoſed[c]. But it ſeldom happens, that in diſputes of this nature, juſtice and right are ſolely regarded. Though the reaſons which may be drawn from the thing itſelf are not neglected, yet thoſe are much more ſtrenuouſly urged, which are founded in intereſt and policy.

The heads of the preſbyterians never ceaſed to repreſent to the politicians the impoſſibility of reſtoring the government to its natural ſtate, ſo long as the biſhops ſhould ſit in the houſe of peers; that the king had found means to gain the clergy to his intereſt, by expreſſing a great zeal for the church of England, and an extreme averſion to the preſbyterians; that the clergy, and eſpecially the biſhops, were entirely devoted to the king, in the belief that he was their protector and only ſupport; that therefore they were perſuaded he could not be too powerful, ſince his power would be ſo advantagious to the clergy; that there were convincing proofs of this truth in the conduct of Laud, Wren, and other clergymen, particularly Sibthorpe, Montague, Manwaring, who had uſed their utmoſt endeavours to procure the king an unlimited power; that the clergy in general were ſtill in the ſame diſpoſitions, and could do for the future as much miſchief as formerly, if care was not taken to humble their pride and power, by confining them within the bounds of their calling.

The politicians granted all theſe things, and beſides, were not very well pleaſed with the biſhops and the reſt of the clergy. But they were loth to yield, for fear the alteration propoſed might produce others in church and ſtate, which they did not care to meddle with. Mean while, after long weighing the inconveniences which might flow from their approbation or refuſal, they reſolved at laſt to ſacrifice the biſhops right, rather than run the riſk of ſeeing all their projects fall to the ground, by the obſtacles which the biſhops might raiſe. Whether this reſolution was taken by the leaders at the beginning of the parliament, which I think not unlikely, or whether it was neceſſary to uſe ſome time to prevail with the polititions, thoſe who ſolicited the thing, judged that before it came to be publicly debated, it was convenient to breed prejudices againſt the biſhops in the minds of the people, and to cheriſh thoſe already entertained. The houſe wanted not opportunities to execute this deſign. The bill to take from the biſhops their ſeat in parliament was not voted in the houſe of commons till the 11th of March 1640-1, and paſſed not the houſe of peers till the 27th of May following. But before the moving of this bill, the lower-houſe had taken ſeveral ſteps tending to incenſe the people againſt the biſhops. The great number of petitions againſt the biſhops in general, againſt epiſcopal government, againſt ſome particular prelates and clergymen, againſt innovations, againſt the late convocation, ſerved them for foundation to examine the conduct of the biſhops with all the rigour, their deſign required. Several pretend, all theſe petitions were begged, and I will not affirm the contrary, though I know nothing particular concerning it[d]. There is no clearer evidence of the commons deſign with regard to the biſhops, than their reſolution on the 20th of November, ſeventeen days after the opening of the parliament, namely, that on Sunday the 22d of the ſame month[e] every member ſhould be obliged to receive the communion, and bring with him a ticket of his name and the place for which he ſerved, and that after the communion-day none ſhould ſit in the houſe but thoſe that had firſt received the ſacrament. This reſolution could be with no other view, than to prevent the commons from being eſteemed preſbyterians, and their reſolutions diſparaged on that pretence. Thus in the reign of Henry V. the houſe of commons, intending to give a mortal blow to the clergy, began with paſſing an act for burning heritics, leſt the clergy ſhould pretend that the houſe conſiſted only of ſuch.

To ſhew now all the preparations that were made in the houſe of commons, before they proceeded in the bill I have been ſpeaking of, I ſhall briefly mention the petitions that were preſented, the ſpeeches that were made on this ſubject, and the ſeveral reſolutions that were taken.

On the 10th of November, ſeven days after the opening of the parliament, ſir Edward Deering made a ſpeech in the houſe, to perſuade them to enter upon matters of religion. He took occaſion to preſent a petition from one Wilſon a miniſter, againſt the archbiſhop who had ſuſpended him, and concluded with ſaying, "Our manifold griefs do fill a mighty and vaſt circumference, yet ſo that from every part our lines of ſorrow do lead unto him, and point at him the centre, from whence our miſeries in this church, and many of them in the commonwealth do flow."

The ſame day was read the petition of Peter Smart, priſoner in the King'-bench, complaining of Dr. Coſins's innovations in the church of Durham, and his proſecution of the priſoner in the high commiſſion at York, where he was ſentenced and deprived of his living, and prebend of Durham. Whereupon it was ordered that he ſhould have liberty to go abroad in ſafe cuſtody, to proſecute his petition which was referred to a committee who were to conſider by whoſe motion and means Dr. Coſins was preferred to his late dignity[f]. It was archbiſhop Laud they had a mind to meet with. On the 21ſt, Dr. Coſins was ſent for as a delinquent by the ſerjeant at arms.

The ſame day ſir Edward Deering made a ſpeech, complaining, that there was a ſevere high-commiſſion eſtabliſhed in England, worſe than the popiſh inquiſition; that the archbiſhop of Canterbury affected the title and power of a patriarch, and acted like a ſovereign; that he allowed of the impreſſion of books in favour of popery, of which he named ſeveral, and refuſed the ſame licence for printing orthodox writings. He moved that there might be a committee to inquire into the great number of oppreſſed miniſters under the biſhops tyranny, for ten years laſt paſt, and to examine the licences granted for bad books, and refuſed for good books.

On the 28th the town of Banbury preſented a petition againſt innovations.

On the 30th it was reported from the committee for Mr. Wilſon's petition, that he had been ſqueſtred four years from his living, only for not reading the Book of Sports on the Lord's-day: That after he was abſolved, he was proſecuted for not reading the prayer commanded to be read by the archbiſhop againſt the Scots.

On the firſt of December was read a bill for reformation of abuſes in eccleſiaſtical courts.

Three days after, the houſe received a petition from two of the inhabitants of Cheſter, complaining of their having been inhumanly treated by the high-commiſſion at York, for viſiting Mr. Pryn when he was going to his priſon in Caernarvon-caſtle. Upon this petition the houſe appointed a numerous committee to examine the juriſdiction of the two commiſſions of Canterbury and York, and the abuſes committed in the courts.

On the 9th a committee was appointed to examine the proceedings of the late convocation, as well as the convocation writs, whether they were the ſame with the writs of former times, and the opinions of the judges in that affair, and enquire how and by whom the commiſſion that enabled the clergy to give and take the new oath was withdrawn.

On the 11th, the houſe received a petition ſubſcribed by a great number of the inhabitants of London[g], and ſeveral counties, containing twenty-eight grievances againſt epiſcopal government, the ſubſtance whereof was as follows:

1. Grievance. The biſhops ſubjecting and enthralling all miniſters under them and their authority, and ſo by degrees exempting them from the temporal power.

[c] It ſeems to be plain, that the clergy never thought themſelves repreſented by the biſhops, ſeeing that after the reſtoration, when the convocation dropped the privilege of taxing themſelves, the inferior clergy had, in lieu of that privilege, a right to vote for members of parliament, and ſo have, ever ſince the year 1665, been repreſented by the commons, like the reſt of the free-holders. However, Mr. Hyde, (afterwards lord Clarendon) and others, made uſe of this argument, of the biſhops being the repreſentatives of the clergy, in their ſpeeches againſt the taking away the biſhops voices in the houſe of peers; which certainly was no argument at all, the prelates, doubtleſs, as well as mitred abbots, ſitting in parliament, on account of their baronies, like the reſt of the nobility.

[d] The lord Clarendon ſays, their way was to prepare a petition very modeſt and dutiful for the form; and for the matter, not very unreaſonable; and to communicate it at ſome public meeting, where care was taken it ſhould be received with approbation; the ſubſcription of very few hands filled the paper itſelf, where the petition was written, and therefore many more ſheets were annexed, for the reception of the number, which gave all the credit, and procured all the countenance to the undertaking. When a multitude of hands was procured, the petition itſelf was cut off, and a new one framed ſuitable to the deſign in hand, and annexed to the long liſt of names which were ſubſcribed to the former. Tom. I. p. 161.

[e] Rapin ſays, on the day appointed for the faſt, but he forgot that the faſt was on the Tueſday before, namely, the 17th, as he had noted in the margin.

[f] The deanery of Peterborough, and not Durham, Ruſhworth, tom. IV. p. 64.

[g] Twenty-thouſand, ſays lord Clarendon, tom. I. p. 161.

2. The faint-heartedneſs of miniſters to preach the truth of God, and oppoſe the progreſs of arminianiſm, leſt they ſhould diſpleaſe the prelates.

3. The encouragement of miniſters to diſpiſe the temporal magiſtracy, and to live contentiouſly with their neighbours, knowing that they, being the biſhops creatures, ſhall be ſupported.

4. The reſtraint of many godly and able men from the miniſtry, and thruſting out of many congregations their miniſters, becauſe they could not in conſcience ſubmit unto, and maintain the biſhops needleſs devices.

5. The ſuppreſſing of the buying of impropriations, and placing of able miniſters in them.

6. The great increaſe of ſcandalous men in the miniſtry, who, if they but wear a canonical coat, a ſurplice, a hood, and bow at the name of Jeſus, think they have fully diſcharged their duty.

7. The diſcouragement of many from bringing up their children in learning; the many errors and ſtrange opinions which are in the church; great corruptions in the univerſities; the want of preaching miniſters in many places; the loathing of the miniſtry, and the general defection to all manner of profaneneſs.

8. The ſwarming of laſcivious and unprofitable books, in diſgrace of religion; as namely, Ovid's Fits of Love, The Parliament of Women, &c.

9. The hindering of godly books to be printed; the blotting out or perverting in thoſe which they ſuffer, whatever ſtrikes either at popery or arminianiſm; the adding of what pleaſeth them, and the reſtraint of reprinting books formerly licenſed, without relicenſing.

10. The publiſhing of popiſh, arminian, and other dangerous books and tenets; as namely, "That the church of Rome is a true church, and in the worſt times never erred in fundamentals; that the ſubjects have no propriety in their eſtates; but that the king may take from them what he pleaſeth; that all is the king's, and that he is bound by no law, &c."

11. The growth of popery, and increaſe of papiſts, prieſts and jeſuits; the frequent venting of crucifixes and popiſh pictures both engraved and printed, and the placing of ſuch in bibles.

12. The multitude of monopolies, and impoſitions upon all kinds of commodities, &c. [h]

13. That the church-government in England was upheld the ſame way as in the Romiſh church. Hence it was that the prelates maintained, that the pope is not Anti-chriſt, and forbad praying in the church for the converſion of the queen.

14. The great conformity of veſtures and ceremonies with thoſe of the church of Rome.

15. The ſtanding up at the Gloria Patri, and at the reading of the goſpel; praying towards the eaſt; the bowing at the name of Jeſus; the bowing to the altar; towards the eaſt; croſs in baptiſm: the kneeling at the communion.

16. The turning of the communion-tables alterwiſe; the ſetting images and tapers upon them; the reading of the ſecond ſervice at the altar, which is termed the mercy-ſeat; the forcing people to come up thither to receive the ſacrament.

17. The conſecrating of churches, chapels, fonts, &c. and the re-conſecrating of them upon pretended pollution.

18. The liturgy for the moſt part taken out of the Romiſh breviary, and the book of ordination framed out of the Roman pontficial.

19. The multitude of canons: abuſe of excommunication: denying of appeals; the canons of the laſt ſynod.

20. Plurality of benefices; prohibiting of marriages without licence at certain times, and licenſing of marriages without bans aſking.

21. Profanation of the Lord's-day, the ſuſpending and depriving miniſters for not reading a declaration for tolerating ſports on that day.

22. The preſſing of the ſtrict obſervation of the ſaints-days, and drawing great ſums of money out of mens purſes for giving them leave to work on them.

23. The great increaſe of adulteries, &c. occaſioned by the prelates corrupt adminiſtration of juſtice in ſuch caſes, who taking upon them the puniſhment of it, do turn all into moneys for the filling of their purſes.

24. The general abuſe of excommunication, which was inflicted for trivial matters; and the abſolution whereof could not be obtained without money, &c.

25. The prelates claiming their office and juriſdiction to be Jure Divino; their taking upon them temporal dignities, &c.

26. The forcing people to take commiſſions out of their own courts.

27. The impoſing of oaths upon church-wardens and ſideſmen, which they cannot take without perjury [i]

28. The great abuſe of eccleſiaſtical courts, and the biſhops uſurpations.

This petition ended with ſome conſiderations, the laſt whereof was, that the biſhops having occaſioned the war with Scotland, the war could be terminated only by the ſuppreſſion of epiſcopacy.

The next day, ſeveral miniſters [k] were declared delinquents, for introducing innovations into the church, and a committee was appointed to examine the complaints exhibited againſt the biſhop of Bath and Wells.

On the 15th, the houſe proceeded to take into conſideration the new canons of the late convocation, and voted what has been related. After that, Laud was accuſed, and Wren obliged to give bail.

[1640-1] On the 12th of January 1640-1, petitions were preſented from four ſeveral counties againſt the hierarchy.

On the 16th, a complaint was brought to the lords [l] againſt a conventicle held in the pariſh of St. Saviour's in Southwork, where at leaſt ſixty perſons were ſeized, who upon being aſked why they did not reſort to their pariſh church, according to the law of the 35th of Elizabeth, anſwered, that the law of Elizabeth was not a true law, for that it was made by the biſhops [m]. The lords contented themſelves with ordering, that divine ſervice ſhould be performed as appointed by the acts of parliament; and that the miniſters ſhould forbear to introduce any innovations.

On the 19th, the city of Gloceſter preſented a petition againſt the biſhops.

On the 23d was read a petition of ſeveral miniſters, in behalf of themſelves and many others their brethren, praying a redreſs of certain irregularities in the government of the church. To which was annexed a remonſtrance ſetting forth theſe pretended irregularities, and the great revenues and the little uſe of deans and chapters.

All theſe petitions, which were very graciouſly received by the commons, being plain indications that the houſe had ſome ill deſign againſt the biſhops, his majeſty ſent for both houſes to attend him at the banqueting-houſe at Whitehall, where he made the following ſpeech.

My lords, and you the knights, citizens, and burgeſſes,

"THE principal cauſe of my coming here at this time, is by reaſon of the ſlow proceedings in parliament, touching which, is a great deal of inconvenience. Therefore I think it very neceſſary to lay before you the ſtate of my affairs as they now ſtand, thereby to haſten (not to interrupt) your proceedings.

"Firſt, I muſt remember you, that there are two armies in the kingdom, in a manner maintained by you, the very naming of which, doth more clearly ſhew the inconvenience thereof, than a better tongue than mine can expreſs. Therefore, in the firſt place. I ſhall recommend unto you, the quick diſpatch of that buſineſs. In the next place, I muſt recommend unto you the ſtate of my navy and forts; the condition of both which is ſo well known unto you, that I need not tell you the particulars, only thus much; they are the walls and defence of this kingdom, which if out of order, all men may eaſily judge what encouragement it will be to our enemies, and what diſheartening to our friends. Laſt of all (and not the leaſt to be conſidered) I muſt lay before you the diſtractions that are at this preſent occaſioned through the connivance of parliament; for there are ſome men that, more maliciouſly than ignorantly, will put no difference between reformation, and alteration of government. Hence it cometh, that divine ſervice is irreverently interrupted, and petitions in an ill way given in, neither diſputed nor denied.

"But I will enter into no more particulars, but ſhew you a way of remedy, by ſhewing you my clear intentions, and ſome rocks that may hinder this good work.

"I ſhall willingly and chearfully concur with you for the reformation of all innovations both in church and common-

[h] How could monopolies be a conſequence of epiſcopal government?

[i] This refers to an oath appointed by the biſhop of Wincheſter. Rapin.

[k] Thoſe of Beckington, Mells, and Hemington in Somerſetſhire. Nalſon, tom. I. p. 666.

[l] The paper was firſt delivered to the king, and recommended by him to the conſideration and juſtice of the houſe of peers. Nalſon, tom. I. p. 427.

[m] They ſaid likewiſe, 'That the king could not make a perfect law, for that he was not a perfect man; That they ought not to obey him, but in civil things, &c. Ruſhworth, tom. IV. p. 144.

wealth, and conſequently that all courts of juſtice may be reformed according to law. For my intention is clearly to reduce all things to the beſt and pureſt times, as they were in the time of queen Elizabeth. Moreover, whatſoever part of my revenue ſhall be found illegal, or heavy to my ſubjects, I ſhall be willing to lay it down, truſting in their affections.

"Having thus clearly and ſhortly ſet down my intentions, I will ſhew you ſome rubs, and muſt needs take notice of ſome very ſtrange, (I know not what term to give them) petitions given in the name of divers counties, againſt the preſent eſtabliſhed government, and of the great threatenings againſt the biſhops, that they will make them to be but cyphers, or at leaſt their voices to be taken away. Now I muſt tell you, that I make a great difference between reformation and alteration of government; though I am for the firſt, I cannot give way to the latter.

"If ſome of them have over ſtretched their power, and incroached too much upon the temporality, if it be ſo, I ſhall not be unwilling theſe things ſhould be redreſſed and reformed, as all other abuſes, according to the wiſdom of former times: ſo far I ſhall go with you, nay farther, if upon ſerious debate you ſhall ſhew me, that biſhops have ſome temporal authority, inconvenient to the ſtate, and not ſo neceſſary for the government of the church, and upholding epiſcopal juriſdiction; I ſhall not be unwilling to deſire them to lay it down; but this muſt not be underſtood, that I ſhall any way conſent that their voices in parliament ſhall be taken away; for in all the times of my predeceſſors ſince the conqueſt, and before, they have enjoyed it; I am bound to maintain them in it, as one of the fundamental conſtitutions of this kingdom. There is another rock you are on, not in ſubſtance but in form; yet the form is ſo eſſential, that unleſs it be reformed, it will marr the ſubſtance.

"There is a bill lately put in concerning parliaments. The thing I like well, to have frequent parliaments, but to give power to ſheriffs and conſtables, and I know not whom, to uſe my authority, that I cannot yield unto. But to ſhew you, that I am deſirous to give you content in forms which deſtroy not the ſubſtance, you ſhall have a bill for this purpoſe; ſo that it trench neither againſt my honour, nor againſt the ancient prerogative of the crown, concerning parliaments; to which purpoſe I have commanded my learned council to wait upon you, my lords, with ſuch propoſitions as I hope will give you content, for I ingenuouſly confeſs, that frequent parliaments are the beſt means to keep a right underſtanding between me and my people, which I ſo much deſire.

"To conclude, I have now ſhewn you the ſtate of my affairs, my own clear intentions, and the rocks I wiſh you to eſchew; in all which you may perceive the deſire I have to give you content, as you ſhall find alſo by thoſe miniſters I have, or ſhall have, about me for the effecting of theſe my good intentions, which I doubt not, will bring peace and happineſs to my ſubjects, and contentment to you all.

"Concerning the conference, you ſhall have a direct anſwer, which ſhall give you ſatisfaction."

This ſpeech produced not the effect, the king expected: Firſt, becauſe probably the excluſion of the biſhops was already reſolved, and there was nothing in the king's ſpeech capable of altering that reſolution. Secondly, the great concern expreſſed by the king for the biſhops right, was preciſely the principal cauſe that made their excluſion to be deſired. Thirdly, the king ſeemed to banter the parliament, when he ſaid, "if they would ſhew him that the biſhops have any temporal authority inconvenient to the ſtate, he ſhould not be unwilling to deſire them to lay it down." As if the parliament ought to have expected, from the pure condeſcenſion of the biſhops, the reformation of an authority prejudicial to the ſtate, a maxim directly contrary to the principles, the parliament was then of.

The next day, a complaint was brought to the commons againſt Matthew Wren, for having, whilſt biſhop of Norwich, by oppreſſions, innovations, and requiring certain oaths, compelled above fifty families of that city to withdraw out of England.

On the 1ſt of February, the commons examined part of the London miniſters remonſtrance againſt the biſhops. In the debate upon this ſubject, ſome ſmart repartees paſſed between Mr. Grimſton and Mr. Selden. Mr. Grimſton argued thus, "That biſhops are jure divino, is a queſtion; that archbiſhops are not jure divino, is out of queſtion. Now that biſhops which are queſtioned whether jure divion, or archbiſhops, which out of queſtion are not jure divino, ſhould ſuſpend miniſters that are jure divino, I leave to you to be conſidered." To which Mr. Selden anſwered, "That the convocation is jure divino, is a queſtion; that parliaments are not jure divino, is out of queſtion: That religion is jure divino, there is no queſtion. Now, ſir, That the convocation, which is queſtionable whether jure divino, and parliaments, which out of queſtion are not jure divino, ſhould meddle with religion, which queſtionleſs is jure divino, I leave to your conſideration."

I own theſe two arguments do not ſeem to me of equal force. The firſt ſuppoſes, that for the particular act of ſuſpending a miniſter, there muſt be an authority derived from God a ſuppoſition ſeemingly very natural. The other ſuppoſes, that there is occaſion for the like authority, to meddle with the affairs of religion, a ſuppoſition which to me appears a little too general, and which ſhould be reduced to particular acts, to render this argument like the firſt.

On the 5th, upon the complaint of the inhabitants of Wood-Church in Kent, againſt Mr. Bowen their miniſter, who being alſo a juſtice of peace, had, by colour of that office, done ſeveral things contrary to the laws, the houſe ordered that the lord-keeper ſhould be deſired to leave out the clergy of England and Wales, at the renewing of the commiſſion of the peace.

On the 8th and 9th, the houſe reſummed the debates concerning the biſhops, and many ſpeeches were made for and againſt them [n], but they are too long to be inſerted. I ſhall content myſelf with obſerving, that though the point in queſtion ſeemed to be only to know, whether the biſhops ought to be excluded from the houſe of peers, yet the arguments againſt them tended much farther, even to the entire abolition of epiſcopacy.

I ſhall alſo remark, that among thoſe who ſpoke for the biſhops, there was not one that denied, the prelates had abuſed their power. But they maintained, that theſe were perſonal faults, which might be puniſhed and prevented for the future, without any neceſſity of attacking epiſcopacy itſelf. The adverſaries of the biſhops intimated on the contrary, that there was no reforming epiſcopacy, but by changing the government of the church. They ſaid, whileſt there were biſhops there would be ſo many tyrants, who would think more of eſtabliſhing their grandeur, than of the people's ſalvation. Unhappily, they had but too many inſtances to confirm their opinion. The lord Falkland, who ſpoke that day againſt the biſhops, ſaid, among other things.

"We ſhall find them to have tythed mint and aniſe, and have left undone the weightier works of the law; to have been leſs eager upon thoſe who damn our church, than upon thoſe, who upon weak conſcience, and perhaps as weak reaſon, (the diſlike of ſome commanded garment, or ſome uncommanded poſture) only abſtained from it. Nay, it hath been more dangerous for men to go to ſome neighbour's pariſh, when they had no ſermon of their own, than to be obſtinate and perpetual recuſants; while maſſes have been ſaid in ſecurity, a conventicle hath been a crime; and which is yet more, the conforming to ceremonies hath been more exacted, than the conforming to chriſtianity; and whilſt men for ſcruples have been undone, for attempts upon ſodomy they have only been admoniſhed."

The oppoſition which the enemies of epiſcopacy then met with in the execution of their deſigns, was ſtrong enough to retard it, but not capable to make them deſiſt. What they had juſt done was properly but an effort, in order to take more effectual meaſures hereafter. They were contented, therefore, with having prevailed with the houſe, that the petition of the inhabitants of London ſhould be taken into conſideration, contrary to the opinion of thoſe who would have it rejected without reading. Beſides what had been ſaid on this occaſion againſt the biſhops, promoted the execution of the project, to take away their votes in the houſe of lords, which moſt of the commons had already reſolved in private. they continued therefore to receive petitions againſt epiſcopacy, and to take ſeveral ſteps tending to inſpire the people with an averſion for the biſhops, and the reſt of the clergy.

The 13th of February, a bill was brought in for aboliſhing ſuperſtition, in the ſuppoſition, that biſhops had introduced into the church ſundry ſuperſtitious practices.

The 1ſt of March the commons appointed a committee to prepare reaſons to be offered to the lords, that all clergymen in England and Wales, ſhould be put out of the commiſſion of the peace.

The 9th, it was moved in the houſe, that a bill be drawn againſt pluraliſts and non-reſidents.

[n] Thoſe that ſpoke in favour of the biſhops, were, the lord Digby, ſir Benjamin Rudyard, the lord Falkland, Mr. Plydell, and Mr. Grimſton; and thoſe that ſpoke againſt them, were, Mr. Nathaniel Fiennes, Mr. Bagſhaw, &c. See Ruſhworth, tom. IV. p. 170—187.

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The ſame day were preſented, from the committee for the miniſters remonſtrance againſt the biſhops, three heads for the debate and conſideration of the houſe. The firſt concerned their ſecular employments, namely, their legiſlative and judicial power in parliament; their judicial power in the ſtar-chamber, and commiſſions for the peace; their employment as privy-counſellors, and temporal officers. The ſecond related to their ſole power in eccleſiaſtical things, as ordination and cenſures. The third concerned the greatneſs of the revenues of deans and chapters, the little uſe of them, and the inconveniencies thence ariſing. The houſe having debated upon the firſt of theſe heads, came to theſe reſolutions:

I. That the legiſlative and judicial power of biſhops in the houſe of peers, is a great hinderance to the diſcharge of their ſpiritual function, prejudicial to the commonwelth, and fit to be taken away by bill, and that a bill be drawn to that purpoſe.

II. That for biſhops, or any other clergymen, to be in the commiſſion of the peace, or to have any judicial power, in the ſtar-chamber, or in any civil court, is a great hinderance to the diſcharge of their ſpiritual function, prejudicial to the common-wealth, and fit to be taken away; and that a bill be brought in to that purpoſe.

The ſame day, the lords ordered to be burnt two books, written by Dr. Pocklington, entitled, Sunday no Sabbath, and Altere Chriſtianum.

The 15th, the commons ſent up to the lords articles againſt Dr. Coſins, who was accuſed of introducing into the church of Durham divers innovations, tending to reſtore popery.

The 21ſt of April, petitions againſt the hierarchy were preſented by Nottinghamſhire and Lancaſhire.

The 26th of the ſame month was read, a ſecond time, a bill, for puniſhing and fining the members of the late convocation. The archbiſhop of Canterbury's fine was of twenty thouſand pounds. There were others of ten thouſand pounds, of five thouſand, three thouſand, two thouſand and the leaſt of a biſhop was of a thouſand. The reſt of the members were rated, each in proportion to his eccleſiaſtical revenues[o].

The ſame day was read a bill, for regulating abuſes in eccleſiaſtical courts.

It was evident, that the commons were projecting ſome great reformation in the eccleſiaſtical ſtate, and probably, the deans and chapters were firſt to be attacked, becauſe their uſe did not appear ſo manifeſt. For this reaſon, Dr. Hacket deſired leave to ſpeak before the houſe, on the behalf of deans and chapters, which was granted him. But after he had done, Dr. Burgeſs was permitted alſo to anſwer his reaſons. The two univerſities preſented likewiſe petitions to the houſe on the ſame account, but to no manner of purpoſe.

At laſt, the bill againſt the biſhops and clergy exerciſing temporal juriſdiction, paſſed in the houſe of commons, and was ſent up to the lords for their concurrence. But this bill meeting with great oppoſition in the houſe of peers, who put off the debate from day to day, the commons cauſed a new bill to be brought into their houſe, for the taking away of archbiſhops, biſhops, deans, archdeacons, &c. which was read the firſt time. Whilſt they were debating whether it ſhould be read again or laid aſide, a meſſage came from the lords, ſignifying, that they were ready to concur with them as to the former bill, except only taking away the biſhops votes in parliament. But the commons, without taking any notice of this offer, ordered the new bill to be read a ſecond time.

The 2d of June, at a conference between the two houſes, the lords gave reaſons why they did not judge it unlawful for the biſhops to ſit in parliament, alleging, that for their right to vote there, they conceived by the common and ſtatute-law, and ancient practice, there was no queſtion of it. As for any inconveniences, they did not yet underſtand any ſuch as might induce them to deprive the biſhops and their ſucceſſors of their right. But for removing them from the ſtar-chamber, council-table, or any office in ſecular affairs, they would fully concur with the commons.

Next day, heads for a conference with the lords were reported, containing nine reaſons why biſhops ought not to have votes in parliament[p].

"1 Becauſe it is a great hinderance to their miniſterial function.

"2. Becauſe they do vow and undertake at their ordination, when they enter into holy orders, that they will give themſelves wholly to that vocation.

"3. Becauſe councils and canons in ſeveral ages, do forbid them to meddle in ſecular affairs.

"4. Becauſe the twenty-four biſhops have dependance on the two archbiſhops, and take their oath of canonical obedience unto them.

"5. Becauſe they are but for their lives, and therefore are not fit to have legiſlative power over the honors, inheritances, perſons, and liberties of others.

"6 Becauſe of biſhops dependency and expectancy of tranſlation to places of greater profit.

"7. That the ſeveral biſhops have of late much encroached upon the conſciences and liberties of the ſubjects; and they and their ſucceſſors will be much encouraged ſtill to encroach; and the ſubject will be much diſcouraged from complaining againſt ſuch encroachment, if twenty-ſix of that order be to be judges upon that complaint. The ſame reaſon extends to their legiſlative power, in any bill to paſs for the regulation of that power, upon any emergent inconveniency by it.

"8. Becauſe the whole number of them are intereſted to maintain the juriſdiction of Biſhops; which hath been found ſo grievous to the three kingdoms, that Scotland hath utterly aboliſhed it.

"9. Becauſe the biſhops, being lords of parliament, it ſettleth too great a diſtance between them and the reſt of their brethren in the miniſtry; which occaſioneth pride in them, diſcontent in others, and diſquiet in the church.

"And as to their having votes a long time, the anſwer is, if it be inconvenient, time and uſage are not to be conſidered with law-makers: ſome abbots voted as anciently in parliament as biſhops, yet are taken away."

Among theſe reaſons, the commons only inſinuated the principal in the ſixth article, which however was univerſally known, namely, that the biſhops had been too much devoted to the king, and countenanced arbitrary power.

Mean while the commons ordered a bill to be prepared againſt the late convocation, and another to abolith the high-commiſſion.

The 7th of June, the lords voted for maintaining the biſhops right to ſit in parliament.

The 11th, the affair of the epiſcopacy coming again into debate, laſted from ſeven in the morning, till night[q], and it was reſolved by the commons, that the preamble to the bill ſhould be expreſſed in theſe words:

"Whereas the government of the church of England by archbiſhops and biſhops, the chancellors and commiſſaries, deans, archdeacons, and other eccleſiaſtical officers, hath been found by long experience to be a great impediment to the perfect reformation and growth of religion, and very prejudicial to the ſtate and government of this kingdom, &c."

The 15th, the commons voted that all deans, deans and chapters, archdeacons, prebendaries, chanters, canons, and petty-canons, and their officers, ſhall be utterly aboliſhed: that all the lands taken from deans and chapters ſhall be employed to the advancement of learning and piety, proviſion being made that his majeſty be no loſer in his rents, firſt-fruits, and other duties; and that a competent maintenance ſhall be made to the ſeveral perſons concerned, if ſuch perſons appear not to be delinquents. Several ſpeeches, too long to be inſerted, were made upon this occaſion.

The 21ſt, the houſe being reſolved into a grand committee to debate the bill for aboliſhing epiſcopacy, ſir Edward Deering propoſed, in a ſpeech, that there ſhould be in every ſhire twelve divines and a preſident, to whom might be given what title they pleaſed, whether that of biſhop or any other: but nothing was reſolved thereupon.

It is eaſy to perceive by what paſſed in the parliament, during the firſt months, with regard to the church, that the commons conſidered this affair as a capital point, though they affected to let it paſs as dependent on the deſign of reforming the civil government. For ſcarce a day paſſed without ſome debate, directly or indirectly, on this ſubject. But as this was

[o] The reader may ſee the draught of the intended fines at large in Ruſhworth, tom iv. p. 235, &c.

[p] To theſe reaſons there was ſoon an anſwer in print, called, An Abſtract, &c. (ſaid to be done by the archbiſhop of York) and to that preſently came forth a reply. To which the curious reader is referred. Ruſhworth, tom. i. p. 282.

[q] In this long debate, the authority of that very ancient parchment-manuſcript-copy of the Bible in his majeſty's library at St. James's, and ſent to king Charles I. by Cyrillus patriarch of Alexandria, being all written in great capital Greek letters, was vouched and aſſerted by ſir Simonds d'Ewes (a great antiquary) wherein the poſtſcript to the epiſtles to Timothy and Titus are only thus: "The firſt to Timothy, written from Laodicea: the Second to Timothy, written from Laodicea: to Titus, written from Nicopolis." Whence he inferred, that the ſtiling of Timothy the firſt biſhop of Epheſus, and Titus the firſt biſhop of Crete, were the ſpurious additions of ſome eaſtern biſhop or monk, at leaſt five hundred years after Chriſt. Ruſhworth, tom. iv. p. 284. Diurn. Occur. p. 123.

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not the only affair then in agitation in the parliament, it will be neceſſary to break off the narration, in order to ſpeak of ſome other matters of no leſs importance.

The king could not but be very much diſpleaſed with the proceedings of the commons, as well in the affair of grievances, as in that of epiſcopacy. The two things he had moſt at heart, ſince the beginning of his reign, were the ſtretching his prerogative, and maintaining the church of England in its full luſtre, and the biſhops in all their authority. Nevertheleſs, upon theſe two points it was that the commons ſeemed to affect to give him daily mortifications, not only by their ſpeeches, but alſo by their votes and the bills they ſent up to the lords.

But beſides grievances and epiſcopacy, there was another article, wherein the commons ſhewed no great complaiſance to the king; and that was the affair of the catholics. Charles followed the king his father's method, that is, he appeared to be entirely attached to the proteſtant religion and church of England; whilſt on the other hand, he protected and countenanced the papiſts. But there was this difference between the father and ſon; king James's religion was always very doubtful, notwithſtanding his outward profeſſion of the proteſtant religion whereas king Charles was never accuſed of being a papiſt, but by men of very warm and paſſionate tempers. However, ſeveral things induced him to favor the catholics, which gave his enemies ſome advantage. 1. The example of the king his father, who, throughout his whole reign, could never be prevailed with to execute the laws againſt them. 2. Though the papiſts would not take the oath of ſupremacy, they refuſed not to ſwear allegiance, and that was ſufficient for him to reckon them good ſubjects. 3. In his project of humbling the parliament, and reducing the commons to the ſole affair of ſupply, the parliament's deſiring the execution of the laws againſt the papiſts, ſufficed to throw him upon a contrary courſe, in order to deprive them by degrees, of the cuſtom of obtaining every thing by importunity. 4. The catholics having no other refuge but the king's protection, it was natural for them firmly to adhere to his perſon and intereſt, and the king thought himſelf obliged to grant them an extraordinary protection, in reward of their fidelity. 5. Nothing was more grating to the puritans, than to ſee the papiſts well received at court; and as the king hated the puritans, he took a pleaſure in mortifying them, by careſſing their enemies. 6. The queen, for whom the king had a very great condeſcention, did not a little contribute to inſpire him with a good opinion, if not of her religion, at leaſt of the profeſſors. 7. Archbiſhop Laud, who was an arminian, took care not to ſtrengthen the calviniſtical-party, by incenſing the king againſt the papiſts. 8. Laſtly, Charles I. was naturally of an inflexible temper, and this quality, added to his maxims of government, made him impatient of whatever tended to curb his will. Theſe are probably, the reaſons that induced the king to countenance the catholics, during the firſt fifteen years of his reign. He carried his regard for them ſo far, that not only the penal laws enacted againſt them were never executed, but the papiſts were alſo conſidered at court as the beſt ſubjects, whereas the puritans were regarded as enemies to the king and ſtate.

The face of affairs being changed by the calling of the parliament, and the king unable to protect the papiſts, they were treated a little roughly. It was ſuppoſed, there was a ſettled deſign to introduce popery, and that ſeveral biſhops and other clergymen were in the plot. The archbiſhop of Canterbury, the biſhops of Ely, and of Bath and Wells. Dr. Couſins, ſecretary Windebank, and ſome others, were accuſed of being chiefly concerned in the affair, which was openly ſaid to be managed by the queen and her confidents. Though this charge was perhaps carried too far, with reſpect to the private perſons, it can hardly be denied, that they gave ſome cauſe for it by their proceedings. Their hatred to the preſbyterians, made them not ſcruple to make too near approaches to popery, in order to be at a greater diſtance from preſbyterianiſm. This, if I am not miſtaken, was the true cauſe of all the innovations introduced into the public worſhip, and of the inviolable attachment to the obſervance of certain indifferent or needleſs cuſtoms or ceremonies. The chief aim of the governors of the church was to widen continually the diſtance between preſbyterianiſm and the church of England. But this policy, which was advantageous to the enemies of the puritans, whilſt the king ruled with an abſolute power, turned to their prejudice entirely, becauſe in this parliament they were accuſed of having had more ſecret deſigns; in a word, of having intended to introduce popery, and the puniſhment of the faults committed by ſome hot and paſſionate perſons, was made to fall on the whole church.

In all the proceedings of the parliament againſt the papiſts, the king had properly nothing to ſay. He could not deny that there were laws againſt recuſants, and that theſe laws had not been executed, though he had ſeveral times ſolemnly promiſed. It was no longer a proper ſeaſon to protect them openly, and therefore he publiſhed proclamations, enjoining the execution of the laws, in order to content the parliament. But theſe proclamations were ſo artfully drawn, that they properly granted nothing of what they ſeemed to promiſe: eſpecially, the parliament could never prevail with the king to let the condemned prieſts be executed, whether the king believed theſe ſentences too rigorous, or the queen's ſolicitations had a greater influence upon him than thoſe of the parliament. I ſhall now proceed to the moſt material tranſactions concerning the catholics, during the firſt ſeven or eight months of this ſeſſion.

In the beginning of the parliament, the king having publiſhed a proclamation againſt recuſants, the committee charged with examining it, reported, it was not according to his majeſty's intentions, or the expectation of the houſe, for the following reaſons:

1. In the clauſe wherein the proclamation commands all popiſh recuſants within fifteen days to depart the city, &c. it is added, "Without ſpecial licence had thereunto:" ſo that if by any means they can obtain any licence from his majeſty (which the committee thinks they cannot) or from the lords of the council, biſhop, lieutenant, or deputy lieutenant, then they are not within that clauſe,

2. The order to diſarm all recuſants, is limited to recuſants convict, and being ſo reſtrained, if any be armed and not convicted, a juſtice of the peace cannot diſarm them.

3. Recuſants are commanded to depart to their own dwelling houſes; but as of late days there is great reſort of recuſants to London and Weſtminſter, and places adjacent, there is no urging them from thence by law.

The committee added, that many recuſants had letters of grace to protect their perſons and eſtates.

In the continuation of this report, a few days after, the committee ſaid, that upon the examination of the keepers of two priſons only, Newgate and the Clink, they found ſixty-four prieſts and jeſuits diſcharged in one year, ſome by privy-ſignet, others by warrants from the lords of the council, but moſt of them by warrants from ſecretary Windebank, without any mention of the king's pleaſure[r]. That upon examination of the clerk of the peace for Middleſex, and the clerk of the crown in the king's-bench, it was found, that within the compaſs of ſeven or eight years there had been ſeventy-four letters of grace[s]. Then they deſcended to particular circumſtances concerning the diſcharge of ſeveral perſons condemned for treaſon, all by the order of Windebank: they ſaid moreover, that they had diſcovered ſixty-four letters of grace to ſtay the proſecution againſt papiſts, directed to ſeveral counties and judges. It was added, that indeed the king had power to pardon the condemned: but to command no further proſecution, was contrary to law.

The 30th of November, the commons deſired the general of the army to diſmiſs all popiſh officers[t]; and moved his majeſty, that all commanders and other officers in any town or garriſon that were papiſts, might be removed. The king anſwered, he knew of no papiſt that had the command of any place, but, however, had given orders to be more particularly informed.

The 1ſt of December, the houſe ordered the preparing of a remonſtrance to his majeſty, concerning the pope's pretended nuntio. This was count Roſetti, who exerciſed in England the function of nuntio, under colour that it was neceſſary to the queen for matters of conſcience.

The 5th, the houſe ſent an order to all the juſtices of peace of Weſtminſter, London, and Middleſex, enjoining them to proceed againſt recuſants according to law, notwithſtanding any inhibition or reſtraint.

In January following there was a ſort of diſpute between the king and the commons, on account of John Goodman a jeſuit, who had been condemned to die, but was reprieved by the king. The houſes had ſeveral conferences upon this ſub-

[r] In the report it is added, that very few appeared to be under the king's own hand, and of them not any one but at the requeſt of foreign embaſſadors, and the queen-mother. Ruſhworth, tom. iv. p. 68.

[s] Rapin having made ſome miſtakes in this paragraph, they are corrected from the report at large in Ruſhworth, tom. iv. p. 61. The nature of theſe letters of grace was this, they were directed to archbiſhops, biſhops, judges, and all other the king's officers, to ſtay all proceedings againſt the perſons therein named. See the report before mentioned.

[t] The general's anſwer was, that as ſoon as he could, he would return an anſwer in writing. Ruſhworth, tom. iv. p. 73.

Particularly

jeƈt, and at laſt agreed to join in a remonſtrance to his majeſty, to move him that the laws might be executed againſt prieſts and jeſuits, and particularly againſt Goodman. The king, who deſired to ſave the jeſuit, alleged that he had been condemned merely for being in orders of a prieſt, and had never been condemned or baniſhed before. But the two houſes repreſented to him, that this prieſt and jeſuit had been a miniſter of the church of England, and had been formerly twice committed and diſcharged. In ſhort the king replied, that if Goodman was put to death, the proteſtants abroad in catholic countries might ſuffer for it; but however would leave it to both houſes to do as they thought fit. Next day, Goodman ſent a petition to the king, which was immediately communicated to the houſe of lords, wherein he ſaid, that he was content to die rather than live the ſubjeƈt of ſo great diſcontent between him and his people. As it does not appear that the parliament inſiſted any more upon this matter, it is likely the king obtained his deſire, and ſaved the jeſuit's life. But this ſort of victory failed not to do him ſome prejudice, in that his enemies took occaſion from thence to repreſent, that there was no depending upon his proclamations or promiſes with reſpeƈt to the papiſts, ſince they were never executed. It is not doubted but the queen ſolicited ſtrongly in Goodman's behalf.

The 11th of February 1640-1, notice was given to the commons, that the papiſts were preparing to execute ſome great deſign[u], and that by the queen's order all Roman catholics faſted every Saturday, for the proſperous ſucceſs of the ſame. Whereupon an order was made that all judges in their circuits ſhould effeƈtually put the laws in execution againſt prieſts and jeſuits[w].

The 17th of May the commons ordered the lord mayor of London, and the juſtices of peace for London, Weſtminſter, and Southwark, to prevent papiſts from reſorting to embaſſadors houſes and the queen's chapels.

The 24th, the members of the houſe had orders to bring in, by ſuch a time, the names of all recuſants convicƈt in each county.

The 2d of June, was read in the houſe of commons a bill for diſarming all the papiſts in the kingdom.

In January laſt, the commons had begun to take into conſideration the contribution raiſed among the Roman catholics, for carrying on the late war againſt the Scots, at the inſtance of the queen, who wrote a circular letter to exhort them to it. Walter Montague and ſir Kenelm Digby (who had writ on the ſame occaſion to ſome of the principal of the popiſh party) were ſent for and examined, and the commons ſeemed reſolved vigorouſly to puſh this affair. But the queen found means to appeaſe them by a meſſage, wherein ſhe ſaid that ſhe was moved to raiſe money in that manner for the king's aſſiſtance, merely out of her tender affeƈtion to him; and if it were illegal, ſhe was ignorant of the law, but promiſed to be more cautious for the future: ſhe ſaid moreover, that underſtanding the having one ſent to her from the pope was diſtaſtful to the kingdom, ſhe was deſirous to give the parliament ſatisfaƈtion, and in convenient time would remove him. This convenient time was not yet come in June following, when the nuntio Roſetti was ſtill with the queen. But at laſt, the commons having ordered him to be brought to the bar of their houſe to be examined, he hid himſelf, and on the morrow departed for Rome. Montague, Winter, and ſir Kenelm Digby withdrew into France.

Father Philips, the queen's confeſſor, was alſo examined by the commons, who afterwards brought an accuſation againſt him to the lords, and againſt the ſuperior of the Capuchins belonging to the queen. Probably this accuſation was only to frighten and oblige them to retire.

Theſe are all the material tranſaƈtions concerning the catholics before the king's journey to Scotland, which will be mentioned hereafter. It is time to return to the Scotch army, which we left at Newcaſtle.

The king had flattered himſelf that the parliament would eſpouſe his cauſe againſt Scotland, and furniſh him with means to drive the Scots out of the kingdom. This was the firſt, or rather the only thing he recommended in his firſt ſpeech to both houſes. But to perceive how vain this hope was it needs only to be conſidered that the leading men of the party againſt the king were the perſons that encouraged the Scots to enter England, and that this party was ſo ſuperior in the parliament, that but few of the king's friends durſt open their mouth to ſupport his intereſt. It was this Scotch invaſion that compelled the king to call a parliament, and enabled the parliament to break all the king's meaſures and oblige him to ſuffer the redreſs of grievances. In a word, it was ſolely by means of the Scots that the parliament had it in their power to reſtore the government to its ancient and natural ſtate: they would therefore have aƈted againſt their own intereſt, and directly contrary to the end they propoſed, if they had ſupplied the king with means to drive the Scots out of the kingdom. Accordingly they took not one ſtep tending to that end. On the contrary, it evidently appeared, that they conſidered the Scots as brethren, who having the ſame intereſt as the Engliſh, were come to aſſiſt them and aƈt in concert with them.

The 9th of November, ſix days after the opening of the parliament, ſir William Widdrington, knight of the ſhire for Northumberland, ſpeaking concerning the matter of a petition, preſented by that county, on account of the oppreſſions they laboured under from the Scotch army, called the Scots invading rebels: the houſe was ſo offended at the expreſſion, that Widdrington eſcaped impriſonment only by recanting, and promiſing to call them rebels no more. Nothing was more capable to ſhew the king how averſe the commons were from aiding him againſt the Scots. But this was not the only mark they gave of their intention: in the firſt place they thought proper to give the Scots the ſum of three hundred thouſand pounds, in reward for their brotherly aſſiſtance to England. In the ſecond place, they found means to oppoſe the negotiation of peace till the 7th of Auguſt 1641, that is till almoſt all the grievances were redreſſed, the triennial bill paſſed, and another, that the parliament ſhould not be diſſolved but by an aƈt for that purpoſe. All this was very remote from the hopes the king had flattered himſelf with, that he ſhould have a ſufficient ſupply to compel the Scots to return home. As the troubles of Scotland were the fountain and origin of all that paſſed in this parliament, I am perſuaded the reader will not take it ill to ſee here a brief account of the negotiation of peace between the king and the Scots, and between Scotland and England. What follows is the ſubſtance of the earl of Briſtol's ſpeech to both houſes, when he was choſen by the lords commiſſioners, to give them an account of what had paſſed hitherto in that affair.

"The commiſſioners employed by his majeſty intend not to look further back into the buſineſs, than the aƈts of their own employments; they intend to give no account of the pacification interrupted nor war renewed; no account how the armies in England, Ireland, and by ſea were deſigned; they purpoſe not to lay fault upon any man, nor to enquire into the cauſe why the Scots (as they pretended from neceſſity) were drawn to enter this kingdom; nor why the king's army when ſervice was to be done, was out of the way; but that thoſe through whoſe hands theſe have paſſed, may hereafter give their own account.

"His majeſty having called his great council at York, made to them two propoſitions: the firſt was, how his army ſhould be relieved and maintained? To this the lords reſolved to engage themſelves, and to ſend deputies to London to negociate a ſupply. The ſecond propoſition was, that after the Scots had paſſed Northumberland, taken Newcaſtle, and poſſeſſed the biſhopric of Dureſm, they ſent a petition to his majeſty which contained in general terms a deſire to have their grievances taken into conſideration. Upon receipt of his majeſty's anſwer, the Scotiſh lords ſent his majeſty a ſecond petition, in which they made their particular demands, and declared, that according to his majeſty's command they would advance no further into England. So his majeſty aſked the lords what anſwer ſhould be made to that petitionary letter? The lords replied, that it was impoſſible for them to give any well-grounded advice, unleſs the true ſtate of his affairs, and the condition of his army were laid before them. Whereupon his majeſty commanded the earl of Traquair to make the narration of the Scotiſh buſineſs, and their late aƈts of parliament, and the [earl of Strafford] lord lieutenant-general to give an account in what condition the army ſtood.

"The Scots army had paſſed Northumberland without reſiſtance. They had diſputed the paſſage of the river Tyne at Newburn, where the Engliſh horſe retired in diſorder. His majeſty's foot army, conſiſting of twelve or fourteen

[u] Particularly that there were fifteen hundred in Lancaſhire, eight thouſand in Ireland, and ſeveral thouſands in South and North-Wales, well furniſhed with arms, and well paid and provided for. Ruſhworth, tom. iv. p. 188.

[w] March 16, both houſes agreed to petition the king to remove the papiſts from court. Ibid. p. 211.

thouſand men, in Newcaſtle, likewiſe retired to York, whereby the town of Newcaſtle, a place of great conſideration, was fallen into the Scots hands, and the biſhopric of Dureſm brought under contribution.

"In this ſtate the gentry of the biſhopric repaired to his majeſty, from whom they were referred to the earl of Strafford, who gave them this anſwer poſitively, that they could look for no help nor protection from the king, and therefore they might uſe the beſt means they could to preſerve their lives and eſtates. Whereby they were forced to conſent to a very heavy contribution, though ſuch without which the Scotiſh army could not ſubſiſt. This contribution was eight hundred and fifty pounds a day for the biſhopric of Durham, Northumberland, and Newcaſtle. Theſe gentlemen much lamented their eſtates, that the Scots ſhould be irritated by being proclaimed traitors.

"The Scots on the other hand repreſented to the king's commiſſioners, that being threatened with an army of thirty or forty thouſand men, another of ten thouſand men out of Ireland, and by proclamation declared traitors and rebels; and having heard of another army providing, of eight or ten thouſand by ſhipping to hinder their trade, at leaſt their commerce with England, that they were drawn together by neceſſity, as they pretended, of defence. They further alleged, that it was a common diſcourſe, of which they had ſeen papers that they ſhould be reduced into a province. which would be but one ſummer's work. Therefore they had drawn their power together, and being aſſembled, and their country poor; taking advantage of the time, while all thoſe armies that ſhould oppoſe them were out of the way, they were forced to enter into England.

"Thus the great council of the lords found that the Scots had increaſed their confines near fourſcore miles in England, and had paſſed the rivers of Tweed and Tyne; and that the river of Tees, the boundary of Yorkſhire, was not to be defended, being fordable in many places by forty horſe a-front. That if the Scots ſhould paſs that river, there was no poſſibility to hinder them from coming to York, without hazarding a battle, which the earl of Strafford declared unto them he would not adviſe, becauſe the king's army conſiſted of troops that were untrained and unuſed to arms.

"This being the caſe, the lords adviſed his majeſty that the Scots and their grievances might be heard. And whereas their complaint had been, that their petitions to his majeſty had been conveyed by conduits of an evil reliſh, that there might be choſen ſuch lords commiſſioners, of whoſe integrity they could not doubt. The king was pleaſed to refer the choice of theſe commiſſioners to the great council: and to them power was given, under the great ſeal of England, to hear whatſoever the Scots could lay before them, and to enter into treaty with them.

"When this was propoſed to the Scots commiſſioners, they repreſented, that the countries where they lay were become poor; that they could not think, as their affairs ſtood, of returning home; that his majeſty had reſtrained them from paſſing further into England; ſo that a treaty in this exigent was worſe than a war, unleſs means might be thought upon how they might ſubſiſt while the treaty was foot, otherwiſe they ſhould be obliged to plunder the country.

"The commiſſioners having diſpatched ſome of their company to acquaint his majeſty with the Scots demands, a commiſſion was given them by the king to treat with the Scots for a maintenance, and the commiſſioners thought, that inſtead of giving them any allowance, they ſhould be left to their proportion of that contribution of eight hundred and fifty pounds a day, already agreed upon by the counties, as leſs diſhonourable than to aſſign them maintenance. Accordingly the preliminaries were agreed upon; the treaty of ceſſation concluded, and the commiſſioners adviſed his majeſty to ratify it, which was accordingly done. The parliament approaching, their lordſhips adviſed his majeſty to transfer the treaty from Rippon to London, to which his majeſty conſented.

"To excuſe the preliminaries agreed on at Rippon, the earl of Briſtol added, that it was indeed hard to pay the Scots a contribution of eight hundred and fifty pounds a day, and that there was already ſome doubt that the countries were not able to bear it: but that on the other ſide it was objected by the Scots, that it was impoſſible, if the payment ſhould fail, to keep their promiſe, or to obey his majeſty, but that they ſhould be neceſſitated againſt their will to plunder the country. For which reaſons the earl of Strafford had declared that the counties of Cumberland and Weſtmoreland being under the Scots power, it was reaſonable that in ſubſidium they ſhould contribute ſome help to their neighbours; but he added, that the commiſſioners left at Dureſm had written, that it was impoſſible for them to proceed in the agreement; which if it were broken on their part, the Scots would allege an impoſſibility to conſent to ſtarve; ſo that if ſome means were not found, by which thoſe counties engaged might be relieved, he was afraid all their labour and treaty would come to nothing. Therefore the commiſſioners, and all the lords, engaged themſelves faithfully and truly, to declare all theſe things to the parliament.

"The earl of Briſtol declared further, that it was far from the lord-commiſſioners purpoſe to move any ſupply of money from the houſe of commons, but to lay the cauſe before them. Averring certainly, that if ſome courſe were not taken, the whole kingdom would be put into diſorder. Armies would not ſtarve; retiring was not yet in the thoughts of the Scots; therefore they muſt plunder and deſtroy, or advance into Yorkſhire, and ſo farther into England, to ſeek ſubſiſtence; the prevention whereof did highly import the king and kingdom.

"Laſtly, the earl propoſed to the parliament another thing, no leſs worthy of conſideration, viz. that if the Scots army were provided of a competency, it were very ſtrange there ſhould not an equal care be had for maintaining the king's army. He ſaid the Scots army was ſtrong and powerful, and li ttle other reſiſtance againſt it but the impediments of an army marching in winter; but whether it were fit for a kingdom to be truſted to accidents of froſts, with a people bred in Swedeland [x], and cold countries, be left to their diſcretion. He confeſſed, that the Scots had made great proteſtations, and with great execrations averred that they had no intent to advance forward, but return when they ſhall have received ſatisfaction: yet the commiſſioners did not conceive that the kingdom ſhould rely upon promiſes and proteſtations. Many accidents might happen, when a nation come from a far country to a better, ſhould be told the buſineſs they came about was juſt, and their quarrel good; who finding themſelves in a fat paſture, may pick quarrels with their leaders, if they ſhould go about to prevent them. Upon theſe grounds his lordſhip preſented to the general conſideration, the ſupply of his majeſty's army, that it be not diſbanded; which if it ſhould come to paſs, Yorkſhire, and other parts of England, were left to the Scots diſcretion. His lordſhip ſaid, he durſt not ſay the Scots would not come forward, but that it was in their power if they would; and therefore he recommended this repreſentation to the whole body of the kingdom, to prevent future dangers."

There was no occaſion to uſe many arguments to induce the parliament to allow that the Scotiſh army ſhould be maintained in England. Upon the earl of Briſtol's report, it was reſolved, "that the commons approve of the perſons of the lords that were commiſſioners in the late treaty, to be commiſſioners now to treat with the Scots commiſſioners in this declaration, that no concluſion of theirs ſhould bind the commons, without their conſent in parliament." Though the Scotch army was very expenſive in England, the negociation however laſted till the 7th of Auguſt 1641, when the treaty was at length ſigned. I ſhall inſert here a ſummary of the articles, that it may be ſeen, firſt, wherein conſiſted the differences between the king and the Scots, and the difficulties of the peace; and ſecondly, what the king's grand project came to, of reducing the kirk of Scotland to a perfect conformity with the church of England, and perhaps of rendering himſelf abſolute in Scotland, as he was almoſt in England when he formed this enterprize.

The ſubſtance of the treaty concluded between England and Scotland, the 7th day of Auguſt 1641.

"FIRST, the Scots declare, that by their treating with the Engliſh parliament, they do not acknowledge any dependence of Scotland upon England, &c.

1. The Scots firſt demand.

"That his majeſty would be graciouſly pleaſed to command that the acts of the late parliament, of Scotland, may be publiſhed in his majeſty's name, with conſent of the eſtates of parliament convened by his majeſty's authority, the 2d of June 1640.

[x] This alludes to the ſix thouſand Scots ſent king Charles to the king of Sweden, under the command of the marquis of Hamilton. Theſe troops ſerved in Germany and never in Sweden. Rapin.

This

Anſwer. " His majeſty doth in the word of a king, promiſe the publiſhing of the ſaid acts, with the acts to be made in the next ſeſſion of the ſame parliament; and that all the ſaid acts have in all time coming the ſtrength of laws, &c.

2d Demand. " That the caſtle of Edinburgh, and other ſtrengths of the kingdom ſhould be furniſhed, and uſed for defence and ſecurity of the kingdom.

Anſwer. " Agreed unto.

3d Demand. " That Scotiſh men within his majeſty's dominions of England and Ireland, may be freed from cenſure for ſubſcribing the covenant, and be no more preſſed with oaths and ſubſcriptions, unwarranted by their laws, and contrary to their national oath and covenant approved by his majeſty.

Anſwer. " Granted with regard to the ſubjects of Scotland, who ſhall be ſojourners only in England or Ireland. But ſuch ſhall be excepted as are ſettled inhabitants in either of the two kingdoms. The Engliſh and Iriſh ſhall have the like privilege in Scotland.

4th Demand. " That whoſever ſhall be found, upon trial and examination, by the eſtates of either of the two parliaments, to have been the authors and cauſers of the late and preſent troubles and combuſtion; whether by labouring to make and foment diviſion betwixt the king and his people, or betwixt the two nations, or any other way, ſhall be liable to the cenſure and ſentence of the ſaid parliaments reſpectively, the Engliſh to the parliament of England. and the Scots to that of Scotland.

Anſwer. " His majeſty believeth he hath none ſuch, as incendiaries, about him; and therefore he can make no other declaration, than that all his courts of juſtice are free and open to all men. His parliament in this kingdom [of England] is now ſitting, and the current parliament of Scotland near approaching the time of their meeting. To either of which, he doth not prohibit any of his ſubjects to preſent their juſt grievances and complaints, of whatſoever nature.

" And whereas it was further demanded, that his majeſty would be pleaſed not to employ any perſon or perſons in office or place, that ſhall be judged incapable by ſentence of parliament, his majeſty agreeth thereto; nor will he make uſe of their ſervice, without the conſent of parliament, nor grant them acceſs to his perſon.

5th Demand. " That their ſhips and goods, and all damage thereof may be reſtored.

Anſwer. " This is condeſcended unto, on condition it be reciprocal. And the Scotiſh commiſſioners having informed, that about fourſcore ſhips of Scotland are yet ſtayed in the Engliſh ports, and are like to ſuffer much further loſs and damage; it is agreed, that warrants ſhall be preſently granted for the delivery of them, and that four thouſand pounds be preſently advanced, for helping the preſent ſetting forth of the ſaid ſhips.

6th Demand. " That for the loſſes which the kingdom of Scotland hath ſuſtained, and for the vaſt charges they have been put unto, reparation be made.

Anſwer. " The parliament of England grants to the Scots for this purpoſe, the ſum of three hundred thouſand pounds.

" And whereas it was deſired by the Scotiſh commiſſioners, that the Engliſh commiſſioners would let them know the ſecurity, manner, and term of payment of the aforeſaid ſum, and of the arrears due for relief of the northern counties; it was agreed by order of parliament, that they ſhould have fourſcore thouſand pounds, with the whole arrears due to the army, before the diſbanding thereof. And for paying the remnant of the ſaid ſum, an act of parliament of public faith ſhall paſs for ſecurity thereof; and that one moiety ſhall be paid at Midſummer 1642, and the other a year after, in 1643.

" And in like manner, whereas it was deſired by the Scotiſh commiſſioners, that they might know to whom they ſhould addreſs themſelves for payment of the forementioned ſums, the parliament hath appointed commiſſioners—and reſolved that the place of payment ſhall be the chamber of London. And laſtly, that a ſafe conduct ſhall be granted for the ſecure tranſporting of the monies to Scotland.

7th Demand. " That all ſuch declarations, proclamations, books, libels, &c. as have been made againſt the ſubjects of Scotland, may be ſuppreſſed and deſtroyed.

Anſwer. " It is agreed, that all ſuch declarations, &c. be reciprocally ſuppreſſed in England, Ireland, and Scotland.

8th Demand Containing ſeveral articles.

" 1. That all tokens and ſhews of hoſtility upon the borders of the two kingdoms may be taken away; and particularly, that not only the garriſons of Berwick and Carliſle may be removed, but that the works may be ſlighted, and the places diſmantled [y].

Anſwer. " His majeſty is deſirous, that all things between the kingdoms of England and Scotland, be reduced into the ſame ſtate they were in before the beginning of the late troubles.

" 2. That there be unity in religion, and uniformity of church-government between the nations.

Anſwer. " His majeſty, with the advice of both houſes of parliament, doth approve of the affection of his ſubjects of Scotland, in their deſire of having a conformity of church-government between the two nations; and as the parliament hath already taken into conſideration the reformation of church-government, ſo they will proceed in due time, as ſhall beſt conduce to the glory of God, the peace of the church, and of both kingdoms.

" 3. That the king's majeſty and the prince come and reſide ſometimes in Scotland.

Anſwer. " His majeſty will repair thither, as he ſhall find the urgency of their affairs require his preſence, and his other conveniencies here permit.

" 4. That the officers of ſtate, counſellors and ſeſſioners within the kingdom of Scotland, be placed by advice of parliament.

Anſwer. " His majeſty promiſes to give ear ſo far to the informations of his parliament, and when the parliament is not ſitting, of his council and college of juſtice, as that he ſhall either make choice of ſuch as they ſhall recommend unto him; or if he thinks another perſon fitter than any of thoſe recommended, he ſhall make the ſame known to the parliament, or in the time between parliament, to the council and ſeſſion, that if there is juſt exception againſt the life and qualifications of the ſaid party, he may timely nominate ſome other, againſt whom there ſhall be no juſt exception. His majeſty declares alſo, that the places in the college of juſtice ſhall be provided unto the judges, Quamdiu ſe bene geſſerint. If this anſwer cannot content the Scotiſh commiſſioners, his majeſty remits the whole anſwer to be conſidered by him, or his commiſſioners, at the parliament, at the next ſitting thereof.

" That his majeſty would be pleaſed to place about his own perſon, in places of greateſt nearneſs and truſt, ſome of his Scotiſh ſubjects.

Anſwer. " His majeſty ſhall continue the ſame care which hitherto he hath done for their ſatisfaction in this particular; and not only ſo, but ſhall alſo recommend the ſame to the prince his ſon.

" 6. That none may have place about his majeſty and the prince, but ſuch as are of the reformed religion.

Anſwer. " His majeſty doth conceive, that his ſubjects of Scotland have no intention by this propoſition (eſpecially by way of demand) to limit, or preſcribe unto him the choice of his ſervants, but rather to ſhew their zeal to religion; wherein his own piety will make him do therein, that which may give juſt ſatisfaction to his people.

" 7. That the copper-coin, which hath paſſed in Scotland this long time, for ſeven times, and above as much as the true value and worth thereof, be newly regulated; and that no copper-money be coined hereafter without conſent of the eſtates convened in parliament.

Anſwer. " His majeſty recommends this matter to the enſuing parliament of Scotland, not only concerning the copper-coin to be coined hereafter, but alſo the copper-money already coined, how the ſame ſhall paſs in payment for the time to come."

After theſe articles, there was added to the treaty, the draught of an act of oblivion, the moſt ample that could be, which was to paſs in all the parliaments of the three kingdoms, but of which the benefit was not to extend to the Scotiſh prelates, the earl of Traquair, ſir Robert Spotiſwood, ſir John Hay, and Mr. Walter Balcanqual.

The lord Lowdon having carried this treaty to Scotland, to communicate it to the parliament of that kingdom, now aſſembled, returned ſome time after with twelve articles, explaining certain paſſages of the treaty, and to which the Engliſh commiſſioners returned anſwers, that were approved. Theſe articles with the anſwers were added to the treaty. In fine, the treaty was confirmed and ratified by an act of parliament inſerted at the end, to this effect:

" Be it therefore enacted by his majeſty, with the aſſent of the lords and the commons in this preſent parliament

[y] This clauſe was uſually inſerted in treties between England and Scotland, that neither of the two nations ſhould take poſſeſſion of Berwick or Carliſle Rapin.

May

aſſembled, that the ſaid treaty, and all the articles thereof aſſented to, as aforeſaid, be and ſtand for ever ratified and eſtabliſhed, and have the force, vigour, ſtrength, and authority of a law, ſtatute, and act of parliament.

(The ſame thing for Scotland.)

"And his majeſty for himſelf, and his ſucceſſors, doth promiſe in verbo Principis, never to come in the contrair of this ſtatute and ſanction, or any thing therein contained; but to hold the ſame in all points firm and ſtable, and ſhall cauſe it to be truly obſerved by all his majeſty's leiges, according to the tenor and intent thereof, for now and ever. Like as the parliament of both kingdoms give full aſſurance, and do make public faith in the name of both kingdoms reſpectively, for the true and faithful obſervance of this treaty, and whole articles thereof inviolably, hinc inde, in all times to come."

As afterwards the king thought he had reaſon to complain, that the Scots had violated this treaty in two of the principal articles, I imagine the reader will be glad to ſee theſe two articles at large, on which this complaint was grounded. They are contained in the act of oblivion in theſe words:

"It is agreed, that an act be paſſed in the parliament of England, that the kingdoms of England or Ireland ſhall not denounce nor make war upon the kingdom of Scotland, without conſent of the parliament of England: as, on the other part, it ſhall be enacted there, that the kingdom of Scotland ſhall not denounce nor make war againſt the kingdom of England, or Ireland, without conſent of the parliament of Scotland.

"And in caſe any of the ſubjects of any of the kingdoms ſhall riſe in arms, or make war againſt any of the kingdoms and ſubjects thereof, without conſent of the parliament of that kingdom whereof they are ſubjects, or upon which they do depend, that they ſhall be held, reputed, and demeaned as traitors to the ſtates whereof they are ſubjects."

It happened afterwards, that the king and the parliament making war upon each other, the Scots ſent an army to the aſſiſtance of the parliament againſt the king, from whence he inferred, that to make war againſt him, was to make war againſt England. The Scots on the contrary pretended, that very far from making war againſt England, they ſent their troops thither on purpoſe to aſſiſt that kingdom. It is eaſy to perceive, that from the diverſity of the principles, proceeds the diverſity of the conſequences.

To finiſh in a word what relates to Scotland, I ſhall only ſay, that the king went thither in Auguſt 1641, ſtayed there till the 19th of November, aſſiſted in perſon at the parliament and gave the royal aſſent to all the acts preſented to him. To this came the projects he had formed with regard to Scotland from the beginning of his reign [z].

What has hitherto been ſaid of the parliament's behaviour to the king, is ſufficient to ſhew, how ſenſible the king muſt have been of the mortifications he daily received. He had paſſionately deſired to be revenged of the Scots, or at leaſt to drive them out of the kingdom; and he ſaw that the parliament made them a preſent of three hundred thouſand pounds, to reward them for their coming. He hated the preſbyterians, and would have been glad to have had it in his power to root out preſbyterianiſm: but he ſaw, that on the contrary, the houſe of commons openly took their part, and laboured to deſtroy epiſcopacy. His two principal miniſters in whom he moſt confided, were in the Tower, and he eaſily perceived the commons intended not to ſtop there, ſince with regard to the earl of Strafford, they were daily ſeeking means to make good their charge. Two other of his miniſters had been forced to fly, and the appearing to be ſtill well affected to him, was ſufficient to render any perſon the object of the perſecution of the commons.

It has already been ſeen after what manner the king governed for fifteen years, and the reader muſt be convinced, that he intended to alter the government, and procure for himſelf and ſucceſſors a power much more extenſive than what was allowed him by the laws, and to which none of his predeceſſors, except Richard II. had ever pretended. I except not even Henry VIII. the moſt abſolute of all the kings of England ſince William the Conqueror. But there was this difference between Henry VIII. and Charles I. Henry did whatever he pleaſed by way of parliament; whereas Charles pretended to rule without parliaments, looking upon them as little neceſſary to the conſtitution of the government. Since the meeting of this parliament, ſcarce a day had paſſed, but the commons attacked the king's project, by declaring illegal, what he had done during fifteen years, or by rigorouſly proſecuting the inſtruments he had uſed to execute his deſigns. It is therefore eaſy to ſee, how much all theſe mortifications muſt have touched the king, and with what impatience he bore the haughty manner in which the parliament acted with him. Nothing was more contrary to his inflexible temper, than to be forced to ſtoop to a houſe of commons, for whom he had before ſhewn the utmoſt contempt. It is therefore no wonder, that in this ſituation, he ſhould think of ſome way to free himſelf from reſtraint. But a ſlight attempt to compaſs this end, ſerved only to throw him into irretrievable ruin.

I mean the project of gaining the army, and cauſing them to declare for the king. The king approved of the project, without perceiving the conſequences, having no miniſter about him that had either the inclination or ability to give him good counſel. I am ſenſible this is a place of dangerous rocks, on which a hiſtorian can very hardly eſcape ſplitting. The plot to gain the army, is by ſome looked upon as a chimera, a mere fiction, to render the king odious. But on the other hand, the parliament conſidered it as a real conſpiracy, and pretended to draw from thence an evident proof, that the king's compliance with reſpect to the redreſs of grievances, was all diſſimulation, in expectation of an opportunity to reſtore himſelf by force to the ſtate he was in before this parliament. This bred in the parliament an invincible diſtruſt of the king, and a reſolution to put it out of his power to break his word, and the means they uſed to execute the reſolution, occaſioned the civil wars, of which I ſhall ſpeak hereafter. It is therefore abſolutely neceſſary to examine this conſpiracy, in order to know, whether it was real or invented; for from hence flow all the enſuing proceedings of the king and parliament, and upon this it is that the judicious and diſintereſted reader may blame the one or the other. But before I proceed to the plot, it will be requiſite to ſay ſomething of the earl of Strafford's affair, with which this has ſome connection.

The earl had been impeached by the commons the 11th of November 1640; but his proceſs could not be ready to be tried till the 22d of March 1640-1. The trial laſted till the 12th of April, and then the commons, who had been always preſent, perceiving, doubtleſs, that the ſentence would not be ſo rigorous as they wiſhed, reſolved to proceed againſt the earl by bill of attainder. They voted therefore, on the 16th and 19th of April, that it was ſufficiently proved, that the earl of Strafford had endeavoured to ſubvert the fundamental laws of the kingdom, and introduce an arbitrary and tyrannical government into the realms of England and Ireland, and that this was high-treaſon. On the 21ſt of the ſame month, the bill of attainder paſſed, with the majority of 224 againſt 59.

[1641] The bill met with ſo great oppoſition in the houſe of peers, that it was very doubtful whether it would paſs, or be thrown out. For which reaſon, on the 24th was preſented to both houſes, a petition, ſubſcribed by above forty [a] thouſand inhabitants of London, ſetting forth the cauſes of their ſuſpicions and fears. And amongſt others, that juſtice was not yet executed upon the earl of Strafford, and that there was reaſon to dread ſome ſecret plot againſt the parliament. The 28th of April, the commons ſent by Mr. Hyde a meſſage to the lords, that they had received information, that the earl of Strafford had a deſign to make an eſcape out of the Tower: That the guard about him was weak, and therefore they deſired he might be a cloſe priſoner, and his guard ſtrengthened, to which the lords conſented. The 1ſt of May the king came to the parliament, and in a ſpeech to both houſes, ſaid to this effect:—"That having been preſent at the trial of the earl of Strafford, he could not in conſcience condemn him of high treaſon, though he thought him guilty of miſdemeanors. Therefore he deſired the lords to find ſome way to bring him out of this great ſtreight."

The commons were much troubled and diſcontented with this ſpeech, and immediately adjourned till May the 3d, on which day great multitudes of people [b] repairing to Weſtminſter, inſulted and threatened the lords, as they were going to their houſe, crying out, Juſtice, Juſtice.

The ſame day Mr. Pym made known to the houſe, "That there were divers informations given of deſperate deſigns both at home and abroad, againſt the parliament, and the peace of the nation; and that the perſons engaged therein were under an oath of ſecrecy: That there was an endeavour to diſaffect the army, not only againſt the parliament's proceedings, but to bring them up againſt the

[z] May 2, was ſolemnized at Whitehall the marriage, between William prince of Orange, and the lady Mary, king Charles's eldeſt daughter. Ruſhworth, tom. IV. p. 240.

[a] Ruſhworth ſays, twenty thouſand, ſaid to be of good rank and quality, ſubſcribed this petition. Tom. iv. p. 234.

[b] A rabble of about ſix thouſand out of the city, with ſwords, cudgels, and ſtaves, pretending decay of trade, and want of bread. Whitelock, p. 45.

Whitelock

parliament to over-awe them: That there was alſo a deſign upon the Tower: and endeavours uſed for the earl of Strafford to eſcape: That theſe combinations at home, had a correſpondency with practices abroad; and that the French were drawing down their forces amain to the ſea-ſide: and there was a cauſe to fear, their intent was upon Portſmouth: That divers perſons of eminency about the queen were deeply engaged in theſe plots: That it was neceſſary that the ports ſhould be ſtopped; and his majeſty deſired to command, That no perſon attending upon the king, queen, or prince, ſhould depart without leave of his majeſty, with the humble advice of his parliament."

Whereupon the houſe fell into a ſerious debate of this matter, and were generally of opinion, that it was neceſſary to enter into a common reſolution for the ſafety of the kingdom.

When it is conſidered in what juncture this conſpiracy was diſcovered to the houſe, though Mr. Pym was informed of it long before; that it was at a time, when the peers were, in ſome meaſure, to be compelled to paſs the bill of attainder againſt the earl of Strafford, and when the rabble were alſo uſing violence for that purpoſe, there ſeems to be ground to ſuſpect, that it was only an artifice to ſtir up the people, and induce the lords to do as the commons deſired from a fear of the imminent danger the kingdom was threatened with. At leaſt, there is reaſon to believe, this conſpiracy was greatly aggravated. But this is only a conjecture, which ought not to be relied on, till the arguments pro and con are examined. However this be, the commons, after a debate, came to a reſolution of taking the following proteſtation.

"I A. B. do in the preſence of Almighty God, promiſe, vow and proteſt, to maintain and defend, as far as lawfully I may, with my life, power, and eſtate, the true reformed proteſtant religion, expreſſed in the doctrine of the church of England, againſt all popery and popiſh innovation within this realm, contrary to the ſaid doctrine: and, according to the duty of my allegiance, I will maintain and defend his majeſty's royal perſon, honour and eſtate.

"Alſo the power and privilege of parliaments, the lawful rights and liberties of the ſubjects, and every perſon that ſhall make this proteſtation, in whatſoever he ſhall do in the lawful purſuance of the ſame; and to my power, as far as lawfully I may, I will oppoſe, and by all good ways and means, endeavour to bring condign puniſhment on all ſuch, as ſhall by force, practice, counſels, plots, conſpiracies, or otherwiſe, do any thing to the contrary, in this preſent proteſtation contained: And farther, That I ſhall, in all juſt and honourable ways, endeavour to preſerve the union and peace betwixt the three kingdoms of England, Scotland, and Ireland: And neither for hope, fear, or any other reſpects, ſhall relinquiſh this promiſe, vow, and proteſtation."

It muſt be obſerved, this proteſtation was taken on Mr. Pym's bare aſſurance of the diſcovery of a plot, and before there was any proof of it. Hence it may be conjectured, that the thing had been determined among the learned men in the houſe. After that, the commons came to ſeveral reſolutions, to provide for the ſafety of the kingdom, and the town of Portſmouth in particular. They communicated to the lords the informations they had received, the votes they had paſſed, and their proteſtation, deſiring that every peer might be ordered to take it.

It was very difficult for the lords to refuſe the commons deſire. In the firſt place, they had inſpired the nation with ſuch a terror, that no man durſt oppoſe their reſolves for fear of being looked upon as having ill-deſigns, and expoſed to inevitable ruin. Secondly, the people ſtill continued to flock to Weſtminſter, and openly threatened the lords. Thirdly, the multitude preſented the ſame day a petition to the lords, demanding juſtice upon the earl of Strafford, and that their lordſhips would pleaſe to free them from the fears of the conſpiracy. Fourthly, on the morrow, being the fourth of May, the people repairing to Weſtminſter in greater numbers than the day before, ſome incendiaries poſted up againſt a wall in the Old-palace-yard, the names of fifty-ſix members, calling them Straffordians, and betrayers of their country. Laſtly, the ſame day the multitudes preſented to the lords another petition, ſaying, "That they underſtood the Tower was going to receive a garriſon of men, not of the Hamlets (as uſually) but conſiſting of other perſons under the command of a captain, a great confident of the earl of Strafford's, and that this was done to make way for the earl's eſcape."

Upon this petition, the houſe ſent ſix peers to examine ſir William Balfour, lieutenant of the Tower, concerning the truth of the fact. Balfour, anſwered, it was true, he had his majeſty's order to receive one hundred men [c], into the Tower, and captain Billingſly to command them, and to receive only ſuch men as the captain ſhould bring to him; but underſtanding now their lordſhips pleaſure, he would receive no other guard into the Tower but the Hamlet-men.

The lords did farther declare, at a conference with the commons, that they were drawing to a concluſion of the bill of attainder, but were ſo encompaſſed with multitudes of people, that they might be conceived not to be free, and therefore deſired the commons to join with them, to find out ſome way to ſend the people to their homes. Then they debated the proteſtation, paſſed it, and took the ſame. It was taken by four hundred and thirty-three commoners, and one hundred and ſix lords, including the biſhops and judges. The commons having ordered Dr. Burgeſs to acquaint the multitude with the proteſtation taken by both houſes, and that they were deſired to return to their homes, they forthwith departed.

There are therefore two things which manifeſtly appear in this affair. The firſt, that there was a project on foot to favour the earl of Strafford's eſcape, which will be ſeen more clearly hereafter. The ſecond, that the concourſe of the people was privately procured, by ſome of the leading men of the commons, ſince, the day before, the houſe had taken no ſtep towards diſperſing the multitudes, though they were deſired by the lords, and ſince they found means to cauſe the people to retire, as ſoon as they knew the lords had reſolved to take the proteſtation.

But the proteſtation was not the only effect of the conſpiracy. The ſame day, the commons ordered a bill to be prepared for the continuance of this preſent parliament, that it might not be diſſolved without the conſent of both houſes. They ordered likewiſe the proteſtation to be tendered to the whole kingdom.

The ſame day, May the 4th, the houſe was informed, that ſix or eight of the conſpirators were fled, of whom Mr. Henry Jermin, and Mr. Henry Percy, members of the houſe, were two, and that they were gone towards Portſmouth. At the ſame time, information came that the queen was preparing to go to the ſame place. Theſe two ſucceſſive informations cauſing ſtrong ſuſpicions, the houſes diſpatched to Portſmouth one lord and two commoners, to propoſe certain queries to the governor, and take care for the ſecurity of the town and haven. They agreed withal to move the queen to defer her journey to Portſmouth, alleging ſeveral reaſons which were not the true, particularly the ſafety of her majeſty's perſon. They deſired alſo the king to publiſh a proclamation for calling in Jermin, Percy, and other fugitives, which the king promiſed to do. The ſame day, the ſpeaker ſent, by order of the houſe, the following letter to ſir Jacob Aſhly, with a charge to communicate it to the army.

"SIR,

"WE have had cauſe to doubt, that ſome ill-affected perſons have endeavoured to make a miſunderſtanding in the army, of the intentions of the parliament towards them. To take away all miſunderſtanding in that kind; the houſe of commons have commanded me to aſſure you, that they have taken the affairs of the army into their ſerious care: And though, for the preſent, their monies have not come in as they wiſhed, and as was due, by reaſon of the many diſtractions, and other impediments which this houſe could no ways avoid: yet they reſt moſt aſſured, that they ſhall not only have their full pay, but the houſe will take their merits into their farther conſideration, in regard they take notice, that notwithſtanding their want and endeavours of thoſe ill-affected perſons, they have not demeaned themſelves otherwiſe than as men of honour, and well-affected to the common-wealth; which this houſe takes in ſo good part, that we have already found out a way to get money for a good part of their pay, and will take the moſt ſpeedy courſe we poſſibly may for the reſt. So I remain,

"Your very loving friend,

"WILLIAM LENTHALL."

Mean while, the committee, appointed to inquire into the conſpiracy, made their report in the following manner.

[c] Whitelock, ſays, it was two hundred men; and that Balfour confeſſed two thouſand pounds had been offered him, to conſent to the earl's eſcape. He adds, That this deſign was diſcovered by three women, who hearkened at the key-hole of the earl's door, and heard his diſcourſe with captain Billingſly, p. 46.

" That this plot conſiſteth of three heads: The firſt was, the deſign upon the Tower. The ſecond, to engage the army. The third, to bring in foreign forces." For the Tower, it appeared to be thus: Captain Billingſly being examined upon oath, confeſſed, " That he was acquainted with ſir John Suckling: That the ſaid ſir John lately offered him employment in one of the king's ſhips, then at Portſmouth; afterwards employment for Portugal: That this deponent having notice to meet at the privy-lodgings at Whitehall did there receive orders to get an hundred men to ſerve in the Tower, under him. And if he did fail, he ſhould anſwer it with his life. And afterwards meeting with ſir John Suckling, and acquainting him therewith, he told him he would furniſh him with the ſaid number. Sir William Balfour, lieutenant of the Tower, being examined, ſaid, that he had command to receive captain Billingſly with an hundred men into the Tower, who ſhould be under his command. That the earl of Strafford at that time expoſtulating with him about his eſcape, told him, he would attempt nothing in that kind without his privity; and that he ſhould have the king's warrant for his indemnity; and that the warrant ſhould be to command him to remove the earl of Strafford from the Tower to ſome other caſtle; and he would then take his opportunity to eſcape; that the lieutenant of the Tower not giving any complying anſwer thereunto, the ſaid earl ſent again to intreat him to come to him, and would have perſuaded him to let him make an eſcape; ſaying, " Without your concurrence it cannot be done; and if you will conſent thereunto, I will make you preſent payment of twenty-two thouſand pounds, beſides you ſhall have a good marriage for your ſon." To which the lieutenant of the Tower replied, " He was ſo far from concurring therein, that he was not to be farther moved in ſuch a thing." Thus much the lieutenant of the Tower delivered upon his oath.

" Colonel Goring, upon his examination in the houſe of commons, did confeſs, that ſir John Suckling was the firſt perſon that ever made any overture unto him, concerning the army's marching towards London: Afterwards being in the queen's lodgings, he met with Mr. H. Percy, which was about the beginning, or middle of Lent laſt, and Mr. Percy told him, there was a conſultation of officers to be had, concerning the good of the army; and deſired him to go along with him to his chamber, where the meeting was to be. There were preſent at the ſame meeting, commiſſary Wilmot, colonel Aſhburnham, captain Pollard, ſir John Berkley, Daniel O'Neal, Mr. Jermin, and himſelf: That Mr. Percy ſaid, there were propoſitions to be made which were of great concernment; and that it was neceſſary there ſhould be an oath of ſecrecy taken before any thing was propounded: That the oath ſhould be to this purpoſe: That we ſhould neither directly nor indirectly diſcover any part of the conſultation, nor ever to think ourſelves diſſolved from that oath, by any other oath which might be impoſed upon us hereafter: Which oath was read out of a paper, when it was tendered unto them; and thereupon they were ſworn, by laying their hands upon the bible; that he and Jermin were ſworn together, for the reſt had taken the oath before."

" Then three propoſitions were made to them, namely:

" As theſe propoſitions are expreſſed in a letter which will be ſeen preſently, they are omitted here for brevity's ſake."

" He farther ſaid, that the whole number there met, were of opinion, that the army ſhould not march towards London till a declaration had been firſt ſent up to the parliament: That he the ſaid Goring anſwered, it was a nice point to interpoſe in the proceeding of the parliament; and did propound ſome difficulties to allay the buſineſs, to divert commiſſary Wilmot, and thoſe other perſons from ſo dangerous a buſineſs: And ſaid, that he did think it was a deſign of folly to undertake it; for they muſt think the Scots would take the advantage upon the army's removal ſouthwards, whoſe correſpondency was ſo great with the city; and for them to begin to ſhew their teeth, and not able to bite, would argue little prudence; that they ſhould either undertake it ſo as to go through with it, or let it alone: That he did aſk them what ammunition they had to accommodate ſo great an army; and whether they could command the ammunition in the Tower: That Wilmot, Pollard, and Aſhburnham, then made anſwer, they had no purpoſe to go to London; for to ſurpriſe the Tower, was to conquer the kingdom: That this, amongſt other paſſages, was part of the diſcourſe at the firſt meeting.

" That ſhortly after there was another meeting of the ſame perſons, and in the ſame place, in Mr. Percy's chamber, where there were propoſitions of another nature, deſperate and impious on the one hand, and fooliſh on the other; and that he endeavoured by argument to divert them, by propounding an impoſſibility to effect the ſame: For how could the army, lodged in ſeveral quarters, unpaid, and at ſuch a diſtance, march on a ſudden to London, and ſurprize what they had in deſign?

" That Mr. Jermin was the perſon that firſt propoſed the marching of the army towards London: That for his part he declared himſelf abſolutely againſt it. That Mr. Jermin replied to him in private, " You do not diſlike the deſign, for you are as ready for any wild, mad undertaking, as any man I know; but you diſlike the temper of thoſe perſons who are engaged in the buſineſs."

" He did farther confeſs, that he propounded that Suckling might be admitted to the conſultation: But Wilmot, Aſhburnham, and Pollard, would not hear of it. And they three did then declare themſelves againſt the army's marching towards London.

" Then he took occaſion to ſay, that he did acquaint ſome members of both houſes, whom he could name, that there were ſome of the army whom they did not think ſo well of were more faithful and ſerviceable to the parliament than they were aware of, which time would produce; and named them: And they did accordingly give teſtimony of his integrity, ſo far as general terms could diſcover the deſign. He confeſſed, that Mr. Jermin did make ſome offers unto him, to relinquiſh the government of Portſmouth upon ſome terms of advance: But he ſaid, he did not conclude any thing, for he would firſt ſee the performance of what was offered; ſo had no farther diſcourſe with him concerning that buſineſs. But he doth believe that Suckling and Jermin did confer together about the deſign. He ſaid, they did deſire his opinion about a general; ſome were for Eſſex, ſome for Holland; but he, with Mr. Jermin, were for Newcaſtle.

" Being again examined upon his oath before the committee of lords and commons, and preſſed more particularly to anſwer queſtions not before propoſed unto him, he did confeſs, that meeting with Mr. Jermin in the queen's withdrawing chamber, her majeſty came and told him, the king would ſpeak with him; and meeting with his majeſty, he told him, he was minded to ſet his army in a good poſture, being adviſed thereto by the earl of Briſtol (as he ſaid) and his majeſty then commanded him to join with Mr. Percy, and ſome others in that buſineſs.

" As for the deſigns from beyond the ſeas, the committee did make report to the houſe, that it was cleared unto them, that Jermin endeavoured to have got the poſſeſſion of Portſmouth; that the king of France had drawn down great forces to the ſea ſide; that the governor of Calice had examined ſome Engliſhmen, whether the earl of Strafford's head was cut off? And this was in point of time, the firſt of May, according to the Engliſh ſtile, and ſir Philip Cartwright, governor of Guernſey, wrote letters alſo, which came in great haſte, that he underſtood the French had a deſign upon that iſland, or ſome part of England. It alſo appeared to the committee, by divers of the letters which were opened coming from beyond ſea, that they expected the earl of Strafford there; and that they hoped the horſe-leeches ſhould be ſtarved for want of blood; and in ſome of thoſe letters there was advice to the cardinal to beſtir himſelf betimes, to interrupt the height of the proceedings here in England. Alſo examinations of ſome prieſts were taken in Lancaſhire, and ſent up to London, which were there taken the third of May, which did teſtify, that the prieſts did ſay the parliament ſhould be ſuddenly diſſolved: For the army was to march up thither with all ſpeed, and they would be ſeconded by forces out of France; and that Montague did write out of France to Mr. Percy, (which was alſo intercepted) that if he did perform what he had undertaken, he would be made a knight of the garter."

Upon theſe depoſitions, the houſe of commons paſſed the following votes againſt Percy, Jermin, and Suckling:

" 1. That in the Months of March and April laſt, they did conſpire to draw the army together, and employ the ſame againſt the parliament, and by force and dread thereof to compel the parliament to agree to certain propoſitions by them contrived, and to hinder and to interrupt the proceedings of the parliament.

" 2. That in purſuance of the ſaid deſign, they did endeavour to perſuade divers members of the houſe of commons, and others, being officers of the ſaid army, that is to ſay, Wilmot, Aſhburnham, Berkley, Pollard, and O'Neal, that they were diſobliged by the parliament; thereby to incenſe them againſt the parliament; and did hold divers conſultations with the ſaid parties, to effect the ſaid wicked deſign; and to that purpoſe did ſet down in writing certain propoſitions,

propoſitions, to the effect as followeth, viz. 1. The preſerving of biſhops in their functions and votes. 2. The not diſbanding of the Iriſh army, until the Scots were diſbanded. 3. And the endeavouring to ſettle the king's revenue to the proportion it was formerly.

" 3. That for the more ſecret carriage of this plot, they did adminiſter to the ſaid parties a wicked and unlawful oath, whereby they did ſwear upon the holy evangeliſts, not to reveal any thing that was ſpoken concerning the buſineſs.

" 4. That they did propound and endeavour to perſuade the perſons before named, and other officers of the army, to put the ſaid army into a warlike poſture, to bring them up to London, to make themſelves ſure of the Tower, and ſo by force compel the parliament to conform to their will: and they did endeavour to work a belief in the ſaid army, that the king and parliament would diſagree; and that all the French about the city of London would aſſiſt them: and to the great ſcandal of the king, that the prince and the earl of Newcaſtle were to meet the army at Nottingham, with a thouſand horſe; that Suckling, to compaſs the deſign of gaining the Tower, did contrive that an hundred men, under captain Billingſly, ſhould be deſigned for that purpoſe, when the opportunity was offered, to the end the city of London ſhould not be able to make any reſiſtance, when the ſaid army ſhould come up; and Suckling, by the means and plot aforeſaid, did thereby endeavour that the earl of Strafford, then priſoner in the Tower, might the better compaſs his eſcape."

Beſides the fore-mentioned depoſitions, here is a teſtimony of one of the chief conſpirators, of which the parliament made great uſe. It is Percy's letter, after his flight into France, to his brother the earl of Northumberland.

" WHAT with my own innocency, and the violence I hear is againſt me, I find myſelf much diſtracted. I will not aſk your counſel, becauſe it may bring prejudice upon you; but I will, with all faithfulneſs and truth tell you what my part hath been, that at leaſt it may be declared by you, whatſoever becomes of me.

" When there was fifty thouſand pounds ready, deſigned by the parliament for the Engliſh army, there was, as I take it, a ſudden demand by the Scots at the ſame time of twenty-five thouſand pounds, of which there was fifteen thouſand pounds ready; this they preſſed with ſuch neceſſity, as the parliament, after an order made, did think it fit for them to deduct ten thouſand pounds out of the fifty thouſand pounds formerly granted: upon which the ſoldiers in our houſe were much ſcandalized; amongſt which I was one, and ſitting by Wilmot and Aſhburnham, Wilmot ſtood up, and told them, that if the Scots could thus procure money, he doubted not but the officers of the Engliſh army might eaſily do the like. But the firſt order was reverſed notwithſtanding, and ten thouſand pounds given to the Scots. This was the cauſe of many diſcourſes of diſlike amongſt us, and came to this purpoſe, that they were diſobliged by the parliament, and not by the king: this being ſaid often one to another, we did reſolve, Wilmot, Aſhburnham, Pollard, O'Neal, and myſelf, to make ſome expreſſions of ſerving the king in all things he would command us, that were honorable for him and us, being likewiſe agreeing to the fundamental laws of the kingdom, that ſo far we would live and die with him: this was agreed upon with us, not having any communication with others that I am coupled now withal: and further, by their joint conſent, I was to tell his majeſty thus much from them; but withal, I was to order the matter ſo as the king might apprehend this as a great ſervice done to him at this time, when his affairs were in ſo ill a condition, and they were moſt confident that they would engage the whole army thus far; but further they would undertake nothing, becauſe they would neither infringe the liberties of the ſubjects, nor deſtroy the laws; to which I and every one conſented; and having their ſenſe, I drew the heads up in a paper, which they all approved when I read it; and then we did, by an oath, promiſe one another to be conſtant and ſecret in all this, and did all of us take that oath together: then, I ſaid, Well, ſirs, I muſt now be informed what your particular deſires are, that ſo I may be the better able to ſerve you; which they were pleaſed to do; and ſo I did very faithfully ſerve them therein as far as I could. This is the truth, and and all the truth upon my ſoul, in particular diſcourſes.

" After that we did fall upon the petitioning to the king and parliament for monies, there being ſo great arrears due to us, and ſo much delays made in the procuring of them; but that was never done.

" 1. Concerning the biſhops functions and votes.

" 2. The not diſbanding of the Iriſh army, until the Scots were diſbanded too.

" 3. The endeavouring to ſettle his majeſty's revenue to that proportion it was formerly [d].

" And it was reſolved by us all, if the king ſhould require our aſſiſtance in thoſe things, that as far as we could, we might contribute thereunto, without breaking the laws of the kingdom; and in caſe the king ſhould be denied theſe things being put to them, we would not fly from him: all theſe perſons did act and concur in this as well as I. This being all imparted to the king by me from them, I perceived he had been treated with by others, concerning ſome things of our army; which agreed not with what was propoſed by me, but inclined to a way more ſharp and high, not having limits either of honour or law. I told the king he might be pleaſed to conſider with himſelf, which way it was fit for him to hearken unto; for us, we were reſolved not to depart from our grounds; we ſhould not be diſpleaſed, whoſoever they were, but the particular of the deſigns, or the perſons, we deſired not to know; though it was no hard matter to gueſs at them. In the end, I believe the danger of the one, and the juſtice of the other, made the king tell me, he would leave all thoughts of other propoſitions but ours, as things not practicable: but deſired, notwithſtanding, that Goring and Jermin, who were acquainted with the other proceedings, ſhould be admitted amongſt us. I told him I thought the other gentry would never conſent to it, but I would propoſe it; which I did, and we were all much againſt it: but the king did preſs ſo much, as at the laſt it was conſented unto; and Goring and Jermin came to my chamber; there I was appointed to tell them, after they had ſworn to ſecrecy, what we had propoſed; which I did. But before I go into the debate of the way, I muſt tell you, Jermin and Goring were very earneſt Suckling ſhould be admitted: which we did all decline, and I was deſired by all our men to be reſolute in it, which I was, and gave many reaſons: whereupon Mr. Goring made anſwer, he was engaged with Mr. Suckling his being employed in the army; but for his meeting with us, they were contented to paſs it by: then we took up again the ways which were propoſed; which took great debate, and theirs differed from ours in violence and heat; which we all proteſted againſt, and parted, diſagreeing totally, yet remitted it to be ſpoken of by me and Jermin to the king, which we both did; and the king, conſtant to his former reſolutions, told him, theſe ways were all vain and fooliſh, and he would think of them no more. I omit one thing of Mr. Goring, he deſired to know how the chief commanders were to be diſpoſed of: for if he had not a condition worthy of him, he would not go with us. We made anſwer, that no-body thought of that; we intended, if we were ſent down, to go all in the ſame capacity we were in. He did not like that by any means, and by that did work ſo with Mr. Chudleigh, that there was a letter ſent by ſome of the commanders to make him lieutenant general: and when he had ordered this at London, and Mr. Chudleigh had his inſtructions, then did he go to Portſmouth, pretending to be abſent when this was working: we all deſired my lords of Eſſex and Holland; but they ſaid, if there were a general, they were for Newcaſtle: they were pleaſed to give report, that I ſhould be general of the horſe. But I proteſt, neither to the king, or any elſe, did I ever ſo much as think of it. My lord of Holland was made general, and ſo all things were laid aſide. And this is the truth, and all the truth I know of theſe proceedings: and this I will and do proteſt unto you upon my faith. And Wilmot, Aſhburnham, and O'Neal, have at ſeveral times confeſſed and ſworn, I never ſaid any thing in the buſineſs, which they did not every one agree unto and juſtify. This relation I ſent you, rather to inform you of the truth of the matter, that you may the better know how to do me good; but I ſhould think myſelf very unhappy to be made a betrayer of any body. What concerned the Tower, or any thing elſe, I never meddled withal, nor ever ſpoke with Goring, but that night before them all; and I ſaid nothing but what was conſented unto by every party: I never ſpoke one word with Suckling, Carnarvan, Davenant, or any other creature. Methinks, if my friends and kindred knew the truth and juſtice of the matter, it were no hard matter to ſerve me in ſome meaſure [e]."

[d] The word Formerly is very ambiguous; for it may ſignify either the king's lawful revenues, or thoſe he enjoyed juſt before this parliament. Rapin.

[e] Upon the reading of this letter, commiſſary Wilmot was committed to the Tower, Colonel Aſhburnham to the King's-bench, and captain Pollard to the Gate-houſe. Diurn. Occ. p. 138.

This

This letter ſhews plainly there was really a project gain the army, and engage them to ſerve the king againſt the parliament, and that the king knew and approved the ſame.

The 16th of June, the committee appointed to examine the affair of the plot to ſeduce the army, made a ſecond report to the houſe, and cauſed ſeveral depoſitions to be read.

The firſt was captain Billingſly's, who confeſſed, that ſir John Suckling had invited him to take upon him the command of the hundred men that were to be ſent to guard the Tower.

The ſecond, Mr. Nutt's, whereby it appeared that the earl of Strafford's eſcape was projected.

The third, lieutenant colonel Ballard's, who ſaid, that captain Chudleigh brought down to the army many propoſitions; ſome of which were, that colonel Goring ſhould be lieutenant general, and that the prince and the earl of Newcaſtle would be in Nottinghamſhire with a thouſand horſe, ready to join with the army.

The fourth was Willis's, who declared, that the French were to favor the enterprize; that the clergy would at their own charge ſend two thouſand horſe; and that the prince was to come down to the army.

The houſe was further informed, that the officers who had undertaken to ſerve the king, had communicated to him the draught of a petition, which was to be directed to the king and parliament from the army: that they hoped to get it ſubſcribed by moſt of the officers, and that the king, after reading it, had approved of the ſame, and writ at the bottom of theſe two letters, C. R. in token of his approbation.

Theſe are the grounds whereon was built the reality of the plot, which was extremely injurious to the king, by the diſtruſt it bred in the minds of moſt of the members of parliament, and of the nation in general. But it muſt be added, that king Charles's favourers call it a mere chimera, even to this day. For my part, I cannot help ſaying, that I believe there was ſome truth in it; but I am of opinion, that the heads of the contrary party to the king, greatly aggravated the circumſtances and conſequences, in order to cauſe to paſs the more eaſily the bill of attainder of the earl of Strafford, and the act for the continuance of the parliament, to which the king gave the royal aſſent the ſame day, and in this ſame juncture. And what confirms me the more in this opinion, is, the very arguments themſelves alleged by the king's friends to ſhew that it was a fiction to render the king odious: for they cannot help owning there was a project to engage the army to declare for the king. They ſay only, that the end propoſed by the authors of this project, was to hinder the army from being ſeduced to eſpouſe the intereſt of the parliament. But firſt, there appears not the leaſt ſign of the pretended ſole end, either in the depoſitions of the witneſſes, or in Percy's letter, or in the reports of the committee appointed to examine the affair. Secondly, the king, whom the parliament ſo often reproached afterwards with this plot, never uſed that reaſon to excuſe the authors. In the third place, it is not probable, the officers ſhould have any ſuch purpoſe, ſince at that time the army was too much diſpleaſed with the parliament to offer any ground to fear they ſhould be ſeduced to declare againſt the king. The moſt plauſible thing they ſay, is that there never was any expreſs deſign to march the army to London, upon which however the commons chiefly inſiſted. The denial of this circumſtance was what the king ſolely adhered to, as will hereafter appear. He called God to witneſs he never knew of any ſuch deſign. But he never denied poſitively his having been informed of a deſign to engage the army to his ſide. We muſt therefore carefully diſtinguiſh two things in this conſpiracy, namely, the deſign of gaining the army, which clearly appears; and the deſign of marching the army to London. It appears by the depoſitions, that this deſign was propoſed in the aſſembly of officers, but was not approved. So the king could affirm he knew not of it, becauſe indeed it was never reſolved, though he was not ignorant of its having been propoſed.

In Percy's letter there is a circumſtance which may very much conduce to clear the affair. There were, as he ſays, two ſets of people, who formed at the ſame time a deſign to engage the army for the king, without having communicated their thoughts to one another. The firſt were Percy, Wilmot, Aſhburnham, and Pollard. The ſecond, Jermin and Goring, whoſe views reached much further, and who propoſed to march the army to London. For though Goring in his depoſition affirmed, he had done his utmoſt to diſſuade the reſt from this deſign, he is ſaid however to be the firſt mover of it. If Percy's letter is to be credited, the king had at firſt liſtened to Jermin and Goring; but upon Percy's repreſentation, had rejected their project as impracticable, and laid aſide all thoughts of it. The king's friends confound theſe two projects, and all their proofs are directed againſt that of Jermin and Goring, without meddling with Percy's. And becauſe the parliament could not fully prove there was an expreſs reſolution to bring the army to London, they conclude that the conſpiracy in general was only a fiction and impoſture. But though there had never been a ſettled deſign to march the army to London, it may be true however, that endeavours were uſed to gain them, and that the king approved of the deſign. In ſhort, the king's friends do not deny that the draught of the petition was communicated to him, before it was recommended to the officers of the army for their ſubſcription. Of this petition I am ſtill to ſpeak, in order to clear this point fully.

It is ſtrange this petition, which has made ſo much noiſe, ſhould never be produced, either by the parliament in ſupport of their charge, or by the king for his own vindication. It is true, the king afterwards pretended he had recovered a copy, but did not think fit to produce it, though he affirmed it to be very innocent. This gives occaſion to ſuſpect there was ſomething prejudicial to him. The earl of Clarendon has inſerted in his hiſtory a petition, which he aſſures to be word for word the ſame as was ſigned by the king with C. R. But it is evident this cannot be the petition in queſtion, as the reader will perceive.

"To the king's moſt excellent majeſty; the lords ſpiritual and temporal; the knights, citizens, and burgeſſes now aſſembled in the high court of parliament, the humble petition of the officers and ſoldiers of the army.

"HUMBLY ſheweth, that although our wants have been very preſſing, and the burthen we are become unto theſe parts (by reaſon of thoſe wants) very grievous unto us; yet ſo have we demeaned ourſelves, that your majeſty's great and weighty affairs in this preſent parliament have hitherto received no interruption, by any complaint, either from us, or againſt us: a temper not uſual in armies; eſpecially in one deſtitute not only of pay, but alſo of martial diſcipline, and many of its principal officers; that we cannot but attribute it to a particular bleſſing of Almighty God, on our moſt hearty affections and zeal to the common good, in the happy ſucceſs of this parliament, to which, as we ſhould have been ready hourly to contribute our deareſt blood, ſo now that it hath pleaſed God to manifeſt his bleſſing ſo evidently therein, we cannot but acknowledge it with thankfulneſs; as likewiſe his great mercy, in that he hath inclined your majeſty's royal heart ſo to co-operate with the wiſdom of parliament as to effect ſo great and happy a reformation upon the former diſtempers of this church and common-wealth; as firſt, in your majeſty's gracious condeſcending to the many important demands of our neighbours of the Scotiſh nation: ſecondly in granting ſo free a courſe of juſtice againſt all delinquents of what quality ſoever: thirdly, in the removal of all thoſe grievances wherewith the ſubjects did conceive either their liberty of perſons, property, or eſtate, or freedom of conſcience, prejudiced: and laſtly, in the greateſt pledge of ſecurity that ever the ſubjects of England received from their ſovereign, the bill of triennial parliament.

"Theſe things ſo graciouſly accorded unto by your majeſty, without bargain or compenſation, as they are more than expectation or hope could extend unto, ſo now they are certainly ſuch, as all loyal hearts ought to acquieſce in with thankfulneſs; which we do with all humility, and do at this time, with as much earneſtneſs as any, pray and wiſh, that the kingdom may be ſettled in peace and quietneſs, and that all men may, at their own homes, enjoy the bleſſed fruits of your wiſdom and juſtice.

"But it may pleaſe your excellent majeſty, and this high court of parliament, to give us leave, with grief and anguiſh of heart, to repreſent unto you, that we hear that there are certain perſons ſtirring and pragmatical, who inſtead of rendering glory to God, thanks to your majeſty, and acknowledgment to the parliament, remain yet as unſatisfied and mutinous as ever; who, whilſt all the reſt of the kingdom are arrived even beyond their wiſhes, are daily forging new and unreaſonable demands; who, whilſt all men of reaſon, loyalty, and moderation, are thinking how they may provide for your majeſty's honour and plenty, in return of ſo many graces to the ſubject, are ſtill attempting new diminutions of your majeſty's juſt regalities, which ever muſt be no leſs dear to all honeſt men, than our own free-

doms;

doms; in fine, men of ſuch turbulent ſpirits, as are ready to ſacrifice the honour and welfare of the whole kingdom to their private fancies, whom nothing elſe than a ſubverſion of the whole frame of government will ſatisfy: far be it from our thoughts to believe, that the violence and unreaſonableneſs of ſuch kind of perſons can have any influence upon the prudence and juſtice of the parliament. But that which begets the trouble and diſquiet of our loyal hearts at this preſent, is, that we hear thoſe ill-affected perſons are backed in their violence, by the multitude and the power of raiſing tumults; that thouſands flock at their call, and beſet the parliament, and Whitehall itſelf; not only to the prejudice of that freedom which is neceſſary to great councils and judicatories, but poſſibly to ſome perſonal danger of your ſacred majeſty, and the peers.

"The vaſt conſequences of theſe perſons malignity, and of the licentiouſneſs of thoſe multitudes that follow them, conſidered in moſt deep care and zealous affection for the ſafety of your ſacred majeſty, and the parliament; our humble petition is, that in your wiſdom you would be pleaſed to remove ſuch dangers, by puniſhing the ringleaders of theſe tumults, that your majeſty and the parliament may be ſecured from ſuch inſolencies hereafter. For the ſuppreſſing of which, in all humility we offer ourſelves to wait upon you (if you pleaſe) hoping we ſhall appear as conſiderable in the way of defence to our gracious ſovereign, the parliament, our religion, and the eſtabliſhed laws of the kingdom, as what number ſoever ſhall audaciouſly preſume to violate them: ſo ſhall we, by the wiſdom of your majeſty and the parliament, not only be vindicated from precedent innovations, but be ſecured from the future, that are threatened, and likely to produce more dangerous effects than the former.

"And we ſhall pray, &c."

Give me leave to make ſome remarks on this petition, in order to ſhew, that it cannot be the ſame that was communicated to the king, and ſubſcribed by him with the letters C. R. in token of his approbation.

In the firſt place, it evidently appears, this was drawn up at London, at the very time when the multitudes repaired to Weſtminſter, which happened not till the 3d and 4th of May, there having been no ſuch concourſe of people before, and this laſting only two days. But it will be ſeen hereafter, that the king himſelf ſaid, that this petition, which he ſigned with C. R. was brought to him from the army, and that after having read it, he approved of it, as being very innocent. If the petition communicated to the king had been prepared in the army, it cannot be this, ſince thoſe that penned it, could not foreſee the riotous aſſemblies at Weſtminſter on the 3d or 4th of May, which however they ſpeak of as then in being. And if it was drawn at London, as it is very likely, it cannot be that which was communicated to the king, ſince he affirmeth, it was brought to him from the army.

It will be ſaid perhaps, that this petition might be prepared at London the 3d or 4th of May, at the time of the concourſe, that it was ſent to the army, and then brought back to London to be communicated to the king. But allowing only a fortnight for thoſe journies from London to York, and from York to London, and for communicating it to the officers diſperſed in different quarters about the country, the petition would have come too late to the king, and have been entirely uſeleſs, ſince the riots were ceaſed, the earl of Strafford dead, and the king had paſſed the bill for the continuance of the parliament. It would have been therefore very prepoſterous for the king to approve of this petition at ſuch a juncture.

Secondly, the earl of Clarendon intimates, this petition was projected and drawn long before the 3d and 4th of May, by the very officers who were afterwards accuſed of the conſpiracy. He ſays, after the king had ſubſcribed it, it was carried down to the army, and ſigned by ſome officers, but was ſuddenly quaſhed, and no more heard of till the diſcovery of the pretended plot, of which more in its place. This is a clear evidence, that the petition the king ſubſcribed with C. R. had been communicated long before the 3d or 4th of May, the day of the diſcovery of the plot. But if this be ſo, how could the authors of the petition ſpeak of the riots on the 3d and 4th of May, as actually in being? The petition ſubſcribed by the king, cannot therefore be the ſame that the lord Clarendon has inſerted in his hiſtory.

In the third place, the officers who intended to gain the army to the king, and who, according to the lord Clarendon, projected likewiſe the petition to the king and parliament which was approved by his majeſty, propoſed as their end, "To preſerve the biſhops votes and functions, to hinder the diſbanding the Iriſh army till that of the Scots was diſbanded too, and to ſettle the king's revenues." But in the petition above there is no mention of any of theſe articles[f].

Laſtly, it will hereafter be ſeen, that the king, to juſtify his ſigning the petition, ſaid nothing more was required in it, than the ſettling of the government upon the ſame foot as under queen Elizabeth. But in the petition given us by the lord Clarendon as ſubſcribed by the king, there is nothing like it, Elizabeth not being named in it[g].

Before I conclude this matter, I muſt not forget what has been ſaid concerning Percy's letter to his brother the earl of Northumberland. It is pretended that Percy, endeavouring to eſcape into France, was known at the ſea-ſide, and wounded by ſome perſons who would have ſtopped him: that getting from them, and flying to the earl of Northumberland's, that lord prevailed with ſome of the leading men of the commons, particularly Mr. Pym, that his brother's eſcape ſhould be connived at, on condition he would write the letter abovementioned, as if it was writ in France. It is eaſy to perceive that hereby the relation in that letter is deſigned to be rendered ſuſpected of falſhood. But I do not find, it is poſitively affirmed, or that any proofs are produced to diſcover the forgery. The whole amounts to a bare aſſertion, that the plot in queſtion was a fiction, a chimera, an impoſture: that the parliament curtailed the depoſitions of the witneſſes, omitting every thing that ſerved to juſtify the king: that the conferences in Percy's chamber, were free converſations between friends, of whom ſome were members of parliament: that the depoſitions of the witneſſes were fitter to demonſtrate there was never any conſpiracy to ſeduce the army, than to prove there was really any ſuch thing. But upon the whole, we muſt take as good proofs the bare aſſertion of thoſe who relate theſe facts, which they have not cleared in the leaſt[h].

As the king was frequently reproached with this conſpiracy afterwards, I thought it neceſſary to give a juſt idea of the thing, that the reader may be the better able to judge of the objections and anſwers I ſhall have frequent occaſion to mention. It is now time to proceed to the lord Strafford's trial.

If it is not ſuppoſed, that Charles I. from the beginning of his reign to the time of this laſt parliament, had formed a deſign to eſtabliſh in England an arbitrary government, it will be almoſt impoſſible to underſtand his hiſtory, and particularly this ſecond part. But, upon this ſuppoſition, which to me appears inconteſtable, all difficulties vaniſh. It is not ſurprizing to ſee the king's council, his miniſters, favourites, the ſtar-chamber, high-commiſſion, judges of the realm, in a word, all perſons in public employment, intent upon one ſingle point, I mean, the ſtretching of the royal authority as far as lay in their power. It is not ſurprizing to ſee the implacable hatred of the houſe of commons to the king's miniſters, and particularly to thoſe who were moſt truſted by his majeſty, and believed the chief authors of the public evils. Among theſe, the earl of Strafford was conſidered as the moſt dangerous, becauſe the moſt able, and becauſe his two high poſts of preſident of the court of York, and lord-lieutenant of Ireland, afforded him frequent occaſions to ſerve the king effectually, and aſſiſt him to execute his deſigns. Accordingly he was the firſt the commons attacked, eight days after the opening of the parliament. The impeachment and trial of this lord, containing many remarkable things, ſome whereof are, as I may ſay, above the comprehenſion of foreigners, by reaſon of the great difference between the laws and cuſtoms of England, and thoſe of the other ſtates. It would therefore be too difficult a taſk for me to undertake to give a particular account

[f] Whitelock's account of this matter is thus: the officers put themſelves into a junto of ſworn ſecrecy, drew up ſome heads by way of petition to the king and parliament, "For money for the army. Not to diſband before the Scots. To preſerve biſhops votes and functions. To ſettle the king's revenues." The army being tainted from hence, met, and drew up a letter, or petition, which was ſhewed to the king, and approved and ſigned by him with C. R. and a direction to captain Leg, that none ſhould ſee it but ſir Jacob Aſhley: the main drift was, "That the army might be called up to attend the ſafety of the king's perſon, and parliament's ſecurity, or that both armies might be diſbanded." Memorials, p. 46.

[g] The lord Clarendon ſays, that Goring, who propoſed the marching of the army to London, being diſguſted at having that propoſal rejected and rediculed, did, the ſame, or the next day, whereon he had propoſed it, diſcover all, and more than had paſſed, to the earl of Bedford, and the lords Say and Kimbolton; but as dangerous as the deſign was afterwards alleged to be, it was not however communicated to the parliament till about three months after. Clarendon, tom. I. p. 195.

[h] Mr. Nalſon, who took upon him to ſatisfy the king againſt the falſe accuſations of his enemies, as he ſays himſelf in his introduction, paſſes over this article very ſlightly. See the end of vol. I. of his Collections. Rapin.

of all the circumſtances of this famous trial, which have been collected in a large volume in folio. For this reaſon I ſhall content myſelf with giving a general idea of it, ſuch as I think proper to ſatisfy the reader's curioſity.

There is no doubt, when the commons impeached the earl of Strafford, his ruin was reſolved by the leading men of that houſe. The earl being looked upon as the moſt powerful, and moſt in favour of all the king's miniſters, and as the principal author of the miſeries of the kingdom, this was ſufficient to make it thought requiſite to ſacrifice him to the public. I do not think it neceſſary to ſeek other motives of this reſolution, or to aſcribe it to more ſecret cauſes. Since the parliament undertook to redreſs grievances, and reſtore the government to its ancient ſtate, nothing was more natural than to puniſh ſuch as had helped to unhinge it, and among theſe the earl of Strafford was the principal, and conſequently, the fitteſt to ſerve for example to thoſe, who ſhould in time to come engage in the like enterprize. But beſides this, he had made himſelf many enemies by his imperious behaviour, to which great miniſters, who are ſecure of their maſter's favour, are generally but too liable. Moreover, he had deſerted the people's intereſt, after having ſtrongly ſupported it, whilſt a member of the houſe of commons, and devoted himſelf entirely to the king. This ſufficed to render him odious, and the commons, when they impeached him, knew they could not do any thing more grateful to the people. He was therefore accuſed of high-treaſon, not that in the ſhort time, ſince the opening of the parliament, the commons could have any certainty of his being guilty of that crime, but upon a certain public evidence, and the inward conviction of moſt of the members. After his being ſent to the Tower upon this impeachment, the houſe conſidered of the articles on which they were to ground his accuſation, and when they were brought to the lords, proofs were ſought to ſupport them [i].

Theſe articles, to the number of twenty-eight, tended to prove in general, that the earl of Strafford had endeavoured to ſubvert the fundamental laws of the ſtate, and eſtabliſh an arbitrary power. So, though each of the pretended crimes, whereof he was accuſed, could not be accounted high-treaſon, the houſe pretended, that all together manifeſtly ſhewed his deſign, and the means he had employed to accompliſh it. The ſubſtance of the twenty-eight articles, is as follows [k]:

" I. That he being preſident of the king's council in the north parts of England, had procured to himſelf a commiſſion, with inſtructions annexed, whereby power was given to him to determine all offences, ſuits, &c. within certain precincts therein ſpecified, and in ſuch manner as the ſaid inſtructions did appoint, according to the proceedings of the ſtar-chamber. By virtue of which commiſſion, he had exerciſed an exorbitant and unlawful juriſdiction over the perſons and eſtates of his majeſty's ſubjects in thoſe parts, to their ruin.

" II. That at the aſſizes held for the county of York, he did publicly declare and publiſh before the people, that ſome of the juſtices were all for law, and nothing would pleaſe them but law; but they ſhould find, 'That the king's little finger ſhould be heavier than the loins of the law.'

" III. That being lord-deputy of Ireland, he did ſay in a public ſpeech, that Ireland was a conquered nation, and that the king might do with them what he pleaſed: and ſpeaking of the charters of former kings of England, made to the city of Dublin, he further then ſaid, that their charters were nothing worth, and did bind the king no farther than he pleaſed.

" IV. That Richard earl of Cork, a peer of Ireland, having ſued out proceſs in courſe of law, for recovery of his poſſeſſions, from which he was put, by colour of an order made by the lord Strafford and the council; he, the ſaid lord Strafford threatened the ſaid earl to impriſon him, unleſs he would ſurceaſe his ſuit, and ſaid, that he would have neither law nor lawyers diſpute or queſtion his orders.

" That the ſaid earl of Cork having conteſted the validity of an order of the council made in Ireland, in the time of king James I. the lord Strafford had ſaid, that he would make the ſaid earl and all Ireland know, that ſo long as he had the government of that kingdom, any act of ſtate there made, or to be made, ſhould be as binding to the ſubjects of that kingdom, as an act of parliament. And that he did ſundry other times, and upon ſundry other occaſions, by his words and ſpeeches, arrogate to himſelf a power above the fundamental laws and eſtabliſhed government of that kingdom, and ſcorned the ſaid laws and eſtabliſhed government.

" V. That he did give, and procure to be given, againſt the lord Mountnorris, (then a peer of Ireland, vice-treaſurer, and receiver-general of that kingdom, and treaſurer at war, and one of the principal ſecretaries of ſtate, and keeper of the privy-ſignet of the ſaid kingdom) a ſentence of death by a council of war, called together by the ſaid earl of Strafford, without any warrant, or authority of law, or offence deſerving any ſuch puniſhment.

" And he the ſaid earl did alſo at Dublin, without any legal or due proceedings, or trial, give, and cauſe to be given, a ſentence of death againſt one other of his majeſty's ſubjects; and cauſed him to be put to death in execution of the ſame ſentence.

" VI. That without any legal proceedings, and upon a paper-petition, he did cauſe the ſaid lord Mountnorris to be diſſeized and put out of his manor of Tymore in the kingdom of Ireland; the ſaid lord Mountnorris having been eighteen years before in quiet poſſeſſion thereof.

" VII. That he did cauſe a caſe commonly called 'The caſe of Tenures upon defective Titles,' to be made and drawn up, without any jury or trial, or other legal proceſs, and without the conſent of parties, and did then procure the judges of the realm of Ireland to deliver their opinion and reſolutions to that caſe, and by colour of ſuch opinion did, without any legal proceeding, cauſe Thomas lord Dillon, and many others, to be put out of the poſſeſſion of divers lands and tenements, whereby many of his majeſty's ſubjects, and their families, were utterly undone.

" VIII. That without any legal proceſs, he had made a decree or order againſt Adam viſcount Loftus, a peer, and lord-chancellor of Ireland, and did cauſe the ſaid viſcount to be impriſoned, on pretence of diſobedience to the ſaid decree or order. That afterwards, without any authority, he required and commanded the ſaid lord viſcount to yield up unto him the great ſeal of the realm of Ireland, which was then in his cuſtody, by his majeſty's command, and impriſoned the ſaid chancellor, for not obeying ſuch his command.

" That he did impriſon George earl of Kildare, thereby to enforce him to ſubmit his title to the manor and lordſhip of Caſtle-leigh in the Queen's County, being of great yearly value, to the ſaid earl of Strafford's will and pleaſure, and kept him a year priſoner for the ſaid cauſe; and refuſed to enlarge him, notwithſtanding his majeſty's letters for his enlargement to the ſaid earl of Strafford directed.

" That upon a petition exhibited to him againſt dame Mary Hibbots, widow; the ſaid earl of Strafford recommended the ſaid petition to the council-table of Ireland, where the moſt part of the council gave their vote and opinion for the ſaid lady; but the ſaid earl finding fault herewith, cauſed an order to be entered againſt the ſaid lady, and threatened her, that if ſhe refuſed to ſubmit thereunto he would impriſon her, and fine her five hundred pounds; that if ſhe continued obſtinate, he would continue her impriſonment, and double her fine every month; by means whereof ſhe was enforced to relinquiſh her eſtate in the lands queſtioned in the the ſaid petition, which ſhortly after were conveyed to ſir Robert Meredith, to the uſe of the ſaid earl of Strafford.

" That the ſaid earl, in like manner, did impriſon divers others of his majeſty's ſubjects, upon the like pretences, &c.

" IX. That the ſaid earl, aſſuming to himſelf a power above and againſt law, took upon him, by a general warrant under his hand, to give power to the lord biſhop of Down and Conor, his chancellor, &c. to attach and arreſt the bodies of all ſuch of the meaner and poorer ſort, who after citation ſhould either refuſe to appear before them, or appearing ſhould omit or deny to perform, or undergo all lawful decrees, ſentences, and orders impoſed, or given out againſt them, and them to commit and keep in the next goal, until they ſhould either perform ſuch ſentences, or put in ſufficient bail, to ſhew ſome reaſon before the council-table, of ſuch their contempt and neglect.

[i] The committee appointed to draw the articles of accuſation againſt him, were, Mr. Whitelock the chairman, the lord Digby, ſir Walter Earl, Mr. Pym, Hampden, Hollis, Stroud, Selden, St. John, Maynard, Palmer, Glyn. Whitelock, p. 39.

[k] Theſe articles filled two hundred ſheets of paper. As ſome of the treaſons charged upon him were of fourteen years ſtanding, the earl deſired three months time to make his anſwer, but was allowed only till the 24th of February. Whitelock, p. 14.—The chief manager during the whole trial was Mr. Pym, of whom Dr. Welwood tells the following ſtory. When the earl, then only ſir Thomas Wentworth, was upon making his peace with the court, he gave Pym ſome obſcure intimation of it. Pym underſtanding his drift, ſtopt him ſhort with this expreſſion, 'You need not uſe all this art to tell me, that you have a mind to leave us: but remember what I tell you, you are going to be undone: and remember, that though you leave us now, I will never leave you while your head is upon your ſhoulders.' Memoirs, p. 45.

" X. That

" X. That he had procured the cuſtoms of the merchandize exported out, and imported into Ireland, to be farmed to his own uſe. And, to advance his own gain and lucre, did cauſe and procure the native commodities of that kingdom, to be rated in the book of rates for the cuſtoms, according to which the cuſtoms were uſually gathered, at far greater value and prices than in truth they were worth; that is to ſay, every hide at twenty ſhillings, which in truth was worth but five ſhillings, every ſtone of wool at thirteen ſhillings and four-pence, though the ſame were really worth but five ſhillings, at the utmoſt nine; by which means the cuſtom, which before was but a twentieth part of the true value of the commodity, was enhanced ſometimes a fifth part, and ſometimes to a fourth, and ſometimes to a third part of the true value.

" XI. That the ſaid earl did reſtrain the exportation of the commodities of the kingdom of Ireland, without his licence; and then raiſed great ſums of money for licences of exportation of thoſe commodities and diſpenſation of the ſaid reſtraints impoſed on them, by which thoſe commodities were raiſed above half in half.

" XII. That under colour to regulate the importation of tobacco into Ireland, he did iſſue a proclamation, prohibiting the importation of tobacco into that kingdom; after which reſtraint, the ſaid earl cauſed divers great quantities of tobacco to be imported to his own uſe: that if any ſhip brought tobacco into any port there, the ſaid earl and his agents uſed to buy the ſame to his own uſe, at their own price; and if the owners refuſed to let him have the ſame at undue values, then they were not permitted to vent the ſame there; by which undue means, the ſaid earl having gotten the whole trade of tobacco into his own hands, he ſold it at great and exceſſive prices.

" That by a proclamation he commanded, that none ſhould put to ſale any tobacco by wholeſale, but what ſhould be made up into rolls, and the ſame ſealed with two ſeals by himſelf appointed, one at each end of the roll: and ſuch as was not ſealed to be ſeized, appointing ſix-pence in the pound for a reward to ſuch perſons as ſhould ſeize the ſame. Which proclamation was rigorouſly put in execution, by ſeizing the goods, fining, impriſoning, whipping, and putting the offenders in the pillory. And though he enhanced the cuſtoms, where it concerned the merchants in general, yet he drew down the impoſt formerly taken on tobacco, from ſix-pence to three-pence the pound, it being for his own profit ſo to do.

" That he raiſed ſeveral other monopolies and unlawful exactions for his own gain, viz. on ſtarch, iron-pots, glaſſes, tobacco-pipes, &c.

" XIII. That flax being one of the principal and native commodities of Ireland, the ſaid earl having gotten great quantities thereof into his hands, and growing on his own lands, did iſſue out ſeveral proclamations, preſcribing and enjoining the working of flax into yarn and thread, and the ordering of the ſame in ſuch ways wherein the natives of that kingdom were unpractiſed, and unſkilful; and the flax wrought or ordered in other manner than as the ſaid proclamation preſcribed, was ſeized and employed to the uſe of him and his agents, and thereby the ſaid earl did gain, in effect, the ſole ſale of that native commodity.

" XIV. That the ſaid earl, by proclamation, did impoſe upon the owners, maſters, purſers, and boatſwains of every ſhip, a new and unlawful oath, viz. That they, immediately after the arrival of any ſhip within any port or creek in the kingdom of Ireland, ſhould give in a true invoice of the outward bulk of wares and merchandizes firſt laden aboard them, together with the ſeveral marks and number of goods, and their qualities and condition, the names of the ſeveral merchants, proprietors of the ſaid goods, and the place from whence they were freighted, and whither they were bound, &c.

" XV. That by his own authority, without any warrant or colour of law, he did tax and impoſe great ſums of money upon divers towns and places in Ireland; and did cauſe the ſame to be levied upon the inhabitants of thoſe towns by troops of ſoldiers, with force of arms, in a warlike manner; and ſent ſuch numbers of ſoldiers to lie on the lands and houſes of ſuch as would not conform to his orders, until they ſhould render obedience to his ſaid orders; and this he did at ſeveral times, and in divers places, by which means he levied war within the ſaid realm againſt his majeſty and his liege people of that kingdom.

" XVI. That the ſaid earl did make a propoſition, and obtained from his majeſty an allowance thereof, that no complaint of injuſtice or oppreſſion done in Ireland, ſhould be received in England againſt any, unleſs it appeared, that the party made firſt his addreſs to him the ſaid earl. And to prevent the ſubjects of that realm of all means of complaints to his majeſty, and of redreſs againſt him and his agents, he did iſſue a proclamation thereby commanding all the nobility, undertakers and others, who held eſtates and offices in the ſaid kingdom, to make their perſonal reſidence in the ſaid kingdom of Ireland, and not to depart thence without licence of himſelf; which proclamation the ſaid earl had by ſeveral rigorous ways, as by fine, impriſonment, and otherwiſe, put in execution: by means whereof the ſubjects of that realm were reſtrained from ſeeking relief againſt the oppreſſions of the ſaid earl.

" XVII. That ſpeaking of the army in Ireland, he did declare, that his majeſty was ſo well pleaſed with the army of Ireland, and the conſequences thereof, that his majeſty would certainly make the ſame a pattern for all his three kingdoms.

" XVIII. That in order to draw dependency upon himſelf, of the papiſts in both kingdoms of England and Ireland, during the time of his government in Ireland, he reſtored divers frieries and maſs-houſes, (which had been formerly ſuppreſſed by the precedent deputies of that kingdom; two of which houſes are in the city of Dublin, and have been aſſigned to the uſe of the univerſity there) to the pretended owners thereof.

" That in the months of May and June laſt, the ſaid earl did raiſe an army in Ireland, conſiſting of eight thouſand foot, all of which, except one [thouſand] or thereabouts were papiſts; and the ſaid one thouſand were drawn out of the old army there, and in their places there were a thouſand papiſts put into the ſaid old army by the ſaid earl.

" That the more to engage and tie the ſaid new army of papiſts to himſelf, and to encourage them, he did ſo provide, that the ſaid new army of papiſts were duly paid, &c. but the ſaid old army were, for the ſpace of one whole year and upwards, unpaid.

" That being appointed a commiſſioner within eleven ſeveral counties of the northern parts of England, for compounding with recuſants for their forfeitures due to his majeſty; and being alſo receiver of the compoſition money thereby ariſing, he did compound with them at low and under rates, and provided, that they ſhould be diſcharged of all proceedings againſt them in all his majeſty's courts, both temporal and eccleſiaſtical, contrary to the laws and ſtatutes of this realm.

" XIX. That he did of his own authority contrive and frame a new and unuſual oath, by the purport whereof, the party taking the ſaid oath, was to ſwear that he ſhould not proteſt againſt any of his majeſty's royal commands, but ſubmit himſelf in all due obedience thereunto. Which oath he enforced on the ſubjects of the Scotiſh nation, inhabiting in Ireland; and compelled divers of his majeſty's ſaid ſubjects there, to take the ſaid oath againſt their wills; and of ſuch as refuſed to take it, ſome he grievouſly fined and impriſoned, and others he deſtroyed and exiled; namely, he fined Henry Steward and his wife, who refuſed to take the ſaid oath, five thouſand pounds a-piece, and their two daughters and James Gray, three thouſand pounds a-piece, and impriſoned them for not paying the ſaid fines.

" That he did upon that occaſion declare, that the ſaid oath did not only oblige them in point of allegiance to his majeſty, and acknowledgment of his ſupremacy only, but to the ceremonies and government of the church eſtabliſhed, and to be eſtabliſhed by his majeſty's royal authority, and ſaid, that the refuſers to obey he would proſecute to the blood.

" XX. That he was the chief incendiary of the laſt war againſt the Scotiſh nation, by inciting and provoking his majeſty againſt his ſubjects of Scotland; and had declared and adviſed his majeſty, that the demands made by the Scots in their parliament, were a ſufficient cauſe of war againſt them: that he ſaid, that the nation of the Scots were rebels and traytors; and he being then about to come to England, further ſaid, that if it pleaſed his majeſty to ſend him back again, he would root out of the kingdom of Ireland the Scotiſh nation both root and branch: that he had cauſed divers of the ſhips and goods of the Scots to be ſtayed, ſeized, and moleſted, to the intent to ſet on the war between the two nations.

" XXI. That at his arrival into England, finding that his majeſty had compoſed the troubles in the North, and made a pacification with his ſubjects of Scotland, he laboured by all means to procure his majeſty to break that pacification. And having incited his majeſty to an offenſive war againſt his Scotiſh ſubjects, he counſelled his majeſty to call a parliament in England, yet he intended, that if the proceedings of that parliament ſhould not be ſuch as would ſtand with his miſchievous

miſchievous deſigns, he would then procure his majeſty to break the ſame; and by ways of force and power, to raiſe monies upon the ſubjects of this kingdom. And for the encouragement of his majeſty to hearken to his advice, he did before his majeſty and privy-council, then ſitting in council, make a large declaration, that he would ſerve his majeſty in any other way, in caſe the parliament ſhould not ſupply him.

" XXII. That before the beginning of the laſt parliament, the ſaid earl of Strafford went into Ireland, and procured the parliament of that kingdom to declare their aſſiſtance in a war againſt the Scots, and gave directions for the raiſing of an army there, conſiſting of eight thouſand foot, and one thouſand horſe, being for the moſt part papiſts, as aforeſaid. And confederating with one ſir George Ratcliffe, did together with him traiterouſly conſpire to employ the ſaid army, for the ruin and deſtruction of the kingdom of England, and of altering and ſubverting of the fundamental laws, and eſtabliſhed government of that kingdom.

" Shortly after, the ſaid earl returned into England, and to ſundry perſons declared his opinion to be, that his majeſty ſhould firſt try the parliament here, and if that did not ſupply him according to his occaſions, he might uſe then his prerogative as he pleaſed, to levy what he needed; and that he ſhould be acquitted both of God and man, if he took ſome other courſes to ſupply himſelf, though it were againſt the wills of his ſubjects.

" XXIII. That upon the 13th day of April laſt, the parliament of England met, and the commons houſe did enter into debate and conſideration of the grievances of this kingdom; he the ſaid earl of Strafford, and the archbiſhop of Canterbury, did procure his majeſty, by ſundry ſpeeches and meſſages, to urge the ſaid commons houſe, to enter into ſome reſolution for his majeſty's ſupply, for maintenance of his war againſt his ſubjects of Scotland, before any courſe taken for the relief of the grievances wherewith this kingdom was then afflicted; whereupon a demand was then made from his majeſty of twelve ſubſidies, for the relief of ſhip-money only. And while the ſaid commons were in debate and conſideration concerning ſome ſupply, before any reſolution by them made, the ſaid earl of Strafford, with the help and aſſiſtance of the ſaid archbiſhop, did procure his majeſty to diſſolve the ſaid parliament; and upon the ſame day, the ſaid earl did endeavour to incenſe his majeſty againſt his ſubjects, who had been members of the ſaid houſe of commons, by telling his majeſty, they had denied to ſupply him; and afterwards upon the ſame day, did adviſe his majeſty to this effect, that having tried the affections of his people, he was looſe and abſolved from all rules of government; and that he was to do every thing that power would admit; and that his majeſty had tried all ways, and was refuſed, and ſhould be acquitted towards God and man; and that he had an army in Ireland, which he might employ to reduce this kingdom.

" XXIV. That in the ſame month of May, he declared before others of his majeſty's privy-council, that the parliament of England had forſaken the king, and that in denying to ſupply the king, they had given him advantage to ſupply himſelf by other ways; and that he was not to ſuffer himſelf to be maſtered by the frowardneſs and undutifulneſs of the people.

" And having ſo maliciouſly ſlandered the ſaid late houſe of commons, he did, with the help and advice of the ſaid archbiſhop of Canterbury, and the lord Finch, late lord-keeper of the great ſeal of England, cauſe to be printed and publiſhed in his majeſty's name, a falſe and ſcandalous book, full of bitter and malicious invectives, entitled, His majeſty's Declaration of the Cauſes that moved him to diſſolve the laſt Parliament.

" XXV. That not long after, he the ſaid earl of Strafford did adviſe the king to go on vigorouſly in levying the ſhip-money, and did procure the ſheriffs of ſeveral counties to be ſent for, for not levying the ſhip-money, divers of which were threatened by him, to be ſued in the ſtar-chamber.

" And a great loan of one hundred thouſand pounds was demanded of the city of London; and the lord-mayor, and ſheriffs, and aldermen of the ſaid city, were often ſent for by his advice to the council-table, and required to certify the names of ſuch inhabitants of the city as were fit to lend; which they with much humility refuſing to do, he the ſaid earl of Strafford did uſe theſe and the like ſpeeches, viz. That they deſerved to be put to fine and ranſom; and that no good would be done with them, till an example was made of them, and that they were laid by the heels, and ſome of the aldermen hanged up.

" XXVI. That the ſaid earl having brought his majeſty to exceſſive charge, without any juſt cauſe, did counſel and approve the two following dangerous and wicked projects, viz.

" To ſeize upon the bullion, and the money in the mint: and to impaſe his majeſty's coin, with the mixture of braſs.

" And accordingly he procured one hundred and thirty thouſand pounds, which was then in the mint, and belonging to divers merchants, ſtrangers and others, to be ſeized on, and ſtaid to his majeſty's uſe. And when divers merchants of London, owners of the ſaid bullion and money, came to his houſe, to let him underſtand the great miſchief that courſe would produce here and in other parts; he the ſaid earl told them, that the city of London dealt unduti-fully and unthankfully with his majeſty; and that they were more ready to help the rebels than to help his majeſty: and that if any hurt came to them, they might thank themſelves; and that it was the courſe of other princes to make uſe of ſuch monies to ſerve their occaſions.

" And when the officers of his majeſty's mint came to him, and gave him divers reaſons againſt the imbaſing the ſaid money; he told them, that the French king did uſe to ſend commiſſioners of horſe, with commiſſion to ſearch into mens eſtates, and to peruſe their accounts, that ſo they might know what to levy of them by force, which they did accordingly levy; and turning to the lord Cottington then preſent, ſaid, that this was a point worthy of his lordſhip's conſideration.

" XXVII. That he was made lieutenant-general of all his majeſty's forces in the North; and being at York, did, by his own authority, impoſe a tax on his majeſty's ſubjects in the county of York of eight-pence per diem, for maintenance of every ſoldier of the trained-bands of that county; which ſums of money he cauſed to be levied by force. And to compel his majeſty's ſubjects out of fear to pay the ſame, he did declare, that he would commit them that refuſed the payment thereof; and they that refuſed it, were in very little better condition than of high treaſon.

" XXVIII. That being lieutenant-general of his majeſty's army, he did not provide for the defence of the town of Newcaſtle as he ought to have done, but ſuffered the ſame to be loſt, that ſo he might the more incenſe the Engliſh againſt the Scots.

" And for the ſame purpoſe he did write to the lord Conway, the general of the horſe, that he ſhould fight with the Scotiſh army at the paſſage over the Tyne, whatſoever ſhould follow; notwithſtanding that the ſaid lord Conway had formerly by letters informed the ſaid earl, that his majeſty's army, then under his command, was not of force ſufficient to encounter the Scots."

The parliament of Ireland hearing the earl of Strafford was in the Tower, immediately ſent a committee of both houſes to England, to lay before the parliament remonſtrances concerning the grievances endured by the Iriſh, under that lord's adminiſtration. But as theſe remonſtrances contained little but what is mentioned in the twenty-eight articles, I do not think it neceſſary to inſert them.

This proceſs was not ready to be tried till the 22d of March 1640-1, and laſted till the 12th of April. It would be too tedious to give a particular account of the proofs, depoſitions of the evidences, anſwers of the party accuſed upon each article, and replies of the commons. To give a general idea of the thing, it will ſuffice to ſay in two words, that the impeachment running wholly upon the earl of Strafford's pretended intention to ſubvert the fundamental laws of the kingdom, the greateſt part of the crimes he was accuſed of, could be accounted high-treaſon but on ſuppoſition of this ſame intention. And therefore the managers [1] inſiſted upon every one of the articles in order to prove his intention, maintaining, that though each ſingly was not capable of proving it, they were however, when joined together, of the utmoſt evidence. But beſides, that each of theſe articles was not equally well proved, it remained alſo to decide, whether the intention could render a man guilty of treaſon. The counſel for the earl of Strafford maintained, that although by the law, the bare intention of killing the king was high-treaſon, it did not follow that the intention could be conſidered upon the ſame foot, with reſpect to other treaſons, which the law had

[1] They were, George lord Digby, John Hampden, John Pym, Oliver St. John, ſir Walter Earl, Jeoffery Palmer, John Mainard, John Glyn, Thomas Howard earl of Arundel, was lord high-ſteward upon this occaſion. The place of the trial was Weſtminſter-hall; to which a theatre and ſeats were erected for both houſes of parliament, and for the judges. The members of the houſe of commons ſat uncovered, and the lords in their robes. Ruſhworth, [illegible] Whitelock, p. 41.

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not explained in the ſame manner. On the other hand, the earl of Strafford ſhewed that none of the particular crimes he was charged with could be deemed treaſon, and that a hundred felonies could never make one treaſonable crime. But this diſpute concerned only the nature of the offence, in which the accuſed had a great advantage, eſpecially if it be conſidered that in England, in criminal caſes, the judges are extremely careful not to miſtake, and to attend only to what proves directly the nature of the offence contained in the indictment. If the commons had been ſatisfied with accuſing the earl of Strafford with felony, or miſdemeanours, very probably they would have obtained a ſpeedy ſentence againſt him. But having ſolely impeached him of high-treaſon, it belonged to the peers to condemn or acquit him ſolely upon that ſort of offence. In the reign of Edward VI. the duke of Somerſet was accuſed of high-treaſon and felony. He was acquitted as to the firſt, but condemned for the laſt.

The earl of Strafford defended himſelf with all the ability, preſence of mind, judgment and temper that could be expected from a perſon of his parts[m]. Accordingly the commons eaſily found that the lords would hardly be induced to condemn him. And therefore they thought fit to take another courſe to accompliſh their ends.

The 19th of April it was voted by the commons, that the endeavour of the earl of Strafford to ſubvert the fundamental laws of the realm of England and Ireland, and to introduce an arbitrary and tyrannical government in both kingdoms, was high-treaſon. Two days after, a bill of attainder was brought in againſt the ſaid earl. The bill was read twice in the morning, and the third time in the afternoon, and paſſed with the majority of 204 againſt 59, after which it was ſent up to the lords.

Among the oppoſers of the bill, the lord Digby diſtinguiſhed himſelf by a very eloquent ſpeech, wherein he endeavoured to ſhew, that to condemn the earl of Strafford in that manner, was real murder[n]. Great exceptions were taken at this ſpeech; and though the houſe ſeemed at firſt not much to regard it, they ordered afterwards that it ſhould be publicly burnt by the hangman.

The bill of attainder produced not the effect the commons deſired. The lords were in no haſte to examine it, or to anſwer the impatience of the commons. They had a mind firſt to conſider the arguments for and againſt the bill. In this interval the peers cauſed ſir William Baltour to be examined concerning the project of letting the earl of Strafford eſcape. Several thouſands of the inhabitants of London preſented to both houſes a petition againſt the earl, ſaying, he was a ſworn enemy of the city. The 29th of April, Mr. St. John, in the name of the commons, made a long ſpeech to the lords, to prove that the bill of attainder was not contrary to law. May the 1ſt, the king came to the parliament, and made the following ſpeech to both houſes.

"My lords,

"I HAD not any intention to have ſpoken to you of this buſineſs this day, which is the great buſineſs of the earl of Strafford, becauſe I would do nothing that might ſerve to hinder your occaſions: but now it comes ſo to paſs, that ſeeing of neceſſity I muſt have part in the judgment, I think it moſt neceſſary for me to declare my conſcience therein. I am ſure you all know, that have I been preſent at the hearing of this great caſe, from the one end to the other[o], and I muſt tell you, that I cannot in my conſcience condemn him of high-treaſon: it is not fit for me to argue the buſineſs; I am ſure you will not expect that. 'A poſitive doctrine beſt becometh the mouth of a prince:' yet I muſt tell you three great truths, which I am ſure no body knows ſo well as myſelf. 1. That I never had any intention of bringing over the Iriſh army into England; nor ever was adviſed by any body ſo to do. 2. That there was never any debate before me, neither in public council, nor at private committee, of the diſloyalty of my Engliſh ſubjects, nor ever had I any ſuſpicion of them. 3. I was never counſelled by any to alter the leaſt of any of the laws of England, much leſs to alter all the laws. Nay, I muſt tell you this, I think no body durſt ever be ſo impudent to move me in it; for if they had, I ſhould have put ſuch a mark upon them, and made them ſuch an example, that all poſterity ſhould know my intention by it; for my intention was ever to govern according to law, and not otherwiſe[p].

"I deſire to be rightly underſtood. I told you in my conſcience I cannot condemn him of high treaſon; yet I cannot ſay I can clear him of miſdemeanours: therefore I hope you may find a way to ſatisfy juſtice, and your own fears, and not preſs upon my conſcience. My lords, I hope you know what a tender thing conſcience is: yet I muſt declare unto you, that to ſatisfy my people, I would do great matters: but this of conſcience, no fear, no reſpect whatſoever, ſhall ever make me go againſt it. Certainly I have not ſo ill deſerved of the parliament at this time, that they ſhould preſs me in this tender point; and therefore I cannot expect that you will go about it.

"Nay, I muſt confeſs for matters of miſdemeanours, I am ſo clear in that, that though I will not chalk out the way, yet let me tell you, that I do think my lord Strafford is not fit hereafter to ſerve me, or the common-wealth, in any place of truſt, no, not ſo much as that of a conſtable. Therefore I leave it to you, my lords, to find ſome ſuch way as may bring me out of this great ſtreight, and keep ourſelves and the kingdom from ſuch great inconveniencies; certainly he that thinks him guilty of high-treaſon, in his conſcience may condemn him of miſdemeanours."

This ſpeech produced a quite contrary effect to what the king had expected. Accordingly, the earl of Clarendon intimates that the lord Say adviſed the king to it, in order to draw him into a ſnare, and render the earl of Strafford's ruin more certain[q]. The commons were highly offended with it, ſaying, it was an unprecedented thing, that the king ſhould meddle with bills before they were preſented unto him, and a means to take away the freedom of votes, and immediately adjourned till Monday the 3d of May.

On that day it was that the rabble of London flocked to Weſtminſter: and on the ſame day the houſe of commons drew the proteſtation before-mentioned, and on the morrow, the 4th of May, the lords approved of the ſame, and on the 7th paſſed the bill of attainder of the earl of Strafford, there being not above forty-ſix lords in the houſe of the fourſcore who had conſtantly attended the trial[r]. It is pretended, that thoſe who abſented themſelves, were terrified by the threats of the populace.

The king was then in the moſt uneaſy ſituation. He loved the earl of Strafford, and was convinced the earl had done nothing but what was agreeable to his intentions and his maxims of government. He might be guilty with regard to the people on many accounts, but certainly he was not ſo with reſpect to the king, who had always approved of his conduct. Beſides, the king had proteſted in full parliament, that

[m] Dr. Welwood obſerves, that he expreſſed in his defence ſuch nervous and moving flights of eloquence, as came nothing ſhort of the moſt celebrated pieces of antiquity. This appeared from his ſumming up his long anſwer extempore, with this pathetic concluſion: "My lords, I have troubled you longer than I ſhould have done, were it not for the intereſt of theſe dear pledges, a ſaint in heaven has left me."—At this he ſtopped, pointing to his children that ſtood by him, and dropt ſome tears, then went on—"What I forfeit for myſelf is nothing, but that my indiſcretion ſhould extend to my poſterity, wounds me to the very ſoul. You will pardon my infirmity; ſomething I ſhould have added, but am not able, therefore let it paſs. And now, my lords, for myſelf I have been, by the bleſſing of God, taught, that the afflictions of this preſent life, are not to be compared to that eternal weight of glory which ſhall be revealed hereafter. And ſo, my lords, even ſo, with all tranquility of mind, I freely ſubmit myſelf to your judgment, and whether that judgment be life or death, Te Deum Laudamas." p. 46.———Mr. Whitelock obſerves, "That certainly never any man acted ſuch a part, on ſuch a theatre, with more wiſdom, conſtancy and eloquence, with greater reaſon, judgment, and temper, and with a better grace in all his words and geſtures, than this great and excellent perſon did; and he moved the hearts of all his auditors (ſome few excepted) to remorſe and pity." p. 44.

[n] The lord Digby in his ſpeech has theſe words:—"I am ſtill the ſame in opinions and affections as to the earl of Strafford; I confidently believe him to be the moſt dangerous miniſter, the moſt inſupportable to free ſubjects that can be charactered. I believe his practices in themſelves as high, as tyrannical, as any ſubject ever ventured upon, and the malignity of them hugely aggravated by thoſe rare abilities of his, whereof God has given him the uſe, but the devil the application. In a word, I believe him ſtill that grand apoſtate to the common-wealth, who muſt not expect to be pardoned in this world, till he be diſpatched to the other: and yet, let me tell you, Mr. Speaker, my hand muſt not be to that diſpatch." Thus far a nobleman, who for his zeal to the royal cauſe, became the moſt obnoxious to the parliament. Ruſhworth, tom. iv. p. 226.—The reaſon, it ſeems, of his being againſt the bill of attainder, was, becauſe he believed the earl's adviſing the king to bring over the army from Ireland to reduce this kingdom, did refer to the kingdom of Scotland, and not to England, the thing then under debate, being how to reduce Scotland.

[o] At the trial there was on the ſtage, a chair and cloth of ſtate for the king, on either ſide whereof was a cloſe gallery for the king, queen, and prince to be private. In this place his majeſty remained all the time of the tryal. Whitelock, p. 41.

[p] It is very hard to reconcile this aſſertion of the king's with his government the firſt fifteen years of his reign. Rapin.

[q] When the earl of Strafford was told with joy by his friends, that the king had made a warm ſpeech in his favour to both houſes, he received it as his doom, and told them, 'The king's kindneſs had ruined him, and that he had little elſe to do but to prepare himſelf for death.' Welwood's Mem. p. 46.

[r] The lord Clarendon ſays, of the forty-ſix, eleven only diſſented. Tom. I. p. 201. According to Whitelock, there were but forty-five, of whom twenty-ſix voted the earl guilty of high-treaſon, upon the 15th article, 'For levying money in Ireland by force, in a warlike manner.' And upon the 19th article, 'For impoſing an oath upon the ſubjects in Ireland.' Mem. p. 45.

he neither could nor would do any thing againſt his conſcience, and that he did not believe in his conſcience the earl was guilty. On the other hand, if he conſented to the bill of attainder, after ſuch a declaration, he ſhould ſhew that he was reduced to this extremity by the neceſſity of his affairs, ſo would not be thanked for it, and for the future would have nothing more to deny his parliament. But in caſe he rejected the bill, he plainly perceived the conſequences of his refuſal, and that at leaſt he ſhould be accuſed of denying his people juſtice, contrary to the advice of both houſes of parliament.

It is not unlikely that in this extremity ſome one adviſed the king to diſſolve the parliament: at leaſt, the commons imagined he had no other way to free himſelf from his preſent embarraſſment. And therefore to deprive him of this refuge alſo, the ſame day, the 4th of May, they ordered the bringing in of a bill for the continuance of the parliament, that it might not be diſſolved without the conſent of both houſes; which bill was read thrice in two days [s], and paſſed three days after in the upper-houſe, with the bill of attainder of the earl of Strafford. In theſe two or three days the commons, as hath been ſaid, vigorouſly puſhed the affair of the plot, to fill the people with fears, and force the lords to paſs the two bills.

The bill of attainder having paſſed the houſe of lords, the king aſſembled his privy-council, and ſent for his lawyers. He laid before them his ſcruples and reaſons for not conſenting to the bill. But Juxon biſhop of London, was the only perſon that ventured to adviſe the king to reject a bill preſented to him by both houſes. All the reſt endeavoured to perſuade him to ſatisfy his people, and that the life of any one perſon ought not to be put in the ballance with the ſafety of the kingdom. As to his ſcruples, they told him, he might conſult his biſhops, who would give him the propereſt advice. The king not meeting with the ſatisfaction he expected from his council, ſent for ſome biſhops to adviſe with. It is affirmed, that Williams archbiſhop of York, ſaid to him on this occaſion, "That there was a private and a public conſcience; that his public conſcience as a king, might not only diſpenſe with, but oblige him to do that which was againſt his private conſcience as a man." And therefore in plain terms adviſed him, "Even for conſcience ſake to paſs the act [t]." But what contributed moſt to determine him, was a letter from the earl of Strafford, who hearing of the ſtreights the king was in, "Humbly beſought him himſelf to paſs the bill, to remove him out of the way towards a bleſſed agreement, which he doubted not God would for ever eſtabliſh betwixt him and his ſubjects." Adding, "That his conſent would more acquit his majeſty therein to God, than all the world could do beſides. To a willing man there is no injury." At laſt the king no longer able to withſtand the preſſing inſtances of the parliament and his own counſellors, or rather the fear of the calamities he foreſaw would befal both himſelf and poſterity, if he refuſed to conſent to the bill, ſigned a commiſſion to four lords [u] to paſs it in his name [w]. By the ſame commiſſion he impowered theſe lords to give the royal aſſent to the bill for the continuance of the parliament, which was of much greater importance to him than the earl of Strafford's life, but which however it does not appear that he much regarded, ſo full was he of the other. This bill, which was of ſuch conſequence to the king, was brought in the 6th of May, and in five days paſſed both houſes, and received the king's approbation on the 10th, as if it had been but a trifle.

On the 12th of May, the ſecond day after the royal aſſent to the bill of attainder, the earl of Strafford was executed, and ſuffered death with great conſtancy. It was then, and is ſtill at this time a ſubject of diſpute, whether he deſerved to loſe his head or not. Thoſe who are for him, ſay there needs only to examine the articles of accuſation, the evidences produced againſt him, and his anſwers, to be convinced that he was not guilty of high-treaſon. That the conviction of his accuſers themſelves is a further proof, who perceiving they could not expect from the lords a ſentence according to their wiſh, uſed ſo many extraordinary means to compaſs their ends. Firſt, the charge of the judicial accuſation into a bill of attainder. Secondly, the tumultuous concourſe of the people. Thirdly, the diſcovery made to the houſe of commons of the pretended conſpiracy, preciſely at this juncture, though it had been long neglected [x]. In the fourth place, the proteſtation, the ſole deſign whereof was to terrify the people, had incenſed them againſt the king and his party. Laſtly, the violence uſed to the lords, to extort their conſent to the bill, and which obliged many to abſent themſelves, to avoid being expoſed to the fury of the people. It is pretended, all this ſhews that the commons themſelves did not believe him guilty ſince they uſed ſo many artifices to take away his life.

They who are againſt him, ſay, it cannot be denied, that the king had formed a deſign to eſtabliſh an arbitrary government, and aſſumed to himſelf a power contrary to law. That he had made choice of ſuch miniſters and counſellors as he thought moſt proper to ſerve him in the execution of his deſign. That from the king's council had proceeded all the oppreſſions ſo long complained of by the people, and conſequently the king's miniſters and counſellors could not be innocent, unleſs theſe oppreſſions, which were as clear as the ſun, were denied. That the earl of Strafford was univerſally known to be the chief of theſe miniſters, and the perſon in whom the king moſt confided, and to hold the firſt place in the ſecret council, called the Junto, conſiſting of four or five perſons only, were all the reſolutions were taken for the oppreſſion of the ſubjects. That he could not be ſuppoſed to be againſt all theſe reſolutions, ſince his arriving to ſo high a degree of favour, was entirely owing to his attachment to the king's will. That it was no leſs evident, that in his three great poſts of privy counſellor, preſident of the North, and lord deputy of Ireland, he had always carried himſelf agreeable to the king's principles and maxims, though he knew theſe principles were contrary to the law. That all his endeavours tended to increaſe the king's revenues, and extend his prerogative by all methods, even the moſt irregular. That England, in obedience to the king's orders, does not excuſe the miniſters in illegal proceedings. That therefore it muſt either be denied, that the king ever did any thing contrary to law, or be confeſſed, that his miniſters, and eſpecially the chief, were not innocent of theſe violations. That the ſtreſs of the commons accuſation did not lie ſo much upon each particular article, as upon all together, to ſhew that the earl of Strafford really intended to eſtabliſh an arbitrary government. That every article was a proof of this intention, and it was a deluſion to repreſent them as being each ſingly a ſeparate charge of ſome particular crime. That this intention, joined to the manner of exerciſing the power given him by the king, was an unpardonable crime, ſince it tended to ſubvert all the laws, and alter the conſtitution. That it was not the ſame with the intention of ſubverting the laws as with the intention of committing any other offence, even treaſon itſelf. That theſe when committed, may be puniſhed by the laws: but if the intention of ſubverting the laws be not puniſhable till put in execution, there is no remedy; aboliſhed laws not being of any uſe. That upon theſe grounds, parliaments had at all times puniſhed ſeveral miniſters for the ſame reaſon. In ſhort, that an example being neceſſary to deter miniſters for the future from devoting themſelves ſo entirely to the king's will to oppreſs the ſubject, there could not be a fitter for that purpoſe than the earl of Strafford, whoſe power had made every one tremble, and who beſides was the object of the public hatred, the whole nation conſidering him as the chief author of their miſeries.

I ſhall add here, to finiſh what relates to the earl of Strafford, that not long after his death, the ſame parliament paſſed an act for reſtoring his children in blood and honour, and for ſettling his eſtate upon his heirs [y], and that the act of attainder was repealed in the reign of Charles II. I do not be-

[s] This bill was brought into the houſe of commons, the next morning after it was propounded, and the ſame day it was perfected, and paſſed the houſe. The firſt motion for this bill was made by a Lancaſhire knight, who offered to procure the king 650,000 l. till the ſubſidies ſhould be raiſed, if he would paſs ſuch a bill. Whitelock, p. 45. The pretended reaſon of making ſuch a law was, that the great ſums of money which the Scots were to have, could not ſuddenly be raiſed; and that being to be borrowed for their preſent riddance, lenders would hardly be found, unleſs they ſaw a certain way to ſecure their monies, which the danger of diſſolving this parliament would hazard. Dugdale's View, p. 7. Clarendon, vol. I. p. 204.

[t] Biſhop Hacket gives a different account of this particular. See part II. p. 162.—Williams was not made archbiſhop of York till ſome months after this.

[u] To the earl of Arundel, the lord privy-ſeal, and two other lords. Ruſhworth, tom. IV. p. 262. tom. VIII. p. 755. Nalſon ſays, that it was to the lord privy-ſeal, the lord chamberlain, the lord ſteward, or any two of them. Tom. II. p. 195.

[w] Notwithſtanding his letter to the king, when his majeſty ſent ſecretary Carleton to the earl, to acquaint him with what was done, and the motives of it, the earl ſeriouſly aſked the ſecretary, whether his majeſty had paſſed the bill or not? As not believing, without ſome aſtoniſhment, that the king would have done it. And being again aſſured that it was paſt, he roſe from his chair, lift up his eyes to heaven, laid his hand on his heart, and ſaid, "Put not your truſt in princes, nor in the ſons of men, for in them there is no ſalvation." Whitelock, p. 46. The ſame author adds, it was reported, that in order to bring the king to ſign the bill, he was promiſed the earl's life ſhould be ſpared.

[x] From the middle of April, till May 3. See Clarendon, tom. I. p. 196

[y] The bill was brought in June the 12th this year. Ruſhworth, tom. IV p. 284.

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lieve that ever an Engliſh ſubject has had ſo many praiſes beſtowed on him as the earl of Strafford. Several, in ſpeaking of him, have not been able to forbear adding always to his name ſome honourable epithet, to ſhew their eſteem for him. In a word, he is repreſented as one of the greateſt men, one of the moſt accompliſhed miniſters England ever produced. I do not pretend by any means to queſtion his natural or acquired abilities. But I own, when I conſider his life and actions, I do not ſee what can ſerve for foundation to ſuch exalted encomiums. In the firſt place, after he was in favour, the king had no quarrel with any foreigh ſtate: ſo, he had no opportunity to diſplay his talents in negotiations and embaſſies. As to war, he was employed but once, in the late war with Scotland, in quality of lieutenant-general, commanding the army in the abſence of the general. On this occaſion he may be ſaid to commit a very great error, in not being ready to oppoſe the Scots paſſage of the Tyne, and in ſuffering them to take Newcaſtle, if perhaps it was not deſignedly done, to engage inevitably the two nations in a war, which certainly can be matter of no great commendation. It muſt therefore be owned, that his talents were confined to the diſcharge of his poſts or employments. As to that I find he was accuſed of having prevaricated, and entirely devouted himſelf to accompliſh the king's deſign of ſetting up an arbitrary government. Suppoſe this were a ſlander, and he had never any ſuch thought, I do not ſee, however, that his innocence can be matter of praiſe to him, any more than to many others who had been in the ſame poſts before him. What then did he perform in the adminiſtration of his offices, to deſerve the character of an accompliſhed miniſter, and the name of a great man, which is generally given him? If it is ſaid, that he made uſe of his great talents to ſerve the king faithfully, and promote his deſigns, which doubtleſs is the ſole foundation of the encomiums beſtowed on him, it is to be feared, many will not allow that he ought to have ſerved the king in that manner, or that he did him any real ſervice, as the event has ſhewn. The great praiſes therefore given to the earl of Strafford, muſt be conſidered only as a ſenſible proof of the principles of his panegyriſts, who perhaps are very ſorry he ſucceeded no better.

The death of the earl of Strafford was a great, though not the only mortification to the king. After the commons had made this trial of their ſtrength, they reſolved to compleat the reformation of the government, which till now was but commenced. The king, on his part, endeavoured, though in vain, to cool the great ardour of the commons, by granting or promiſing places to ſuch as were moſt agreeable to them. He had made ſir Edward Littleton lord-keeper, in the room of the lord Finch, who was forced to fly. For the ſame reaſon, Dr. Juxon biſhop of London, reſigned his treaſurer's ſtaff, which was to be given to the earl of Bedford. But the earl died whilſt he was earneſtly labouring to procure an agreement between the king and the commons. Oliver St. John, a leading man in the houſe of commons, had been made ſolicitor-general. The lord Cottington was to ſurrender the office of chancellor of the Exchequer in favour of Mr. Pym, and the place of maſter of the wards in favour of the lord Say. The office of ſecretary of ſtate, exerciſed by Windebank, was deſigned for Denzil Hollis. The earl of Eſſex, the lord Kimbolton, and Mr. Hampden, were likewiſe to have places [z]. But the earl of Bedford's death put an end to moſt of theſe projects. The king ceaſed not, however, after the death of the earl of Strafford, to gratify the commons, by making the earl of Eſſex lord chamberlain, having firſt removed the earl of Pembroke; for the earl of Eſſex was a great favourite of the commons. But all this produced not the great alterations expected by the king. The wound was too deep to be cured by ſuch lenities.

The general aim of the parliament was not only to redreſs paſt grievances, but alſo to free the kingdom from the fear of being expoſed hereafter to the like calamities. The king on the contrary, imagined, that by giving or promiſing good places to the leaders of the oppoſite party, he ſhould ſtop their mouths, or render them dumb dogs. But they were too wiſe to fall into the ſnare. They were very ſenſible, theſe places which the king gave or offered to give them, would be always at his diſpoſal, and that when the motive of his giving them ſhould ceaſe, it would be always in his power to turn them out. Beſides, many of them were too conſcientious to ſacrifice the good of their country to their private intereſt. This diſpoſition of the leaders manifeſtly appeared, in that the king's favours were not able to cauſe them to relinquiſh their project, ſo great was their diſtruſt of him. They could not believe that a prince, who had ſo openly diſcovered an intention to eſtabliſh an arbitrary government, had ſuddenly changed his principles and maxims. Nay, what he did in their favour, convinced them of the neceſſity of firmly adhering to their project, plainly perceiving his aim was to divide them.

This project conſiſted, as I ſaid, firſt, in redreſſing all the grievances: Secondly, in taking meaſures to prevent the king from returning to his former courſes. This they laboured with great diligence, after the earl of Strafford's death. Hitherto, they had only prepared matters by votes, expreſſive of their deſign, and by the proteſtation ſubſcribed by both houſes. But they expected to meet in the houſe of peers, with obſtacles ſo much the greater, as the king had there a ſtrong party.

The houſe of peers conſiſted of one hundred and twenty lords, the two archbiſhops, and twenty-four biſhops. Among the firſt, the two princes Charles and James, the duke of Buckingham, and ſeven or eight others, were yet minors; and there were ſome, whoſe age, or infirmities, or affairs, hindered them from being preſent in the parliament. The archbiſhop of Canterbury, the lord Finch, the earl of Strafford, were no longer there at the time I am ſpeaking of; ſo that the biſhops would have made a fifth part of the houſe had it been compleat. But as, according to the lord Clarendon, there were not above fourſcore peers at the earl of Strafford's trial, a third part may be reckoned abſent; and as, on the other hand, there were vacant ſees, the biſhops and popiſh lords may, without a very wrong calculation, be counted about a quarter part of the upper-houſe. As they were all devouted to the king, it is eaſy to perceive, they rendered the king's party very powerful among the lords. Accordingly this was the reaſon which obliged the commons to uſe their utmoſt endeavours to take away their votes in parliament. Moſt of them had now made themſelves odious, by promoting the king's deſigns with all their power, and perſecuting the puritans, and they ſtill continued to obſtruct the deſign of redreſſing the grievances, by the number of their voices in the houſe of peers.

This was the reaſon made uſe of by the leading preſbyterians, who had more ſecret and extenſive deſigns, to induce ſuch members of the church of England as were againſt the king, to ſacrifice the biſhops privilege of ſetting in parliament. They intimated to them, that whilſt the king had ſo many votes in the upper houſe, it would be almoſt impoſſible effectually to labour the redreſs of grievances. That after all, to deprive the biſhops of this privilege, would, inſtead of being detrimental, be rather advantageous to religion, ſince they would thereby be more attached to their ſpiritual functions. That it would be no leſs beneficial to the ſtate, ſince the king would be deprived of a means he had always uſed with ſucceſs, to break the parliament's meaſures.

The oppoſite party to the king in the parliament, conſiſted indeed of puritans, but there were two ſorts, as I obſerved. Some were true preſbyterians. Others were ſtate puritans, that is, perſons whom the court had always conſidered as puritans; not that they were enemies to the church of England, but becauſe their maxims concerning civil government were thought to be founded upon puritan principles. Theſe two ſorts of puritans had been equally oppreſſed the firſt fifteen years of this reign, as well by the court as by the clergy, ſo that the hierarchy was become very odious to the one, and very ſuſpicious to the other. The true preſbyterians earneſtly deſired the utter extirpation of epiſcopacy. The other puritans were extremely incenſed againſt the biſhops and the reſt of the clergy, who had always ſupported and countenanced the king's deſigns. Wherefore they were eaſily perſuaded, that it would be a great ſervice to the ſtate, to clip the wings of the clergy, to the end they might be leſs uſeful to the king. Beſides, though church of England men, they were not of the opinion of thoſe who believed that religion could not ſubſiſt without biſhops, and that epiſcopacy was ſo cloſely united with the monarch, that the one could not be aboliſhed without the deſtruction of the other. So far was the hierarchy from giving them any uneaſineſs, that they would have been very glad to preſerve it, provided the clergy could have been confined to their ſpiritual functions. But they were grieved to ſee the clergy inveſted with a ſecular power, which they abuſed. It muſt be further added that being thus diſpoſed, they ſaw the preſbyterians, who were numerous in the kingdom, and ſupported by the Scots, ſtrenuouſly inſiſt upon taking away the biſhops votes in the houſe of lords. It was dangerous to diſpleaſe them, for a very

[z] The earl of Eſſex was to be governor, and Mr. Hampden tutor to the prince of Wales. And the lord Kimbolton privy-ſeal. Heylin's Obſerv. p. 226. Clarendon, tom. I. p. 200.

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ſtrong reaſon, though the preſbyterians affected to ſpeak the ſtate only, it was well known, that religion was the principal thing they had in view, and that their tranſactions concerning the civil government, tended only to diſable the king from oppreſſing them, if he remained too powerful. Had the king therefore tried to gain the preſbyterians, by offering them reaſonable terms, they might have accepted them, and relinquiſhed the deſign of reforming the civil government, and then the ſtate-puritans would have been at the king's mercy. Union between the puritans was therefore abſolutely neceſſary. For, it was no leſs dangerous for the preſbyterians, that the king ſhould content the ſtate puritans, in which caſe they would infallibly abandoned the preſbyterians.

Both theſe parties therefore ſtood in great need of each other, and it was their intereſt to ſupport one another, for fear the king ſhould take advantage of their diviſion. But he could never reſolve either to grant any terms to the preſbyterian party, or to ſatisfy the politicians. He thereby formed himſelf ſo ſtrict an union between theſe two parties, that they became one and the ſame. The politicians choſe rather out of condeſcenſion to the Preſbyterians, to ſacrifice the biſhops privilege, than be expoſed to the danger of ſeeing themſelves again ſubject to an arbitrary government.

According to theſe diſpoſitions, and the conſequent reſolutions, the houſe of commons equally laboured the redreſs of grievances, and the execution of the deſign againſt the biſhops. Thus the affairs of church and ſtate went hand in hand, ſo that ſcarce a day paſſed, but the commons gave the king ſome mortification, one while by paſſing bills or votes againſt the king's former proceedings, another while by proſecuting the authors of the grievances or innovations; ſometimes by exclaiming againſt the forementioned conſpiracy, and ſometimes by increaſing the yoke of the papiſts.

All this tended to the end propoſed by the oppoſite party to the king. It was ſuppoſed as a thing publicly known, that there had been a ſettled deſign to introduce popery, and that ſome of the biſhops were concerned in the plot. Thus, by accuſing the papiſts of having ill deſigns, and by rigorouſly proſecuting them, this accuſation was made, in ſome meaſure, to reflect on the biſhops and clergy. It was pretended, that the innovations introduced into the divine ſervice, were a conſequence of this deſign, and for that reaſon, by condemning them, the clergy, who had countenanced them, were rendered odious to the people. The accuſations againſt particular perſons, who had been moſt zealous to ſupport theſe innovations, produced alſo the ſame effect. In ſhort, nothing was omitted that could contribute to ſhew the people the neceſſity of reſtoring the government to its natural ſtate, and convince them, that the eccleſiaſtical hierarchy was more prejudicial than neceſſary to the church and ſtate. With theſe two things the commons were taken up for the ſpace of three months, from the death of the earl of Strafford, to the king's journey to Scotland.

Firſt, with reſpect to the ſtate, in this interval it was, that bills were brought in to aboliſh the ſtar-chamber and court of York, to regulate the council-table, to aboliſh ſhip-money, and prevent vexatious proceedings concerning knighthood, againſt illegal impriſonments, and for aſcertaining the bounds and limits of foreſts. Each judge in particular was accuſed. The tax impoſed by the king on the ſhires, for the wages of the muſter-maſter, was declared contrary to law. The conſpiracy to ſeduce the army was likewiſe examined, and Wilmot, Aſhburnham, and Pollard, were expelled the houſe, and committed to priſon. All the patents for monopolies, of which moſt were ſuppreſſed, were brought before the houſe. It was alſo examined, by what means a certain clauſe had been inſerted in the petition of right, concerning tunnage and poundage, and care was taken to regiſter a declaration on that head, to hinder poſterity from being deceived by that ſurreptious clauſe. I paſs over in ſilence ſeveral votes flowing from all theſe articles, or which concerned particular perſons.

As to religion, beſides what was done with reſpect to the papiſts, and of which I have already ſpoken, the commons declared illegal the oath by which miniſters were bound to maintain the hierarchy in the church. A bill was brought in againſt pluraliſts. The canons made by the late convocation were condemned. A bill was paſſed to aboliſh the high-commiſſion. The ſuppreſſion of deans and chapters was voted. Matthew Wren biſhop of Ely was impeached. The proteſtation was ordered to be ſubſcribed by the whole nation. An accuſation was brought to the lords againſt thirteen biſhops, who had aſſiſted at the convocation.

I have but juſt mentioned theſe articles, becauſe a particular account of each ſeemed to me needleſs. I ſhall only add, that there was ſome difference between the two houſes concerning the proteſtation. The lords would have left every man at liberty to ſign it; but did not think proper to uſe compulſion. The commons, on the contrary, looked upon the proteſtation as a Shiboleth, to diſtinguiſh the Ephraimites[a], and at laſt the lords agreed to what the commons defired.

One of the articles of the proteſtation occaſioning ſome diſputes, the commons explained more fully that article, which was thus worded: "I ſwear to defend the true reformed proteſtant religion, expreſſed in the doctrine of the church of England, againſt all popery and popiſh innovations within this realm, contrary to the ſame doctrine." Some perſons inſiſting upon the firſt part of this clauſe, pretended, that there was no other doctrine of the church of England than what is contained in the thirty-nine articles drawn up in the reign of Elizabeth, of which one is "To preſerve the government of the church by archbiſhops, biſhops, deans, &c." Hence they inferred, that thoſe who ſhould take the proteſtation were bound to maintain epiſcopacy. But the commons conſidering the whole clauſe as expreſſed in the proteſtation, declared, "That by theſe words was, and is meant, only the public doctrine profeſſed in the ſaid church, ſo far as it is oppoſite to popery and popiſh innovations; and that the ſaid words are not to be extended to the maintaining of any form of worſhip, diſcipline or government, nor of any rites or ceremonies of the ſaid church of England." This clearly ſhewed what was their intention with regard to the hierarchy.

There was alſo another diſpute between the two houſes concerning the ſtar-chamber. The lords were willing to agree, it ſhould be reformed, but refuſed to conſent to its abolition. Mean while, the commons vigorouſly ſupporting the bill, they had ſent up to the peers, it paſſed at laſt, and the king gave his aſſent the 5th of July.

In this ſame interval, I mean, from the death of the earl of Strafford, to the king's journey to Scotland, there were ſome other tranſactions which it is neceſſary to mention.

The cuſtomers, who had collected the duties impoſed on merchandiſes by the king's ſole authority without conſent of parliament, finding they were like to be attacked, offered of their own accord one hundred and fifty thouſand pounds for an act of oblivion, and their offer was accepted[b].

The lord Digby, ſon of the earl of Briſtol, and member of the houſe of commons, was called by writ to the houſe of lords the 10th of June[c]. In the beginning of this parliament, he had diſtinguiſhed himſelf by his zeal for the redreſs of grievances: but his ſpeech againſt the bill of attainder of the earl of Strafford, made him forfeit the good will of the commons. Whether he was already gained by the king, or on this occaſion firſt joined his party, his majeſty thought proper to ſcreen him from the reſentment of the commons, by calling him to the houſe of peers. He will hereafter appear the king's chief miniſter and counſellor, great enemy to the commons, as they on their part never forgave his defection.

The Iriſh army ought to have been long ſince diſbanded, as there was no occaſion to keep it on foot, and the commons had frequently deſired it of the king. Nevertheleſs, this army ſubſiſted the laſt, though the commons had taken care for their payment. When they came to be diſbanded, the king acquainted both houſes, that the Spaniard having deſired to take this army into his ſervice, and intimated the ſame by his embaſſador, he had promiſed to ſend him four thouſand men. The lords made no ſcruple to agree to the king's engagement. But the commons, ever full of fears and ſuſpicions, thought not proper, that the king ſhould keep theſe troops in the king of Spain's name, who would make them ſerve in the Low Countries, from whence the king might draw them whenever he pleaſed. Beſides, the French embaſſador had deſired the reſt of the army for his maſter, to which the king had alſo conſented. They thought it was an artifice of the king's, to keep this popiſh army which was devoted to him, and on which he could much better rely than on that of England. Wherefore they prayed the king to call in his word.

[a] The declared, That whoſoever ſhould not take the proteſtation, was unfit to bear office in church or common-wealth; and ordered this vote to be printed, and ſent down to every county, city, and borough. Ruſhworth, tom. IV. p. 357.

[b] This petition was delivered to the houſe by the great farmers of tunnage and poundage, namely, ſir Paul Pindar, ſir Abraham Daws, ſir John Worſtenholm, and ſir John Jacob. The petty cuſtomers had the liberty likewiſe to come in upon compoſition, and then have the benefit of the Act of Oblivion. Nalſon, tom. II. p. 256.

[c] The king called the lord Digby to the houſe of lords, at the time the commons expelled him their houſe. His writ was dated the 9th, and he was voted out of the houſe the 10th. Upon his coming to the houſe of lords, he was added to all the ſtanding committees. Nalſon, tom. II. p. 275.

There

They had on this occaſion ſeveral conferences with the lords, where they alleged ſundry reaſons to ſupport their opinion, without expreſſing the true one: but it was eaſily perceived. The king was much diſpleaſed with the commons oppoſition, whether he thought himſelf bound in honour to keep his promiſe, or really intended to preſerve his army by lending it to the kings of France and Spain, in order to uſe it himſelf in caſe of neceſſity. What gives cauſe to ſuſpect he had formed ſuch a project is, that it does not appear the kings of France and Spain had then any great occaſion for theſe troops. Be this as it will, the king, without regarding the commons oppoſition, ſhewed that his intention was to perform his promiſe, and the affair was not yet ended when the king departed for Scotland. Some time after he ſent a meſſage to the lords dated from Edinburgh, wherein he appeared reſolved to ſtand to his engagement, let what would be the conſequence. But the two houſes found means to render his reſolution ineffectual, by publiſhing an ordinance, declaring that whoever ſhould aſſiſt in tranſporting the Iriſh troops into any foreign country, ſhould be deemed an enemy to the ſtate. This ordinance broke all the king's meaſures, not one owner of ſhips being willing to hazard inevitable ruin for his ſake.

The king, as I ſaid, expected that the parliament would grant him an aid capable of enabling him to drive the Scots out of the kingdom. He quickly found his miſtake, and clearly perceived that the Scots were come into England at the ſolicitation of the Engliſh malecontents, and that theſe malecontents were the very perſons who had moſt credit and authority in the two houſes. He judged therefore, that inſtead of thinking any longer of expelling the Scots by arms, he ſhould rather endeavour to agree with them, in order to diſjoin their intereſt from that of the Engliſh, and induce them to diſband their army, which was always ready to ſupport the parliament. When therefore the commiſſioners of the two kingdoms met at London, to continue the treaty of Ripon, they found no reſiſtance from the king, who by granting the Scots firſt demand, plainly ſhewed he was diſpoſed to refuſe them nothing. This demand was, that the king ſhould cauſe to be publiſhed in his name the acts of the parliament of Scotland, as well thoſe which were already paſſed in the firſt ſeſſion, as thoſe which ſhould be paſſed in the ſecond. So great a condeſcenſion on this article, which had been properly the cauſe of the ſecond war, convinced the commons that the king's aim was ſpeedily to get rid of the Scotiſh army, which to him was an incumbrance, but to them was very neceſſary for the execution of their projects: and therefore as the Scotch commiſſioners had a good underſtanding with the commons, they ſo managed that the negotiation of peace was prolonged to the 7th of Auguſt 1641, though the king, by granting whatever was required, removed all difficulties as far as lay in his power.

At laſt, the negotiation being about to end, and nothing more wanting to conclude the treaty but to agree upon ſome articles of little importance, the king permitted the parliament of Scotland to meet, and promiſed to be there in perſon, to paſs ſuch acts as ſhould be judged requiſite. The commons having knowledge of the kings reſolution, entertained ſome ſuſpicion of this journey, and were apprehenſive that the king's deſign was to put himſelf at the head of his army in the north under colour of going to Scotland. They deſired therefore a conference with the lords, and moved that the armies might be diſbanded before the king's departure, and that both houſes ſhould preſent a petition to the king, to pray him to defer his journey. They ſupported their motion with ſeveral arguments, and amongſt others with this, that it was neceſſary to prevent the ſuſpicions of the people, and the deſigns ſome might have, to make uſe of the army to raiſe diſturbances in the kingdom: that beſides, ſeveral bills were ſent up to the lords and not yet paſſed: that others were now under conſideration in the lower houſe, and it was neceſſary the king ſhould give his aſſent to them before his departure [d]. In ſhort, after divers conferences, it was reſolved, with the king's conſent, that he ſhould defer his journey till the 10th of Auguſt, and that two armies ſhould be diſbanded by that time [e]. Nevertheleſs, as the Engliſh army could not be entirely diſbanded before the king's departure, for want of money, the commons deſired a further delay of a fortnight, alleging ſtill the people's jealouſies: but the lords refuſed to concur with them, and the king departed the 10th of Auguſt, as had been agreed [f].

The commons diſtruſt of the king ſtill ſubſiſting, they deſired the concurrence of the peers, that a committee of lords and commoners might be ſent to the parliament of Scotland, to remain there, and inform them from time to time of their proceedings, to which the lords conſented. The perſons named to go commiſſioners into Scotland were the earl of Bedford, the lord Howard of Eſcrick, Nathaniel Fiennes, ſir William Armyne, ſir Philip Stapleton, and John Hampden; and a draught of a commiſſion was ſent by an expreſs to the king to ſign. But the king refuſed it, becauſe he ſaw no neceſſity for ſuch a commiſſion: he conſented however, that the committee ſhould come and attend him in Scotland, to ſee the ratification of the treaty. As the committee were properly deſigned only for ſpies upon the king's actions, both houſes thought fit to ſend them into Scotland, on ſome other pretence. But the earl of Bedford did not go on this ſervice.

Some days after, the houſe of commons came to ſeveral reſolutions againſt the monopoly of ſoap, which was declared illegal. Morever they voted, that the ſentence in the ſtar-chamber againſt certain ſoap-boilers of London ſhould be reverſed, and the judges of that court, who had given their votes in the ſentence, ſhould pay the parties coſts and damages. It was ordered alſo, that inquiry ſhould be made what members of the privy-council had given their conſent to the illegal orders made at the council-table, about the ſoap-monopoly.

As the commons had undertaken to redreſs all grievances, that of the city of London concerning the plantation of Londonderry was likewiſe conſidered, whilſt the king was in Scotland. The houſe paſſed ſeveral votes upon that ſubject, and declaring illegal all the proceedings of the ſtar-chamber, reverſed the ſentence againſt the city of London, as unjuſt, and given by incompetent judges. They declared, that when the king ſhould be pleaſed to repay to the city the money he had received, the patent thereupon granted ſhould be cancelled or ſurrendered.

After that, both houſes reſolved to adjourn from the 9th of September to the 20th of October, that the members might go to their homes, from whence they had been abſent ten months. As ſoon as this reſolution was taken, a great number of both houſes retired into the country, to gain a little more time to repoſe themſelves, ſo that there remained but twenty-two lords in the upper, and a hundred and fifteen members in the lower-houſe. Then ſome one, who was doubtleſs preſbyterian, willing to improve ſo favourable an opportunity, moved, that it was neceſſary to make ſome alterations in the Common Prayer Book. This motion occaſioned a very warm debate. Mr. Hyde, afterwards earl of Clarendon, ſtrenuouſly defended the Liturgy, ſo that, contrary to the expectation of the perſon who had raiſed the debate, nothing was reſolved.

But ſome days after, the affair of innovation in the church was debated, and the houſe paſſed ſeveral votes, declaring that certain innovations ought to be aboliſhed. At the ſame time, the lords, ſeeing that in the lower houſe the authenticneſs of the Common Prayer Book was queſtioned, voted that it ſhould be obſerved as before in all the churches, without any omiſſion or alteration. This begot a conference between both houſes, wherein the commons deſired the lords to conſent to the following declaration, and join with them in the publication thereof.

Declaration of September 8, 1641.

"WHEREAS divers innovations in or about the worſhip of God, have been lately practiſed in this kingdom, by enjoining ſome things, and prohibiting others, without warrant of law, to the great grievance and diſcontent of his majeſty's ſubjects. For the ſuppreſſion of ſuch innovations, and for preſervation of the public peace, it is this day ordered by the commons in parliament aſſembled, that the churchwardens of every pariſh church and chapel reſpectively, do forthwith remove the communion-table from the eaſt end of the church, chapel, or chancel, into ſome other convenient

[d] There were four reaſons delivered to Mr Hollis, to move the king to ſtay his journey into Scotland. The third of which is that referred to here by our author, namely, "The diſtempers and jealouſies of the kingdom are ſuch, that they cannot be compoſed by paſſing ſome acts, unleſs his majeſty ſtay the deſired time." Which words do not ſeem to imply ſo much as our author expreſſes. Ruſhworth, tom. IV. p. 361.—Beſides this, the commons moved, that the king might be deſired to appoint a cuſtos regni, becauſe many emergent occaſions might happen in parliament, where uſe muſt be made of the king's authority. Ibid. p. 360.

[e] They were both diſbanded together, Auguſt 6. Whitelock, p. 47. The coming of the Scots into England, coſt the nation 1,100,000l. beſides damages. Ruſhworth, tom. IV. p. 360.

[f] And came to Scotland Auguſt 14. Guthry's Mem. p. 84. Before his departure, he paſſed ſeveral bills, particularly one for the judges holding their places during life, which was before during pleaſure. Diurn. Occur.

place, and that they take away the rails, and level the chancels as heretofore they were before the late innovations.

"That all crucifixes, ſcandalous pictures of any one or more perſons of the Trinity, and all images of the Virgin Mary, ſhall be taken away and aboliſhed; and that all tapers, candleſticks, and baſons, be removed from the communion-table.

"That all corporal bowing at the name Jeſus, towards the eaſt end of the church, chapel, or chancel, or towards the communion-table, be henceforth forborn.

"That the orders aforeſaid be obſerved in all the ſeveral cathedral churches of this kingdom, and all the collegiate churches or chapels in the two univerſities, or any other part of the kingdom; and in the Temple-church, and the chapels of the other inns of court, by the deans of the ſaid cathedral churches, by the vice-chancellor of the ſaid univerſities, and by the heads and governors of the ſeveral colleges and halls aforeſaid, and by the benchers and readers in the ſaid inns of court reſpectively.

"That the Lord's day ſhall be duly obſerved and ſanctified: all dancing, or other ſports, either before or after divine ſervice, be forborn and reſtrained; and that the preaching of God's word be permitted in the afternoon in the ſeveral churches and chapels of this kingdom, and that miniſters and preachers be encouraged thereunto.

"That in caſe theſe orders be not obſerved, complaints thereof ſhall be delivered in parliament before the 30th of October next.

The lords regarded not the deſire of the commons: but on the morrow, September the 9th, the day appointed for the adjournment, they communicated to the commons, in a conference, an order dated January the 16th, 1640-1, enjoining that divine ſervice ſhould be performed without any alteration, as appointed by acts of parliament; and a confirmation of the ſame order, purſuant to a reſolution taken on the preſent 9th of September, deſiring the commons to concur with them in the publiſhing thereof.

The commons abſolutely refuſed to join in the publication of this order, thinking it unſeaſonable at ſuch a juncture to preſs the rigorous obſervance of the laws concerning divine ſervice, when a great part of the people called for a reformation. Beſides, they knew this laſt order, which confirmed that of the 16th of January, was made when there were but twenty lords in the houſe, and by a majority of two voices only, eleven againſt nine. Then they drew up a declaration, inſerting that of the day before, to which the lords had returned no anſwer, with the order of the peers of the 16th of January, and the confirmation of the ſame order of the 9th of September, with the refuſal of the commons to concur with them, and ordered that their declaration ſhould be printed and publiſhed.

I imagine it will not be amiſs to remark concerning this diſſention between the two houſes, firſt, that paſſion reigned on both ſides, ſince the time of making theſe two motions was by no means convenient, there not being above the fifth part of the members preſent in each houſe.

Secondly, That there was a great difference in the two points in queſtion, with reſpect to their importance. One concerned the preſervation of the public worſhip and Book of Common Prayer, appointed by the laws ſince the reformation, but wherein however many people ardently wiſhed great alterations might be made, nay, deſired they might be entirely ſuppreſſed, whilſt the reſt of the nation believed them abſolutely neceſſary. This was a thing of ſuch conſequence that, it ſeems, nothing ought to have been decided for or againſt it but upon mature deliberation, and when both houſes had their uſual number of members. For this reaſon, if the motion for making alterations in the Liturgy had been approved in the lower houſe, doubtleſs the lords would have juſtly oppoſed it, and refuſed their concurrence. But on the other hand, as the commons had taken no reſolution, there does not ſeem to have been any neceſſity for the lords to renew their order of the 16th of January, which remained in force, and wanted not that confirmation; nay, it appeared that this order was renewed only out of ſpleen, becauſe the commons had made a declaration againſt innovations. Had the lords been ſatisfied with refuſing their conſent to the commons declaration of the 8th of September, there would have been nothing to object. But in refuſing to return any anſwer to the commons, and renewing withal their order of the 16th of January, they diſcovered that they acted out of ſpleen and revenge, and it was not doubted but the biſhops were the chief authors of the renewal of the order.

The ſecond point, which concerned the innovations, was not of the ſame importance. The queſtion was only to know whether they were really innovations, and if ſo, whether illegal or dangerous to religion. But this was a thing not to be debated in ſuch a juncture, when both houſes were going to be adjourned, and moſt of the members already retired into the country: ſo the lords might have refuſed their conſent to the votes of the commons, though it had been only on pretence of the thinneſs of both houſes. But in returning no anſwer to the commons, they ſhewed in ſome meaſure that they approved of theſe innovations, which had ſo long been an occaſion of complaints and murmurs in the kingdom.

The ſame day, before the adjournment, the commons appointed a committee of forty-three[e], to take care, during the receſs, of the moſt weighty and urgent affairs. The lords appointed a committee alſo, conſiſting but of ſeven peers, which done, both houſes adjourned to the 20th of October.

During the receſs, the committee, which had followed the king into Scotland, ſent word to the committee of the houſe of commons, that there was a ſort of conſpiracy in Scotland, and that the aim of the parties concerned ſeemed to be to interrupt the proceedings of the parliament of that kingdom, and to deſtroy the marquis of Hamilton, the earl of Argyle, and the earl of Lanerick. As the committee received this notice but two days before the meeting of the parliament, they only ordered the lord mayor of London to place convenient guards in ſeveral places of the city, fearing that the conſpirators of Scotland might have correſpondents in England, to diſturb at the ſame time the peace of the kingdom.

The parliament being met the 20th of October, Pym made a report to the houſe of what the committee had done during the receſs. Whereupon the commons deſired a conference with the lords, where they repreſented to them:

"1. That a letter from the committee in Scotland gave ground to think, that when there was a deſign in England to ſeduce the king's army and interrupt the parliament, that there was the like deſign at that time in Scotland.

"2. That the principal party named in that deſign in Scotland, the lord Crawford, is a perſon ſuſpected to be popiſhly affected; and therefore may have correſpondence with the like party in England.

"3. That it has been lately publiſhed in England, that ſome things were to be done in Scotland before it broke out there. Therefore we may ſuſpect ſome correſpondence here.

Upon theſe grounds the commons propounded to the lords, that a ſtrong guard ſhould be kept in the cities of London and Weſtminſter, and care taken for the defence of the whole kingdom, and that an expreſs meſſenger be ſent to the committee of both houſes in Scotland, to acquaint them that the parliament of England was ready to give the Scots all neceſſary aſſiſtance againſt thoſe who ſhould diſturb the peace.

The lords approving of theſe propoſals, inſtructions were ſent to the committee agreeable to the commons deſires.

The ſame day, the 20th of October, both houſes deſired the earl of Eſſex, whom the king had made general on the ſouth of the Trent, to place a guard at Weſtminſter, for the ſecurity of the parliament, which was accordingly done. This Scotiſh conſpiracy made a great noiſe at that time: but it was not poſſible to diſcover it fully. See what Burnet ſays of it, in his Memoirs of the duke of Hamilton.

"A gentleman, not known to the marquis of Hamilton, brought him and the earl of Argyle the diſcovery of a plot; which, he ſaid, was laid for their lives and the earl of Lanerick's, which he ſaid he could juſtify by one witneſs, who was invited to the execution of it: he told alſo a long formal ſtory of the perſons to be actors, of the time, place, and manner; and ſaid it was to be executed that very night. This the marquis carried to the king, without naming particulars, which could not be done ſafely by the law of Scotland, ſince he had but one witneſs to prove them by. The king deſired him to examine the thing to the bottom, and bring him what further evidence he could find. In the evening other preſumptions were brought to the marquis, but no clear evidence: however, the matter was got abroad, and in every body's mouth, ſo that all who depended on theſe lords came about them in great numbers: and thoſe on whom the deſign was faſtened, gave out it was a forgery to make them odious, and gathered alſo together. The marquis hearing this did not ſtir out of doors, leſt ſome of their too officious followers ſhould raiſe tumults; and next day, in the evening, he, with the earl of Argyle, and his brother the earl of Lane-

[e] Ruſhworth names forty-ſeven, tom. IV. p. 386.

biſhop

rick, and half a dozen ſervants, went out of town to his houſe of Keneel, twelve miles from Edinburgh, and ſent his excuſe to his majeſty, with an account of the reaſons. Upon this many diſcourſes went about, people of all ſides paſſing conſtruction as they were affected: but the parliament took the whole matter into conſideration. Thoſe who had given the information, owned what they had ſaid, and thoſe on whom the plot was fixed did as poſitively deny all; ſo that no clear proof being brought, the parliament could come to no other deciſion, but that the lords had good reaſon to withdraw themſelves; and ſo they were invited to return to their place in parliament [f]."

There is however in the lord Clarendon's hiſtory, a particular which may give ſome light to this affair. The earl of Montroſe told the king, that the marquis of Hamilton was falſe to him, and even offered to rid him of this ſecret enemy; but the king abhorred the expedient. Perhaps the earl of Montroſe thought he ſhould do the king a pleaſure in having the marquis aſſaſſinated, and mentioning it to ſome perſon, the ſecret was divulged. However this be, the commons of England it ſeems, were extremely jealous of the king, or at leaſt they did their utmoſt to inſpire the people with diſtruſt; for their fear was grounded but upon very ſlight preſumptions and a bare poſſibility that this pretended plot againſt three Scotch lords could have any influence in England.

The next day, a complaint was made to the commons againſt ſome perſons for not obeying the declaration of the 9th of September, publiſhed by order of the houſe. As the affair was debated with great warmth, ſir Edward Deering made a ſpeech, which I think proper to inſert, to ſhew that it was not without ground that the commons were accuſed of exceeding their power in publiſhing their declaration, without obtaining the concurrence of the lords.

"Mr. Speaker,

"IT is very true (as is inſtanced unto you) that your late order and declaration of the 8th and 9th of September, are much debated and diſputed abroad; perhaps it may be a good occaſion for us to re-diſpute them here.

"The intent of your order to me ſeems doubtful, and therefore I am bold, for my own inſtruction, to propound two queries.

"1. How far an order of this houſe is binding?

"2. Whether this particular order be continuant, or expired?

"Your orders, (I am out of doubt) are powerful, if they be grounded upon the laws of the land: upon that warrant we may, by an order, enforce any thing that is undoubtedly ſo grounded, and by the ſame rule we may abrogate whatſoever is introduced contrary to the undoubted foundation of our laws. But, ſir, this order is of another nature, another temper, eſpecially in one part of it, of which (in particular) at ſome other time.

"Sir, there want not ſome abroad, men of birth, quality, and fortune, ſuch as know the ſtrength of our votes here as well as ſome of us (I ſpeak my own infirmities), men of the beſt worth, and of good aſſiſtance in us, and no way obnoxious to us: they know they ſent us hither as their truſtees, to make and unmake laws; they know they did not ſend us hither to rule and govern them by arbitrary, revokable, and diſputable orders, eſpecially in religion. No time is fit for that, and this time as unfit as any: I deſire to be inſtructed herein.

"Mr. Speaker, in the ſecond place there is a queſtion, whether this order (whereupon the preſent complaint is grounded) be permanent and binding, or elſe expired, and by ourſelves deſerted? I obſerve, that the order being made the 8th of September, in hope then of concurrence therein by the lords; that failing, you did iſſue forth your laſt reſolution by way of declaration, wherein thus you expreſs yourſelf: 'That it may well be hoped, when both houſes ſhall meet again, that the good propoſitions and preparations in the houſe of commons, for preventing the like grievances, and reforming the diſorders and abuſes in matters of religion, may be brought to perfection: wherefore you do expect that the commons of this realm do in the mean time (what, obey and perform your order made the day before? No ſuch thing, but in the mean time) quietly attend the reformation intended.'

"Theſe are your words, and this my doubt upon them, whether by theſe words you have not ſuperſeded your own order? Sure I am, the words do bear this ſenſe, and good men may think and hope it was your meaning.

"My humble motion therefore is this, I beſeech you to declare, that upon this our reconvention, your order of the 8th of September is out of date; and that the commons of England muſt (as you ſay) 'Quietly attend the reformation intended;' which certainly is intended to be perfected up into acts of parliament. And in the mean time, that they muſt patiently endure the preſent laws, until you can make new, or mend the old."

The 22d of October, the bill for diſabling perſons in holy orders to exerciſe temporal juriſdiction was again debated, and ſeveral ſpeeches made pro and con. At leaſt it was reſolved to proſecute the biſhops who had aſſiſted at the late convocation, and to puſh the bill for excluding the biſhops from their votes in parliament. To that end the houſe deſired a conference with the lords, where Pym and St. John explained the demands of the commons, with the reaſons to ſupport them. Pym ſpoke firſt in this manner:

"My lords,

"THE parliament, the fountain of juſtice, ought to be preſerved pure from corruption and free from partiality, which will add not only luſtre, reputation, and honour, but authority to what is done in parliament: all men's eſtates and liberties are preſerved under the ſafe-cuſtody of parliament; this moveth us to be careful of any thing that may prejudice the parliament in point of freedom and integrity.

"Therefore the knights, citizens, and burgeſſes of the houſe of commons have commanded me, with my collegue, to repreſent unto your lordſhips two propoſitions, which they hold of very great importance and neceſſity to be put in execution at this time.

"Firſt that thoſe thirteen biſhops which ſtand accuſed before your lordſhips for making the late Book of Canons, and putting them in execution, may be excluded from their votes in parliament.

"Secondly, that all the biſhops may be excluded from having any vote in that act, come from the houſe of commons to your lordſhips, entitled, An Act to take away the Biſhops Votes in parliament, &c.

"That which concerneth the thirteen biſhops falleth to my charge to open, as I am commanded to tell your lordſhips, that it ſtandeth not with honour and with juſtice, that theſe biſhops ſhould have votes, ſtanding thus charged with the breach of truſt, and of the higheſt truſt, againſt the prerogative of the king, againſt the privilege of the parliament, againſt the property of the ſubject, and againſt the peace of the kingdom: theſe are the jewels that are depoſed under the truſt and ſafe-guard of parliament, and all theſe have been broken; and this appeareth by the making of the new canons, voted by your lordſhips to be againſt all theſe truſts.

"That theſe perſons have been parties to the breach of this truſt, that will appear by the journals of the convocation, which are now in the country, and may be ſent for; the entry of the book is, that all the thirteen biſhops were parties, and did confirm and ſubſcribe theſe canons; therefore it is hoped by theſe canons, that thoſe that have aſſumed to themſelves a legiſlative power, whereby they have, as much as in them lies, rooted out the foundation of parliament, that they ſhould have no intereſt in the legiſlative power at all in parliament.

"Next, that thoſe that have deprived the ſubjects of thoſe good laws that are already made for them, that they ſhould have no intereſt or part making future laws for the ſubject; this they conceive ſtandeth with a great deal of equity and juſtice, which is one reaſon to deſire they ſhould be excluded from their votes in parliament.

"Next is the heinouſneſs of their offence. It is very fit they ſhould be innocent men, and faithful men, that ſhould have the exerciſe of ſo great a thing as it is; much leſs then ſhould they be delinquents of ſo high a nature, actors in the ſubverting of the laws of the realm, that they ſhould continue their votes and places in parliament: and that their delinquency may the better appear, you are deſired to read the votes paſſed in the houſe of commons (nullo contradicente), and with which the lords have concurred and agreed.

Then the votes, concerning the making of the ſaid canons, were read by Mr. Goodwin.

[f] Biſhop Guthry ſays, that this was but a pretended plot; and that the deſign of the earls of Argyle, Hamilton, and Lanerick was only to make a public rupture; preſuming that, upon their removal, the parliament ſhould preſently have broken up, which therefore the king took care to prevent it. Memoirs, p. 88.

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And then Mr. Solicitor St. John proceeded to this effect:

"That he was in the next place to preſent ſome reaſons and precedents concerning the biſhops not having their votes touching the bill, entitled, an act to take away the biſhops votes in parliament, etc.

"1. Becauſe they have no ſuch inherent right and liberty of being there, as the lords temporal and peers of the realm have; for they are not there repreſentative of any body elſe; no, not of the clergy; for if ſo, then the clergy were twice repreſented by them, viz. in the lords houſe, and in the convocation: for their writ of election is to ſend two clerks, ad conſentiendum, etc. Beſides, none are there repreſentative of others, but thoſe that have their ſuffrages from others; and therefore only the clerks in the convocation do repreſent them.

"2. They have not the inherit right of peerage as the lords have, becauſe in ſome things they cannot do that there, which the lords may do in caſe of treaſon and matter of blood: upon trial of any peer they have no liberty of vote: which could not be taken away by any canon, if their right of voting there were inherent.

"If they were repreſentative of the clergy, as a third eſtate and degree, no act of parliament could be good if they did wholly diſaſſent, and yet they have diſaſſented, and the law good and in force, as in the act for eſtabliſhing the Book of Common Prayer in queen Elizabeth's time; they did diſaſſent from the confirming of that law, which could not have been good, if they had been a third eſtate and diſaſſented.

"4. The king may hold his parliament without calling the biſhops at all to it, as hath been adjudged by all the judges of England, 7 Henry VIII. occaſioned by the convocation's citing one Dr. Standiſh, for ſpeaking of words againſt their power and privilege as they conceived: in that caſe all the judges of England, in the preſence of the king, declared, that the king might hold his parliament without calling them at all.

"So 25 Edward I. in reſpect the prelacy would not agree with the reſt of the kingdom in granting a reaſonable and neceſſary aid and ſupply, they were excluded in the parliament at Carliſle: and before that parliament an act paſſed againſt ſeveral oppreſſions of the abbots, priors, and biſhops upon the inferior clergy of the kingdom, by purveyance, and ſetting of high prices, etc. to be collected; and ſix or ſeven acts more, all to this purpoſe, concerning the carriage of the prelates to the inferior clergy; ſo that when themſelves were concerned they were excluded their votes.

"In all theſe records of the matter concerning the clergy the entry is, that the king, habito tractatu, etc. with the earls, the barons, and other the nobles, etc. hath agreed to this act; or, by the aſſent of the earls, barons, and other lay people; which ſhews that the biſhops did not conſent; for if they had, they ſhould have been firſt named before the earls and barons: for the order of naming the degrees of nobility in all ancient records, is prelates, earls, and barons.

"Thus 3 Richard II. there being proviſion the pope ſhould not make preſentation, etc. it is ſaid, that the petition of the commons was aſſented unto by the king and the lords temporal, and was always eſteemed a firm act of parliament, notwithſtanding the biſhops oppoſed the ſame."

This affair was carried no farther at that time, doubtleſs by reaſon of the obſtacles which occurred in the upper houſe where the biſhops gave their voices to decide whether they were to vote or not. But it was reſerved for another time[g].

The grievances being almoſt redreſſed, the parliament ſeemed to have little more to do. But the diſtruſt with regard to the king being very great, the leaders of the oppoſite party to the king believed, the redreſſing of paſt grievances was not ſufficient; they had a mind alſo to prevent the like for the future, by diſabling the king to abuſe his power. It can hardly be denied that this deſign was founded upon reaſons very plauſible, and apt to gain the conſent of thoſe who had only the welfare of their country in view: for if the king, whilſt he was inveſted with all the prerogatives allowed him by the law, had abuſed his power to eſtabliſh an arbitrary government; if he had purſued the execution of this deſign fifteen years together; if he had deſiſted but by a ſuperior force obliging him to call this parliament, how could it be thought that he would change his principles and maxims, if left in poſſeſſion of the ſame power which had ſerved him to execute his project? Now there were ſcarce any of the members of both houſes, I ſay even of thoſe who were moſt attached to the king, but what were convinced that the conſtitution had been greatly endangered of late years. See what the lord Clarendon ſays on this occaſion, in his Hiſtory of the Civil Wars:

"For the better ſupport of theſe extraordinary ways, and to protect the agents and inſtruments who muſt be employed in them, and to diſcountenance and ſuppreſs all bold enquiries and oppoſers, the council-table and ſtar-chamber enlarge their juriſdictions to a vaſt extent. The council-table by proclamations, enjoining the people what was not enjoined by the law, and prohibiting that which was not prohibited; and the ſtar-chamber cenſuring the breach and diſobedience to thoſe proclamations by very great fines and impriſonment; ſo that any diſreſpect to any acts of ſtate, or to the perſons of ſtateſmen, was in no time more penal; and thoſe foundations of right, by which men valued their ſecurity, to the apprehenſion and underſtanding of wiſe men, never more in danger to be deſtroyed."

If the perſons moſt devouted to the king, as was the earl Clarendon, had ſuch ſentiments, we may eaſily judge what others thought, and whether they had reaſon to believe that the redreſs of paſt grievances was a ſufficient ſecurity for the time to come.

But, on the other hand, it cannot be denied that there were in the parliament, men who were brooding ſecret deſigns againſt the government of the church, and that theſe men thought the diminution of the regal power was abſolutely neceſſary to the execution of their deſigns, knowing the king would ever oppoſe them, as long as he was cloathed with his uſual authority. But it cannot be inferred from their uſing the forementioned reaſons to inflame the parliament's diſtruſt of the king for a private end of their own, that therefore theſe reaſons were bad. On the contrary, we may venture to aſſert it was ſolely by the weight of theſe reaſons that the preſbyterians, whoſe number was inconſiderable in the parliament and kingdom, prevailed at laſt to perſuade the reſt of the parliament of the neceſſity to reſtrain the king's power. If theſe reaſons had not been capable of convincing the leaſt prejudiced minds, they would never have ſucceeded in cauſing the parliament to take the reſolutions that will hereafter appear. For what intereſt could the major part of the members of parliament have, to alter the conſtitution of church and ſtate, if the paſt had not afforded them a juſt occaſion to fear for the future?

From what has been ſaid there reſult two opinions, which have divided and ſtill do divide all England. The firſt aſcribes to the commons in general, and to ſeveral peers, the private end deſigned by the preſbyterians: the followers of this opinion will not allow that moſt of the members propoſed to themſelves a juſter end in all their proceedings againſt the king. Thoſe who embrace the ſecond opinion, refuſe alſo to admit of this diſtinction of ends and principles: they pretend that the oppoſite party to the king always acted upon motives of equity, juſtice, and love of their country. For my part I ſhall make no ſcruple to ſay, that I think both theſe opinions very groundleſs. I can never believe that the greateſt part of the members of this parliament, who, even by the confeſſion of the king's friends, had at firſt no deſire to make any alterations in the conſtitution of the church or ſtate, ſhould ſuffer themſelves to be corrupted by a ſmall number of other members, whoſe views and deſigns they were not ſo ignorant of, as to be wholly guided by their directions. Neither can I think that they ran into the project of ſubverting church and ſtate out of lazineſs, ignorance, ſtupidity, or that they fell into all the ſnares the others were pleaſed to lay for them, as the lord Clarendon inſinuates. I rather believe they weighed the reaſons which were to engage them to maintain the civil and eccleſiaſtical conſtitution, with the danger of leaving it in its natural ſtate, and that this danger appeared to them ſo great, that, to prevent it, they reſolved to agree to the alterations intended by the preſbyterians.

On the other hand, I can as hardly believe that they who took ſo much care to cheriſh diſtruſt between the king and the parliament, who were always ready to give an ill turn to all the kings words and actions, who, inſtead of healing, inflamed the wound; that theſe men, I ſay, ſhould have in view only juſtice and the good of their country: eſpecially as they were ſeen to practice all methods to accompliſh their private end, I mean the change of the government of the church, in which the reſt of the parliament had no intereſt;

[g] July 9, it was propoſed by ſome of the commons, that the biſhops lands might be put into the hands of feoffees, nine of the laity and three of the clergy in every dioceſe; and the reſt of the lands belonging to deans, etc. to be employed for the advancement of learning, and the biſhops to have a liberal allowance during life. Ruſhworth, tom. IV. p. 348.

nay,

nay, rather it would have been their intereſt to oppoſe it, had they not dreaded a greater miſchief.

If therefore a man blindly follows either of theſe two opinions, without any limitation, he will never be able to give a juſt notion of this parliament's conduct. It is as difficult to believe, that a whole parliament, or at leaſt the greateſt part of the members, may combine together to ſubvert the government of the church and ſtate, as it is to conceive that all theſe ſame members may have acted only upon diſintereſted motives, and with the ſole view of procuring the welfare of the ſtate in ſuch a juncture. This, however, is the error into which almoſt all the Engliſh hiſtorians have fallen. They have all embraced one or other of the two opinions, the ſpirit of party not ſuffering them fairly to conſider the ſeveral motives, on which the members of this parliament proceeded, and this has begot great obſcurity in all they have ſaid upon the ſubject. The trueſt and moſt probable hypotheſis, in my opinion, is briefly this:

The king had given great occaſions of complaint to his ſubjects, during the firſt fifteen years of his reign. It is no wonder, therefore, that he had made himſelf many enemies, who earneſtly wiſhed to have the government reſtored to its natural ſtate. Among theſe enemies, the preſbyterians, who beſides the common, had their private grievances, were the moſt eager. They deſired not only to diminiſh the king's power, that he might not be able to hurt them, but alſo to ſubvert the eccleſiaſtical hierarchy, and eſtabliſh the preſbyterian government, in which they were ſupported by the Scots. The king being obliged to call this parliament againſt his will, there were few members but what were diſpoſed to redreſs paſt grievances, and prevent the like for the future. Even they who were not enemies to the king, were in this diſpoſition, and it may be affirmed, that this was the general ſentiment of the members at the beginning of the parliament. But even, among thoſe who deſired the redreſs of grievances, there were two different ſentiments. Some were for ſtopping at the redreſs of grievances, without proceeding any farther, believing, that would be ſufficient to hinder the king from attempting a ſecond time ſo unſucceſsful an enterprize. This was the king's ſentiment, as well as of many members of both houſes. Others were not only for redreſſing grievances, but alſo for taking proper meaſures to prevent the like miſchiefs for the future. The preſbyterians were of this number; but they had alſo more extenſive views, and more hidden deſigns, namely, to introduce the preſbyterian government into the church. To accompliſh that end, it was neceſſary to deprive the king of a power, which they foreſaw he would not fail to exert, in oppoſition to their deſign; and there was no better way than by cheriſhing the parliament's diſtruſt, to which the members, for the moſt part, were already but too much inclined. They had therefore only to gain a ſufficient number of thoſe, who were willing to ſtop at the redreſs of grievances, and nothing was more proper to obtain their concurrence than to fill them with fears and ſuſpicions. This was the reaſon that ſuch care was taken to aggravate the plot for ſeducing the army, to dwell continually upon the pretended deſign of bringing them to London, to ſpread a report, that a French army was going to land and ſeize Portſmouth with the king's conſent, and I know not how many other rumours, equally improbable. This was the cauſe of ſo many efforts to exclude the biſhops from the upper-houſe, in order to leſſen, as much as poſſible the party of thoſe who were for ſtopping at the redreſs of grievances. This likewiſe was the reaſon, that ſo many mortifications were given the king, to induce him to take ſome meaſures, which ſhould give an advantage againſt him, and be apt to convince the more moderate, that it was dangerous to leave him in poſſeſſion of his whole power. It is not therefore very ſtrange, that many of thoſe who were againſt carrying things to extremities, ſhould in the end be prevailed on, by the fears and ſuſpicions they were continually inſpired with. To confirm themſelves in their ſentiment, they had no other ground than their confidence in the king's word, againſt which there were unanſwerable objections, as for inſtance, the violation of the petition of right.

By theſe direct and indirect means, the preſbyterians at length ſucceeded in gaining a ſufficient number of votes to give them the ſuperiority in the houſe of commons, at leaſt, as to the deſign of diminiſhing the king's power. When this party was grown ſuperior, their oppoſers endeavoured in vain to curb their fury. On the other hand, the king himſelf fell into the ſnares laid for him, and took meaſures, which, as will hereafter appear, made him loſe a great number of thoſe who had hitherto appeared the moſt moderate. The following paſſage of the lord Clarendon's hiſtory, will ſerve to illuſtrate this matter.

"I know not how theſe men have already anſwered it to their own conſciences, who having aſſumed their country's truſt, and it may be, with great earneſtneſs laboured to procure that truſt, by their ſupine lazineſs, negligence, and abſence, were the firſt inlets to thoſe inundations; and ſo contributed to thoſe licences which have overwhelmed us. For by this means a handful of men, much inferior in the beginning, in number and intereſt, came to give laws to the major part; and to ſhew that three diligent perſons are really a greater and more ſignificant number than ten unconcerned, they, by plurality of voices, in the end, converted or reduced the whole body to their opinions. It is true, men of activity and faction in any deſign, have many advantages that a compoſed and ſettled council, though induſtrious enough, uſually have not; and ſome that gallant men cannot give themſelves leave to entertain, even for the prevention of all the miſchief the others intend."

The earl of Clarendon grants, that a handful of men, at firſt much inferior in number and credit, converted in the end the whole houſe to their opinions. But as he was a zealous advocate for the king, he took care not to aſcribe the ſucceſs of this handful of men, to the weight of the reaſons which they alleged to the others to reduce them to their ſentiments. It was requiſite, however, to give ſome reaſon of it, and he found no better, than the lazineſs, negligence, and unconcernedneſs of the king's friends, and the vigilance of the others. I do not know whether this reaſon will be capable to ſatisfy the impartial.

This, as I verily believe, is the true hypotheſis which ought to be eſtabliſhed, in order to give a clear idea of the conduct of this parliament; and I hope this digreſſion will not be unſerviceable for the better underſtanding of the ſequel.

The parliament ſeemed to have nothing more to do, all the grievances being in a manner redreſſed, and the armies diſbanded. But after what has been ſaid, it will not doubtleſs be thought ſtrange, that the houſe of commons ſhould order the committee, which at the beginning of the parliament, was charged with preparing a remonſtrance of the ſtate of the kingdom, to reſume and finiſh that work. Nothing would have been more needleſs than ſuch a remonſtrance, after the grievances were redreſſed, if it had not been intended on purpoſe to quarrel with the king, and afford a pretence to defer to another time the ſettling his revenues, which was the only thing that remained to be done, and which the king expected. I have already obſerved, there was a party in the parliament, who meant not to ſtop at the redreſs of grievances. It was this party that cauſed the remonſtrance to be reſumed, in expectation the king would be diſpleaſed with it, and take ſome ſtep that ſhould promote the execution of their project.

But whilſt this remonſtrance was preparing, an affair of ſuch conſequence unexpectedly happened, that the commons were obliged for a time to lay aſide all other buſineſs. I mean the Iriſh rebellion, the news whereof came to London the 1ſt of November 1641.

Since the end of queen Elizabeth's reign, when Tir-Owen's rebellion was happily quelled, the Iriſh had lived peaceably under the dominion of James I. and Charles I. Not but that the lords deputies had always an eye over them, conſidering them as men, whoſe fidelity was very ſuſpicious: however, they had at leaſt no occaſion to complain, that they were worſe uſed than in the former reigns. As to their religion, it is eaſy to imagine, they had ſuffered no new troubles under theſe two princes, who thought of nothing leſs, than of perſecuting the catholics. Nevertheleſs, in March or April this year 1641, the Iriſh formed the project of caſting off the Engliſh yoke, of ſeizing upon all the fortified places, and of cutting the throats of all the Engliſh throughout the whole kingdom. The day appointed for executing this bloody deſign, was the 23d of October, on which day, they were to riſe all over the iſland. The deſign was really executed, as projected, and it is ſaid, on that and the following days, above forty thouſand Engliſh proteſtants were maſſacred by the Iriſh. But the project of ſeizing the ſame day upon the caſtle of Dublin, where was a great magazine of proviſions and ſtores, was diſcovered by Owen O'Conally, the night before, and prevented by the diligence of the lords juſtices of Ireland, who governed in the abſence of Robert Sidney, earl of Leiceſter, who had been appointed lord-lieutenant ſome months before, and was yet in England.

This news being communicated to the commons by the lords of the privy-council, filled the houſe with conſternation and terror, and at the ſame time with indignation againſt the rebels. They immediately turned themſelves into a grand committee, and paſſed the following reſolves:

That 50,000l. ſhall be forthwith provided for the ſervice of Ireland.

That a conference be had with the lords to move them, that a ſelect committee of the members of both houſes may be appointed to go to the city of London, and propoſe unto them the loan of that ſum.

That a ſelect committee of both houſes may be named to conſider of the affairs of Ireland, and of the ſending of men and ammunition from hence into that kingdom.

That Owen O'Conally, who diſcovered this great treaſon in Ireland ſhall have 500l. preſently paid him, and 200l. per annum penſion, until proviſion be made for an inheritance of greater value.

That the cuſtody of the Iſle of Wight be taken for the preſent from the lord Weſton, ſuſpected of being a catholic, and ſequeſtered into another hand.

That the perſons of papiſts of quality in the ſeveral counties of this kingdom, where ever they reſide, may be ſecured.

That the lords be deſired to join concerning the diſſolution of the houſe of Capuchins, and the ſpeedy ſending them away, according to the former deſires of this houſe.

That the embaſſadors may be ſent to from both houſes to deliver up ſuch prieſts of the king's ſubjects as are in their houſes.

That a liſt be brought in of the queen's prieſts, and other her ſervants.

That a proclamation be iſſued forth, commanding all ſtrangers that are not of the proteſtant religion, to deliver in tickets of their names, and an account of their ſtay here, within two days after the iſſuing forth of the ſaid proclamation, or elſe to depart the kingdom forthwith, &c.

The lords agreed to the propoſed loan, and named ſome of their members to form a committee of both houſes. Whereupon the commons appointed fifty-two to meet the lords, and to be a ſtanding committee for the affairs of Ireland.

Two days after the commons voted again,

That the houſe holds fit that 20,000l. be forthwith ſupplied for the preſent occaſions of Ireland.

That a convenient number of ſhips ſhall be provided for the guarding of the ſea-coaſt of Ireland.

That ſix thouſand foot, and two thouſand horſe ſhall be raiſed with all convenient ſpeed for the preſent expedition into Ireland. And that the lord-lieutenant ſhall preſent to both houſes of parliament, ſuch officers as he ſhall think fit to ſend into Ireland, to command any forces to be tranſported thither.

That the magazines of victuals ſhall be forthwith provided at Weſt-Cheſter, to be ſent over to Dublin, as the occaſions of that kingdom ſhall require.

That the magazines of arms, ammunition, powder, now in Carliſle, ſhall be forthwith ſent over to Knockfergus in Ireland.

That it be referred to the king's council to conſider of ſome fit way, and to preſent it to the houſe, for a publication to be made of rewards to be given to ſuch as ſhall do ſervice in this expedition into Ireland, and for a pardon of ſuch of the rebels as ſhall come in by a time limited, and of a ſum of money to be appointed for a reward of ſuch as ſhall bring in the heads of ſuch principal rebels as ſhall be nominated.

That letters ſhall be forthwith ſent to the juſtices in Ireland, to acquaint them how ſenſible this houſe is of the affairs of Ireland.

That the committee of Iriſh affairs ſhall conſider how, and in what manner this kingdom ſhall make uſe of the friendſhip and aſſiſtance of Scotland in the buſineſs of Ireland.

That directions ſhall be given for the drawing of a bill for the preſſing of men, for this particular of Ireland.

Some days after both houſes publiſhed a declaration, to acquaint the public that they had reſolved to aſſiſt the king with all their power to reduce the Iriſh rebels.

The king, who was ſtill in Scotland, had received intelligence of what had paſſed in the north of Ireland [h], but did not know that the Iriſh had miſcarried in their deſign upon the caſtle of Dublin. He immediately communicated his intelligence to the parliament of Scotland, and demanded their aſſiſtance. The parliament replied, "That Ireland being dependent on the crown of England, and his majeſty having already writ to the parliament of England, and ſent to Ireland for farther information, no other courſe could be taken, and the rather as the parliament of England might conceive jealouſies; but that after fuller information, if the Engliſh ſhould think the aſſiſtance of Scotland neceſſary, it ſhould be ready, as ſoon as England."

The rebellion daily increaſed. The Engliſh themſelves of the Pale joined with the Iriſh, having pretended for ſome time to be attached to the intereſt of England. Theſe Engliſh of the Pale were deſcendants of the ancient conquerors of Ireland, who ſettled there in the reign of Henry II. and who at the time of the reformation continued in the Roman catholic religion. It was therefore neceſſary to ſend a ſtrong force into Ireland to reduce the rebels to obedience. And yet, though the letters from the lords juſtices for aſſiſtance were frequent and preſſing, though the rebels continually increaſed in number and ſtrength, though the king moſt earneſtly preſſed both houſes to ſend men, money, and ammunition to Ireland, though the parliament ſhewed an extreme deſire to reduce that kingdom, it is certain that the ſuccours ſent thither, were but ſmall and fitter to continue than end the war. It would doubtleſs be thought ſtrange to ſee ſo much ardour in words, and ſo little deſire to ſhew it in deeds, if the reaſons of this conduct was not known. And therefore it will be requiſite to explain it.

The diſpoſition of the houſe of commons, whilſt the king was in Scotland has been before ſhewn. A reſolution was taken to diveſt him of part of his power. The views of ſome were only to hinder him from abuſing it for the future. Others added to this motive, the deſign of rendering him unable to oppoſe the change they were meditating, with reſpect to the government of the church. The order of the houſe to the committee to prepare the remonſtrance of the ſtate of the kingdom, was a clear evidence, they had ſome ſecret deſign which would ſhew itſelf in due time. Whilſt meaſures are taking to execute this deſign, the Iriſh riſe in rebellion, at a time when they ſeemed to have the leaſt reaſon, ſince the government had never been more gentle to them than in the preſent reign. They maſſacre in cold blood above forty thouſand Engliſh proteſtants [i], and unfortunately for the king, ſpread a report that they had his authority for what they did. They call themſelves the queen's army, and diſperſe all over the kingdom copies of a ſuppoſed commiſſion, under the great ſeal, which they pretend to have from the king to authorize them to take up arms. It cannot be denied that all this was capable of making impreſſions on the minds of thoſe who were already ill-affected to the king, and believed him capable of any thing to avoid the ſervitude that was preparing for him. Indeed, the ſober and moſt conſiderate did not think it poſſible, or even probable, that the king ſhould be willing to have his proteſtant ſubjects of Ireland maſſacred. But they ſuſpected however, that this rebellion, raiſed at ſuch a juncture, was not wholly owing to the diſcontent of the Iriſh, and that very poſſibly the king had excited it, to find the parliament employment, and divert them from the project they had formed. As to the maſſacre of the proteſtants, they did not believe the king had any hand in it, but imagined it very poſſible, that after raiſing the rebellion, it was not in his power to reſtrain the Iriſh. The king on his part, not knowing what was ſaid againſt him in England, uſed his utmoſt endeavours to clear himſelf from this black imputation, by preſſing the parliament to ſend a ſpeedy aid into Ireland. But theſe ſolicitations had a quite contrary effect, becauſe it was believed that his aim was to leave England unprovided with troops, and to engage the parliament in an Iriſh war, which muſt have been very expenſive. This was the reaſon that the commons proceeded with deliberation, and ſent but inconſiderable ſuccours into Ireland, being apprehenſive, the Iriſh rebellion was a ſnare laid for them by the king, to cauſe them to conſume the Engliſh troops and money.

As ſeveral have ſpoken of this pretended commiſſion from the king to the papiſts of Ireland to authorize them to take up arms, and as ſome have repreſented it as true, others as doubtful, but moſt as an evident forgery, I thought it would not be unacceptable to inſert it. I ſhall add a circular letter ſent with the copy of the pretended commiſſion from the leaders of the rebels, to thoſe of their party.

[h] The lords juſtices ſent him an account of it, by ſir Henry Spotiſwood, who went by ſea directly to Scotland; but, before that, the king received notice of it by a letter from the lord Chicheſter, from Belfaſt, dated October 24. Ruſhworth, tom. IV. p. 407.

[i] Above one hundred and fifty-four thouſand proteſtants, were maſſacred in that kingdom, from the 23d of October 1641, to the 1ſt of March following, according to the computation of the prieſts themſelves that were preſent. Ruſhworth, tom. V. p. 355, 734. But, according to ſir J. Temple, there were, ſince the rebellion firſt broke out, unto the ceſſation made September 13, 1643, above three hundred thouſand Britiſh and proteſtants cruelly murdered in cold blood, deſtroyed ſome other way, or expelled out of their habitations. Iriſh Rebel. p. 6. See Cox, p. 73.—It ſeems cardinal Richlieu was deeply concerned in this maſſacre. See R. Coke, tom. I. p. 340. and tom. II. p. 5.

The

"From our camp at the Newry, this 4th of November, 1641.

"Phelim O'Neal, Rory Mac Guire, &c. [k]

"To all catholics of the Roman party, both Engliſh and Iriſh, within the kingdom of Ireland, we wiſh all happineſs, freedom of conſcience, and victory over the Engliſh heretics, who have for a long time tyrannized over our bodies, and uſurped by extortion our eſtates."

"BE it hereby made known unto you all, our friends and countrymen, that the king's moſt excellent majeſty, for many great and urgent cauſes thereunto moving, repoſing truſt and confidence in our fidelity, has ſignified unto us, by his commiſſion under the great ſeal of Scotland, bearing date at Edinburgh the firſt day of this inſtant October 1641, and alſo by letters under his ſign manual, bearing date with the ſaid commiſſion, of divers great and heinous affronts, that the Engliſh proteſtants, eſpecially the parliament there, have publiſhed againſt his royal perſon and prerogative, and alſo againſt our catholic friends, within the kingdom of England; the copy of which commiſſion we have here ſent unto you to be publiſhed with all ſpeed in all parts of this kingdom, that you may be aſſured of our ſufficient warrant and authority herein, viz.

"CHARLES by the grace of God king of England, Scotland, France, and Ireland, defender of the faith, &c. To all catholic ſubjects within our kingdom of Ireland, greeting. Know you that we for the ſafe-guard and preſervation of our perſon, have been forced to make our abode and reſidence in our kingdom of Scotland, for a long ſeaſon, occaſioned by reaſon of the obſtinate and diſobedient carriage of our parliament of England againſt us, who have not only preſumed to take upon them the government, and diſpoſing of thoſe princely rights and prerogatives that have juſtly deſcended unto us from our predeceſſors, both kings and queens of the ſaid kingdom, for many hundred years paſt, but alſo have poſſeſſed themſelves of the whole ſtrength of the ſaid kingdom, in appointing governors, commanders, officers, in all parts and places therein, at their own will and pleaſure without our conſent; whereby we are deprived of our ſovereignty, and left naked without defence: and for as much as we are in ourſelves very ſenſible, that theſe ſtorms blow aloft, and are very likely to be carried by the vehemency of the proteſtant party into our kingdom of Ireland, and endanger our royal power and authority there alſo; know ye therefore, that we, repoſing much care and truſt in your duty and obedience, which we have for many years paſt found, do hereby give unto you full power and authority to aſſemble and meet together, with all the ſpeed and diligence that a buſineſs of ſo great a conſequence doth require, and to adviſe and conſult together by a ſufficient and diſcreet number, at all times, days, and places, which you ſhall in your judgment hold moſt convenient and material for the ordering, ſettling, and effecting of this great work, mentioned and directed to you in our letters, and to uſe all politic ways and means poſſible to poſſeſs yourſelves, for our uſe and ſafety, of all the forts, caſtles, and places of ſtrength and defence within the ſaid kingdom, except the places, perſons and eſtates of our loyal and loving ſubjects the Scots: and alſo to arreſt and ſeize the goods, eſtates, and perſons, of all the Engliſh proteſtants within the ſaid kingdom to our uſe; and in your care and ſpeedy performance of this our will and pleaſure, we ſhall perceive your wonted duty and allegiance unto us, which we ſhall acknowledge and reward in due time.

"Witneſs ourſelf at Edinburgh, the 1ſt day of October, in the 17th year of our reign."

Though for many reaſons it be more than probable that the king never granted a commiſſion to the Iriſh to take up arms, it is however certain they boaſted of having ſuch a thing. But it is no leſs certain, that it cannot be the ſame with what has been juſt read, nor can this be the commiſſion publiſhed by the leaders of the Iriſh rebels. My reaſon is, becauſe in this commiſſion, the king is made to ſay things which happened not till ſeveral months after the day of the date, and which thoſe who are ſuppoſed to have publiſhed it the 4th of November could not foreſee. The king is made to ſay on the 1ſt of October 1641, that the parliament had poſſeſſed themſelves of his ſovereignty, and appointed governors, commanders and officers, in all places, which certainly was not done before the month of October 1641. It muſt be therefore that Ruſhworth, who has inſerted this commiſſion in his Collections, had bad memoirs and little judgment, not to ſee in this pretended commiſſion of the 1ſt of October 1641, things which happened not till the next year 1642. However it is true, the Iriſh boaſted of having the king's commiſſion. But it is pretended they forged it themſelves, and faſtened to it an impreſſion of the great ſeal, taken from ſome grant or patent [l].

Be this as it will, the pretenſion of the Iriſh that they had the king's and queen's authority, was of very ill-conſequence to the king. There were but too many who had an ill opinion of his zeal for the proteſtant religion, and thought him capable of being induced by the queen's ſolicitations to reſtore the catholic religion in England. The former parliaments had diſcovered their ſuſpicions, and the king inſtead of undeceiving them, had given them words only, which were followed with no effects. When therefore the news came, that the Iriſh papiſts were in arms and had maſſacred the proteſtants, it was very natural to dread the like plot in England, which could not but be extremely prejudicial to the king. Though the parliament did not ſeem to regard much the calumny ſpread againſt the king, they were however full of diſtruſt, and this diſtruſt made them think it not proper to leave England without troops, money, and amunition, in order to aſſiſt Ireland, leſt England ſhould be unprovided, in caſe the ſame plot was contrived there. Nay, it was the intereſt of the leading men in the parliament to feign a greater diſtruſt than they really had, to ſtrengthen the ſuſpicions and fears of ſuch members as were not fully perſuaded. This ſerved to convince them how neceſſary it was to retrench the king's power, and render him uncapable to execute his deſigns.

But though the party of thoſe who were for leſſening the regal power was numerous in the parliament, they were not yet in condition to proceed as they pleaſed. Matters were to be prepared by degrees, one while by cheriſhing ſuſpicions and fears, another while by engaging the houſe to keep proper ſteps to lead them to their end, which was not known to all the members.

With this view it was, that under colour of thanking the Scots for their promiſed aſſiſtance to ſuppreſs the rebellion in Ireland, and of treating with them about it, they engaged the houſe to ſend to the committee in Scotland new inſtructions very mortifying to the king. The houſe ſaid, in theſe inſtructions.

"That they had juſt cauſe to believe, that the conſpiracies and commotions in Ireland, were but the effect of the counſels of thoſe who continued in credit, authority and employment about his majeſty; therefore they feared that the great aids which ſhould be raiſed for ſubduing the rebellion in Ireland, would be applied to the fomenting of it there, and encouraging ſome ſuch like attempt in England. And therefore the commons beſought his majeſty to change thoſe councils, from which ſuch ill courſes had proceeded, and to employ ſuch miniſters as ſhould be approved of by his parliament, who were his greateſt and moſt faithful council. But if his majeſty did not condeſcend to their ſupplications, they ſhould be forced to reſolve upon ſome way of defending Ireland from the rebels, and of ſecuring themſelves from miſchievous counſels and deſigns; and command thoſe aids and contributions which ſhould be raiſed for the reducing of Ireland to the cuſtody and diſpoſing of ſuch perſons of honour and fidelity, as they had cauſe to confide in."

Theſe inſtructions conclude with the following article:

"You ſhall repreſent to his moſt excellent majeſty this our humble and faithful declaration, that we cannot without much grief remember the great miſeries, burthens, and diſtempers, which have for divers years afflicted all his kingdoms and dominions, and brought them to the laſt point of ruin and deſtruction; all which have iſſued from the cunning, falſe and malicious practices of ſome of thoſe who

[k] The reſt of the confederates were, Turlogh O'Neal, Philip O'Rely, Mulmore O'Rely, ſir Conne Mac Gennis, colonel Mac Brian, Mac Mahon. Temple, p. 39.

[l] It was an impreſſion of the broad ſeal, which hung to a patent, found by O'Neal, in the caſtle of Charlemount, at the taking of it. Nalſon, tom. II. p. 529.——To theſe reaſons to prove the forgery of this commiſſion, may be added another, which ſeems demonſtrative. The commiſſion is ſuppoſed to be under the great ſeal of Scotland, and yet in the enumeration of the king's titles, England is named before Scotland, which doubtleſs, never was done in any writings, publiſhed by authority in that kingdom. Before the late union in queen Anne's reign, the king's conſtant title in all the Scotch public acts was of Scotland, England, &c. king. This obſervation was communicated by Mr. Arbuckle of Dublin. —Ruſhworth obſerves that the words of the commiſſion are enough to ſhew the villainous practice of the authors, and its bare recital a ſufficient refutation and detection of the unparallelled forgery. Tom. IV. p. 400. See Borlaſe, p. 29.

Alluding

have been admitted into very near places of counſel and authority about him, who have been favourers of popery, ſuperſtition and innovation; ſubverters of religion, honour, and juſtice; factors for promoting the deſigns of foreign princes and ſtates, to the great apparent danger of his royal perſon, crown, and dignity, and of all his people; authors of falſe ſcandalous jealouſies betwixt his majeſty and his loyal ſubjects; enemies to the peace, union and confidence betwixt him and his parliament, which is the ſureſt foundation of proſperity and greatneſs to his majeſty, of comfort and hope to them: that by their counſels and endeavours, thoſe great ſums which have been lately drawn from the people, have been either conſumed unprofitably, or in the maintenance of ſuch deſigns as have been miſchievous and deſtructive to the ſtate; and whilſt we have been labouring to ſupport his majeſty, to purge out the corruption, and reſtore the decays both of church and ſtate, others of their faction and party have been contriving by violence and force to ſuppreſs the liberty of parliament[m], and endanger the ſafety of thoſe who have oppoſed ſuch wicked and pernicious courſes."

This was properly a preparative to the remonſtrance of the ſtate of the kingdom, which was to be brought into the houſe the firſt opportunity, and which was indeed read the 22d of November. It met with ſo ſtrong an oppoſition, that the debates laſted from three in the afternoon till three in the morning[n]. Many thought it needleſs to reproach the king with grievances, to the redreſs whereof he had without ſolicitation given a full conſent, and that beſides the uſeleſſneſs of the remonſtrance, it would ſerve only to open old wounds, to which a cure had been applied, and infallibly make the breach wider between the king and the parliament. But this very reaſon was preciſely that which excited the others to cauſe the remonſtrance to be approved, becauſe they wanted a diſſention between the king and the parliament, in order to obtain the conſent of both houſes to the diminution of the regal power. I do not pretend to determine whether the deſign of diſabling the king to govern for the future as he had done during fifteen years, was in itſelf juſt or neceſſary for the welfare of the kingdom. But it can hardly be denied that the reaſons by which it was ſupported were very plauſible. I will not affirm that they who formed it or preſſed the execution had only in view their country's good; as on the other hand, I do not ſee what ſecurity they could have, who were leaving the king in poſſeſſion of the ſame power he had before enjoyed. However this be, the remonſtrance was as a ſort of criterion which was to ſhew which of the two parties ſhould prevail, and withal to decide, in ſome meaſure the fate of the king's affairs. In ſhort, after a debate of twelve hours, it was carried by a plurality of nine voices only that the remonſtrance ſhould be preſented to his majeſty. The lord Clarendon ſays, "It was carried by the hour of the night, which drove away a greater number of old and infirm oppoſers than would have made thoſe of the negative ſuperior in number." But this reaſon to me appears weak. For it might be alleged to ſhew the remonſtrance would have paſſed by more than nine voices, if ſeveral of thoſe who were for it had not left the houſe. For how could infirmity or fatigue produce a greater effect upon one party than upon the other[o]?

This reſolution was no ſooner taken but Mr. Hampden, who was of the victorious party, moved for the immediate printing of the remonſtrance, not thinking it neceſſary to communicate it to the lords, ſince it ran only in the name of the commons. His deſign was, that it ſhould be diſperſed among the people to excite them againſt the king, which was alſo the intention of his whole party. This motion, which was contrary to cuſtom, ſince the remonſtrance ſhould have been at leaſt preſented to the king, before the publication was deliberated, produced a violent debate in the houſe, every one plainly perceiving the conſequence. But at laſt, the ſame party that prevailed in the firſt, prevailed likewiſe in the ſecond queſtion, and the remonſtrance was ordered to be printed. Some of the oppoſers offered to enter a proteſtation againſt it, but as it was not the cuſtom of the houſe to admit of proteſtations, Mr. Palmer, who firſt cried, "I do proteſt," was ſent to the Tower, but was releaſed within a few days, and took his place again in the houſe.

Three days after, namely, the 25th of November, the king being returned from Scotland[p], paſſed through the city of London, and dined at Guildhall. He was received in his capital with the ſame demonſtrations of joy, reſpect and ſubmiſſion as were given on the like occaſions to his moſt popular predeceſſors; and had all reaſon to be pleaſed with the manner wherein every one ſtrove to do him honour. But the ſatisfaction he received from theſe public demonſtrations of the affection of the Londoners, laſted not long.

As ſoon as the king came to Whitehall, the earl of Eſſex ſurrendered his commiſſion of captain general of the ſouth part of the kingdom into his hands; and the next day, the king diſmiſſed the guards given by the earl to both houſes at their requeſt. The commons appeared diſpleaſed at it, and deſired the lords to concur with them in petitioning the king, that the guards might be continued till they had ſatisfied his majeſty of the reaſons, why a guard was neceſſary. The lords conſented to it, and the earl of Warwick and the lord Digby were ordered to move his majeſty accordingly, but they could not prevail. The king anſwered, he ſaw no reaſon to continue the guard; but however, he would command the earl of Dorſet, to appoint ſome of the train-bands, only for a few days to wait on both houſes, and if in that time he ſhould be ſatisfied there was juſt reaſon, he would continue them. He perceived, that the aim of thoſe who deſired the continuance of the guards, was only to cheriſh the fears and ſuſpicions of the people. Upon this anſwer, the commons preſented a memorial to the king, containing the reaſons why they deſired a guard, adding, they would not have it under the command of any perſon not choſen by themſelves. But as their reaſons were founded upon very improbable ſuppoſitions, they were ineffectual.

The commons inſiſted no farther on this ſubject, but within a few days, ſent a committee, to preſent to the king, then at Hampton-court, the remonſtrance with a petition. This was, as it were, the alarm of the diſcord between the king and the parliament, as his enemies had plainly foreſeen. I think it neceſſary to inſert here what paſſed with reſpect to this remonſtrance, which was attended with ſuch conſequences, the report of the committee ſent to the king, the petition of the houſe, with the remonſtrance itſelf, on which I ſhall make ſome remarks, to enable the reader to judge of what is juſt and true, and what diſguiſed or aggravated.

"Sir Ralph Hopton's report to the houſe of commons, of what paſſed at his preſenting the petition and remonſtrance to the king, Dec. 1. 1641.

"HE ſaid, that the laſt night, in the evening, he, and thoſe that accompanied him, came into Hampton-court, where meeting with ſir Richard Wynn, he went in to his majeſty, and gave him notice of our being there; and within a quarter of an hour, the king ſent a gentleman uſher to call us in, with directions for none to come in but ourſelves; whereupon I did according to your order, and the reſt with me, upon our knees, preſent the petition and remonſtrance, and begun to read it kneeling, but his majeſty would not permit that, but commanded us all to riſe, and ſo I read it.

"The firſt thing that his majeſty ſpoke at the reading thereof, was to that part of the petition, that charges a malignant party to be about his majeſty, with a deſign to change religion; to which his majeſty with a hearty fervency ſaid, 'The devil take him, whoſoever he be, that has a deſign to change religion.' Then I proceeded to read on; and when I came to that part of the remonſtrance, of reſerving the lands of the rebels in Ireland toward the ſuppreſſing them: his majeſty ſpake and ſaid, 'We muſt not diſpoſe of the bear-ſkin, till the bear be dead.'

"After the petition was read, his majeſty ſaid, he deſired to aſk us ſome queſtions: but I anſwered, we had no power to ſpeak to any thing, but wherein we had commiſſion; then ſaid his majeſty, doth the houſe intend to publiſh this declaration? We ſaid, we could not anſwer to it: 'Well then, ſaid his majeſty, I ſuppoſe you do not expect a preſent anſwer to ſo long a petition; but this let me tell you, I have left Scotland well in peace; they are well ſatisfied with me, and I with them; and though I ſtaid longer than I expected,

[m] Alluding to the conſpiracy to ſeduce the army. Rapin.

[n] The debate, ſays Whitelock, laſted till ten o'clock the next morning. The lord Clarendon ſays, from nine in the morning, till after twelve at night. The ſitting up all night, cauſed ſir B. R. to compare it "to the verdict of a ſtarved jury." Whitelock, p. 51. Oliver Cromwell told the lord Falkland, "That if the remonſtrance had been rejected, he would have ſold all he had the next morning, and never have ſeen England more." Clarendon, tom. I. p. 246, 247.

[o] Whitelock ſays indeed, that ſitting up all night cauſed many through weakneſs or wearineſs to leave the houſe; but does not ſay they were of this or that party, p. 51.

[p] Before his departure from that kingdom, he conferred the following honours. Archibald Campbell was created marquis of Argyle: general Leſley earl of Leven; lord Lindſay, earl of Lindſay; lord Loudon, earl of Loudon; Alexander Livingſton, earl of Calender; the lairds of Dudo and Arbuthnot, made viſcounts; and Andrew Murray, lord Balvaird. Guthry's Mem. p. 90. Clarendon, tom. I. p. 244.

Neil

London Engraved for Harrison's Edition of Rapin's History of England.

OLIVER CROMWELL.

From an Original painting of S. Cooper — *T. Woodman & H. Mullow Excit.*

Published as the Act directs. May 10th 1784.

BRITISH
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I think if I had not gone, you had not been ſo ſoon rid of the army: I ſhall give you an anſwer to this buſineſs, with as much ſpeed as the weight thereof will permit.' And ſo was pleaſed to give us his hand to kiſs; and thereupon we took our leave, and afterwards Mr. Comptroller came to us with this meſſage, that the king deſired there ſhould be no publiſhing of this declaration, till we had received his anſwer: we were all that night treated by Mr. Comptroller at ſupper, and entertained with great reſpect, and lodged by the king's harbinger."

"The petition of the houſe of commons, which accompanied the remonſtrance of the ſtate of the kingdom, when it was preſented to his majeſty at Hampton-Court. Dec. 1. 1641.

"Moſt gracious ſovereign,

"YOUR majeſty's moſt humble and faithful ſubjects, the commons in this preſent parliament aſſembled, do, with much thankfulneſs and joy, acknowledge, the great mercy and favour of God, in giving your majeſty a ſafe and peaceable return out of Scotland, into your kingdom of England, where the preſſing dangers and diſtempers of the ſtate, have cauſed us with much earneſtneſs to deſire the comfort of your gracious preſence, and likewiſe the unity and juſtice of our royal authority, to give more life and power to the dutiful and loyal counſels and endeavours of your parliament, for the prevention of that imminent ruin and deſtruction wherein your kingdoms of England and Scotland are threatened. The duty which we owe to your majeſty, and our country, cannot but make us very ſenſible and apprehenſive, that the multiplicity, ſharpneſs, and malignity of thoſe evils under which we have now many years ſuffered, are fomented and cheriſhed by a corrupt and ill-affected party, who amongſt other their miſchievous devices for the alteration of religion and government, have ſought by many falſe ſcandals and imputations, cunningly inſinuated and diſperſed among the people, to blemiſh and diſgrace our proceedings in this parliament, and to get themſelves a party and faction amongſt your ſubjects, for the better ſtrengthening themſelves in their wicked courſes, and hindering thoſe proviſions and remedies, which might, by the wiſdom of your majeſty, and counſel of your parliament, be oppoſed againſt them.

"For preventing whereof, and the better information of your majeſty, your peers, and all other your loyal ſubjects, we have been neceſſitated to make a declaration of the ſtate of the kingdom, both before and ſince the aſſembly of this parliament, unto this time, which we do humbly preſent to your majeſty, without the leaſt intention to lay any blemiſh upon your royal perſon, but only to repreſent how your royal authority and truſt have been abuſed, to the great prejudice and danger of your majeſty, and all your good ſubjects. (1.)

Remark (1.) The deſign of this declaration or remonſtrance was not to inform the king, as the commons aſſured him, but ſolely to make their apology, and exaſperate the people againſt him. Firſt, the remonſtrance is not directed to the king, and he is always mentioned in the third perſon. Secondly, the commons voted that the remonſtrance ſhould be printed, before they had received any anſwer from the king, and publiſhed it againſt his will. So what they ſay at the cloſe of this article is all a flouriſh, without one word of truth.

"And becauſe we have reaſon to believe, that thoſe malignant parties, whoſe proceeding evidently appear to be mainly for the advantage and increaſe of popery, are compoſed, ſet up and acted by the ſubtile practice of the jeſuits, and other engineers and factors for Rome; and to the great danger of this kingdom, and moſt grievous affliction of your loyal ſubjects, have ſo far prevailed, as to corrupt divers of your biſhops and others in prime places of the church, (2.) and alſo to bring divers of theſe inſtruments to be of your privy-council, (3.) and other employments of truſt and nearneſs about your majeſty, the prince, and the reſt of your royal children.

Rem. (2.) The commons pointed at Laud archbiſhop of Canterbury, Neil[9] biſhop of Wincheſter, Wren biſhop of Ely, Cofins dean of Peterborough.

Rem. (3.) As Windebank ſecretary of ſtate, and ſome others.

"And by this means have had ſuch an operation in your council, and the moſt important affairs and proceedings of your government, that a moſt dangerous diviſion, and chargeable preparation for war betwixt your kingdoms of England and Scotland, the increaſe of jealouſies betwixt your majeſty and your moſt obedient ſubjects, the violent diſtraction and interruption of this parliament, the inſurrection of the papiſts in your kingdom of Ireland, and bloody maſſacre of your people, have been not only endeavoured and attempted, but in a great meaſure compaſſed and effected.

"For preventing the final accompliſhment whereof, your poor ſubjects are enforced to engage their perſons and eſtates, to the maintaining of a very expenceful and dangerous war, notwithſtanding they have already, ſince the beginning of this parliament, undergone the charge of 150,000l. ſterling, or thereabouts, for the neceſſary ſupport and ſupply of your majeſty in theſe preſent and perilous deſigns. And becauſe all our moſt faithful endeavours and engagments will be ineffectual for the peace, ſafety, and preſervation of your majeſty and your people, if ſome preſent real, and effectual courſe be not taken for ſuppreſſing this wicked and malignant party.

"We your majeſty's moſt humble and obedient ſubjects, do with all faithfulneſs and humility beſeech your majeſty, 1. That you would be graciouſly pleaſed to concur with the humble deſires of your people in a parliamentary way, (4.) for the preſerving the peace and ſafety of the kingdom from the malicious deſigns of the popiſh party.

Rem. (4.) That is to ſay, by conſenting to the bills which ſhould be preſented to him.

"For depriving the biſhops of their votes in parliament (5.) and abridging their immoderate power uſurped over the clergy, and other your good ſubjects, which they have perniciouſly abuſed, to the hazard of religion, and great prejudice and oppreſſion of the laws of the kingdom, and juſt liberty of your people.

Rem. (5.) The commons were not ſatisfied with deſiring that the biſhops, whom they ſuppoſed guilty of the deſign to countenance popery, ſhould be puniſhed, but took occaſion from thence to inflict a penalty on the whole bench, by depriving them of the privilege of ſitting in parliament.

"For the taking away ſuch oppreſſions in religion, church government and diſcipline, as have been brought in and fomented by them. For uniting all ſuch your loyal ſubjects together, as join in the ſame fundamental truths againſt the papiſts, by removing ſome oppreſſions and unneceſſary ceremonies, by which divers weak conſciences have been ſcrupled, and ſeem to be divided from the reſt, (6.) and for the due execution of thoſe good laws, which have been made for ſecuring the liberty of your ſubjects.

Rem. (6.) The meaning of which was, in the language of the commons or of their leaders, that he ſhould aboliſh the hierarchy and book of Common-Prayer: but they did not yet dare to ſpeak out, and therefore covered their intention under this expreſſion, "By removing unneceſſary ceremonies."

"2. That your majeſty will likewiſe be pleaſed to remove from your council, all ſuch as perſiſt to favour and promote any of thoſe preſſures and corruptions wherewith your people have been grieved; and that for the future, your majeſty will vouchſafe to employ ſuch perſons in your great and public affairs, and to take ſuch to be in your places of truſt, as your parliament may have cauſe to confide in; that in your princely goodneſs to your people, you will reject and refuſe all mediation and ſolicitation to the contrary, how powerful and near ſoever. (7.)

Rem. (7.) Meaning the queen.

"That you will be pleaſed to forbear to alienate any of the forfeited and eſcheated lands in Ireland, which ſhall accrew to your crown by reaſon of this rebellion; that out of them the crown may be the better ſupported, and ſome ſatisfaction made to your ſubjects of this kingdom, for the great expences they are like to undergo in this war.

"Which humble deſires of ours being graciouſly fulfilled by your majeſty, we will, by the bleſſing and favour of God, moſt chearfully undergo the hazard and expences of this war, and apply ourſelves to ſuch other courſes and counſels, as may ſupport your royal eſtate with honour and plenty at home, with power and reputation abroad, and by our loyal affections, obedience and ſervice, lay a ſure and laſting foundation of the greatneſs and proſperity of your majeſty, and your royal poſterity in future time."

[9] Neil was tranſlated from Wincheſter to York, in 1631, in which honour he died, three days before the long parliament was opened.

A remonſtrance of the ſtate of the kingdom, preſented to the king from the houſe of commons, the 1ſt of December, 1641.

" THE commons in this preſent parliament aſſembled, having with much earneſtneſs and faithfulneſs of affection and zeal to the public good of this kingdom, and his majeſty's honour and ſervice, for the ſpace of twelve months, wreſtled with great dangers and fears, the preſſing miſeries and calamities, the various diſtempers and diſorders which had not only aſſaulted, but even overwhelmed and extinguiſhed the liberty, peace, and proſperity of this kingdom, the comfort and hopes of all his majeſty's good ſubjects, and exceedingly weakened and undermined the foundation and ſtrength of his own royal throne,

" Do yet find an abounding malignity and oppoſition in thoſe parties and factions who have been the cauſe of thoſe evils, and do ſtill labour to caſt aſperſions upon that which hath been done, and to raiſe many difficulties for the hindrance of that which yet remains undone, and to foment jealouſies betwixt the king and parliament, that ſo they may deprive him and his people of the fruit of his own gracious intentions, and their humble deſires of procuring the public peace, ſafety, and happineſs of this realm: for the preventing of thoſe miſerable effects, which ſuch malicious endeavours may produce, we have thought good to declare: (1.)

Remark (1.) This was all flouriſh, and a pretence uſed by the commons, to have an occaſion to publiſh this remonſtrance, which was reſolved upon at the very beginning of the parliament, before any one thought of blaming their conduct.

" The root and growth of theſe miſchievous deſigns.

" The maturity and ripeneſs to which they have attained before the beginning of the parliament.

" The effectual means which have been uſed for the extirpation of thoſe dangerous evils, and the progreſs which hath therein been made by his majeſty's goodneſs, and the wiſdom of the parliament.

" The ways of obſtruction and oppoſition, by which that progreſs hath been interrupted.

" The courſes to be taken for the removing thoſe obſtacles, and for the accompliſhing of our moſt dutiful and faithful intentions and endeavours of reſtoring and eſtabliſhing the ancient honour, greatneſs and ſecurity of this crown and nation.

" The root of all this miſchief we find to be a malignant and pernicious deſign of ſubverting the fundamental laws and principles of government, upon which the religion and juſtice of this kingdom are firmly eſtabliſhed. The actors and promoters hereof have been.

" 1. The jeſuited papiſts, who hate the laws, as they are the obſtacles of that change and ſubverſion of religion, which they ſo much long for.

" 2. The biſhops, and the corrupt part of the clergy, who cheriſh formality and ſuperſtition, as the natural effects, and more probable ſupports of their own eccleſiaſtical tyranny and uſurpation.

" Such counſellors and courtiers, as, for private ends have engaged themſelves to further the intereſts of ſome foreign princes or ſtates, to the prejudice of his majeſty, and the ſtate at home.

" The common principles by which they moulded and governed all their particular counſels and actions, were theſe:

" Firſt, to maintain continual differences and diſcontents betwixt the king and the people, upon queſtions of prerogative and liberty, that ſo they might have the advantage of ſiding with him, and under the notions of men addicted to his ſervice, gain to themſelves and their parties the places of the greateſt truſt and power in the kingdom. (2.)

Rem. (2.) It is certain, this was the way archbiſhop Laud, and the arminian party grew powerful at court.

" A ſecond, to ſuppreſs the purity and power of religion, and ſuch perſons as were beſt affected to it, as being contrary to their own ends, and the greateſt impediment to that change which they thought to introduce.

" A third, to conjoin thoſe parties of the kingdom which were moſt propitious to their own ends, and to divide thoſe who were moſt oppoſite, which conſiſted in many particular obſervations.

" To cheriſh the arminian party in thoſe points wherein they agree with the papiſts, to multiply and enlarge the difference between the common proteſtants, and thoſe whom they call puritans, to introduce and countenance ſuch opinions and ceremonies as are fitteſt for accommodation with popery, to increaſe and maintain ignorance, looſeneſs, and prophaneneſs in the people. That of thoſe three parties, papiſts, arminians, and libertines, they might compoſe a body fit to act ſuch counſels and reſolutions, as were moſt conducible to their own ends.

" A fourth, to diſaffect the king to parliaments by ſlanders and falſe imputations, and by putting him upon other ways of ſupply, which in ſhew and appearance were fuller of advantage than the ordinary courſe of ſubſides, though in truth they brought more loſs than gain both to the king and people, and have cauſed the great diſtractions under which we both ſuffer.

" As in all compounded bodies the operations are qualified according to the predominant element, ſo in this mixt party, the jeſuited counſels being moſt active and prevailing, may eaſily be diſcovered to have had the greateſt ſway in all their determinations, and if they be not prevented, are likely to devour the reſt, or to turn them into their own nature.

" In the beginning of his majeſty's reign, the party begun to revive and flouriſh again, having been ſomewhat dampt by the breach with Spain, in the laſt year of king James, and by his majeſty's marriage with France; the intereſts and counſels of that ſtate being not ſo contrary to the good of religion, and the proſperity of this kingdom, as thoſe of Spain; and the papiſts of England having been ever more addicted to Spain than France; yet they ſtill retain a purpoſe and reſolution to weaken the proteſtant parties in all parts, and even in France, whereby to make way for the change of religion, which they intended at home.

" 1. The firſt effect and evidence of their recovery and ſtrength, was the diſſolution of the parliament at Oxford, after there had been given two ſubſides to his majeſty, and before they received relief in any one grievance, many other more miſerable effects followed.

" 2. The loſs of the Rochel fleet, by the help of our ſhipping, ſet forth and delivered over to the French, in oppoſition to the advice of parliament, (3.) which left that town without defence by ſea, and made way, not only to the loſs of that important place, but likewiſe to the loſs of all the ſtrength and ſecurity of the proteſtant religion in France.

Rem. (3.) It cannot be properly ſaid that the ſeven ſhips lent by Charles I. to the king of France were delivered to the French, in oppoſition to the advice of parliament, ſince the thing was done before the parliament was acquainted with it. It is likewiſe a great aggravation to impute the loſs of the Rochel fleet, and of Rochel itſelf, to the aid of the ſeven Engliſh ſhips, which the mariners of that nation had deſerted.

" 3. The diverting his majeſty's courſe of wars from the Weſt-Indies, which was the moſt facile and hopeful way for this kingdom to prevail againſt the Spaniards, to an expenceful and unſucceſsful attempt upon Calais, which was ſo ordered, as if it had rather been intended to make us weary of a war, than to proſper it. (4.)

Rem. (4.) This accuſation ſeems a little too far fetched, ſince Elizabeth had taken both courſes with ſucceſs.

" 4. The precipitate breach with France, by taking their ſhips to a great value, without making recompence to the Engliſh, whoſe goods were thereupon imbarred, and confiſcated in that kingdom.

" 5. The peace with Spain, without conſent of parliament, contrary to the promiſe of king James to both houſes, whereby the Palatine's cauſe was deſerted and left to chargeable and hopeleſs treaties, which, for the moſt part, were managed by thoſe who might juſtly be ſuſpected to be no friends to that cauſe. (5.)

Rem. (5.) This article contains three accuſations againſt the king, 1. Of making peace with Spain without conſent of parliament: 2. Of neglecting, in this peace, the intereſt of the elector Palatine: 3. Of treating of that prince's affairs by ſuſpected perſons. As to the firſt, it is true, king James had promiſed not to make peace with Spain without the parliament's approbation: but it was a time when the parliament began to ſupply him with money for the war, and engaged to enable him to continue it: but the face of affairs was changed, when Charles I. made peace. As to the ſecond charge of neglecting the cauſe of the elector Palatine, it is properly a cavil; for the king, having no money to continue the war againſt Spain, was not in condition to ſupport the elector's cauſe. All that can be ſaid, is, that he would have had money from the parliament, had he been willing to redreſs the grievances. I am ignorant of the foundation of the third accuſation.

" 6. The charging of the kingdom with billeted ſoldiers in all parts of it, and that concomitant deſign of German horſe,

that

that the land might either ſubmit with fear, or be enforced with rigour to ſuch arbitrary contributions as ſhould be required of them. (6.)

Rem. (6.) Theſe two accuſations are unanſwerable. There was but too much reaſon to believe, that this was done on purpoſe to eſtabliſh an arbitrary government.

" 7. The diſſolving of the parliament in the ſecond year of his majeſty's reign, after a declaration of their intent to grant five ſubſidies. (7.)

Rem. (7.) This parliament was diſſolved to ſave the duke of Buckingham.

" 8. The exacting of the like proportion of five ſubſidies after the parliament was diſſolved, by commiſſion of loan; and divers gentlemen and others impriſoned for not yielding to pay that loan, whereby many of them contracted ſuch ſickneſſes as coſt them their lives.

" 9. Great ſums of money required and raiſed by privy-ſeals. (8.)

Rem. (8.) Theſe articles were notoriouſly true. There is no juſtifying them, but by aſſerting, the king had a right to do whatever he did. But this is a great queſtion.

" 10. An unjuſt and pernicious attempt to extort great payments from the ſubject by way of exciſe, and a commiſſion iſſued under the ſeal for that purpoſe.

" 11. The petition of right, which was granted in full parliament, blaſted, with an illegal declaration to make it deſtructive to itſelf, to the power of parliament, to the liberty of the ſubject, and to that purpoſe printed with it; and the petition made of no uſe but to ſhew the bold and preſumptuous injuſtice of ſuch miniſters as durſt break the laws, and ſuppreſs the liberties of the kingdom, after they had been ſo ſolemnly and evidently declared.

" 12. Another parliament diſſolved 4 Car. the privilege of parliament broken, by impriſoning divers members of the houſe, detaining them cloſe priſoners for many months together, without the liberty of uſing books, pen, ink, or paper, denying them all the comforts of life, all means of preſervation of health, not permitting their wives to come to them, even in time of their ſickneſs.

" 13. And for the compleating that cruelty, after many years ſpent in ſuch miſerable durance, depriving them of the neceſſary means to ſpiritual conſolation; not ſuffering them to go abroad to enjoy God's ordinances in God's houſe, or God's miniſters to come to them to miniſter comfort to them in private chambers.

" 14. And to keep them ſtill in this oppreſſed condition, not admitting them to be bailed according to law, yet vexing them with informations in inferior courts; ſentencing and fining ſome of them for matters done in parliament; and extorting the payments of thoſe fines from them, enforcing others to put in ſecurity of good behaviour before they could be releaſed.

" 15. The impriſonment of the reſt, which refuſed to be bound, ſtill continued, which might have been perpetual if neceſſity had not the laſt year brought another parliament to relieve them, of whom one [r] died, by the cruelty and harſhneſs of his impriſonment, which would admit of no relaxation, notwithſtanding the imminent danger of his life did ſufficiently appear by the declaration of his phyſician. And his releaſe, or at leaſt his refreſhment, was ſought by many humble petitions. And his blood ſtill cries for vengeance or repentance, of thoſe miniſters of ſtate who have once obſtructed the courſe both of his majeſty's juſtice and mercy. (9.)

Rem. (9.) The rigour exerciſed upon theſe members of parliament is one of the ſtrongeſt proofs of the deſign to eſtabliſh arbitrary power; and therefore the commons largely inſiſt upon this article.

" 16. Upon the diſſolution of both theſe parliaments, untrue and ſcandalous declarations were publiſhed to aſperſe their proceedings, and ſome of their members, unjuſtly; to make them odious, and colour the violence which was uſed againſt them. (10.) Proclamations ſet out to the ſame purpoſe; and to the great dejecting the hearts of the people forbidding them even to ſpeak of parliaments.

Rem. (10.) If by theſe declarations are meant, thoſe publiſhed to ſignify the cauſes of the diſſolution of theſe parliaments, it may be ſaid that the commons ſwerved from the reſpect due to the king, by terming them untrue and ſcandalous, ſince they were publiſhed in his name.

" 17. After the breach of the parliament in the fourth of his majeſty, injuſtice, oppreſſion, and violence, broke in upon us, without any reſtraint or moderation, and yet the firſt project was the great ſums exacted through the whole kingdom for default of knighthood, which ſeemed to have ſome colour and ſhadow of a law, yet if it be rightly examined by that obſolete law which was pretended for it, it will be found to be againſt all the rules of juſtice, both in reſpect of the perſons charged, the proportion of the fines demanded, and the abſurd and unreaſonable manner of their proceedings.

" 18. Tunnage and poundage hath been received without colour or pretence of law: many other heavy impoſitions continued againſt law; and ſome ſo unreaſonable, that the ſum of the charge exceeds the value of the goods.

" 19. The book of rates lately inhanced to a high portion; and ſuch merchants that would not ſubmit to their illegal and unreaſonable payments, were vexed and oppreſſed above meaſure; and the ordinary courſe of juſtice, the common birthright of the ſubjects of England, wholly obſtructed and taken from them.

" 20. And although it was taken on pretence of guarding the ſeas, yet a new and unheard of tax of ſhip-money was deviſed, and upon the ſame pretence. By both which there were charged upon the ſubject near 700,000l. ſome years; and yet the merchants have been left ſo naked to the violence of the Turkiſh pirates, that many great ſhips of value, and thouſands of his majeſty's ſubjects, have been taken by them, and do ſtill remain in miſerable ſlavery.

" 21. The enlargement of foreſts, contrary to Charta de Foreſta, and the compoſition thereupon.

" 22. The exactions of coat and conduct-money, and divers other military charges. (11.)

Rem. 11. The king being engaged in a war againſt Scotland, ordered that every county ſhould find a certain number of ſoldiers, and cloath and pay them, till they came to the place of the general rendezvous, on condition of being repaid another time. On this pretence it was agreed with the counties, that they ſhould ſupply the king with a certain ſum proportionable to the number of ſoldiers each county was to cloath and pay, for which the king took the whole charge upon himſelf. This was called coat and conduct money, that is to ſay, money for cloathing and conducting the troops. But this money was never reſtored.

" 23. The taking away the arms of the trained-bands of divers counties. (12.)

Rem. (12.) The king intending to make a magazine of arms in the caſtle of Edinburgh, found no ſpeedier way than to take, in ſome counties, the arms of the militia, and ſend them to Scotland. But it was pretended, that at the ſame time his deſign was to diſarm, under that pretence, ſuch perſons as were not well-affected to him. Accordingly this is inſinuated by the remonſtrance, in the following article concerning powder.

" 24. The deſperate deſign of engroſſing all the gunpowder into one hand, keeping it in the Tower of London, and ſetting ſo high a rate upon it, that the poorer ſort were not able to buy it; nor could any have it without licence; thereby to leave the ſeveral parts of the kingdom deſtitute of their neceſſary defence; and by ſelling ſo dear that which was ſold, to make an unlawful advantage of it, to the great charge and detriment of the ſubject.

" 25. The general deſtruction of the king's timber, eſpecially that in the foreſt of Dean, ſold to papiſts, which was the beſt ſtorehouſe of this kingdom for the maintenance of our ſhipping. (13.)

Rem. (13.) Theſe points are perhaps a little aggravated, at leaſt in reſpect to the motives and conſequences.

" 26. The taking away men's right under colour of the king's title to land, between high and low water marks.

" 27. The monopolies of ſoap, ſalt, wine, leather, ſea-coal, and in a manner, of all things of moſt common and neceſſary uſe.

" 28. The reſtraints of the liberties of the ſubjects in their habitation, trades, and other intereſts.

" 29. Their vexation and oppreſſion by purveyors, clerks of the market, and ſaltpetre-men.

" 30. The ſale of pretended nuiſances, buildings in and about London.

" 31. Converſion of arable into paſture, continuance of paſture under the name of depopulation, have driven many millions out of the ſubjects purſes, without any conſiderable profit to his majeſty. (14.)

Rem. (14.) The woollen trade being the great ſource of the riches of England, the ſubjects were enjoined by ſeveral ſtatutes, not to change paſture into arable land, for fear of leſſening the flocks, and conſequently the wool. In king Charles's reign, the offenders againſt theſe ſtatutes were ſtrict-

[r] ſir John Elliot.

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ly inquired after, not with a view to hinder the abuſes, but to authorize them by a compoſition with the king.

" 32. Large quantities of common and ſeveral grounds have been taken from the ſubjects, by colour of the ſtatute of improvement, and by abuſe of the commiſſion of ſewers, without their conſent, and againſt it. (15.)

Rem. (15.) Commiſſioners of ſewers are ſuch as by authority under the great ſeal, ſee drains and ditches well kept and maintained in marſhy and fenny countries, for the better conveyance of the water into the ſea, and preſerving graſs upon the land for the feeding of flocks and herds. The commons complain that this commiſſion was abuſed.

" 33. And not only private intereſt, but alſo public faith hath been broken, in ſeizing of the money and bullion in the mint, and the whole kingdom like to be robbed at once, in that abominable project of braſs money. (16.)

Rem. (16.) The king took but forty thouſand pounds out of the mint, which ſum was afterwards repaid to the proprietors.

" 34. Great numbers of his majeſty's ſubjects, for refuſing thoſe unlawful charges, have been vexed with long and expenſive ſuits; ſome fined and cenſured, others committed to long and hard impriſonments and confinements, to the loſs of health in many, of life in ſome; and others have had their houſes broken up, their goods ſeized; ſome have been reſtrained from their lawful callings.

" 35. Ships have been interrupted in their voyages, ſurprized at ſea in hoſtile manner by projectors, as by a common enemy.

" 36. Merchants prohibited to unlade their goods in ſuch ports as were for their own advantage, and forced to bring them to thoſe places which were much for the advantage of the monopolizers and projectors.

" 37. The court of ſtar-chamber hath abounded in extravagant cenſures, not only for the maintenance and improvement of monopolies and other lawful taxes, but for divers other cauſes, where there hath been no offence, or very ſmall; whereby his majeſty's ſubjects have been oppreſſed by grievous fines, impriſonments, ſtigmatizing, mutilations, whippings, pillories, gags, confinements, baniſhments; after ſo rigid a manner, as hath not only deprived men of the ſociety of their friends, exerciſe of their profeſſions, comfort of books, uſe of paper and ink, but even violated that near union which God hath eſtabliſhed betwixt men and their wives, by forced and conſtrained ſeparation, whereby they have been bereaved of the comfort and converſation one of another for many years together, without hope of relief, if God had not, by his over-ruling providence, given ſome interruption to the prevailing power and council of thoſe who were the authors and promoters of ſuch peremptory and heady courſes. (17.)

Rem. (17.) This whole article relates to the rigorous treatment of Prynn, Baſtwick, and Burton, by the ſtar-chamber.

" 38. Judges have been put out of their places for refuſing to do againſt their oaths and conſciences: others have been ſo awed, that they durſt not do their duties; and the better to hold a rod over them, the clauſe, Quam diu ſe bene geſſerit, was left out of their patents, and a new clauſe, Durante bene placito, inſerted.

" 39. Lawyers have been checked for being faithful to their clients: ſolicitors and attorneys have been threatened and ſome puniſhed for following lawful ſuits. And by this means all the approaches to juſtice were interrupted and foreccluded.

" 40. New oaths have been forced upon the ſubject againſt law.

" 41. New judicatories erected without law. The council-table have by their orders offered to bind the ſubjects in their freeholds, eſtates, ſuits, and actions.

" 42. The pretended court of the earl marſhal was arbitrary and illegal in its being and proceedings.

" 43. The chancery, exchequer-chamber, court of wards, and other Engliſh courts, have been grievous in exceeding their juriſdiction.

" 44. The eſtate of many families weakened, and ſome ruined, by exceſſive fines, exacted from them for compoſitions of wardſhips.

" 45. All leaſes of above one hundred years made to draw on wardſhip, contrary to law.

" 46. Undue proceedings uſed in the finding of offices, to make the jury find for the king.

" 47. The common law courts, ſeeing all men more inclined to ſeek juſtice there, where it may be fitted to their own deſires, are known frequently to forſake the rules of the common law, and ſtraying beyond their bounds, under pretence of equity, to do injuſtice. (18.)

Rem. (18.) The laws of England are divided into common law, and ſtatute-law; the firſt is founded on ancient cuſtom, etc. and the other on acts of parliament: from theſe laws and judges are not allowed to ſwerve, either to the right or left[s]. The court of chancery only may in ſome caſes judge according to equity. Now the king's courts, in taking upon them to judge according to equity, and not according to ſtrict law, had exceeded their juriſdicton in order to favour the court.

" 48. Titles of honour, judicial places, ſerjeantſhips at law, and other offices have been ſold for great ſums of money, whereby the common juſtice of the kingdom hath been much endangered, not only by opening a way of employment, in places of great truſt and advantage to men of weak parts, but alſo by giving occaſion to bribery, extortion, partiality; it ſeldom happening that places ill-gotten are well uſed. (19.)

Rem. (19.) A ſerjeant at law [or of the coif], ſerviens ad legem, is the higheſt degree taken in that profeſſion, as that of doctor is in the civil law. One court is peculiar to them, namely, the court of Common-pleas, though they are not reſtrained from pleading in any other court. Out of theſe are choſen one or more king's ſerjeants, to plead for him in all cauſes, eſpecially in thoſe of treaſon[t].

" 49. Commiſſions have been granted for examining the exceſs of fees: and when great exactions have been diſcovered, compoſitions have been made with delinquents, not only for the time paſt, but likewiſe for immunity, and ſecurity in offending for the time to come, which under colour of remedy, hath but confirmed and increaſed the grievance to the ſubject.

" 50. The uſual courſe of pricking ſheriffs not obſerved, out many times ſheriffs made in an extraordinary way; ſometimes as a puniſhment and charge unto them, (20) ſometimes ſuch were pricked out as would be inſtrument to execute whatſoever they would have to be done.

Rem. (20.) To hinder them from being choſen to ſerve in parliament, as ſir Edward Coke, ſir Robert Philips, and ſir Thomas Wentworth.

" 51. The biſhops and the reſt of the clergy did triumph in the ſuſpenſions, excommunications, deprivations, and degradations of divers painful, learned, and pious miniſters, in the vexation and grievous oppreſſions of great numbers of his majeſty's good ſubjects.

" 52. The high-commiſſion grew to ſuch exceſs of ſharpneſs and ſeverity, as was not much leſs than the Romiſh inquiſition; and yet, in many caſes, by the archbiſhop's power, was made much more heavy, being aſſiſted and ſtrengthened by authority of the council-table.

" 53. The biſhops and their courts were as eager in the country; although their juriſdiction could not reach ſo high in rigour and extremity of puniſhment, yet were they no leſs grievous in reſpect of the generality and multiplicity of vexations, which lighting upon the meaner ſort of tradeſmen and artificers, did impoveriſh many thouſands;

" 54. And ſo afflict and trouble others, that great numbers, to avoid their miſeries, departed out of the kingdom; ſome into New-England, and other parts of America, others into Holland:

" 55. Where they have tranſported their manufactures of cloth; which is not only a loſs by diminiſhing the preſent ſtock of the kingdom, but a great miſchief by impairing and endangering the loſs of that peculiar trade of cloathing, which hath been a plentiful fountain of wealth and honour to this nation.

" 56. Thoſe were fitteſt for eccleſiaſtical preferment, and ſooneſt obtained it, who were moſt officious in promoting ſuperſtition, moſt virulent in railing againſt godlineſs and honeſty. (21.)

Rem. (21.) By theſe are to be underſtood ſuch as were moſt incenſed againſt preſbyterianiſm.

" 57. The moſt public and ſolemn ſermons before his majeſty, were either to advance prerogative above law, and decry the property of the ſubject, or full of ſuch kind of invectives:

" 58. Whereby they might make thoſe odious who fought to maintain the religion, laws, and liberties of the kingdom; and ſuch men were ſure to be weeded out of the commiſſion of the peace, and out of all other employments of power, in the government of the country.

[s] The author in this remark has confounded in the original the common and ſtatute law, making them to be the ſame.

[t] The author has committed likewiſe ſome miſtakes in this remark, which are corrected in the tranſlation.

" 59. Many noble perſons were counſellors in name, but the power and authority remained in a few of ſuch as were moſt addicted to this party: whoſe reſolutions and determinations were brought to the table for countenance and execution, and not for debate and deliberation; and no man could offer to oppoſe them without diſgrace and hazard to himſelf.

" 60. Nay, all thoſe that did not wholly concur, and actively contribute to the furtherance of their deſigns, though otherwiſe perſons of never ſo great honour and abilities, were ſo far from being employed in any place of truſt and power, that they were neglected, diſcountenanced, and upon all occaſions injured and oppreſſed.

" 61. This faction was grown to that height, and entireneſs of power, that now they began to think of finiſhing of their work, which conſiſted of theſe three parts.

" 62. I. The government muſt be ſet free from all reſtraint of laws concerning our perſons and eſtates.

" 63. II. There muſt be a conjunction betwixt papiſts and proteſtants in doctrines, diſcipline, and ceremonies, only it muſt not yet be called popery.

" 64. III. The puritans, under which name they include all thoſe that deſire to preſerve the laws and liberties of the kingdom, and to maintain religion in the power of it, muſt be either rooted out of the kingdom with force, or driven out with fear.

" 65. For the effecting of this, it was thought neceſſary to reduce Scotland to ſuch popiſh ſuperſtitions and innovations, as might make them apt to join with England in that great change which was intended.

" 66. Whereupon new canons and a new liturgy were preſſed upon them; and when they refuſed to admit of them, an army was raiſed to force them to it, towards which the clergy and the papiſts were very forward in their contribution.

" 67. The Scots likewiſe raiſed an army for their defence.

" 68. And when both armies were come together, and ready for a bloody encounter, his majeſty's own gracious diſpoſition, and the council of the Engliſh nobility, and dutiful ſubmiſſion of the Scots, did ſo far prevail againſt the evil council of others, that a pacification was made, and his majeſty returned with peace and much honour to London.

" 69. The unexpected reconciliation was moſt acceptable to all the kingdom except to the malignant party; whereof the archbiſhop and the earl of Strafford being heads, they and their faction began to inveigh againſt the peace, and to aggravate the proceedings of the ſtates, which ſo incenſed his majeſty, that he forthwith prepared again for war.

" 70. And ſuch was their confidence, that having corrupted and diſtempered the whole frame and government of the kingdom, they did now hope to corrupt that which was the only means to reſtore all to a right frame and temper again.

" 71. To which end they perſuaded his majeſty to call a parliament, not to ſeek counſel and advice of them, but to draw countenance and ſupply from them, and to engage the whole kingdom in their quarrel.

" 72. And in the mean time, continued all their unjuſt levies of money, reſolving either to make the parliament pliant to their will, and to eſtabliſh miſchief by a law or elſe to break it, and with more colour to go on by violence, to take what they could not obtain by conſent. The ground alleged for the juſtification of this war was this:

" 73. That the undutiful demands of the parliaments in Scotland was a ſufficient reaſon for his majeſty to take arms againſt them, without hearing the reaſon of thoſe demands, and thereupon a new army was prepared againſt them; their ſhips were ſeized in all parts both of England, Ireland, and at ſea; their petitions rejected, their commiſſioners refuſed audience.

" 74. This whole kingdom moſt miſerably diſtempered with levies of men and money; and impriſonments of thoſe who denied to ſubmit to thoſe levies.

" 75. The earl of Strafford paſſed into Ireland, cauſed the parliament there to declare againſt the Scots, to give four ſubſidies towards that war; and to engage themſelves, their lives and fortunes for the proſecution of it; and gave directions for an army of eight thouſand foot, and one thouſand horſe, to be levied there, which were for the moſt part papiſts.

" 76. The parliament met upon the 13th of April 1640. The earl of Strafford, and archbiſhop of Canterbury, with their party, ſo prevailed with his majeſty, that the houſe of commons was preſſed to yield a ſupply for maintenance of the war with Scotland, before they had provided any relief for the great and preſſing grievances of the people; which being againſt the fundamental privilege and proceeding of parliament, was yet in humble reſpect to his majeſty ſo far admitted, as that they agreed to take the matter of ſupply into conſideration, and two ſeveral days it was debated.

" 77. Twelve ſubſidies were demanded for the releaſe of ſhip-money alone: a third day was appointed for concluſion, when the heads of that party began to fear, the people might cloſe with the king, in ſatisfying his deſire of money: but that withal, they were like to blaſt their malicious deſigns againſt Scotland, finding them very much indiſpoſed to give any countenance to that war.

" 78. Thereupon they wickedly adviſed the king to break off the parliament, and to return to the ways of confuſion, in which their own evil intentions were moſt like to proſper and ſucceed. (22.)

Rem. (22.) The lord Clarendon, then a member of the houſe of commons, affirms, that the houſe was very well inclined to ſatisfy the king, if he would have had a little patience, and that he repented afterwards his precipitation. This confirms what is ſaid here, that the parliament was diſſolved, for ſome private ends of thoſe who moſt influenced the king's council.

" 79. After the parliament ended, the 5th of May 1640. this party grew ſo bold, as to counſel the king to ſupply himſelf out of his ſubjects eſtates, by his own power, at his own will, without their conſent.

" 80. The very next day, ſome members of both houſes had their ſtudies and cabinets, yea their pockets ſearched: another of them not long after was committed cloſe priſoner, for not delivering ſome petitions which he received by authority of that houſe.

" 81. And if harſher courſes were intended (as was reported) it was very probable, that the ſickneſs of the earl of Strafford, and the tumults riſing in Southwark and about Lambeth, were the cauſes that ſuch violent intentions were not brought to execution.

" 82. A falſe and ſcandalous declaration againſt the houſe of commons was publiſhed in his majeſty's name, which yet wrought little effect with the people, but only to manifeſt the impudence of thoſe who were authors of it.

" 83. A forced loan of money was attempted in the city of London.

" 84. The lord-mayor and aldermen in their ſeveral wards, enjoined to bring in a liſt of the names of ſuch perſons as they judged fit to lend, and of the ſum they ſhould lend, and ſuch aldermen as refuſed ſo to do were committed to priſon.

" 85. The archbiſhop, and the other biſhops and clergy continued the convocation, and by a new commiſſion turned it into a provincial ſynod, in which, by an unheard-of preſumption, they made canons that contain in them many matters, contrary to the king's prerogative; to the fundamental laws and ſtatutes of the realm; to the right of parliaments; to the property and liberty of the ſubject; and matters tending to ſedition, and of dangerous conſequence; thereby eſtabliſhing their own uſurpations, juſtifying their altar-worſhip, and thoſe other ſuperſtitious innovations, which they formerly introduced without warrant of law.

" 86. They impoſed a new oath upon divers of his majeſty's ſubjects both eccleſiaſtical and lay, for maintenance of their own tyranny, and laid a great tax upon the clergy for ſupply of his majeſty, and generally they ſhewed themſelves very affectionate to the war with Scotland, which was by ſome of them ſtiled Bellum Epiſcopale, and a prayer compoſed, and enjoined to be read in churches, calling the Scots rebels, to put the two nations in blood, and make them irreconcileable.

" 87. All thoſe pretended canons and conſtitutions were armed with the ſeveral cenſures of ſuſpenſion, excommunication, deprivation, by which they would have thruſt out all the good miniſters, and moſt of the well-affected people of the kingdom, and left an eaſy paſſage to their own deſign of reconciliation with Rome. (23.)

Rem. (23.) The commons go doubtleſs too far, when they impute to the whole convocation of 1640, the deſign of reſtoring popery. This is not at all likely, ſuppoſing it were true, that ſome of the biſhops had formed ſuch a project, which was never well proved [u].

" 88. The popiſh party enjoyed ſuch exemptions from penal laws, as amounted to a toleration, beſides many other encouragements and court-favours.

[u] It is obſervable, that this very convocation cenſured Goodman, biſhop of Gloceſter, for favouring popery.

" 89. They had a ſecretary of ſtate, ſir Francis Windebank, a powerful agent for ſpeeding all their deſires.

" 90. A pope's nuncio reſiding here, to act and govern them according to ſuch influences as he received from Rome, and to intercede for them with the moſt powerful concurrence of the foreign princes of that religion.

" 91. By his authority the papiſts of all ſorts, nobility, gentry, and clergy, were convocated after the manner of a parliament.

" 92. New juriſdictions were erected of Romiſh archbiſhops, taxes levied, another ſtate moulded within this ſtate, independant in government, contrary in intereſt and affection, ſecretly corrupting the ignorant or negligent profeſſors of our religion, and cloſely uniting and combining themſelves againſt ſuch as were found in this poſture, waiting for an opportunity by force to deſtroy, thoſe whom they could not hope to ſeduce.

" 93. For the effecting whereof, they were ſtrengthened with arms and amunition, encouraged by ſuperſtitious prayers, enjoined by the nuncio, to be weekly made for the proſperity of ſome great deſign.

" 94. And ſuch power had they at court, that ſecretly a commiſſion was iſſued out, or intended to be iſſued, to ſome great man of that profeſſion, for the levying of ſoldiers, and to command and employ them according to private inſtructions, which we doubt were framed for the advantage of thoſe who were the contrivers of them.

" 95. His majeſty's treaſure was conſumed, his revenue anticipated.

" 96. His ſervants and officers compelled to lend great ſums of money.

" 97. Multitudes were called to the council-table, who were tired with long attendances there, for refuſing illegal payments.

" 98. The priſons were filled with their commitments: many of the ſheriffs ſummoned into the ſtar-chamber; and ſome impriſoned for not being quick enough in levying the ſhip-money; the people languiſhed under grief and fear; no viſible hope being left but in deſperation.

" 99. The nobility began to be weary of their ſilence and patience, and ſenſible of the duty and truſt which belongs to them; and thereupon ſome of the moſt ancient of them did petition his majeſty at ſuch a time, when evil counſellors were ſo ſtrong, that they had occaſion to expect more hazard to themſelves, than redreſs of thoſe public evils for which they interceded.

" 100. Whilſt the kingdom was in this agitation and diſtemper, the Scots reſtrained in their trades, impoveriſhed by the loſs of many of their ſhips, bereaved of all poſſibility of ſatisfying his majeſty by any naked ſupplications, entered with a powerful army into the kingdom, and without any hoſtile act or ſpoil in the country they paſſed, more than forcing a paſſage over the Tyne at Newburne near Newcaſtle; poſſeſſed themſelves of Newcaſtle; and had a fair opportunity to preſs on farther upon the king's army.

" 101. But duty and reverence to his majeſty, and brotherly love to the Engliſh nation, made them ſtay there, whereby the king had leiſure to entertain better counſels.

" 102. Wherein God ſo bleſſed and directed him, that he ſummoned the great council of peers to meet at York upon the 24th of September, and there declare a parliament, to begin the 3d of November then following.

" 103. The Scots, the firſt day of the great council, preſented an humble petition to his majeſty, whereupon the treaty was appointed at Rippon.

" 104. A preſent ceſſation of arms agreed upon, and the full concluſion of all differences referred to the wiſdom and care of the parliament. (24.)

Rem. (24.) The commons ſuppoſe, that as the Scots had petitioned the king to redreſs their grievances with the advice of the parliament of England; and as on that occaſion the king had called a parliament, this was a tacit conſent of both parties to leave things to the parliament of England. But this is only a ſuppoſition; for there was no agreement to refer matters to the parliament.

" 105. At our firſt meeting all oppoſition ſeemed to vaniſh, the miſchiefs were ſo evident, which thoſe evil counſellors produced, that no man durſt ſtand up to defend them, yet the work itſelf afforded difficulty enough.

" 106. The multiplied evils and corruptions of ſixteen years, ſtrengthened by cuſtom and authority, and the current intereſt of many powerful delinquents, were now to be brought to judgment and reformation.

" 107. The king's houſhold was to be provided for; they had brought him to that want, that he could not ſupply his ordinary and neceſſary expences without the aſſiſtance of his people.

" 108. Two armies were to be paid, which amounted very near to eighty thouſand pounds a month.

" 109. The people were to be tenderly charged, having been formerly exhauſted with many burthenſome projects.

" 110. The difficulties ſeemed to be inſuperable, which by the divine providence we have overcome. The contrarieties incompatible, which yet in a great meaſure we have reconciled.

" 111. Six ſubſidies have been granted, and a bill of poll-money[x], which if it be duly levied, may equal ſix ſubſidies more, in all ſix hundred thouſand pounds.

" 112. Beſides, we have contracted a debt to the Scots of two hundred and twenty thouſand pounds; yet God hath ſo bleſſed the endeavours of this parliament, that the kingdom is a great gainer by all theſe charges.

" 113. The ſhip-money is aboliſhed, which coſt the kingdom above two hundred thouſand pounds a year.

" 114. The coat and conduct-money, and other military charges are taken away, which in many counties amounted to little leſs than the ſhip-money.

" 115. The monopolies are all ſuppreſt, whereof ſome few did prejudice the ſubject above a million yearly.

" 116. The ſoap, an hundred thouſand pounds.

" 117. The wine, three hundred thouſand pounds.

" 118. The leather muſt needs exceed both, and ſalt could be no leſs than that.

" 119. Beſides the inferior monopolies, which if they could be exactly computed, would make up a great ſum.

" 120. That which is more beneficial than all this, is that the root of theſe evils is taken away, which was the arbitrary power pretended to be in his majeſty, of taxing the ſubject, or charging their eſtates without conſent in parliament, which is now declared to be againſt law, by the judgment of both houſes, and likewiſe by an act of parliament.

" 121. Another ſtep of great advantage is this, the living grievances, the evil counſellors and actors of theſe miſchiefs have been ſo quelled.

" 122. By the juſtice done upon the earl of Strafford, the flight of the lord Finch, and ſecretary Windebank.

" 123. The accuſation and impriſonment of the archbiſhop of Canterbury of judge Berkley; and,

" 124. The impeachment of divers other biſhops and judges, that it is like not only to be an eaſe to the preſent times, but a preſervation to the future.

" 125. The diſcontinuance of parliaments is prevented by the bill for a Triennial parliament, and the abrupt diſſolution of this parliament by another bill, by which it is provided, it ſhall not be diſſolved or adjourned without the conſent of both houſes.

" 126. Which two laws well conſidered, may be thought more advantageous than all the former, becauſe they ſecure a full operation of the preſent remedy, and afford a perpetual ſpring of remedies for the future.

" 127. The ſtar-chamber.

" 128. The high-commiſſion:

" 129. The courts of the preſident and council in the north, were ſo many forges of miſery, and oppreſſion, and violence, and are all taken away, whereby men are more ſecured in their perſons, liberties and eſtates, than they could by any law or example, for the regulation of thoſe courts of terror of the judges.

" 130. The immoderate power of the council-table, and the exceſſive abuſe of that power, is ſo ordered and reſtrained, that we may well hope, that no ſuch things as were frequently done by them, to the prejudice of the public liberty, will appear in future times but only in ſtories, to give us and our poſterity more occaſion to praiſe God for his majeſty's goodneſs, and the faithful endeavours of this parliament.

" 131. The canons and power of canon-making are blaſted by the votes of both houſes.

" 132. The exhorbitant power of biſhops and their courts are much abated, by ſome proviſions in the bill againſt the

[x] This poll-tax was raiſed for paying the Scotch army. And it was according to the following proportion. A duke paid 100l. a marquis 80l. an earl 60l. viſcounts and barons 40l. knights of the Bath 30l. knights bachelors 20l. eſquires 10l. every gentleman that could ſpend 100l. a year, 5l. and others in proportion. Hiſt. of Taxes, p. 287.

Courts,

high commiſſion courts, the authors of the many innovations in doctrine and ceremonies.

" 133. The miniſters that have been ſcandalous in their lives, have been ſo terrified by juſt complaints and accuſations, that we may well hope they will be more modeſt for the time to come; either inwardly convicted by the ſight of their own folly, or outwardly reſtrained by the fear of puniſhment.

,134. The foreſts are by a good law reduced to their right bounds.

" 135. The encroachments and oppreſſions of the Stannery courts[y], the extortions of the clerk of the market;

" 136. And the compulſion of the ſubject, to receive the order of knighthood againſt his will, paying of fines for not receiving it; and the vexatious proceedings there upon for levying of thoſe fines, are by other beneficial laws reformed and prevented.

" 137. Many excellent laws and proviſions are in preparation for removing the inordinate power, vexation and uſurpations of biſhops; for reforming the pride and idleneſs of many of the clergy; for eaſing the people of unneceſſary ceremonies in religion; for cenſuring and removing unworthy and unprofitable miniſters, and for maintaining godly and diligent preachers through the kingdom.

" 138. Other things of main importance for the good of this kingdom are in propoſition, though little could hitherto be done in regard of the many other more preſſing buſineſſes, which yet before the end of this ſeſſion we hope may receive ſome progreſs and perfection.

" 139. The eſtabliſhing and ordering the king's revenue, that ſo the abuſe of officers, and ſuperfluity of expences may be cut off, and the neceſſary diſburſements for his majeſty's honour, the defence and government of the kingdom, may more certainly be provided for.

" 140. The regulating of courts of juſtice, and abridging both the delays and charges of law ſuits.

" 141. The ſettling of ſome good courſes for preventing the exportation of gold and ſilver, and the inequality of exchanges betwixt us and other nations, for the advancing of native commodities, increaſe of our manufacturies, and well ballancing of trade, whereby the ſtock of the kingdom may be increaſed, or at leaſt kept from impairing, as through neglect hereof it hath done for many years paſt:

" 142. Improving the herring-fiſhing upon our own coaſts, which will be of mighty uſe in the employment of the poor, and a plentiful nurſery of mariners, for enabling the kingdom in any great action.

" 143. The oppoſitions, obſtructions, and other difficulties wherewith we have been encountered, and which ſtill lie in our way with ſome ſtrength, and much obſtinacy, are theſe; the malignant party, whom we have formerly deſcribed to be the actors and promoters of all our miſery, that have taken heart again:

" 144. They have been able to prefer ſome of their own factors and agents to degrees of honour, to places of truſt and employment, even during the parliament:

" 145. They have endeavoured to work in his majeſty ill impreſſions and opinions of our proceedings, as if we had altogether done our own work, and not his; and had obtained from him many things very prejudicial to the crown, both in reſpect of prerogative and profit.

" 146. To wipe out this ſlander, we think good only to ſay thus much, that all that we have done is for his majeſty, his greatneſs, honour, and ſupport, when we yield to give twenty-five thouſand pounds a month for the relief of the northern counties; this was given to the king, for he was bound to protect his ſubjects.

" 147. They were his majeſty's evil counſellors, and their ill inſtruments, that were actors in thoſe grievances which brought in the Scots.

" 148. And if his majeſty pleaſe to force thoſe who were the authors of this war, to make ſatisfaction, as he might juſtly and eaſily do, it ſeems very reaſonable, that the people might well be excuſed from taking upon them this burden, being altogether innocent, and free from being any cauſe of it,

" 149. When we undertook the charge of the army, which coſt above 50,000l. a month, was not this given to the king? Was it not his majeſty's army? Were not all the commanders under contract with his majeſty at higher rates, and greater wages than ordinary?

" 150. And have not we taken upon us to diſcharge all the brotherly aſſiſtance of three hundred thouſand pounds, which we gave the Scots? Was it not toward repair of thoſe damages and loſſes which they received from the king's ſhips and from his miniſters?

" 151. Theſe three particulars amount to above eleven hundred thouſand pounds.

" 152. Beſides his majeſty hath received, by impoſitions upon merchandiſe, at leaſt four hundred thouſand pounds.

" 153. So that his majeſty hath had out of the ſubjects purſe, ſince the parliament began, one million and a half: and yet theſe men can be ſo impudent, as to tell his majeſty, that we have done nothing for him.

" 154. As to the ſecond branch of this ſlander, we acknowledge with much thankfulneſs, that his majeſty hath paſſed more good bills to the advantage of his ſubjects than have been in many ages.

" 155. But withal, we cannot forget that thoſe venomous counſels did manifeſt themſelves in ſome endeavours to hinder theſe good acts.

" 156. And for both houſes of parliament we may with truth and modeſty ſay thus much: that we have ever been careful not to deſire any thing that ſhould weaken the crown, either in juſt profit or uſeful power.

" 157. The triennial parliament for the matter of it, doth not extend to ſo much, as by law we ought to have required, there being two ſtatutes ſtill in force for the parliament to be once a year (25.) and for the manner of it, it is in the king's power, that it ſhall never take effect, if he, by a timely ſummons, ſhall prevent any other way of aſſembling. (26.)

Rem. (25.) But theſe ſtatutes, by diſuſe, were grown obſolete, like that of Edward II. on which the king proceeded to compel the people to receive the order of knighthood.

Rem. (26.) The commons might have ſaid, that he was himſelf the cauſe of this act, for not calling a parliament in twelve years.

" 158. In the bill for continuance of this preſent parliament, there ſeems to be ſome reſtraint of the royal power in diſſolving of parliaments, not to take it out of the crown, but to ſuſpend the execution of it for this time and occaſion only; which was ſo neceſſary for the king's own ſecurity, and the public peace, that without it we could not have undertaken any of theſe great charges, but muſt have left both the armies to diſorder and confuſion, and the whole kingdom to blood and rapine. (27.)

Rem. (27.) The commons underſtand here more than they expreſs. Their aim is to ſhew, that without this act, the king would not have failed to diſſolve the parliament; conſequently the peace with Scotland would not have been concluded, and the two armies would have ravaged the kingdom.

" 159. The ſtar-chamber was much more fruitful in oppreſſion than in profit, the great fines being for the moſt part given away, and the reſt ſtalled at long times.

" 160. The fines of the high-commiſſion were in themſelves unjuſt, and ſeldom or never came into the king's purſe. Theſe four bills are particularly and more ſpecially inſtanced.

" 161. In the reſt there will not be found ſo much as a ſhadow of prejudice to the crown.

" 162. They have ſought to diminiſh our reputation with the people, and to bring them out of love with parliaments.

" 163. The aſperſions which they have attempted this way have been ſuch as theſe;

" 164. That we have ſpent much time and done little, eſpecially in thoſe grievances which concern religion.

" 165. That the parliament is a burthen to the kingdom, by the abundance of protections which hinder juſtice and trade (28.) and by many ſubſidies granted, much more heavy than formerly endured.

Rem. (28.) Every member of parliament had a right to grant protections to his ſervants and dependents, ſo that they cannot be proſecuted in any courts. It is certain, this right was abuſed by many members, in granting protections to perſons without any lawful foundation; nay, ſome even ſold them.

" 166. To which there is a ready anſwer, if the time ſpent in this parliament, be conſidered in relation backward to the long growth and deep root of thoſe grievances which we have removed, to the powerful ſupports of thoſe delinquents which we have purſued, to the great neceſſities and other charges of the common-wealth, for which we have provided;

" 167. Or if it be conſidered in relation forward to many advantages, which not only the preſent, but future ages are like to reap by the good laws, and other proceedings in this

[y] Courts, wherein affairs relating to the tinners, and tin mines, are decided. So called from the Latin word Stannum, Tin.

parliament

parliament; we doubt not but it will be thought by all indifferent judgments, that our time hath been much better employed, than in a far greater proportion of time in many former parliaments put together, and the charges which have been laid upon the ſubjects, and the other inconveniencies which they have borne, will ſeem very light in reſpect of the benefit they have and may receive.

" 168. And for the matter of protection, the parliament is ſo ſenſible of it, that therein they intend to give them whatſoever eaſe may ſtand with honour and juſtice, and are in way of paſſing a bill to give them ſatisfaction.

" 169. They have ſought by many ſubtile practices to cauſe jealouſies and diviſions betwixt us and our brethren of Scotland, by ſlandering their proceedings and intentions toward us, and by ſecret endeavours to inſtigate and incenſe them and us one againſt another.

" 170. They have had ſuch a party of biſhops and popiſh lords in the houſe of peers, as hath cauſed much oppoſition and delay in the proſecution of delinquents, hindered the proceedings of divers good bills paſſed in the commons houſe, concerning the reformation of ſundry great abuſes and corruptions both in church and ſtate.

" 171. They have laboured to ſeduce and corrupt ſome of the commons houſe, to draw them into conſpiracies and combinations againſt the liberty of the parliament.

" 172. And by their inſtruments and agents, they have attempted to diſaffect and diſcontent his majeſty's army; and to engage it for the maintenance of their wicked and traiterous deſigns; the keeping up of biſhops in votes and functions, and by force to compel the parliament to order, limit, and diſpoſe their proceedings in ſuch manner, as might beſt concur with the intentions of this dangerous, and potent faction.

" 173. And when one miſchievous deſign and attempt of theirs, to bring on the army againſt the parliament, and the city of London, hath been diſcovered and prevented;

" 174. They preſently undertook another of the ſame damnable nature, with this addition to it, to endeavour to make the Scotiſh army neutral, whilſt, the Engliſh army, which they had laboured to corrupt and invenom againſt us, by their falſe and ſlanderous ſuggeſtions, ſhould execute their malice, to the ſubverſion of our religion, and the diſſolution of our government.

" 175. Thus they have been continually practiſing to diſturb the peace, and plotting the deſtruction even of all the king's dominions; and have employed their emiſſaries and agents in them all, for the promoting their deviliſh deſigns, which the vigilancy of thoſe who were well affected, hath ſtill diſcovered and defeated, before they were ripe for execution in England and Scotland.

" 176. Only in Ireland, which was farther off, they have had time and opportunity to mould and prepare their work, and had brought it to that perfection, that they had poſſeſſed themſelves of that whole kingdom, totally ſubverted the government of it, rooted out religion, and deſtroyed all the proteſtants, whom the conſcience of their duty to God, their king and country, would not have permitted to join with them, if by God's wonderful providence their main enterprize upon the city and caſtle of Dublin had not been detected and prevented upon the very eve before it ſhould have been executed.

" 177. Notwithſtanding they have, in other parts of that kingdom, broken out into open rebellion, ſuppriſing towns and caſtles, committed murders, and rapes, and other villanies, and ſhaken off all bonds of obedience to his majeſty and the laws of the realm. (29.)

Rem. (29.) The commons, in theſe two laſt articles, conſider the malignant party of England as the principal authors of the Iriſh rebellion, and artfully confound whatever had been done in England for fifteen years, and the maſſacre of Ireland in 1641, under the ſame idea, as proceeding from the ſame ſource, which was never well proved.

" 178. And in general have kindled ſuch a fire, as nothing but God's infinite bleſſing upon the wiſdom and endeavours of this ſtate will be able to quench.

" 179. And certainly had not God, in his great mercy unto this land, diſcovered and confounded their former deſigns, we had been the prologue to this tragedy in Ireland, and had by this been made the lamentable ſpectacle of miſery and confuſion.

" 180. And now what hope have we but in God, when, as the only means of our ſubſiſtence and power of reformation, is under him in the parliament?

" 181. But what can we the commons, without the conjunction of the houſe of lords; and what conjunction can we expect there, when the biſhops and recuſant lords are ſo numerous and prevalent, that they are able to croſs and interrupt our beſt endeavours for reformation, and by that means give advantage to this malignant party to traduce our proceedings?

" 182. They infuſed into the people, that we mean to aboliſh all church-government, and leave every man to his own fancy for the ſervice and worſhip of God, abſolving him of that obedience which he owes under God unto his majeſty; whom we know to be intruſted with the eccleſiaſtical law, as well as with the temporal, to regulate all the members of the church of England, by ſuch rule of order and diſcipline, as are eſtabliſhed by parliament; which is his great council, in all affairs both in church and ſtate. (30.)

Rem. (30.) It is true, the commons declare here, that their intention is not to ſet up an independency in matter of religion. But as to what concerns the government of the church they ſpeak obſcurely, becauſe it was not yet time to declare themſelves more openly. They are contented with aſſerting, that the king ought to take the parliament's advice in the affairs of the church, a maxim they intended to make great uſe of.

" 183. We confeſs our intention is, and our endeavours have been, to reduce within bounds that exorbitant power which the prelates have aſſumed unto themſelves, ſo contrary both to the word of God, and to the laws of the land; to which end we paſſed the bill for the removing them from their temporal power and employments; that ſo the better they might with weakneſs apply themſelves to the diſcharge of their functions; which bill themſelves oppoſe, and were the principal inſtruments of croſſing it.

" 184. And we do here declare, that it is far from our purpoſe or deſire, to let looſe the golden reins of diſcipline and government in the church, to leave private perſons or particular congregations, to take up what form of divine ſervice they pleaſe; for we hold it requiſites, that there ſhould be throughout the whole realm a conformity to that order which the laws enjoin according to the word of God. (13.) And we deſire to unburthen the conſciences of men of needleſs and ſuperſtitious ceremonies, ſuppreſs innovations, and take away the monuments of idolatry.

Rem. (31.) Great uſe was afterwards made of this reſtriction, " according to the word of God," to introduce greater alterations than thoſe mentioned in this article.

" 185. And the better to effect the intended reformation, we deſire there may be a general ſynod of the moſt grave, pious, learned, and judicious divines of this iſland; aſſiſted with ſome from foreign parts, profeſſing the ſame religion with us; who may conſider of all things neceſſary for the peace and good government of the church, and repreſent the reſults of their conſultations unto the parliament, to be there allowed of and confirmed, and receive the ſtamp of authority, thereby to find paſſage and obedience throughout the kingdom. (32.)

Rem. (32.) The commons diſcovered here more clearly their intentions, in that, 1. It does not appear that they would admit biſhops into this ſynod. 2. In that they would have it to conſiſt of divines of the iſland, and conſequently of Scots, who were all preſbyterians, and of ſome foreign miniſters who were ſo too.

" 186. They have maliciouſly charged us, that we intend to deſtroy and diſcourage learning; whereas it is our chiefeſt care and deſire to advance it; and to provide a competent maintenance for conſcionable and preaching miniſters throughout the kingdom, which will be a great encouragement to ſcholars, and a certain means whereby the want, meanneſs, and ignorance, to which a great part of the clergy is now ſubject, will be prevented.

" 187. And we intend likewiſe to reform and purge the fountains of learning the two univerſities, that the ſtreams flowing from thence may be clear and pure, and an honour and comfort to the whole land. (33.)

Rem. (33.) It is certain, at the time this remonſtrance was publiſhed, the reſolution of aboliſhing the eccleſiaſtical hierarchy was already taken, though it was not yet openly declared. Accordingly, the deſign to purge the two univerſities was executed, by turning out the heads and profeſſors of the church of England, and putting in preſbyterians.

" 188. They have ſtrained to blaſt our proceedings in parliament, by wreſting the interpretations of our orders from their genuine intention.

" 189. They tell the people, that our meddling with the power of epiſcopacy, hath cauſed ſectaries and conventicles, when idolatry and popiſh ceremonies introduced into the church by the command of the biſhops, have not only debarred

barred the people from thence, but expelled them from the kingdom.

" 190. Thus with Eliab, we are called by this malignant party the troubles of the ſtate, and ſtill, while we endeavour to reform their abuſes, they make us the authors of thoſe miſchiefs we ſtudy to prevent.

" 191. For the perfecting of the work begun, and removing all future impediments, we conceive theſe courſes will be very effectual, ſeeing the religion of the papiſts hath ſuch principles as do certainly tend to the deſtruction and extirpation of all proteſtants, when they ſhall have opportunity to effect it.

" 192. It is neceſſary in the firſt place to keep them in ſuch condition, as that they may not be able to do us any hurt, and for avoiding of ſuch connivance and favour as hath hitherto been ſhewed unto them.

" 193. That his majeſty be pleaſed to grant a ſtanding commiſſion to ſome choice men named in parliament, who may take notice of their increaſe, their counſels and proceedings, and uſe all due means by execution of the laws, to prevent all miſchievous deſigns againſt the peace and ſafety of this kingdom.

" 194. That ſome good courſe be taken to diſcover the counterfeit and falſe conformity of papiſts to the church, by colour whereof, perſons very much diſaffected to the true religion, have been admitted into places of greateſt truſt and authority in the kingdom.

" 195. For the better preſervation of the laws and liberties of the kingdom, that all the illegal grievances and exactions be preſented and puniſhed at the ſeſſions and aſſizes.

" 196. And that judges and juſtices be very careful to give this in charge to the grand juries, and both the ſheriffs and juſtices to be ſworn to the due execution of the petition of right, and other laws.

" 197. That his majeſty be humbly petitioned by both houſes, to employ ſuch counſellors, embaſſadors, and other miniſters in managing his buſineſs at home and abroad, as the parliament may have cauſe to confide in, without which we cannot give his majeſty ſuch ſupplies for ſupport of his own eſtate, nor ſuch aſſiſtance to the proteſtant party beyond the ſea, as is deſired.

" 198. It may often fall out, that the commons may have juſt cauſe to take exceptions at ſome men for being counſellors, and yet not charge thoſe men with crimes, for there be grounds of diffidence which lay not in proof.

" 199. There are others, which though they may be proved yet are not legally criminal.

" 200. To be a known favourer of papiſts, or to have been very forward in defending and countenancing ſome great offenders queſtioned in parliament; or to ſpeak contemptuouſly of either houſes of parliament, or parliamentary proceedings: (34.)

Rem. (34.) It is not unlikely the commons meant here the lord Digby, ſon to the earl of Briſtol.

" 201. Or ſuch as are factors or agents for any foreign prince of another religion; ſuch as are juſtly ſuſpected to get counſellors places, or any other of truſt, concerning public employment for money; for all theſe and divers others, we may have great reaſon to be earneſt with his majeſty, not to put his great affairs into ſuch hands, though we may be unwilling to proceed againſt them in any legal way of charge or impeachment.

" 202. That all counſellors of ſtate may be ſworn to obſerve thoſe laws which concern the ſubject in his liberty, that they may likewiſe take an oath not to receive, or give reward or penſion from any foreign prince, but ſuch as they ſhall within ſome reaſonable time diſcover to the lords of his majeſty's council.

" 203. And although they ſhould wickedly forſwear themſelves, yet it may herein do good to make them known to be falſe and perjured to thoſe who employed them, and thereby bring them into as little credit with them as with us.

" 204. That his majeſty may have cauſe to be in love with good counſel and good men, by ſhewing him, in an humble and dutiful manner, how full of advantage it would be to himſelf, to ſee his own eſtate ſettled in a plentiful condition to ſupport his honour: to ſee his people united in ways of duty to him, and endeavours of the public good; to ſee happineſs, wealth, peace and ſafety derived to his own kingdom, and procured to his allies by the influence of his own power and government."

It is eaſy to perceive, after reading this remonſtrance or declaration, that it was a real manifeſto againſt the king, under the name of the counſellors, miniſters, and malignants. And therefore, before we proceed, it is reaſonable to ſhew the reader the king's anſwer to the petition which accompanied the remonſtrance, and then to the remonſtrance itſelf.

" His majeſty's anſwer to the petition, which accompanied the declaration preſented to him at Hampton-Court, December 1, 1641.

" WE having received from you, ſoon after our return out of Scotland, a long petition, conſiſting of many deſires of great moment, together with a declaration of a very unuſual nature annexed thereunto, we had taken ſome time to conſider of it, as befitted us in a matter of that conſequence, being confident that your own reaſon and regard to us, as well as our expreſs intimation, by our controller, to that purpoſe, would have reſtrained you from the publiſhing of it, till ſuch time as you ſhould have received our anſwer to it; but much againſt our expectation, finding the contrary, that the ſaid declaration is already abroad in print, by directions from your houſe, as appears by the printed copy, we muſt let you know, that we are very ſenſible of the diſreſpect.

" Notwithſtanding it is our intention, that no failing on your part ſhall make us fail in ours, of giving all due ſatisfaction to the deſires of our people in a parliamentary way; and therefore we ſend you this anſwer to your petition, reſerving ourſelf in point of the declaration, which we think unparliamentary, and ſhall take a courſe to do that which we ſhall think fit in prudence and honour.

" To the petition we ſay, That although there are divers things in the preamble of it, which we are ſo far from admitting, that we profeſs we cannot at all underſtand them, as of a 'wicked and malignant party prevalent in the government; of ſome of that party admitted to our privy-council, and to other employments of truſt, and neareſt to us and our children; of endeavours to ſow among the people falſe ſcandals and imputations, to blemiſh and diſgrace the proceedings of the parliament:' All, or any of which, did we know of, we ſhould be as ready to remedy and puniſh, as you to complain of; ſo that the prayers of your petition are grounded upon ſuch premiſes, as we muſt in no wiſe admit; yet notwithſtanding, we are pleaſed to give this anſwer to you. (1.)

Rem. (1.) This ſo general anſwer of the king was not capable of combating the particular facts, whereby the commons pretended to prove, in the remonſtrance, that for ſeveral years paſt, the court or malignant party had endeavoured to eſtabliſh an arbitrary government.

" To the firſt, concerning religion, conſiſting of ſeveral branches, we ſay, that for preſerving the peace and ſafety of this kingdom from the deſigns of the popiſh party, we have, and will ſtill concur with all the juſt deſires of our people in a parliamentary way: (2.) That for the depriving of the biſhops of their votes in parliament, we would have you conſider, that their right is grounded upon the fundamental law of the kingdom, and conſtitution of parliament: This we would have you conſider; but ſince you deſire our concurrence herein in a parliamentary way we will give no further anſwer at this time.

Rem. (2.) It is true, the king had never rejected the petitions preſented to him on this occaſion by the parliament, but had always granted whatever was deſired. But then it is no leſs true, that his promiſes in this reſpect had never been executed. Wherefore the parliament did not complain of want of concurrence, but of want of performance. So the king's anſwer as to his concurrence was not properly to the purpoſe.

" As for the abridging of the inordinate power of the clergy, we conceive that the taking away of the high-commiſſion-court hath well moderated that; but if they continue any uſurpations or exceſſes in their juriſdictions, we therein neither have, nor will, protect them. (3.)

Rem. (3.) It would have been very difficult to agree with the king upon what ſhould be conſidered as uſurpations or exceſſes in the juriſdiction of the clergy. So the king properly bound himſelf to nothing by this general promiſe.

" Unto that clauſe which concerneth corruptions (as you ſtile them) in religion, in church-government, and in diſcipline, and the removing of ſuch neceſſary ceremonies as weak conſciences might check; that for any illegal innovations which may have crept in, we ſhall willingly concur in the removal of them: That if our parliament ſhall adviſe us to call a national ſynod, which may duly examine ſuch ceremonies as give juſt cauſe of offence to any, we ſhall take into conſideration, and apply ourſelf to give due ſatisfaction therein; (4.) but we are very ſorry to hear in ſuch general terms, corruption in religion objected, ſince we are perſuaded in our conſcience, that no church can be found upon the earth that

profeſſeth the true religion with more purity of doctrine than the church of England doth, nor where the government and diſcipline are jointly more beautiful, and free from ſuperſtition, than as they are here eſtabliſhed by law; which by the grace of God we will with conſtancy maintain (while we live) in their purity and glory, not only againſt all invaſions of popery, but alſo from the irreverence of thoſe many ſchiſmatics and ſeparatiſts, wherewith of late this kingdom and this city abounds, to the great diſhonour and hazard, both of church and ſtate, for the ſuppreſſion of whom we require your timely aid and active aſſiſtance.

Rem. (4.) Another general anſwer which ſignifies nothing.

"To the ſecond prayer of the petition, concerning the removal and choice of counſellors, we know not any of our council to whom the character ſet forth in the petition can belong? That by thoſe whom we had expoſed to trial, we have already given you ſufficient teſtimony, that there is no man ſo near unto us in place or affection, whom we will not leave to the juſtice of the law, if you ſhall bring a particular charge, and ſufficient proofs againſt him; and of this we do again aſſure you, but in the mean time we wiſh you to forbear ſuch general aſperſions, as may reflect upon all our council, ſince you name none in particular.

"That for the choice of our counſellors and miniſters of ſtate, it were to debar us that natural liberty all freemen have; and as it is the undoubted right of the crown of England, to call ſuch perſons to our ſecret councils, to public employment, and our particular ſervice, as we ſhall think fit; ſo we are, and ever ſhall be very careful, to make election of ſuch perſons in thoſe places of truſt, as ſhall have given good teſtimonies of their abilities and integrity, and againſt whom there can be no juſt cauſe of exception, whereon reaſonably to ground a diffidence; and to choices of this nature, we aſſur you that the mediation of the neareſt unto us hath always concurred. (5.)

Rem. (5.) He means the queen.

"To the third prayer of your petition concerning Ireland, we underſtand your deſire of not alienating the forfeited lands thereof, to proceed from much care and love, and likewiſe that it may be a reſolution very fit for us to take; but whether it be ſeaſonable to declare reſolutions of that nature, before the events of a war be ſeen, that we much doubt of. Howſoever, we cannot but thank you for this care, and your chearful engagement for the ſuppreſſion of that rebellion; upon the ſpeedy effecting whereof, the glory of God in the proteſtant profeſſion, the ſafety of the Britiſh arms, our honour, and that of the nation ſo much depends; all the intereſts of this kingdom being ſo involved in that buſineſs, we cannot but quicken your affections therein, and ſhall deſire you to frame your counſels to give ſuch expedition to the work, as the nature thereof, and the preſſures in point of time require; and whereof you are put in mind by the daily inſolence and increaſe of thoſe rebels.

"For concluſion; you promiſe to apply yourſelves to ſuch courſes as may ſupport our royal eſtate with honour and plenty at home, and with power and reputation abroad, is that which we have ever promiſed ourſelf, both from your loyalties and affections, and alſo for what we have already done, and ſhall daily go adding unto, for the comfort and happineſs of our people."

The anſwer to the remonſtrance did not appear till ſome time after; for as far as I can conjecture, it was not ſent to the commons before January 1641-2. I ſhall however inſert it in this place, as well not to divide this matter, as that the anſwer may be read before the remonſtrance is forgot.

"The king's declaration in anſwer to the remonſtrance of the ſtate of the kingdom.

"ALTHOUGH we do not believe that our houſe of commons intended, by their remonſtrance of the ſtate of the kingdom, to put us to any apology, either for our paſt or preſent actions; notwithſtanding ſince they have thought it ſo very neceſſary (upon their obſervation of the preſent diſtempers) to publiſh the ſame, for the ſatisfaction of all our loving ſubjects, we have thought it very ſuitable to the duty of our place (with which God hath truſted us) to do our part to ſo good a work, in which we ſhall not think it below our kingly dignity to deſcend to any particular, which may compoſe and ſettle the affections of our meaneſt ſubjects, ſince we are ſo conſcious to ourſelf of ſuch upright intentions and endeavours, and only of ſuch (for which we give God thanks) for the peace and happineſs of our kingdom, in which the proſperity of our ſubjects muſt be included, that we wiſh from our heart, that even our moſt ſecret thoughts were publiſhed to their view and examination: Though we muſt confeſs, we cannot but be very ſorry in this conjuncture of time, (when the unhappineſs of this kingdom is ſo generally underſtood abroad) there ſhould be ſuch a neceſſity of publiſhing ſo many particulars, from which we pray, no inconveniencies may enſue, that were not intended.

"We ſhall in a few words paſs over that part of the narrative, wherein the misfortunes of this kingdom, from our firſt entering to the crown to the beginning of this parliament, are remembered in ſo ſenſible expreſſions. (1.) And that other which acknowledgeth the many good laws paſſed by our grace and favour this parliament, for the ſecurity of our people; of which we ſhall only ſay thus much, that as we have not refuſed to paſs any bill preſented to us by our parliament, for redreſs of thoſe grievances mentioned in the remonſtrance; ſo we have not had a greater motive for the paſſing thoſe laws than our own reſolution (grounded upon our obſervation, and underſtanding the ſtate of our kingdom) to have freed our ſubjects, for the future, from thoſe preſſures which were grievous to them if thoſe laws had not been propounded, (2.) which therefore we ſhall as inviolably maintain, as we look to have our own rights preſerved, not doubting but that all our loving ſubjects will look on thoſe remedies, with that full gratitude and affection, that even the memory of what they have formerly undergone, by the accidents and neceſſities of thoſe times, will not be unpleaſant to them: And poſſibly in a pious ſenſe of God's bleſſing upon this nation (how little ſhare ſoever we ſhall have of the acknowledgment) they will confeſs they have enjoyed a great meaſure of happineſs (even theſe laſt ſixteen years) both in peace and plenty, not only comparatively in reſpect of their neighbours, but even of thoſe times which were juſtly accounted fortunate. The fears and jealouſies which may make ſome impreſſion in the minds of our people, we will ſuppoſe may be of two ſorts; either for religion or liberty and their civil intereſt. The fears for religion may happly be, nor only as ours here eſtabliſhed may be invaded by the Romiſh party, but as it is accompanied with ſome ceremonies, at which ſome tender conſciences really are, or pretended to be ſcandalized; for of any other which have been uſed, without any legal warrant or injunction, and already are, or ſpeedily may be, aboliſhed, we ſhall not ſpeak.

Remark (1.) The king could not more ingenuouſly own what is ſaid in the remonſtrance, concerning the firſt fifteen years of his reign, than by entirely paſſing it over without anſwer.

Rem. (2.) This is alſo a confeſſion that grievances were juſtly complained of. The king ſays, his reſolution was to redreſs them, and it was not poſſible to convict him of the contrary. But after all, he was believed but by few perſons.

"Concerning religion, as there may be any ſuſpicion of favour or inclination to the papiſts, we are willing to declare to all the world, that as we have been from our childhood brought up in, and practiſed the religion now eſtabliſhed in this kingdom, ſo it is well known, we have (not contented ſimply with the principles of our education) given a good proportion of our time and pains, to the examination of the grounds of this religion, as it is different from that of Rome, and are from our ſoul ſo fully ſatisfied and aſſured that it is the moſt pure and agreeable to the ſacred word of God, of any religion now practiſed in the chriſtian world: that as we believe we can maintain the ſame by unanſwerable reaſons, ſo we hope we ſhould readily ſeal to it by the effuſion of our blood, if it pleaſed God to call us to that ſacrifice. And therefore nothing can be ſo acceptable unto us, as any propoſition which may contribute to the advancement of it here, or the propagation of it abroad, being the only means to draw down a bleſſing from God upon ourſelves and this nation. And we have been extremely unfortunate, if this profeſſion of ours be wanting to our people: our conſtant practice in our own perſon, having always been (without oſtentation) as much to the evidence of our care and duty herein, as we could poſſibly tell how to expreſs. (3.)

Rem. (3.) The remonſtrance did not accuſe the king of being a papiſt in his heart, 'But of having countenanced the catholics, by not executing the laws againſt them.' He clears himſelf here from being inclined to the Romiſh religion, and leaves the conſequence to be drawn, that ſince he is perſuaded of the truth of the proteſtant religion, it is not poſſible he ſhould encourage the Roman. But his conduct had ſhewn that this conſequence did not neceſſarily follow, ſince it was notorious, he had countenanced the papiſts, from the beginning of his reign, out of complaiſance to the queen, or from ſome political views.

"For differences among ourſelves, for matters indifferent in their own nature concerning religion, we ſhall, in tenderneſs to any number of our loving ſubjects, very willingly comply

comply with the advice of our parliament, that ſome law may be made for the exemption of tender conſciences from puniſhment, or perſecution for ſuch ceremonies, and in ſuch caſes, which by the judgment of moſt men, are held to be matters indifferent, and of ſome to be abſolutely unlawful. Provided that this caſe be attempted and purſued with that modeſty, temper and ſubmiſſion, that in the mean time the peace and quiet of the kingdom be not diſturbed, the decency and comelineſs of God's ſervice diſcountenanced, nor the pious, ſober, and devout actions of thoſe reverend perſons who were the firſt labourers in the bleſſed reformation, or of that time, be ſcandaled and defamed, (4.) for we cannot, without grief of heart, and without ſome tax upon ourſelf, and our miniſters, for the not execution of our laws, look upon the bold licence of ſome men, in printing of pamphlets, in preaching and printing of ſermons, ſo full of bitterneſs and malice againſt the preſent government, againſt the laws eſtabliſhed, ſo full of ſedition againſt ourſelf, and the peace of the kingdom, that we are many times amazed to conſider by what eyes theſe things are ſeen, and by what ears they are heard. And therefore we have good cauſe to command, as we have done, and hereby do, all our judges and miniſters of juſtice, our attorney and ſolicitor-general, and the reſt of our learned council, to proceed with all ſpeed againſt ſuch, and their abettors, who either by writing or words, have ſo boldly and maliciouſly violated the laws, diſturbed the peace of the common-wealth, and as much as in them lies, ſhaken the very foundation upon which that peace and happineſs is founded and conſtituted. And we doubt not but all our loving ſubjects will be very ſenſible, that this buſy, virulent demeanor, is a fit prologue to nothing but confuſion; and if not very ſeaſonably puniſhed and prevented, will not only be a blemiſh to that wholeſome accommodation we intend, but an unſpeakable ſcandal and imputation, even upon the profeſſion and religion of this our kingdom of England.

Rem. (4.) The king was not in the wrong to ſupport the eſtabliſhed worſhip, and to regard as an indulgence whatever ſhould be granted to tender conſciences. But after all, this indulgence was reduced to a very ſmall matter, if we conſider all the limitations contained in this article.

"Concerning the civil liberties and intereſts of our ſubjects, we ſhall need to ſay leſs, having erected ſo many laſting monuments of our princely and fatherly care of our people, in thoſe many excellent laws paſſed by us this parliament, which in truth (with very much content to ourſelf) we conceive to be ſo large and ample, that very many ſober men have very little left to wiſh for.

"We underſtood well the right, and pretences of right, we departed from, in the conſenting to the bills of the triennial parliament, for the continuance of this preſent parliament, and in the preamble to the bill of tunnage and poundage. The matter of which having begot ſo many diſturbances in late parliaments, we were willing to remove, that no intereſt of ours might hereafter break that correſpondence, abundantly contenting ourſelf with an aſſurance (which we ſtill have) that we ſhould be repaired and ſupplied by a juſt proportion of confidence, bounty, and obedience of our people. In the bills for the taking away the high-commiſſion and ſtar-chamber courts, we believe we had given that real ſatisfaction, that all jealouſies and apprehenſions of arbitrary preſſures under the civil or eccleſiaſtical ſtate, would eaſily have been abandoned, eſpecially when they ſaw all poſſible doubts ſecured by the viſitation of a triennial parliament.

"Theſe and others of no mean conſideration, we had rather ſhould be valued in the hearts and affections of our people, than in any mention of our own; not doubting, but as we have taken all theſe occaſions to render their condition moſt comfortable and happy, ſo they will always, in a grateful and dutiful relation, be ready with equal tenderneſs and alacrity to advance our rights and preſerve our honour, upon which their own ſecurity and ſubſiſtance ſo much depends. And we will be ſo careful, that no particular ſhall be preſented unto us, for the completing and eſtabliſhing that ſecurity, to which we will not with the ſame readineſs contribute our beſt aſſiſtance.

"If theſe reſolutions be the effects of our preſent counſels (and we take God to witneſs, that they are ſuch, and that all our loving ſubjects may confidently expect the benefit of them from us) certainly no ill deſign upon the public can accompany ſuch reſolution, neither will there be greater cauſe of ſuſpicion of any perſons preferred by us to degrees of honour and places of truſt and employment ſince this parliament. And we muſt confeſs, that amongſt our misfortunes we reckon it not the leaſt, that having not retained in our ſervice, nor protected any one perſon, againſt whom our parliament hath excepted during the whole ſitting of it, and having in all that time ſcarce vouchſafed to any man an inſtance of our grace and favour but to ſuch who were under ſome eminent character of eſtimation among our people, there ſhould ſo ſoon be any miſunderſtanding or jealouſy of their fidelity and uprightneſs, eſpecially in a time when we take all occaſions to declare, that we conceive ourſelf only capable of being ſerved by honeſt men and in honeſt ways. However, if in truth we have been miſtaken in ſuch our election, the particular ſhall be no ſooner diſcovered to us, either by our own obſervation, or other certain information, than we will leave them to public juſtice, under the marks of our diſpleaſure.

"If notwithſtanding this, any malignant party ſhall take heart, and be willing to ſacrifice the peace and happineſs of their country to their own ſiniſter ends and ambitions, under what pretence of religion and conſcience ſoever; if they ſhall endeavour to leſſen our reputation and intereſt, and to weaken our lawful power and authority with our good ſubjects; if they ſhall go about by diſcountenancing the preſent laws to looſen the bands of government, that all diſorder and confuſion may break in upon us, we doubt not but God in his good time will diſcover them unto us; and the wiſdom and courage of our high court of parliament join with us in their ſuppreſſion and puniſhment.

"Having now ſaid all that we can to expreſs the clearneſs and uprightneſs of our intentions to our people, and done all we can to manifeſt thoſe intentions, we cannot but confidently believe all our good ſubjects will acknowledge our part to be fully performed, both in deeds paſt, and preſent reſolutions, to do whatſoever with juſtice may be required of us, and that their quiet and proſperity depends now wholly upon themſelves, and is in their own power, by yielding all obedience and due reverence to the law, which is the inheritance of every ſubject, and the only ſecurity he can have for his life, liberty, or eſtate, and the which being neglected or diſeſteemed (under what ſpecious ſhows ſoever) a very great meaſure of infelicity, if not an irreparable confuſion, muſt without doubt fall upon them. And we doubt not, it will be the moſt acceptable declaration a king can make to his ſubjects, that for our part we are reſolved not only duly to obſerve the laws ourſelf, but to maintain them againſt what oppoſition ſoever, though with the hazard of our being. (5.)

Rem. (5.) Unhappily for the king, theſe general promiſes, to which he could give what ſenſe he thought proper, produced not the effect upon the commons he expected, or rather they produced the quite contrary, and increaſed their diſtruſt. This the reader will be convinced of, when he comes to ſee what had paſſed, probably, before this declaration was publiſhed.

"And our hope is, that not only the loyalty and good affections of all our loving ſubjects will concur with us in the conſtant preſerving a good underſtanding between us and our people, but at this time, their own and our intereſt, and compaſſion of the lamentable condition of our poor proteſtant ſubjects in Ireland, will invite them to a fair intelligence and unity amongſt themſelves, that ſo we may with one heart intend the relieving and recovering that unhappy kingdom, where thoſe barbarous rebels practiſe ſuch inhuman and unheard-of outrages upon our miſerable people, that no Chriſtian ear can hear without horror, nor ſtory parallel. And as we look upon this as the greateſt affliction that hath pleaſed God to lay upon us, ſo our unhappineſs is increaſed, in that, by the diſtempers at home, ſo early remedies have not been applied to thoſe growing evils, as the expectation and neceſſity there requires, though for our part, as we did upon the firſt notice acquaint our parliament of Scotland (where we then were) with that rebellion, requiring their aid and aſſiſtance, and gave like ſpeedy intimation and recommendation to our parliament here; ſo, ſince our return hither, we have been forward to all things which have been propoſed to us towards that work, and have lately ourſelf offered (by a meſſage to our houſe of peers, and communicated to our houſe of commons) to take upon us the care to raiſe ſpeedily ten thouſand Engliſh volunteers for that ſervice, if the houſe of commons ſhall declare that they will pay them; (6.) which particulars we are (in a manner) neceſſitated to publiſh, ſince we are informed, that the malice of ſome perſons have whiſpered it abroad, that no ſpeedier advancing of the buſineſs hath proceeded from ſome want of alacrity in us to this great work; whereas we acknowledge it a high crime againſt Almighty God, and inexcuſable to our good ſubjects of our three kingdoms, if we did not to the utmoſt employ all our powers and faculties to the ſpeedieſt and moſt effectual aſſiſtance and protection of that diſtreſſed people.

Rem. (6.) It appears by this paſſage, that this anſwer was not publiſhed till after the king's offer of levying ten thouſand men for Ireland, that is to ſay in January 1641-2.

And

" And we ſhall now conjure all our good ſubjects (of what degree ſoever) by all the bonds of love, duty or obedience, that are precious to good men, to join with us for the recovery of the peace of that kingdom, and the preſervation of the peace of this, to remove all their doubts and fears, which may interrupt their affection to us, and all their jealouſies and apprehenſions, which may leſſen their charity to each other, and then (if the ſins of this nation have not prepared an inevitable judgment for us all) God will yet make us a great and glorious king, over a free and happy people."

The bare reading of this declaration ſufficiently ſhews the king had no intention to give a particular anſwer to the remonſtrance of the ſtate of the kingdom, which contained ſo many different articles untouched by the king's declaration. And perhaps he would never have given any anſwer, if his enemies had not triumphed on his ſilence. He thought proper therefore to publiſh this declaration, that he might ſay he had anſwered the remonſtrance, and not with deſign to anſwer it indeed; and beſides, he publiſhed it not till long after the remonſtrance was received. Mean while, the commons publiſhing this paper againſt his will, made a deep impreſſion on his mind, and convinced him they had ſome grand deſign ſince they had ſo little regard for him.

It was not very ſtrange that the king ſhould be highly diſpleaſed with a remonſtrance, which was properly but a ſeries of reproaches for his paſt conduct, and againſt his government: with a remonſtrance, not directed to himſelf, but to the public, the authors whereof only meant to incenſe the people againſt him, and which was made at a time when it ſeemed to be moſt unneceſſary. Accordingly, the beginning of the breach between the king and the parliament is properly to be dated from this time, though on both ſides ſome meaſures were yet kept.

Next day, the 2d of December, the king coming to the parliament, the ſpeaker preſented to him the bill for tunnage and poundage for ſome months only, wherein the king expreſly owned he had till then levied theſe duties without a legal power. He made, on this occaſion, a fine ſpeech, full of his majeſty's praiſes for his goodneſs and affection to his people: after which the king ſpake in the following manner to both houſes.

" My lords, and gentlemen,

" I THINK it fit, after ſo long abſence, at this firſt occaſion to ſpeak a few words unto you; but it is in no ways in anſwer to Mr. Speaker's learned ſpeech.

" Albeit I have ſtaid longer than I expected to have done when I went away, yet in this I have kept my promiſe with you, that I have made all the haſte back again, that the ſettling of my Scotch affairs could any ways permit: in which I have had ſo good ſucceſs, that I will confidently affirm to you that I have left that nation a moſt peaceable and contented people: ſo that although I have a little miſreckoned in time, yet I was not deceived in my end.

" But if I have deceived your expectation a little in the time of my return, I am aſſured that my expectation is as much and more deceived in the condition wherein I hoped to have found ſome buſineſſes at my return: for that ſince before my going I ſettled the liberties of my ſubjects, and gave the laws a free and orderly courſe, I expected to have found my people reaping the fruits of theſe benefits, by living in quietneſs and ſatisfaction of mind: but inſtead of this, I find them diſturbed with jealouſies, frights, and alarms of dangerous deſigns and plots; in conſequence of which, guards have been ſet to defend both houſes. I ſay not this as in doubt that my ſubjects affections are any way leſſened unto me in this time of my abſence, for I cannot but remember, to my great comfort, the joyful reception I had now at my entry into London; but rather, as I hope, that my preſence will eaſily diſperſe theſe fears: for I bring as perfect and true affections to my people as ever prince, or as good ſubjects can poſſibly deſire. And I am ſo far from repenting me of any act I have done in this ſeſſion for the good of my people, that I proteſt, if it were to do again, I would do it; and will yet grant what elſe can be juſtly deſired, for ſatisfaction in point of liberties, or in maintenance of the true religion that is here eſtabliſhed.

" Now I have but one particular to recommend unto you at this time, it is Ireland; for which, though I doubt not your care, yet methinks the preparations for it go but ſlowly on. The occaſion is the fitter for me now to mention, becauſe of the arrival of two lords from Scotland, who come inſtructed from my council there (who now by act of parliament have full power for that purpoſe) to anſwer that demand which it pleaſed both houſes to make me by way of petition, that met me at Berwick, and which the duke of Richmond ſent back by my command to my Scotiſh council: therefore my deſire is, that both houſes would appoint a ſelect committee to end this buſineſs with theſe noblemen.

" I muſt conclude in telling you, that I ſeek my people's happineſs; for their flouriſhing is my greateſt glory, and their affections my greateſt ſtrength."

It was not without great reaſon that the king reſolved to teſtify an extreme zeal for the public good, ſince the remonſtrance of the commons plainly taught him that endeavours were uſing to make him forfeit the love of the people. It was therefore neceſſary to countermine the deſigns of his enemies, by repeated aſſurances of a great affection for his people, and by intimating he had entirely changed his principles and maxims. But herein he had one great diſadvantage, in that for his future behaviour he could give no other ſecurity than his word, which his enemies pretended to demonſtrate was not to be relied on. They chiefly urged, that though the king had ſolemnly given his aſſent to the petition of right, he had never executed what he promiſed. The conſequence they drew from this non-performance was ſo much the ſtronger, as the king had nothing to oppoſe to it but bare promiſes, which were of no more force than thoſe he had made with regard to that petition.

As the king had earneſtly recommended to the parliament the conſideration of the affairs of Ireland, both houſe immediately appointed a committee to treat with the Scots about ſuccours[z]. The commons in particular paſſionately deſired to negotiate with Scotland. In their preſent belief, that the king was willing to engage them to ſend an army into Ireland, in order to be more at eaſe in England, they could not find a more effectual way to break his meaſures, than to employ Scotiſh troops in the relief of that kingdom. As they had already taken the reſolution, though ſecretly of diveſting the king of great part of his power, they eaſily foreſaw that a breach would infallibly follow, and then they ſhould want the troops the king had a mind to engage them to ſend into Ireland.

After the remonſtrance, every thing manifeſtly tended to a rupture between the king and the parliament, and the commons loſt no opportunities to infuſe ſuſpicions into the people againſt the king. To this end, Daniel O'Neal, who was concerned in the plot to ſeduce the army, was voted guilty of a ſecond attempt, in June or July laſt, to perſuade the chief officers of the army to declare for the king againſt the parliament. This tended to ſhew that the king had not relinquiſhed his project, to make uſe of force to awe the parliament.

On the other hand the rebels of Ireland having, by the lord Coſtelough, preſented to the lords juſtices of that kingdom, a letter in the nature of a remonſtrance, wherein they demanded " The free exerciſe of their religion, and a repeal of all laws to the contrary," the commons made a great noiſe about it. They knew the lord Coſtelough and the lord Taaff were on their way to England, with propoſitions to be offered to the king concerning means for procuring the peace of Ireland. So, fearing, or pretending to fear, the king would grant liberty of conſcience to the Iriſh papiſts, they deſired a conference with the lords: after which it was ſolemnly declared by both houſes, that they would never conſent to any toleration of the popiſh religion in Ireland, or any other his majeſty's dominions. It is eaſy to ſee how much this tended to breed ſuſpicions of the king.

If it is ſuppoſed, as I have inſinuated, that the aim of the commons, or at leaſt of the greateſt part of the houſe, was to put it out of the king's power to govern for the future as he had governed before this parliament, and that to prepare the people for this change it was neceſſary to fill them with fears and ſuſpicions, the motives of all their proceedings, and the king's ſad ſituation will be perfectly underſtood. His ſubjects were prejudiced againſt him, and he had given but too much occaſion. Every ſtep taken by the commons tended to increaſe this prejudice: and the king, to remove it, could allege only the ſincerity of his intentions, of which many people were not convinced. This gave his enemies an advantage, which they did not fail on all occaſions to improve: nay, they deſcended even to the meaneſt trifles, to cheriſh the people's fears; for, upon information that amongſt ſome barrels of ſoap, ſent by a merchant of London to Dor-

[z] That is, with ſome Scotiſh commiſſioners, who were come from Scotland to treat with the parliament about ſuccours for Ireland. The committee appointed by the parliament were, the earls of Bedford and Leiceſter, the lord Howard of Eſcryck, and Nathaniel Fiennes, ſir William Armyne, ſir Philip Stapleton, and John Hampden. Nalſon, tom. II. p. 714, 716.

They

cheſter, there was found a barrel of gunpowder, the houſe appointed a committee [a] to make a ſtrict inquiſition, as into a thing of the greateſt conſequence.

About the ſame time another affair happened, which gave ſome advantage againſt the king. The 8th of December he ſent to acquaint both houſes, that ſeven [b] prieſts having been condemned that week, the French embaſſador had deſired him to change the ſentence of death into that of baniſhment, upon which he deſired to have their advice. Some days after, the commons voted that the ſeven prieſts ſhould be executed, and the lords concurring with this vote, both houſes petitioned the king to order the execution. The king replied, he would baniſh the ſeven prieſts, if both houſes would give their conſent. As they did not think proper to anſwer, the king took occaſion from their ſilence to ſuſpend the execution. Two months after, the king communicated a letter to them, which ſecretary Nicholas had received from Venice, wherein he was told that the pope threatened to ſend an army into Ireland, if the prieſts were executed. Upon this menace, both houſes prayed the king once more to execute the ſeven prieſts. But he thought not proper to grant their deſire: his reaſon was, the fear of repriſals, and that this rigour might be extremely prejudicial to the Engliſh proteſtants in Ireland, who ſhould fall into the hands of the rebels. This reaſon was ſo much the weaker, as it ſerved not only for the preſent caſe, but alſo for all that ſhould offer hereafter, and tended to render the laws of no effect; beſides, the Iriſh having already maſſacred above forty thouſand Engliſh proteſtants without any cauſe, the fear of repriſals from them ſeems to have been a weak motive for pardoning theſe prieſts. Accordingly it was generally thought to be owing to the ſolicitations of the queen. Be this as it will, the prieſts were not executed; for though afterwards the king left it to both houſes to ſave or put them to death, they did not think fit either to pardon or execute. All this was extremely prejudicial to the king, ſince, at the very time that he ſolemnly proteſted he was reſolved to execute the laws, he granted his protection to theſe ſeven prieſts, legally convicted, and had no regard to the inſtances of both houſes.

At this time, I mean in December 1641, two affairs ſucceſſively employed the houſe of commons, namely, the ſuccours for Ireland, and the accuſation preſented to the lords againſt the biſhops. I ſhall only ſpeak of the firſt at preſent.

The king and parliament equally allowed the neceſſity of relieving Ireland, and all the advices from thence were a demonſtration of it. The Iriſh army was at the gates of Dublin, and had cut in pieces a body of troops ſent to Drogheda. So, in all likelihood, the lords juſtices, with their few troops, could not long reſiſt the rebels. The Scotch commiſſioners that were come to London to treat with the parliament, had offered an aid of five thouſand men, who could eaſily be ſent from Scotland into the north of Ireland, to make a diverſion, and the commons had prevailed with them to treat for ten thouſand. The deſign of the commons was to employ only Scotch troops in the reduction of Ireland, that England might not be unprovided. The king did not refuſe the aſſiſtance of Scotland, but would have England ſend into Ireland the like number of Engliſh forces, on pretence, that there was danger of the Scots ſeizing upon Ireland when the Iriſh ſhould be ſubdued. He had found means to gain the peers, ſo that when the motion was made to the lords, for ſending ten thouſand Scots into Ireland, they conſented to it provided the ſame number of Engliſh were alſo ſent thither.

The Scotch commiſſioners complaining by a memorial, that in a fortnight they had no poſitive anſwer to their offers, the commons preſſed the lords to diſpatch the affair, declaring, if they neglected it, the whole blame would fall upon them. They farther declared, that unleſs the bill for preſſing of ſoldiers paſſed, it was impoſſible for England to raiſe troops for that ſervice. Whereupon the lords debated the three following queſtions, which were all reſolved in the negative.

1. Whether this houſe ſhall conſent to ſend ten thouſand Scots into Ireland, before it can be aſcertained that ten thouſand Engliſh will be ſent thither alſo?

2. Whether this houſe ſhall conſent to ſend ten thouſand Scots before the bill for preſſing be paſſed?

3. Whether this houſe ſhall join with the commons, in ſending now ten thouſand Scots into Ireland?

The commons replied to theſe votes in a conference, that for the certainty their lordſhips deſire of ſending ten thouſand Engliſh into Ireland, the commons were not uſed to be capitulated with: That their actions are free, as well without conditions as capitulations, and deſire it may be ſo no more; That they had already given ſufficient certainty by a vote communicated to their lordſhips, and ſee no neceſſity of voting it again: That they deſire their lordſhips would vote the ſending ten thouſand Scots, without any relation to the ten thouſand Engliſh, and that ſpeedily, the preſervation of Ireland depending upon it: That they have the more reaſon to deſire this, as the Engliſh troops cannot go, unleſs the bill for preſſing paſſes. But this was not capable of making the lords depart from their former reſolution.

Mean time, the commons, who had already committed to priſon the lords Coſtelough and Taaff, (ſent to the king with propoſitions about procuring the peace of Ireland) cauſed all their papers to be examined, in their diſtruſt of the king, and no doubt in expectation of finding ſomething which might do him a prejudice [c].

At the ſame time, the king acquainted the lords, that he would engage to raiſe ten thouſand men for Ireland, if the commons would promiſe to pay them [d]. But they were far from accepting this propoſition, knowing the king meant to grant the commiſſions, and would give them to ſuch officers only as ſhould be at his devotion. So the commons choſe rather to hazard the entire loſs of Ireland, than ſend thither ten thouſand Engliſh in ſuch a juncture; and the lords choſe rather to run the riſk of ſeeing all the Engliſh driven out of that kingdom, than of ſeeing the Scots in condition to ſeize it. The king perfectly knew the motive of the commons proceedings, whilſt they were not ignorant, that the lords acted wholly by the king's direction.

Mean time, the aſſiſtance for Ireland being ſtill retarded by theſe quarrels, the commons appointed a committee to examine, from whence came the obſtacles that occurred in this affair. It was really difficult for thoſe who were not acquainted with the ſecret motives of the king and commons, to know where the blame lay, that Ireland was not relieved, ſince they ſeemed equally deſirous that a ſpeedy aid ſhould be ſent thither. The king's friends ſaid, his majeſty's offer to raiſe ten thouſand men, provided the commons would engage to pay them, was a clear evidence, that the obſtructions did not proceed from him. His enemies, on the contrary, affirmed, that the refuſal of the lords, or rather of the king, who directed them, to accept of the aid of ten thouſand Scots, on a frivolous pretence, plainly ſhewed, that the difficulties did not come from the commons, ſince they were very ready to promiſe to pay theſe auxiliaries. For my part, I am of opinion, that both king and commons thought leſs ſeriouſly of aſſiſting Ireland, than of drawing from the Iriſh rebellion private advantages, with regard to their differences. The king wiſhed the parliament would ſend a ſtrong army into Ireland, that they might find it more difficult to raiſe forces in caſe of a breach with him, of which there was but too much appearance. The commons, on their part, had prevailed with the Scots to offer ten thouſand men, in the belief, that if they were accepted, they ſhould be freed from the trouble and danger of ſending an Engliſh army into Ireland, and if they were refuſed, the delay of relief would be imputed to the king.

[1641-2.] However that be, the houſe, upon the report of the committee, found that one great obſtruction of relief to Ireland was, that the Iriſh had not been declared rebels by proclamation. Wherefore, on the 1ſt of January 1641-2, the king publiſhed a proclamation, wherein the Iriſh were expreſly called traitors and rebels. But there were only forty copies printed, which were all ſent to ſecretary Nicholas, according to an order received by the printer, to this effect:

"It is his majeſty's pleaſure, That you forthwith print on very good paper, and ſend unto me, for his majeſty's ſervice, forty copies of the proclamation incloſed, leaving convenient ſpace for his majeſty to ſign above, and to affix the privy ſignet underneath. And his majeſty's expreſs command is. That you print not above the ſaid number of forty copies, and forbear to make any further publication of them till his pleaſure be further ſignified.

For his majeſty's printer [e]. ED. NICHOLAS."

[a] They ſent down an order to the juſtices of the peace of Dorcheſter, to make diligent ſearch for a barrel of powder ſent thither for a barrel of ſoap. Nalſon, tom. II. p. 719.

[b] Rapin ſays ſix, but Nalſon makes them to be eight in one place, and in another ſeven. See Nalſon, tom. II. p. 719, 740.

[c] The lord Dillon of Coſtelough was pitched upon by the Iriſh lords to carry over their deſires to his majeſty concerning the means of quenching the flames of the rebellion. Accordingly he embarked, in company with the lord Taaff, and at Ware their papers were ſeized by directions from the parliament, and their perſons committed; but afterwards they found means to eſcape, and waited upon his majeſty. Ruſhworth, tom. IV. p. 413.

[d] Nalſon ſays, That this propoſal was firſt made by the Scotiſh commiſſioners. Tom. II. p. 756.

[e] Nalſon has omitted this order to the printer, though the king denied it not. Rapin.

It will hereafter be ſeen, what uſe the commons made of this order, the original whereof they had in their hands, and the king's anſwer.

I have already obſerved, that ſince the king's return from Scotland, there were between him and the commons ſeeds of diviſion, which threatened an approaching rupture. This appeared on all occaſions, and the mutual diſtruſt, continually increaſed; but with this difference, that the commons did not take the leaſt ſtep, but what tended to their end of filling the people with fears and jealouſies; whereas the king having yet formed no project, managed according to the preſent emergencies, without propoſing to himſelf a fixed and certain end, which was a great diſadvantage to him. Shortly after his return from Scotland, upon notice that there was to be a tumultuous concourſe of people at Weſtminſter, he ſent a writ to the ſheriff to ſet a guard near the parliament. The commons took offence at it, and after ſome enquiry to ſhew it was done by the king's order, diſmiſſed the guard.

Two days after, the king publiſhed a proclamation, ſtrictly commanding, that divine ſervice ſhould be performed in all the churches of England and Wales, according to the law and ſtatutes of the realm. This proclamation, which indeed contained nothing contrary to law, was however unſeaſonable, when the commons publicly ſhewed, that in the laws concerning divine ſervice, there were things offenſive to the conſciences of many people. But the king had the misfortune to forget ſometimes the ſituation of his affairs, and remember only his former ſtate, when his proclamations met with a ready compliance. He could eaſily ſee, that this would be at leaſt of no uſe, and conſequently he ſhould not have publiſhed it at ſuch a juncture. But he gave his enemies a much greater advantage againſt him, in another affair which created him no ſmall mortification.

The commons had voted, as I ſaid, that a body of troops ſhould be ſent into Ireland. But as they were extremely jealous of the king, they ſought an expedient to hinder him from being concerned in the raiſing of theſe forces. They were apprehenſive, if theſe levies were made in the uſual manner, that is, by liſting volunteers, theſe troops would be too much at the king's devotion. This expedient was to levy ſoldiers by way of compulſion, called in England, preſſing, and to paſs an act for that purpoſe. A bill was accordingly brought in, and ſent up to the lords. Very likely, there was ſome clauſe in this bill contrary to the prerogative royal, to hinder the king from being concerned in levying theſe troops[f]. The king having notice of it, came to the parliament, and made the following ſpeech to both houſes.

"My lords and gentlemen,

"THE laſt time I was in this place, and the laſt thing that I recommended unto you, was the buſineſs of Ireland; whereby I was in good hope, that I ſhould not have needed again to have put you in mind of that buſineſs. But ſtill ſeeing the ſlow proceedings therein, and the daily diſpatches that I have out of Ireland, of the lamentable eſtate of my proteſtant ſubjects there, I cannot but again earneſtly recommend the diſpatch of that expedition unto you, for it is the chief buſineſs that at this time I take to heart, and there cannot almoſt be any buſineſs that I can have more care of.

"I might now take up ſome of your time in expreſſing my deteſtation of rebellions, in general, and of this in particular; but knowing that deeds and not declarations muſt ſuppreſs this great inſolency, I do here in a word offer you whatſoever my power, pain, or induſtry can contribute to this good and neceſſary work, of reducing the Iriſh nation to their true and wonted obedience.

"And that nothing may be omitted on my part, I muſt here take notice of the bill for preſſing of ſoldiers, now depending among you, my lords; concerning which, I here declare, that in caſe it come ſo to me, as it may not infringe or diminiſh my prerogative, I will paſs it. And farther, ſeeing there is a diſpute raiſed, (I being little beholding to him whoſoever at this time began it) concerning the bounds of this ancient and undoubted prerogative; to avoid farther debate at this time, I offer that the bill may paſs with a Salvo Jure both for king and people, leaving ſuch debates to a time that may better bear them. If this be not accepted, the fault is not mine that this bill paſs not, but theirs that refuſe ſo fair an offer.

"To conclude, I conjure you by all that is or can be dear to you or me, that laying aſide all diſputes, you go on chearfully and ſpeedily for the reducing of Ireland."

Though it clearly appeared, that in this ſpeech the king had no intention to violate the privilege of parliament, but only to remove the obſtacles which occurred on account of this bill, both houſes were equally offended. They appointed a joint committee to examine the king's ſpeech, and upon their report, the houſe of lords unanimouſly voted.

1. That the privileges of parliament were broken by his majeſty's taking notice of the bill for preſſing of ſoldiers, being in agitation in both houſes, and not agreed on.

2. That his majeſty in propounding a limitation and proviſional clauſe to be added to the bill, before it was preſented unto him by the conſent of both houſes, was a breach of the privilege of parliament.

3. That his majeſty expreſſing his diſpleaſure againſt ſome perſons, for matters moved in the parliament, during the debate and preparation of that bill, was a breach of the privilege of parliament.

Theſe votes were alſo readily paſſed in the houſe of commons, after which both houſes united in a ſolemn declaration, importing, "That the king ought not to take notice of any matter in agitation or debate in either houſe of parliament, but by their information and agreement: And that his majeſty ought not to propound any condition, proviſion, or limitation to any bill or act, in debate or preparation in either houſe of parliament; or to manifeſt or declare his conſent or diſſent, approbation or diſlike of the ſame, before it be preſented to his majeſty in due courſe of parliament; and that every particular member of either houſe hath free liberty of ſpeech to propound or debate any matter according to the order and courſe of parliament: And that his majeſty ought not to conceive diſpleaſure againſt any man for ſuch opinions and propoſitions as ſhall be delivered in ſuch debate, it belonging to the ſeveral houſes of parliament reſpectively to judge and determine ſuch errors and offences in words or actions, as ſhall be committed by any of their members, in the handling or debating any matters depending: And that his majeſty will be pleaſed to declare the authors of this miſinformation and evil counſel[g]."

Purſuant to this declaration, both houſes preſented to the king a more extenſive petition, which the king within few days anſwered in writing. The ſtrength of his anſwer conſiſted in, that he had no intention to infringe the privilege of parliament, and meant only to haſten the relief of Ireland. Both houſes were ſatisfied with this explication, and the affair was carried no farther. But there ſtill remained upon the king a blemiſh for violating the privilege of parliament, which was then of great conſequence. This ſhews, the king had not then about him any very able counſellors. For if they had perceived the commons intention, ſince the re-aſſembling of the parliament, they would have been careful not to adviſe the king to take ſo many not only unneceſſary ſteps, but ſuch as gave his enemies great advantages. Of this nature was the proclamation concerning divine ſervice. In the ſame rank I place alſo the great zeal he expreſſed for the church of England, which ſerved only to alienate ſtill farther from him all the adherents of the commons, and to ſhew them what they were to expect, if he ſhould be reſtored to his former ſtate. In a word, nothing could be more unſeaſonable than this laſt ſpeech to both houſes, as if the bare threat of not paſſing the bill was ſufficient to awe them, whereas, at leaſt in regard to the commons, it was a very ſtrong argument to cauſe them to inſiſt upon their demand. Beſides, the breach of privilege muſt have been evident, ſince there was not a ſingle member in both houſes, but what thought the king had violated it by his propoſition.

Six or ſeven days after, the king gave a freſh occaſion of complaint by removing ſir William Balfour, lieutenant of the Tower from his place, with whom he had no reaſon to be pleaſed, on account of his evidence concerning the deſign of promoting the earl of Strafford's eſcape. Every one ſaw, this was the ſole cauſe of Balfour's diſgrace. But perhaps his removal would not have been of ſo ill conſequence to the king, had he not truſted that important place to colonel Lunsford, known to be a man of profligate manners, and fit for any purpoſe. This change made the commons believe,

[f] In the preamble of the bill it was declared, "That the king had, in no caſe, but the invaſion from a foreign power, authority to preſs the free-born ſubject, which could not conſiſt with freedom and liberty of his perſon." Clarendon, tom. I. p. 257.

[g] The lord Clarendon ſays, that when the clauſe in the bill for preſſing, mentioned in the note above, put a ſtop to the bill in the houſe of lords, Mr. St. John, the king's ſolicitor, went privately to his majeſty, and perſuaded him to go to the parliament-houſe, and ſay the very words in his ſpeech relating to the Salvo Jure, as an expedient to remove rubs in the way of the Iriſh affairs. Upon which both houſes reſolving to do nothing till this manifeſt breach ſhould be repaired by paſſing the bill, the king was compelled to paſs it, as they had prepared it. Tom. I. p. 258.

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the king designed to secure the Tower, in order to awe the city and parliament. As their jealousy of him was very great, and as besides, it is certain, they sought occasions to persuade the people, the king had ill designs, they failed not to improve the present. The same day that Lunsford was put in possession of the Tower, a great number of Londoners, some of whom were common-council-men, presented a petition to the lower-house, representing, "That the whole state is deeply interested in the safe-custody of the Tower, but more especially the city of London: That colonel Lunsford is a man out-lawed, and most notorious for outrages, and therefore fit for any dangerous attempt. For which reason the petitioners, and many more who have intelligence of his having the office of lieutenant bestowed on him, are put in such a height of fear and jealousy, as makes them restless till they have represented the same to the house of commons, humbly desiring them to take this affair into such consideration, as may secure both the city and kingdom."

It cannot be denied, that the king made a very ill choice in bestowing this post on Lunsford, and thereby gave occasion for disadvantageous suspicions. Besides, it seems to be almost inexcusable, to give the command of the Tower to a person of so ill a character, as at a time when his enemies lost no opportunity to inspire the people with jealousies. The most favourable thing that can be said for the king is, that there being but few persons who would be at his devotion, for fear of the indignation of the commons, he thought himself obliged to chuse for lieutenant of the Tower, one less scrupulous, and of a desperate fortune, who would depend on him, and it was not easy to find many such.

The commons having taken into consideration the petition presented to them, desired a conference with the lords, where they represented, "That colonel Lunsford is an unfit person for so great a trust, as the lieutenancy of the Tower. But if his majesty think cause that there should be a lieutenant of the Tower, the same being already under the command of the earl of Newport [h], who is constable thereof by his majesty's appointment, then that sir John Conyers may be recommended to his majesty for that place." The lords answered, they could not concur with the commons in an address to the king to remove colonel Lunsford, because they conceived the same would be an intrenchment upon his majesty's prerogative.

The commons vexed at the refusal of the lords, unanimously voted, "That colonel Lunsford was unfit to be lieutenant of the Tower, as being a person the commons could not confide in." At the same time they made a declaration, shewing the reasons of fear and distrust, as the conspiracy to seduce the army, a former plot of possessing the Tower, the Irish rebellion, and the continual delays and interruptions they received in the house of peers by reason of the great number of bishops and popish lords; and therefore they held themselves bound in conscience to protest, that they were innocent of the blood which was like to be spilt, and the confusion which might overwhelm the state, if Lunsford were continued in his charge. Moreover they hoped, that such of the lords as had the same apprehensions, would likewise take some course to make the same known to his majesty. This declaration being communicated to the lords, it was resolved by the majority of votes, that the debate thereof should be adjourned till next Monday. But two and twenty lords entered their protest against that vote.

The same day the commons sent and desired the earl of Newport, to reside within the Tower as constable, and to take the custody of that place.

Besides the inhabitants of London, whose petitions had occasioned the commons declaration, the apprentices had flocked together in great numbers, and presented a petition to the king, praying him to concur with the commons in rooting out papists, innovators, bishops, as having all combined to subvert the government, and introduce popery.

On the morrow the 26th of December, being Sunday, the lord-mayor, sir Richard Gurney, seeing the apprentices begin to re-assemble, and knowing they intended to go the next day to Whitehall for an answer to their petition, waited upon the king to inform him of it. He represented withal, that great mischief might ensue, if Lunsford was not removed; adding, the people of London were resolved to attempt the Tower, to put him out. Whereupon the king that same evening took the keys from Lunsford, but at the same time discharged the earl of Newport of the constableship of the Tower.

The reason, or perhaps the pretence of the earl's disgrace was, that the king had been told, that at a meeting at Kensington, whilst he was in Scotland, the earl of Newport, upon discourse of some plots in that kingdom, should say, "If there be such a plot, yet there are his wife and children." But the earl hearing such a rumour had reached the queen, waited upon her majesty, and with many protestations assured her, that never any such words were spoken, nor the least thought conceived of any such thing, with which the queen seemed to rest satisfied. Nevertheless, several months after, and the same day sir William Balfour was removed from the lieutenancy of the Tower, the king asked him, whether he had heard any debate at Kensington, "about seizing upon the queen and her children?" The earl strongly denied it; to which the king replied, "That he was sorry for his lordship's memory." This is what the earl of Newport positively affirmed himself in the house of peers.

The lords being convinced, that the king, upon a false rumours, had entertained suspicions of the earl of Newport [i], espoused his cause, and presented a petition to the king, praying him to declare the reporter of those words. The earl of Bath, the 30th of December, reported his majesty's answer as follows:

"It is true, that I have heard rumours of some propositions that should have been made at Kensington, for the seizing of the persons of my wife and children; and in things of so high a nature, it may be fit for any prince to enquire, even where he hath no belief nor persuasion of the thing; so I have asked Newport some questions concerning that business, but far from that way of expressing a belief of the thing, which Newport hath had the boldness and confidence to affirm; which I could easily make appear, but that I think it beneath me, to contest with any particular person. But let this suffice, that I assure you, I neither did nor do give credit to any such rumour. As for telling the name of him who informed me, I do stick to the answer which I gave to your last petition upon the like particular."

What colour soever the king put upon his behaviour to the earl of Newport, it plainly appeared, that he had quarrelled with that lord, on purpose to remove him from the constableship of the Tower, at the very time he was desired by the commons to reside there. This did not help to cure the commons suspicions.

I have already mentioned the project formed by the leaders and managers of the house of commons against the king, namely, the divesting him of great part of his power. To compass that end, it was necessary to remove the obstacles which incessantly occurred in the house of peers, where the bishops and popish lords were always able, by the number of their voices, to oppose the execution of the project. Hitherto the commons had endeavoured in vain to exclude the bishops from the upper-house, and there was no likelihood that their solicitations would produce any greater effect for the future. They were therefore either to relinquish their project, or take more effectual methods to obtain by force what would never have been obtained by fair means. I am very sensible, some will take it ill that I positively affirm, the tumults I am going to speak of, were the effect of the intrigues of the contrary party to the king, and that several pretend it was all owing to accident, and the discontents of the people. The reader will be able to judge, when he has seen what passed in the latter end of December.

On Monday the 27th of this month, there was a great concourse of people at Westminster, whither they who had presented the petition of the Londoners, the apprentices and an infinite number of others, flocked, on pretence of waiting for the king's and parliament's answer. Among these multitudes, many were heard to cry aloud, "No Bishops! No Bishops!" This corresponded with the petition of the apprentices. The bishop of Lincoln, Dr. Williams, lately nominated to the see of York [k], coming with the earl of Dover to the house of peers, and observing a youth to cry out louder than the rest against bishops, stept to him and seized him, in order to have him committed to prison. But the people rescued the youth, and gathering about the bishop, hemmed him in, that he could not stir, so that he was like to be pressed to death. But at last they let him go, still crying out as loud as they could, "No Bishops!"

[h] Mountjoy Blount.

[i] Upon the earl of Newport's information, the house of lords thinking it to be a matter of great consequence, and because some members of the commons (as being present at the meeting at Kensington) were concerned, had a conference with them, and desired them to join with them in searching this business to the bottom. Whereupon they agreed to concur in a petition to the king, &c. Rushworth, tom. IV. p. 463.

[k] He was restored to his place in the house of lords, at the beginning of this parliament, November 16, 1640. Nalson, tom. I. p. 529.

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At the ſame time, three or four officers, who had ſerved in the late army againſt the Scots, walking near Weſtminſter-hall, one of them, captain David Hide, drew his ſword, ſaying, he would cut the throats of thoſe "Round-headed cropp'd eared dogs that bawled againſt the biſhops." But the other officers refuſing to ſecond him, he was apprehended by the citizens, and brought before the houſe of commons and ſent to priſon. There is no other known origin of the name of Roundheads, which from that time was given to the parliamentarians [l].

The ſame day colonel Lunsford, with thirty or forty officers coming through Weſtminſter-hall, and meeting the multitudes drew their ſwords, and wounded ſome twenty apprentices and citizens. The news being carried into the city, great numbers of apprentices and others ran to Weſtminſter with ſwords and ſtaves, which cauſed a dreadful uproar both in London and Weſtminſter. The lord mayor, to prevent any farther diſorders, commanded the city gates to be ſhut, and put the trained-bands in arms, whilſt on the other hand, the king ordered ſome of the militia of Middleſex and Weſtminſter to come by turns and guard his perſon.

The lords ſeeing ſo great a tumult, ordered the gentleman-uſher of the black-rod, to command the people to depart to their homes. But the people anſwered they could not becauſe Lunsford, with other ſwordſmen, lay in wait for them in Weſtminſter-hall, and had already wounded ſeveral. Whereupon the lords appointed a committee to examine, what warrant Lunsford and the other officers had come to Weſtminſter, and likewiſe what notice had been given to any others to come in multitudes about the parliament-houſe. They tried once more to ſend away the people, but not ſucceeding, deſired the commons to join with them in publiſhing a declaration againſt tumults, and in petitioning the king for a guard. The commons anſwered, it was now ſo late, that they had not time to take this requeſt into conſideration. Mean while, upon information that ſome of the people were ſent to priſon, they appointed a committee to examine, by whoſe authority they were impriſoned, with power to releaſe them, if it was thought proper. A clear evidence that this tumult was not diſagreeable to the commons [m].

On the morrow, the 28th, the tumult continued in the ſame manner as the day before, and the commons made no more haſte to appeaſe it. On the contrary, they adjourned the debate of the lords requeſts till next day. At laſt, on the 29th the populace being again aſſembled, they acquainted the lords, that they were ready to join in all lawful ways and means to appeaſe the tumults, but for printing a declaration, it was a matter that would require ſome farther deliberation [n].

It is very evident, that the commons did not deſire theſe tumults ſhould be ſo ſoon ended, eſpecially if what is ſaid of Mr. Pym, one of the leading members, be true. For it is affirmed, he anſwered to one that perſuaded him to endeavour to prevent theſe tumultuous aſſemblies, "God forbid the people ſhould be hindered from obtaining their juſt deſires." Indeed the houſe in general cannot be accuſed of taking any reſolution to encourage theſe tumults. However it is but too probable, not to ſay certain, that they were cauſed by the intrigues and direction of ſome of the leaders of the oppoſite party to the king.

To be ſatisfied of this truth, a man need only conſider, what was the ſituation of affairs at the end of December 1641. The redreſs of grievances was no longer the point; that was now compleated without any oppoſition from the king. He could therefore affirm, that his conſent to the acts paſſed in this parliament, was the effect of his love for his people, with as much reaſon as his enemies could ſay, it was only by compulſion and diſſimulation. It is certain, that after the king's return from Scotland, there were in the parliament many members who wiſhed the reform might be carried no farther, perſuaded as they were, that what was already done ſufficed for the ſafety of the kingdom, and prevention of an arbitrary government for the future. This was the prevailing opinion in the houſe of peers, chiefly becauſe of the biſhops and popiſh lords, who always made the balance incline to the king's ſide, when this capital point was directly or indirectly in queſtion.

It was otherwiſe in the houſe of commons. Moſt of the members, not contenting themſelves with having redreſſed the grievances, were alſo for leſſening the royal authority, and putting it out of the king's power to govern for the future, as he had done before this parliament. Some acted out of pure diſtruſt of the king's ſincerity: others out of fear of being expoſed to his reſentment, if he ſhould ever be in a condition to make them feel the effects of it. Beſides theſe two motives, the preſbyterians had a third, namely, to alter the government of the church, which they plainly ſaw could never be effected, but by diſabling the king to oppoſe it. All theſe members were united in the project of depriving the king of good part of his power. But there was a great difference between them with reſpect to the animoſity againſt the king, and the zeal wherewith they purſued the execution of their deſign. The preſbyterians were the moſt paſſionate; whilſt others, who acted only from motives of diſtruſt and jealouſy, behaved with leſs warmth. They could not, without a ſort of remorſe, contribute to the throwing of the whole kingdom into confuſion, upon the foundation of a bare diſtruſt, or of a fear, to which it was impoſſible to apply any remedy. This had cauſed great debates in the houſe about the remonſtrance of the ſtate of the kingdom. Many conſidered it as unneceſſary, and others ſupported it, becauſe they ſaw no ſurer means to beget a rupture between the king and the parliament, without which rupture they looked upon themſelves as undone, for without it, they could not hope to execute their projects. Oliver Cromwell, who as yet made no figure in the houſe, told the lord Falkland, "That if the remonſtrance had been rejected, he would have ſold all he had the next morning, and never ſee England more."

After the remonſtrance was preſented to the king, his enemies loſt no opportunity to cheriſh the fears and jealouſies of the people, in which they had a double view. Firſt, they prepared them for the change they were meditating, by intimating the abſolute neceſſity of diminiſhing the king's power. Secondly, by provoking the king, they hoped to engage him in ſome violent meaſures, proper to confirm the ſuſpicions they were ſtriving to infuſe into the people, in which they ſucceeded but too well, the king being ſo unfortunate, as not to have any able council about him, who might warn him of the ſnares that were laid for him. However, they were ſtill very far from their end, by reaſon of the obſtacles they met with in the houſe of peers, where the biſhops and popiſh lords broke all their meaſures.

Probably, this ſort of conteſt between the two houſes would have laſted much longer, if the tumultuous concourſe of the Londoners about Weſtminſter, had not come very ſeaſonably to frighten the biſhops and popiſh lords, as will be ſeen preſently. When therefore ſuch multitudes were ſeen flocking to Weſtminſter, exclaiming againſt the biſhops and catholic lords, inſulting the peers of the king's party, in a word, acting ſo agreeably to the deſires and intentions of the commons, one can hardly help thinking, they were countenanced and encouraged by ſome of the members of that houſe; and the rather, as there can be no other probable reaſon aſſigned of ſo ſudden a commotion.

As to the juſtice of the project, formed by the commons to diſable the king from doing for the future what he had done for fifteen years, it is a queſtion not eaſily to be decided. The point is to know, whether, at the time I am ſpeaking of, in reſtoring the king to all his rights, there was juſt ground to confide in him, without any fear of his abuſing his power for the future. But there is ſo much to be ſaid on both ſides of the queſtion, that the impartial muſt be at a loſs, and the more, as the thing is to know perfectly what the king's intention was, which no man can diſcover. It is therefore upon bare conjectures that ſome decide, that, after the king's conceſſions in this parliament in favour of his ſubjects, it was reaſonable to rely on his word; and that others affirm, it was imprudent to conſider the king's aſſent to the acts, as a proof of his intention to govern according to law, ſince this aſſent was not altogether voluntary. On this queſtion run all the papers which were afterwards publiſhed, either by the king or the parliament.

The tumults ſtill continuing about the parliament-houſe, and the commons not appearing very urgent to appeaſe them, twelve biſhops met at the archbiſhop of York's, to conſult together upon what was to be done. Here, by the advice of the archbiſhop, they reſolved to go no more to the houſe of peers, but preſent to the king and the lords the following proteſtation [o].

[l] The apprentices it ſeems wore the hair of their head cut round, and the queen obſerving out of a window, Samuel Barnardiſton among them, cried out, "See what a handſome young Roundhead is there:" and the name came from thence, and perhaps was firſt publicly uſed by captain Hide.

[m] Cornelius Burgeſs, a puritan miniſter, uſed to ſay of the rabble, "Theſe are my Bandogs, I can ſet them on, and I can fetch them off again."

[n] This anſwer to the lords was on the 8th. Ruſhworth, tom. IV. p. 465.

[o] This proteſtation was penned in heat and haſte, by William archbiſhop of York, juſt after the treatment he had met with from the apprentices and others, and, without delay, preſented by him to the king, with an humble deſire, that his majeſty would ſend it to the houſe of peers, ſince the biſhops could not do it themſelves, and that he would command, it ſhould be entered into the journal of the houſe. His majeſty juſt caſt his eye upon it, and believing it drawn by mature advice delivered it to the keeper, who unfortunately happened to

To the king's moſt excellent majeſty, and the lords and peers, now aſſembled in parliament; the humble petition and proteſtation of all the biſhops and prelates now called by his majeſty's writs to attend the parliament, and preſent about London and Weſtminſter for that ſervice.

"THAT whereas their petitioners are called up by ſeveral and reſpective writs, and under great penalties, to attend in parliament, and have a clear and indubitate right to vote in bills, and other matters whatſoever, debateable in parliament, by the ancient cuſtoms, laws, and ſtatutes of this realm, and ought to be protected by your majeſty, quietly to attend and proſecute that great ſervice.

"They humbly remonſtrate and proteſt before God, your majeſty, and the noble lords and peers, now aſſembled in parliament, that as they have an indubitate right to ſit and vote in the houſe of lords, ſo are they (if they may be protected from force and violence) moſt ready and willing to perform their duties accordingly. And that they do abominate all actions and opinions tending to popery, and the maintenance thereof; as alſo all propenſion and inclination to any malignant party, or any other ſide or party whatſoever, to the which their own reaſon and conſciences ſhall not move them to adhere.

"But whereas they have been at ſeveral times violently menaced, affronted, and aſſaulted by multitudes of people, in their coming to perform their ſervices in that honourable houſe; and lately chaſed away, and put in danger of their lives, and can find no redreſs or protection, upon ſundry complaints made to both houſes in theſe particulars.

"They likewiſe humbly proteſt before your majeſty, and the noble houſe of peers, that ſaving unto themſelves all their rights and intereſt of ſitting and voting in the houſe at other times, they dare not ſit or vote in the houſe of peers, until your majeſty ſhall farther ſecure them from all affronts, indignities, and dangers in theſe premiſes.

"Laſtly, whereas their fears are not built upon phantaſies and conceits, but upon ſuch grounds and objects, as may well terrify men of good reſolutions, and much conſtancy, they do, in all duty and humility, proteſt before your majeſty, and the peers of that moſt honourable houſe of parliament, againſt all laws, orders, votes, reſolutions, and determinations, as in themſelves null, and of none effect; which in their abſence, ſince the 27th of this inſtant month of December 1641, have already paſſed; as likewiſe againſt all ſuch as ſhall hereafter paſs in that moſt honourable houſe during the time of this their forced and violent abſence from the ſaid moſt honourable houſe; not denying, but if their abſenting themſelves were wilful and voluntary, that moſt honourable houſe might proceed in all theſe premiſes, their abſence, or this their proteſtation notwithſtanding.

"And humbly beſeeching your moſt excellent majeſty to command the clerk of that houſe of peers, to enter this their petition and proteſtation amongſt his records;

"They will ever pray to God to bleſs and preſerve, etc.

Joh. Eborac.	Tho. Dureſme.	Rob. Co. & Lich.
Joſ. Norwich.	Jo. Aſaphen.	Guil. Ba. & Wells.
Geo. Hereford.	Rob. Oxon.	Mat. Ely.
Godfr. Gloceſt.	Jo. Peterburg.	Morg. Landaff."

It muſt be obſerved, that amongſt theſe twelve biſhops, there were nine of the thirteen accuſed by the commons, on account of the canons of the late convocation.

It is manifeſt this proteſtation tended to diſſolve the parliament without the king's interpoſing: for if, according to the proteſtation, the houſe of peers could do nothing but what in itſelf was null without the concurrence of the biſhops, it was no leſs certain that the houſe of commons could do nothing valid without the concurrence of the peers; whence it followed, that the parliament was become uſeleſs, or ſuſpended, in the intention of the biſhops by this proteſtation. It appears alſo, that the king had the ſame thought, by his haſte to communicate the proteſtation to the lords, probably before his council had examined it. Very likely he imagined the lords would eſpouſe the cauſe of the biſhops, as making, according to his notion, a third eſtate of parliament, and that this affair might occaſion the diſſolution of the parliament. But he found that the houſe of peers, hitherto ſo favourable to him, was no longer in the ſame diſpoſitions, ſince the biſhops and popiſh lords were frightened away by the tumults. The majority of voices not being now for the king, the houſe looked upon this proteſtation with a very different eye from what the king expected: they deſired a conference with the commons, where the lord keeper told them, in the name of all the peers, "That this proteſtation containing matters of dangerous conſequence, extending to the deep intrenching upon the fundamental privileges and being of parliaments, the lords had thought fit to communicate it to the commons, as a thing of great and general concernment."

The commons had no ſooner received the report of this conference, but they immediately reſolved to accuſe the twelve biſhops of high treaſon, for endeavouring to ſubvert the fundamental laws and the very being of parliaments. This reſolution ought not to ſeem ſtrange, after having ſeen how the commons ſtood affected to the biſhops. They took care not to loſe ſo fair an opportunity of freeing themſelves from the obſtacles they continually met with from the biſhops in the upper houſe; and beſides, the lords ſeemed diſpoſed to come into their meaſures. So, that very moment, Mr. Glyn was ſent to the houſe of peers, to accuſe in form the twelve biſhops of high treaſon, and to deſire they might be put into ſafe cuſtody [p]. Whereupon the lords ordered the black-rod to bring the twelve biſhops to the bar of their houſe, which was done by eight o'clock at night, and ten of them were committed to the Tower, Moreton biſhop of Durham, and Wright biſhop of Coventry and Litchfield, in regard of their age, remaining with the black-rod.

On the morrow, the 31ſt of December, the commons ſent and deſired the lords to take into conſideration the bill ſent up ſome months ſince, for taking away the biſhops votes; to which the lords anſwered, they would take the ſame into conſideration in convenient time [q].

The ſame day the commons ſent a committee to the king, to repreſent to him, "That the houſe was under great apprehenſions, by reaſon of a malignant party, who were continually forming pernicious deſigns: nay, that ſome of them had embrued their hands in the blood of his ſubjects at the gates of his palace, and in the face and at the doors of the parliament. That therefore they humbly beſought his majeſty, that they might have a guard out of the city, commanded by the earl of Eſſex, of whoſe fidelity there could be no ſuſpicion."

As the populace of London were diſperſed, and the officers ſtill kept about Weſtminſter, the houſe was under ſome apprehenſion of inſults from theſe reformadoes, and particularly Lunsford, who was a deſperate man. So, the king deſiring to have this meſſage in writing, which had been delivered by word of mouth only; and not returning an anſwer the ſame day, the commons ordered that thirty or forty halberts ſhould be brought into the houſe, for their better ſecurity.

Their fear was farther increaſed upon notice that the young gentlemen of the inns of court were aſſembled, and gone to Whitehall, to offer their ſervice to the king, who had received them very graciouſly, and ordered them to be handſomely entertained at tables provided for them.

The king on his part was not without uneaſineſs; he was afraid the tumultuous concourſe of the people would be renewed on New-year's day; and therefore ſent orders to the common-council of London, to take good meaſures for prevention of the like diſorders as had happened on the foregoing days, in which he was punctually obeyed.

The parliament having adjourned from Friday till Monday,

to be preſent, commanding him to deliver it to the houſe. Clarendon. tom. I p. 276. Some ſay, that the lord keeper was ordered not to read it, till the king, at the biſhops inſtance, came into the houſe of peers. But that to ingratiate himſelf with the parliament, to whom he was become obnoxious, he communicated the petition to ſome unfriendly members of both houſes. Collier's Eccl. Hiſt. tom. II. p. 818.

[p] The lord Clarendon ſays, the biſhops friends took ſo great offence at this indiſcreet proteſtation, that though they deſired to preſerve their function, they had no compaſſion or regard of their perſons, or what became of them; inſomuch as in the whole debate, there was only one gentleman who ſpoke in their behalf, and ſaid, "He did not believe they were guilty of high treaſon; but that they were ſtark mad, and therefore deſired they might be ſent to Bedlam." Tom. I. p. 279.

[q] Not long before this, the king had filled, in the following manner, ſome ſees that were vacant: Dr. Prideaux was made biſhop of Worceſter, Dr. Winniff of Lincoln, Dr. Brownrigg of Exeter, Dr. Henry King of Chicheſter, and Dr. Weſtfield of Briſtol. The commons were, it ſeems, thereupon much troubled, that, at a time when they reſolved to take away the old, the king ſhould preſume to make new biſhops——About the ſame time Lucius Carey, viſcount Falkland, was made ſecretary of ſtate, in the room of ſir Henry Vane; and ſir John Colepepper, one of the knights of the ſhire for Kent, chancellor of the exchequer; they were alſo ſworn of the privy-council: and Mr. Edward Hyde, afterwards earl of Clarendon, was now admitted into the king's favour. Clarendon, tom. I. p. 239, 269. Warwick, p. 194.

becauſe the morrow was New-years day [r], and the next day Sunday, it was the 3d of January before the king returned an anſwer to the commons meſſage concerning a guard, which was to this effect:

"That it was with great grief of heart that he found the commons, inſtead of reaping the fruits of his grace, and affection to his people, ſhould ſuffer jealouſies, diſtruſts, and fears to be ſo prevalent among them, as to induce them to declare them unto him in ſo high a meaſure as they had done: that he was wholly ignorant of the grounds of their apprehenſions: but if he had any knowledge or belief of the leaſt deſign in any, of violence againſt them, and would purſue them with the ſame ſeverity and deteſtation as he would do the greateſt attempt upon his crown. And he engaged ſolemnly, on the word of a king, that the ſecurity of all and every of them, from violence, was, and ſhould ever be, as much his care as the preſervation of himſelf and his children. And if this general aſſurance ſhould not ſuffice to remove their apprehenſions, he would command ſuch a guard to wait upon them, as he would be reſponſible for to him, who had charged him with the ſafety and protection of his ſubjects."

Before we proceed, it will be neceſſary to ſhew exactly the ſituation of the king's affair, in the beginning of the year 1641-2. There was in the houſe of commons a ſtrong party, who were labouring to deprive the king of good part of his prerogatives, ſome through fear or diſtruſt, others for more hidden deſigns: but theſe laſt took care not to diſcover their intentions; they pretended to act only upon the ſame motives of diſtruſt, which influenced the firſt, in expectation of engaging them by degrees to ſecond them in their projects. For this reaſon, they loſt no opportunity to inflame this diſtruſt of the king, by aggravating whatever could be blamed in his government, during the firſt fifteen years of his reign, and by referring all his actions, ſince the beginning of this parliament, to the ſame principles by which he had governed before. In a word, their aim was to ſhew that the king was ſtill the ſame, and had not altered his maxims: that his condeſcenſion for the parliament had been forced, and full of diſſimulation: that he only waited for a proper ſeaſon to return to his old courſes, and when once he was reſtored to his authority, he would uſe it, to be revenged of thoſe by whom he thought himſelf injured, and to take juſter meaſures to eſtabliſh an arbitrary government.

Indeed, as all theſe things depended upon the king's ſecret intention, they could not be evidently proved; but however, ſuch indications were given, as ſerved to make impreſſion on many people. It was obſerved that the king always talked of his aſſent to the acts of this parliament, as being of pure grace, and not of juſtice: from whence it was eaſy to infer, that he reſerved to himſelf the power of revoking them when he ſhould find occaſion: that there was but too much reaſon to ſuſpect he was concerned in the Iriſh rebellion, conſidering in what juncture of time it broke out, and the rebels declaration that they had the king's and queen's authority for what they did: that it was very probable he ſhewed a regard to the papiſts, to make uſe of them on occaſion: that he could not reſolve to execute the ſeven prieſts legally condemned, though he had been earneſtly deſired by both houſes of parliament: that notwithſtanding his conſtant promiſes to put the laws in execution againſt recuſants, it had never been performed; but, on the contrary, he truſted recuſants with the moſt important poſts: that the conſpiracy to ſeduce the army, plainly diſcovered his deſigns, that very lately he had violated the privileges of parliament in ſo evident a manner, that there was not a ſingle member in both houſes, but what was perſuaded of the reality of this violation: that nevertheleſs, inſtead of ſatisfaction, he had anſwered, "That he himſelf did not believe he had violated the privileges of parliament, nor ever intended it:" that therefore it was abſolutely neceſſary to limit his power, and diſable him to govern for the future according to his pleaſure, as he had done for fifteen years.

Theſe reaſons produced various effects in the minds of people, according to the temper, underſtanding, and principles of thoſe to whom they were addreſſed. To ſome they appeared too uncertain to ground thereon the project of diminiſhing the regal power, and conſequently of altering the conſtitution of the government. Others thought them unanſwerable. But there were many members who wavered between their diſtruſt of the king, and their fear of involving the kingdom in troubles on a doubtful foundation. Theſe however were eaſily perſuaded to join in proceedings, which were repreſented to them as neceſſary precautions, without being told their real deſign; as for inſtance, to conſent to the bill for excluding the biſhops. If the leaders of the preſbyterian party had diſcovered to them, that it was their intention to diminiſh the royal power, in order the more eaſily to eſtabliſh preſbytery upon the ruins of epiſcopacy, they would never have ſucceeded. Nay, they would have grown ſo ſuſpected, that their credit would have been entirely forfeited. For it muſt be obſerved, that the heads of the oppoſite party to the king, though moſtly preſbyterians, had not yet acted as ſuch, but only as zealous aſſertors of the people's rights, and as enemies to tyranny, in which the whole party were perfectly united. When therefore they moved any thing againſt the biſhops, they intimated that it was not in hatred of epiſcopacy, but to leſſen the credit of the biſhops, which they had abuſed in ſupporting arbitrary power, and to hinder them from doing ſo any more. Unfortunately, there were biſhops who had given too much cauſe of complaint, and by their conduct engaged many church of England men themſelves to concur with the others in the deſign of limiting the authority of the whole body.

Before the biſhops and popiſh lords had abſented themſelves from the houſe of peers, the party I have juſt mentioned met with inſuperable obſtacles in that houſe: nay, even after that, thoſe that remained were not equally engaged in this party. There were ſtill many lords, who, though oppoſite to the king, and extremely jealous of him, could not however reſolve to do any thing that ſtruck at the government of the church and ſtate, or at leaſt that tended to alter the conſtitution. So, ever ſince the re-aſſembling of the parliament, the preſbyterians had yet been only ſtruggling, as I may ſay, with the reſt of the oppoſite party to the king, to induce them by degrees to concur in humbling the regal power. They had cauſed to be paſſed the remonſtrance of the ſtate of the kingdom, ſpread ſuſpicions of the king concerning the rebellion of Ireland, and hindered the ſending of an Engliſh army thither. Their intrigues had bred great diſtruſt concerning the popiſh party countenanced and protected by the king, and produced mortifying addreſſes to the king upon the breach of the privileges of parliament, and the lieutenancy of the Tower; tumultuous aſſemblies of the people at Weſtminſter; the petition for a guard, as if the houſe of commons was in great danger from the king's party: in a word, the biſhops, their principal enemies, were in the Tower. In all this, preſbyterianiſm hardly appeared; and if ſome ſuſpected it to be the chief cauſe of the troubles, at leaſt it was not eaſy to prove it.

Notwithſtanding all theſe advantages, the preſbyterians ſtill ſaw themſelves very far from their end. They had ſufficient credit to cauſe to paſs in the houſe of commons votes agreeable to the general deſign of the whole party; but were themſelves very ſenſible, they durſt not yet venture openly to diſcover their particular end, I mean the deſtruction of the church of England, and the eſtabliſhment of preſbyterianiſm. It was neceſſary before all things to diſable the king to oppoſe it. For that purpoſe the members of both houſes were to be gained, who ſtill wavered between their diſtruſt of the king, and the fear of involving the kingdom in great troubles, if the conſtitution ſhould be attacked. Theſe members were numerous enough to raiſe invincible obſtacles to that project, by joining with the king's party. For it muſt not be imagined that all who oppoſed the king were of the ſame character, and acted upon the ſame principles and motives: they were only united in this ſingle point, namely, that tyranny being equally odious to them, they wiſhed with the ſame ardor to be entirely freed from it.

Things being in this ſituation, the king, by the lord Digby's advice, who was then his chief counſellor, took a ſtep the moſt imprudent, and moſt fatal to his affairs that he could poſſibly take in ſuch a juncture [s]. The 3d of January 1641-2, ſir Edward Herbert attorney-general, coming to the houſe of peers, acquainted them that the king had commanded him to accuſe of high-treaſon the lord Kimbolton [t], and five commoners, namely, Denzil Hollis, ſir Arthur Haſlerig, John

[r] In England, where the old ſtyle is uſed, the year begins the 25th of March. This ſtyle is made uſe of in all public acts, deeds, writings, hiſtories, and elſewhere. But however, in the dates, the difference of the two ſtyles is ſet down from the 1ſt of January to the 25th of March, in this manner, 1641-2, that is, the year 1641 according to the old, and the year 1642 according to the new ſtyle; ſo the 1ſt day of January is acknowledged for the firſt day of the year according to the new ſtyle. Rapin.

[s] The king, during his laſt journey into Scotland, had received ſome information of the lord Saville's forged letter of invitation to the Scots, in the name of the lord Kimbolton, &c. (See above, p. 542. note d.) And that was the reaſon of his impeaching the gentlemen here mentioned. Franklyn's Ann. p. 906.—Beſides, he was informed, that they had private meetings, and a correſpondence with the Scots in London, and countenanced the late tumults from the city. Whitelock, p. 52.

[t] Son of the earl of Mancheſter, who was ſtill alive; and this lord who had been called to the houſe of peers by the title of lord Kimbolton, was himſelf afterwards earl of Mancheſter. Rapin.

Sir

Pym, John Hampden, and William Strode. At the ſame time he delivered the general articles of impeachment, given him by the king with his own hand, viz.

1. That they had traiterouſly endeavoured to ſubvert the fundamental laws and government of the kingdom of England, to deprive the king of his royal power, and to place in ſubjects an arbitrary and tyrannical power over the lives, liberties, and eſtates of his majeſty's liege people.

2. That they had traiterouſly endeavoured, by many foul aſperſions upon his majeſty and his government, to alienate the affections of his people, and to make his majeſty odious unto them.

3. That they had endeavoured to draw his majeſty's late army to diſobedience to his majeſty's command, and to ſide with them in their traiterous deſigns.

4. That they had traiterouſly invited and encouraged a foreign power to invade his majeſty's kingdom of England.

5. That they had traiterouſly endeavoured to ſubvert the rights and the very being of parliaments.

6. That for the completing of their traiterous deſigns, they had endeavoured, ſo far as in them lay, by force and terror to compel the parliament to join with them in their traiterous deſigns; and to that end had actually raiſed and countenanced tumults againſt the king and parliament.

7. That they had traiterouſly conſpired to levy, and actually had levied war againſt the king.

Then Mr. Attorney ſaid, that he was further charged to deſire on his majeſty's behalf:

1. That a ſelect committee, under a command of ſecrecy, may be appointed to take the examination of ſuch witneſſes as the king will produce in this buſineſs, as formerly hath been done in caſes of like nature, according to the juſtice of this houſe.

2. Liberty to add and alter, if there ſhould be cauſe.

3. That their lordſhips would take care for the ſecuring of the perſons as in juſtice there ſhould be cauſe.

It is very hard to conceive what the king's aim could be in this extraordinary accuſation, and what he could expect from it, conſidering the numberleſs difficulties which preſented themſelves, and which it was hardly poſſible not to foreſee.

In the firſt place, the king demanded juſtice of the lords againſt five members of the houſe of commons, the parliament ſitting, which was a very manifeſt irregularity, ſince the peers were not the proper judges of the members of the lower houſe, whilſt the parliament was aſſembled, without the conſent of that houſe, which the king could not be ignorant of; conſequently they had no power to commit the five members. Why then was it deſired?

Secondly, in this accuſation the king attacked five members of the commons, who were the leading men in that houſe. How, therefore, could he expect, in ſuch junctures, that the commons would deliver up their leaders on pretence of a general accuſation, which deſcended not to any particulars?

Thirdly, the king in accuſing theſe five members, properly accuſed the whole houſe of treaſon, as it was eaſy to perceive by the bare reading of the articles.

Laſtly, how could he expect that the parliament, who had preſented the Scots with three hundred thouſand pounds, as a reward for their brotherly aſſiſtance, would conſider as high treaſon, the inviting them into the kingdom, ſuppoſing he had been able to prove his aſſertion?

All this ſhews, the king had been very ill-adviſed when he undertook this affair at ſuch a juncture. Accordingly there is not a ſingle hiſtorian, even among thoſe that are moſt devoted to him, but what owns at leaſt, it was a moſt imprudent and unſeaſonable ſtep.

After the reading of the articles of accuſation, the lord Kimbolton ſtood up and prayed, that as he had a public charge, he might have a public clearing. But the peers proceeded not ſo haſtily as the king expected. The firſt thing they did, was to appoint a committee to examine the regularity of the accuſation, and to ſearch the records, whether there ever had been any ſuch proceeding before, and whether an accuſation againſt a peer might be brought into their houſe by the attorney-general. As to the accuſation againſt the five commoners, they did not ſo much as take it into conſideration, whether they ſhould receive it, but contented themſelves with acquainting that houſe, that ſome of their members were accuſed of high treaſon by the attorney-general.

At the ſame time the commons were informed, that ſeveral perſons [u] were at Mr. Hollis's and Mr. Pym's, ſealing up their trunks, doors, and papers. The ſame thing was done in the houſes of the three other parties accuſed. Whereupon the commons ordered their ſerjeant to break open the ſeals, and apprehend thoſe that put them on. Moreover they paſſed an order, "that if any perſons whatever ſhould come to the lodgings of any member of the houſe, and there offer to ſeal the doors, trunks, or papers, that then ſuch members ſhould require the aſſiſtance of the conſtable to keep ſuch perſons in ſafe cuſtody, till the houſe ſhould give further order. That if any perſon ſhould offer to arreſt or detain any member, without firſt acquainting the houſe therewith, it was lawful for ſuch member to ſtand upon his guard of defence, and for any perſon to aſſiſt him, according to the proteſtation taken to defend the privileges of parliament."

Preſently after, the commons repreſented to the lords in a conference, that the king had ordered the trunks, chambers, and ſtudies of ſeveral of their members to be ſealed up, and had ſet a guard in a warlike manner at Whitehall. And therefore they deſired, that ſuch a guard might be placed about the parliament alſo as ſhould be approved by both houſes, or elſe to join with them to adjourn to a place of ſafety. During this conference, a ſerjeant at arms came to the houſe of commons from the king, and required the five members, accuſed by his majeſty. The ſerjeant being ordered to withdraw, the commons appointed ſome of their members [w] to wait upon the king and acquaint him, "that this meſſage was a matter of great conſequence, that it concerns the privilege of parliament, and of all the commons of England: that they will take it into conſideration, and attend his majeſty with an anſwer, with as much ſpeed as the greatneſs of the buſineſs will permit: and in the mean time the five members ſhall be ready to anſwer any legal charge made againſt them." Then they diſmiſſed the ſerjeant who had brought the meſſage. At the ſame time they enjoined the five members to give their daily attendance on the houſe.

Mean while, the peers had made an order, to open the doors and trunks of the members of both houſes which were ſealed, and reſolved to join with the commons in a petition to the king, for ſuch a guard as both houſes ſhould approve of. They had ordered moreover, that two of their body, with ſome members of the commons, ſhould go and repreſent to the king, that the privileges of parliament had been violated.

The next morning, January the 4th, the lord Falkland reported the king's anſwer to the meſſage of the commons concerning the breach of privilege. He ſaid, the king aſked him, whether the houſe did expect an anſwer? and before the lord Falkland replied, told him, he would ſend an anſwer to-morrow as ſoon as the houſe was ſet. In the mean time he bid him acquaint the houſe, that the ſerjeant had done nothing but what he had directions from himſelf to do.

Preſently after this report, the commons ſent and deſired a conference with the lords, to acquaint them, that there was a ſcandalous paper publiſhed, containing articles of high-treaſon againſt the lord Kimbolton, &c. and to deſire that they would concur in puniſhing the authors and publiſhers thereof.

Then the gentlemen of the inns of court, who offered themſelves to be a guard to his majeſty, were ſent to and examined, upon a rumour that they were bid to be ready the 4th of January. Thoſe of Lincoln's-Inn anſwered, "That laſt week they went to Whitehall to offer their ſervice to the king, upon hearing that his perſon was in danger. That yeſter-night, they had received a meſſage from his majeſty by ſir William Killigrew and ſir William Flemming, that they ſhould keep within to-morrow, and be ready at an hour's warning if the king ſhould have occaſion to uſe them. That they brought to them likewiſe a paper of articles of accuſation againſt the lord Kimbolton and five members of the houſe of commons. That they had only an intent to defend the kings's perſon, and would do their utmoſt alſo to defend the parliament; being not able to make any diſtinction between the king and his parliament." The gentlemen of the other inns anſwered to the ſame effect [x].

In the afternoon the five accuſed members came into the houſe according as they were enjoined. They were no ſooner in their places, but one captain Langriſh informed the houſe, that the king was coming with a guard of military men, commanders and ſoldiers [y]. As there was room to believe, the king intended to ſeize the five members, they were im-

[u] Sir William Flemming, ſir William Killigrew, and other gentlemen. Ruſhworth, tom. IV. p. 476.

[w] The lord Falkland, ſir John Colepepper, ſir Phillip Stapleton, and ſir John Hotham. Ruſhworth, tom. IV. p. 475.

[x] Only thoſe of the Middle-Temple ſent their anſwer in writing, in which they ſaid, "That their intention to defend the king's perſon, was no more than they were bound unto by the oath of allegiance." Ruſhworth, tom. IV. p. 477.

[y] A certain member had alſo private intimation from the counteſs of Carliſle, relict of James Hay earl of Carliſle, and ſiſter to the earl of Northumberland, that endeavours would be uſed this day to apprehend the five members. Ruſhworth, tom. IV. p. 477. Manley, p. 33. The lord Clarendon,

mediately ordered to depart the houſe. They were hardly gone out when the king appeared, and going up to the chair he ſaid, "By your leave Mr. ſpeaker, I muſt borrow your chair a little." When he was in the chair he looked round to ſee if he could diſcern any of the five members, and then made the following ſpeech to the houſe, his guard waiting at the door.

"Gentlemen,

"I AM ſorry for this occaſion of coming unto you: yeſterday I ſent a ſerjeant at arms upon a very important occaſion, to apprehend ſome that by my command were accuſed of high-treaſon; whereunto I did expect obedience, and not a meſſage. And I muſt declare unto you here, that albeit no king that ever was in England, ſhall be more careful of your privileges, to maintain them to the uttermoſt of his power, than I ſhall be; yet you muſt know that in caſes of treaſon, no perſon hath a privilege. And therefore I am come to know if any of theſe perſons that were accuſed are here: for I muſt tell you, gentlemen, that ſo long as theſe perſons that I have accuſed (for no ſlight crime, but for treaſon) are here, I cannot expect that this houſe will be in the right way that I do heartily wiſh it: therefore I am come to tell you, that I muſt have them whereſoever I find them. Well, ſince I ſee all the birds are flown, I do expect from you, that you ſhall ſend them unto me, as ſoon as they return hither. But I aſſure you, on the word of a king, I never did intend any force, but I ſhall proceed againſt them in a legal and fair way, for I never meant any other.

"And now ſince I ſee I cannot do what I came for, I think this no unfit occaſion to repeat what I have ſaid formerly, that whatſoever I have done in favour, and to the good of my ſubjects, I do mean to maintain it.

"I will trouble you no more, but tell you I do expect as ſoon as they come to the houſe, you will ſend them to me; otherwiſe I muſt take my own courſe to find them."

The king was no ſooner gone, but many members cried out aloud, ſo as he might hear them, "privilege! privilege! and forthwith the houſe adjourned till the next day at one o'clock.

The commons aſſembling on the morrow, the 5th of January, at the appointed hour, immediately voted, that the king had violated the privileges of the houſe, and that they could not ſit any longer there without a full vindication of ſo high a breach, and a guard for the ſafety of their perſons. Then it was reſolved to adjourn till the 11th of the ſame month, and a committee of twenty-four was appointed, during the adjournment to ſit at Guildhall, and to conſider of all things concerning the good and ſafety of the city and kingdom, and particularly how their privileges might be vindicated, and their perſons ſecured[z]. The committee for the Iriſh affairs was ordered likewiſe to ſit at the ſame place during the adjournment. That done, a meſſage was ſent to the lords to acquaint them with what had paſſed the day before with their adjournment and committee appointed to ſit at Guildhall.

The ſame day the king, having ordered the lord-mayor to aſſemble the common-council, came to Guildhall. As he paſſed along the ſtreets, he had the mortification to hear people cry, "privileges of parliament! privileges of parliament!" Nay, one Henry Walker an ironmonger and pamphleteer, was ſo inſolent as to throw into his coach a paper, wherein was written, "To your tents, O Iſrael." His majeſty being come to Guildhall, made the following ſpeech to the common-council.

"Gentlemen,

"I AM come to demand ſuch perſons as I have already accuſed of high-treaſon, and do believe are ſhrowded in the city. I hope no good man will keep them from me; their offences are treaſon, and miſdemeanors of an high nature. I deſire your loving aſſiſtance herein, that they may be brought to a legal trial.

"And whereas there are divers ſuſpicions raiſed, that I am a favourer of the popiſh religion; I do profeſs, in the name of a king, that I did and ever will, and that to the utmoſt of my power, be a proſecutor of all ſuch as ſhall any ways oppoſe the laws and ſtatutes of this kingdom, either papiſt or ſeparatiſts; and not only ſo, but I will maintain and defend that true proteſtant religion which my father did profeſs and I will continue in it during my life."

The king ſeems to have forgot the ſituation of his affairs, and to imagine he was ſtill in the ſame ſtate as before, the war with Scotland. Certainly he could not be ignorant that the city of London was not very well affected to him, nor had reaſon to be ſo. He believed however they would eſpouſe his cauſe againſt the parliament, and deliver up the five members, of which there was not the leaſt probability. On the other hand, he could be ſtill leſs ignorant, that it was chiefly in London that the preſbyterians were numerous and powerful, and yet he affected to ſay, he would maintain and defend the proteſtant religion which the king his father had profeſſed, and proſecute to the utmoſt of his power as well ſeparatiſts as papiſts. I own I cannot ſee the neceſſity or uſe of ſuch a declaration, before the common-council of a city much more inclined to preſbyterianiſm than to the church of England, as it manifeſtly appeared ſhortly after.

Mean while, the committee which ſat at Guildhall, were diligently taking informations of what paſſed the 4th of January, and preparing matters for their report to the houſe againſt their meeting. The committee was informed, that ſir John Byron, who was made lieutenant of the Tower in the room of Lunsford, had ſent to Whitehall one hundred arms and two barrels of powder. Ruſhworth, who relates this particular, affirms that the matter being farther inquired into, was found to be true. But I cannot tell whether we may give entire credit to his teſtimony, though what he ſays is not improbable.

On the 7th the city of London preſented a petition to the king, which plainly ſhewed they were more inclined to the parliament than to him. "They repreſented their great fears and diſtractions, by reaſon of the progreſs of the rebels in Ireland, fomented by the papiſts in England and their adherents: the want of aid to ſuppreſs them, and the intimations received from abroad and at home, of a deſign to extirpate the proteſtants: The putting out perſons of honour and truſt from being conſtable and lieutenant of the Tower: the preparations lately made: the fortifying of Whitehall in an unuſual manner: the endeavours uſed to the inns of court: the calling divers cannoneers into the Tower: the diſcovery of divers fireworks in the hands of a papiſt: the miſunderſtanding betwixt his majeſty and parliament, by reaſon of miſinformation: his majeſty's late going to the houſe of commons, attended with a great multitude of armed men, beſides his ordinary guard, for the apprehending of divers members, contrary to the privileges of parliament."

This petition was very capable to ſhew the king, how much he was miſtaken in his opinion, that the city of London was well diſpoſed in his favour. He returned however a very mild anſwer to each of the articles, to this effect.

"That as for the buſineſs of Ireland, there was nothing on his part unoffered or undone; and he hoped, by the ſpeedy advice and aſſiſtance of his parliament, that great and neceſſary work would be put in a ſure forwardneſs, to which he would contribute all in his power.

"For the Tower; he wondered, that having removed a ſervant of good truſt and reputation from that charge, only to ſatisfy the fears of the city, and put in another of unqueſtionable reputation and known ability, the petitioners ſhould ſtill entertain thoſe fears: and whatever preparations were there made, it was with as great an eye of ſafety and advantage to the city as to his own perſon.

"For the fortifying of Whitehall with men and munition; he doubted not, but the petitioners had obſerved the ſtrange provocation he had received to entertain that guard; and if any citizens were wounded or ill treated, he was confidently aſſured, that it happened by their own evil and corrupt demeanours.

"That he knew no other endeavours to the inns of court than a gracious intention; that he received the tender of their loyal and dutiful affections, with very good approbation and acceptance, and an encouragement given them to continue the ſame upon all occaſions.

"For his going to the houſe of commons; he was verily perſuaded, that if the petitioners knew the clear grounds upon which thoſe perſons ſtood accuſed of high-treaſon, they would believe his going thither was an act of grace and favour

don, ſays, it was generally believed, that the king's purpoſe of going to the houſe, was communicated to William Murray of the bed-chamber, by the lord Digby, and that it was diſcovered by the ſaid Murray. Tom. 1. p. 282.—According to Whitelock, it was ſuppoſed, that the papiſts, by the means and influence of the queen, perſuaded the king to this raſh action, p. 52.

[z] Beſides the twenty-four, all that would come were to have voices at this committee. Ruſhworth, tom. IV. p. 479.

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to that houſe, and the moſt peaceable way of having that neceſſary ſervice, for the apprehenſion of thoſe perſons, performed; eſpecially, if ſuch orders had been made, which he was not willing to believe, for the reſiſtance of all lawful authority, as were diſcourſed of. And for the proceedings againſt thoſe perſons, he ever intended the ſame ſhould be with all juſtice and favour, according to the laws of the realm. He concluded with theſe words, and this extraordinary way of ſatisfying a petition of ſo unuſual a nature, his majeſty is confidently perſuaded, will be thought the greateſt inſtance can be given of his majeſty's clear intentions to his ſubjects, and of the ſingular eſtimation he hath of the good affections of this city, which he believes in gratitude will never be wanting to his juſt commands and ſervice."

On the morrow, the 8th of January, the king publiſhed a proclamation, commanding all magiſtrates and officers of juſtice, to apprehend the accuſed members and carry them to the Tower.

Whilſt the committee was aſſembled at Guildhall, they took the information of two witneſſes, who depoſed, that they heard captain Hide ſay things, which ſhewed, he had ſome ill deſign againſt the houſe of commons.

Then it was reſolved, that the ſheriffs of London and Middleſex ſhould raiſe the "poſſe comitatus," for their ſafe coming to Weſtminſter, the day the parliament ſhould meet. Whereupon the watermen [a] came and tendered their ſervice, to guard the committee by water to the parliament-houſe, which was accepted of. But the offer of the apprentices to accompany them by land was refuſed.

Mean while, the committee of twenty-four having appointed a ſub committee to examine the affairs in queſtion, they made their report, January the 10th, of what reſolutions had been taken; namely,

That the publiſhing ſeveral articles of high-treaſon againſt the lord Kimb lton, and the five members of the houſe of commons, was a high breach of the privileges of parliament, a ſeditious act, tending to the ſubverſion of the peace of the kingdom.

That the privileges of parliament, ſo violated and broken, could not be fully and ſufficiently vindicated, unleſs his majeſty would be pleaſed to diſcover the names of thoſe perſons who adviſed him to ſeal the chambers and ſtudies of the accuſed members; to ſend a ſerjeant at arms to the houſe of commons to demand them; to iſſue warrants under his own hand to apprehend them; to come in perſon to the houſe; to publiſh the articles of accuſation in the form of a proclamation; to the end ſuch pernicious counſellors might receive condign puniſhment.

The committee of twenty-four reſolving to return on the morrow to the parliament with a numerous guard, the king thought not proper to be expoſed to the danger of receiving ſome affront from the populace; and therefore choſe to withdraw to Hampton-court, and two days after to Windſor.

January the 11th, the commons being aſſembled at Weſtminſter, the committee of twenty-four came thither by water, conducted by great numbers of ſeamen and others, whilſt the trained bands of London marched through the city in arms, to guard them alſo by land.

Then it was that the king found he had taken wrong meaſures, and that his imprudent proceedings could not but grieve him, and ruin his affairs. He repented of what he had done, and wiſhed he could appeaſe the diſorder raiſed by himſelf. To this end, the next day, January the 12th, he ſent the following meſſage to both houſes:

"His majeſty taking notice, that ſome conceive it diſputable, whether his proceedings againſt the lord Kimbolton, Mr. Hollis, ſir Arthur Haſlerigg, Mr. Pym, Mr. Hampden, Mr. Strode, be legal and agreeable to the privileges of parliament; and being very deſirous to give ſatisfaction to all men, in all matters that may ſeem to have relation to privilege, is pleaſed to wave his former proceedings, and all doubts by this means being ſettled, when the minds of men are compoſed, his majeſty will proceed thereupon in an unqueſtionable way; and aſſures his parliament, that upon all occaſions he will be as careful of their privileges, as of his life or his crown."

Had there not been a ſettled deſign againſt the king, this meſſage would have been capable to pacify all, ſince he plainly ſhewed, he repented of what he had done, and in ſome meaſure confeſſed his fault. But he had given his enemies too great an advantage for them to neglect to improve it. I have obſerved, there were many members in both houſes not yet determined to join with thoſe who ſought only to throw all into diſorder and confuſion. Some began to diſcover the deſigns of the preſbyterians: others had ſcruples, which they could not overcome, when they conſidered, that the deſtruction of the kingdom would be endangered by a bare diſtruſt which could not be well grounded. But their doubts were changed into certainty, after what the king had lately done. Before the accuſation of the ſix members, it was doubtful, whether the king intended to be revenged of thoſe who had offended him: but this accuſation rendered that intention very probable. It was doubtful whether his condeſcenſion for the parliament was conſtrained: but this accuſation diſcovered, that he believed himſelf deprived of part of his lawful authority, and conſidered what the parliament had done with reſpect to himſelf, as high-treaſon. For if the depriving him of part of his authority was treaſon, thoſe who had voted for triennial parliaments, and the continuance of this, could not be innocent. If the endeavouring to render the king odious to his people was treaſon, certainly the ſix members were not alone guilty. If the inviting the Scotch army into England was treaſon, how could the houſe of commons clear themſelves, after having rewarded the Scots for their invaſion with a preſent of three hundred thouſand pounds? If it was treaſon to endeavour to ſubvert the rights, and the very being of parliaments, both houſes were guilty of this crime, when they aſſumed by an act the power of not being diſſolved or prorogued without their own conſent, ſince this was altering the nature of parliaments. If raiſing tumults was treaſon, the countenancing and encouraging theſe ſame tumults was no leſs ſo, and of this the whole houſe of commons was guilty. In ſhort, the charge againſt theſe particular members for conſpiring to levy, and for actually levying, war againſt the king, neceſſarily aimed at the whole houſe, who had countenanced the tumultuous aſſemblies, ſet themſelves a guard, and provided themſelves with arms.

Theſe things put thoſe upon conſidering, who till then had preſerved ſome good-will for the king, and entertained equitable thoughts of him. They plainly ſaw what judgment the king made of the parliament's actions, though he attacked but ſix members. The ſhallow artifice of throwing upon a few the fault of the whole houſe, had been proper with regard to former parliaments, whilſt the king was maſter: but it was ineffectual with the preſent parliament, and at ſuch a juncture. After the redreſs of paſt grievances, the point was to know, whether the king's word was to be relied on, and he reſtored to his natural ſtate. Many were of this ſentiment, as they could not imagine, that after what had paſſed in this parliament, the king would endeavour to govern for the future as he had done before. They could not reſolve, from a bare motive of fear and diſtruſt, to alter the conſtitution of the government by abridging the king's power. Others maintained, that the king's condeſcenſion was all diſſimulation, and his word not to be relied on. Theſe men, to bring the reſt to their opinion, were forced to uſe various artifices to aggravate and miſinterpret the king's actions, and nevertheleſs were not yet able to compaſs their ends. But by the accuſation of the ſix members, the king himſelf ſupplied them with arguments, which were not eaſy to anſwer. They had no more occaſion to uſe ſigns and conjectures to prove what they advanced, ſince the king gave them himſelf ſuch evident proofs. So it may be ſaid, the king never followed more pernicious advice, than that lately given him. If the lord Digby, as it is ſaid, was his counſellor, it may be affirmed, that he threw him into a precipice, from whence it was not poſſible ever to extricate himſelf.

From that time, the queſtion was not to know, whether it was neceſſary to limit the regal power, but to know within what bounds it ſhould be confined; they who had hitherto been moſt moderate, having entirely loſt their doubts concerning the king's ſincerity. So the party which was moſt oppoſite to him, being grown very ſuperior in both houſes, and meeting with little oppoſition, they who wiſhed to do the king ſervice, thought it ſafeſt, either to abſent themſelves from the parliament, or to keep ſilence, in the expectation of an opportunity to ſerve him effectually, if affairs ſhould take a new turn, and thereby the oppoſite party became ſtill more powerful.

It is therefore evident, that in the preſent diſpoſition of the parliament, the king's laſt meſſage was not a ſufficient means to oblige his enemies to alter their meaſures: eſpecially, as by this meſſage he did not deſiſt from the accuſation, but only from the manner of proceeding, though it was eaſy to perceive, he took this method only to come off with the leſs diſhonour. Accordingly, the commons did not much regard it.

[a] Ruſhworth ſays, it was divers mariners and ſeamen, who brought a petition, ſigned by a thouſand hands; Tom. IV. p. 481.

The 17th of January, they came to the like reſolutions with thoſe taken by the committee in London, and digeſted them into a declaration. They only added the depoſitions of ſome witneſſes concerning the number of armed men, who attended the king when he came to the houſe, and who, according to theſe depoſitions, were above five hundred, concerning the inſolent behaviour of ſome of the officers who accompanied his majeſty; and the words they uſed at the door of the houſe, which ſeemed to denote, that they waited only for a ſignal to fall upon the members[b]. There is no queſtion, all theſe things were highly aggravated: but theſe aggravations were ſubſervient to the end propoſed by the commons. They declared, however, "That they meant not to ſcreen their members, when accuſed of treaſon or miſdemeanour, and proſecuted according to law and the privileges of parliament: on the contrary, they ſhould be always ready to bring them to a ſpeedy and due trial; being ſenſible, that it equally imported them, as well to ſee juſtice done againſt criminals, as to defend the juſt rights and liberties of the ſubjects and parliament of England."

Before this declaration was publiſhed, the king had ſent the following meſſage to both houſe, which ſhewed how deſirous he was of giving them content, and ending this unfortunate affair:

"His majeſty being no leſs tender of the privileges of parliament, and thinking himſelf no leſs concerned that they be not broken, and that they be aſſerted and vindicated whenſoever they are ſo, than the parliament itſelf, hath thought fit to add to his laſt meſſage this profeſſion; that in all his proceedings againſt the lord Kimbolton, and the reſt of the accuſed members, he had never the leaſt intention of violating the leaſt privilege of parliament: and in caſe any doubt of breach of privilege remains, will be willing to clear that, and aſſert thoſe by any reaſonable way that his parliament ſhall adviſe him to; upon confidence of which, he no ways doubts his parliament will forthwith lay by all jealouſies, and apply themſelves to the public and preſſing affairs, and eſpecially to that of Ireland, wherein the good of this kingdom and the true religion (which ſhall ever be his majeſty's firſt care) are ſo highly and ſo nearly concerned. And his majeſty aſſures himſelf, that his care of the privileges will increaſe their tenderneſs of his lawful prerogative, which are ſo neceſſary to the mutual defence of each other; and both which will be the foundation of a perpetual perfect intelligence between his majeſty and parliament, and of the happineſs and proſperity of his people."

This meſſage (for the reaſon before given) was not capable of ſatisfying the commons. On the contrary, the next day they cauſed ſir Edward Herbert, the attorney-general, to be examined at the bar of the houſe of lords. His anſwers being ſent to the commons, they ordered him to be accuſed of ſeveral high crimes and miſdemeanours, that is to ſay, of having violated the privileges of parliament, in exhibiting to the houſe of lords the articles he received from the king's own hand, with an expreſs command to exhibit them.

Two days after, both houſes petitioned his majeſty, that they might be informed what proof there was againſt the ſix members, to the end they might ſpeedily be proceeded againſt in a parliamentary way. The king anſwered, "he thought it unuſual or unfit to diſcover what proof was againſt them, before he was certain of the way he was to proceed, leſt a new miſtake ſhould breed more delays. That it ſhould therefore be reſolved, whether his majeſty was bound in reſpect of privilege, to proceed againſt them by impeachment in parliament: or whether he was at liberty to prefer an indictment at common law, in the uſual way, or have his choice of either."

This anſwer could not but embarraſs the two houſes, ſince the king was willing to follow their directions in the proſecution of the ſix members. Accordingly, they thought not proper to reſolve upon either of the ways propoſed by the king. They contented themſelves with replying in a ſecond petition, "That finding there was ſtill no legal and parliamentary proceedings againſt the accuſed members, they thought it their duty, once more to beſeech his majeſty, to inform the parliament what proof there was againſt them, that they might be called to a legal trial, it being the undoubted right and privilege of parliament, 'that no member can be proceeded againſt without the conſent of parliament."

The king plainly perceiving there would be no end, and that new difficulties would be perpetually ſtarted, endeavoured to terminate the affair at once by the following anſwer.

"That as he once conceived that he had ground enough to accuſe them, ſo now his majeſty finds as good cauſe wholly to deſert any proſecution of them. And for a farther teſtimony of his majeſty's real intentions towards all his loving ſubjects (ſome of whom haply may be involved in ſome unknowing and unwilling errors) for the better compoſing and ſettling of all fears and jealouſies of what kind ſoever, his majeſty is ready to grant as free and general a pardon for the full contentment of all his loving ſubjects, as ſhall by the approbation of both houſes of parliament be thought convenient for that purpoſe."

It was not difficult to perceive, the king offered this general pardon only to have it ſaid, that the ſix members were exempted from the rigour of the law by virtue of the pardon. But the parliament not being ſatisfied with the king's offer, addreſſed a third petition to him, deſiring, that according to two acts of the 37th and 38th years of the reign of Edward III.[c], his majeſty would be pleaſed to ſend the perſons, that had made ſuggeſtion or information to him of the crimes of the ſix members, to the parliament, that ſo the rights and privileges of parliament might be vindicated, which of juſtice ought not to be denied.

The king returning no anſwer to this petition, the affair reſted here, except that in April following, the houſe of peers gave ſentence againſt the attorney general, declaring him uncapable of all offices, but that of attorney-general, and committing him to the priſon of the Fleet during the pleaſure of the houſe.

Though this affair ſeemed to be ended, the king was upbraided with it afterwards a thouſand times. But before I finiſh it entirely, I believe it will not be amiſs to make ſome remarks on this ſubject, that I may not be obliged to reſume it hereafter.

Though the commons made a great noiſe about the breach of their privileges, that was not the thing which moſt incenſed them. Their great grievance was, that the king had choſen, to accuſe of high-treaſon, five members of the houſe, who were the chief leaders and directors. So, to accuſe theſe five members was, as I obſerved, to accuſe the whole houſe. Now if the king did believe the houſe guilty of treaſon, for having done what he accuſed but five members of, what aſſurance could there be, that he would religiouſly obſerve his promiſes, which, in his opinion, were extorted from him by traitors? There was reaſon therefore to ſuſpect, that the king had ſome grand deſign, and before the execution, was willing to ſecure thoſe who were moſt capable to obſtruct it, as well by their abilities as by their great credit in the parliament and with the people. This is the impreſſion made by this unſeaſonable accuſation of the members of the parliament. And to this contributed alſo the king's zeal to ſeize the five members, even to his coming in perſon to the houſe of commons to apprehend them, which no king of England had ever done before him. Nay, very likely, had they been in the houſe, and made any reſiſtance, he would have employed armed men, who attended him to the number of about five hundred, to carry them away. This was ſufficient to incenſe againſt him thoſe who had hitherto conſidered as a doubtful point, whether his promiſes were to be relied on. It could not be conceived, that at a time when the moderate members began to unite in his favour, to eſtabliſh a ſolid peace, he ſhould be induced to an action ſo odious, and ſo deſtructive of it, had he not intended to ſubdue the parliament by force. Thus the complaints of both houſes about the breach of their privileges, was properly only a pretence to cover the true reaſon of their fears. As this reaſon was not of ſufficient evidence to convince the people, who could regard it but as a bare ſuſpicion, they inſiſted only upon their privileges, till they ſhould engage the king to declare himſelf more openly. The real aim was therefore to oblige the king to take ſome new ſtep, that might ſhew the people, it was not without cauſe that the king was accuſed of having ill deſigns. This certainly was the motive of the parliament's petition, to be informed of the proofs before the way of proceeding ſhould be reſolved. This was a ſnare laid for the king, to engage him to produce proofs of a crime, whereof the whole parliament was no leſs guilty than the members accuſed, and thereby the people would have been

[b] Whitelock ſays, the king came guarded with the penſioners, and followed by about two hundred of his courtiers and ſoldiers of fortune, moſt of them armed with ſwords and piſtols. p. 50.

[c] By theſe acts it was enacted, that, "If any perſon whatſoever make ſuggeſtion to the king himſelf of any crime committed by another, the ſame perſon ought to be ſent with the ſuggeſtion before the chancellor or keeper of the great ſeal, the treaſurer or the great council, there to find ſurety to purſue his ſuggeſtion; which if he cannot prove, he is to be impriſoned till he hath ſatisfied the party accuſed of his damages and ſlander, and made fine and ranſom to the king." Rapin, by abridging this paragraph too much, had rendered it obſcure.

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convinced, that he aimed at the parliament itself. But the king avoided the snare, by dropping the prosecution rather than be obliged to produce proofs, which must have been prejudicial to him, after missing his aim. It was not the breach of privilege, but the king's secret intention, that was chiefly in question. By his late proceedings he had given occasion to think, that a rupture between him and the parliament was not very remote, since he had destroyed the confidence, on which alone peace and good understanding could be founded. In this light must the accusation of the six members be viewed, and not as a separate fact relating only to the privileges of parliament.

It is therefore very needless, in my opinion, that some have undertaken to discuss this question, whether the two houses could lawfully refuse sending to prison their members accused of high-treason? However, I shall briefly speak to this point for the reader's information.

It is certain, the privileges of parliament did not extend to crimes of high-treason, and in such cases the commons have no more right than the peers. But it is also an undoubted maxim, that no member can be proceeded against without the consent of his house. When a peer is accused, it belongs to the house of lords to examine, whether the prosecution ought to be consented to, and in case of consent, whether the party accused is to be confined or left free to answer the accusation. The lords are determined to one or other, by the nature or circumstances of the crime. It is the same with respect to the members of the lower-house. In the present case, the commons thought there was no reason to send the members accused to prison, because the accusation was too general. The king pretended, on the contrary, that upon a bare accusation, under colour that it was for high-treason, he had no power to apprehend the accused, without the consent of their house, and to commit them to the Tower. It is easy to perceive, the king carried this principle a little too for, that the privileges of parliament take not place in cases of high-treason, since he extended it to a bare accusation of treason. But a bare accusation cannot deprive the houses of parliament of the right to examine, if there be reason to consent to the prosecution, whether by direct proof, probable signs, or public evidence. Otherwise, the king might have pitched upon not only five, but an hundred members of the lower-house, and sent them to prison, upon the bare accusation of treason, which would render the privileges of parliament entirely useless. Nevertheless the king acted as if his right had been undeniable, though that was at least the point in question. I shall not undertake to illustrate this matter any farther, which as difficulties, the solution whereof depends on the knowledge of the laws and customs of England. I shall only add, that the king did himself a very great injury by this unseasonable step, and that his enemies received by it advantages, which in the end occasioned his ruin.

Whilst the affair of the accused members was in hand, the commons continued to express an extreme distrust of the king. This distrust daily increased, till at last it produced an entire rupture.

January the 12th, the commons sent an order to sir John Byron, lieutenant of the Tower, to come and answer to such questions as should be put to him, concerning the arms and ammunition sent to Whitehall, the day the king came to the house of commons. But he accused himself, for that he had the king's express warrant not to go out of the Tower.

The king had answered the petition of both houses concerning a guard, that he would appoint one or two hundred men out of the trained-bands of the city (such as the lord-mayor should be answerable for to him) under the command of Robert Bertie, earl of Lindsey. But the commons refused the offer, and ordered, that two companies of the trained-bands should every day attend upon the house as a guard, under the command of serjeant major Skippon.

The parliament's distrust of the king was daily inflamed by successive accidents, which the king's enemies knew how to improve. Whilst things were in this state, the parliament received information, that the lord Digby, colonel Lunsford, and other disbanded officers, were at Kingston upon Thames, with about two hundred horse. Whereupon it was ordered by both houses, that the sheriffs, calling to their assistance the trained-bands of the several counties of England and Wales, should suppress all unlawful assemblies gathered together to the disturbance of the peace of the kingdom. They were afraid, the king intended to secure Portsmouth, and perhaps, their fears were not groundless. However that be, they sent an order to colonel Goring, governor of Portsmouth, requiring him not to deliver up the town, nor receive any forces into it, but by his majesty's authority, signified by both houses of parliament. At the same time the lords sent an express order to the lord Digby, to give his attendance in the house: but he thought fit to withdraw out of the kingdom[d]. There had now been information, that he was the person who advised the king to accuse the six members of parliament: besides, the commons were exasperated against him, on account of his speech against the bill of attainder of the earl of Strafford, whilst he was a member of that house; so that the least pretence was sufficient to draw their resentment upon him.

The commons made great noise about the Kingston affair, to persuade the people his majesty intended to secure Portsmouth: nay, they caused several witnesses to be examined; but the affair was carried no farther. They were contented with sending for admiral Pennington, who reported that the lord Digby had shewn him a warrant, under the king's own hand, to convey him safely into France or Holland, and that he durst not disobey the order.

The parliament's fears about Portsmouth made them think of Hull, a very important place in the county of York. The commons, instead of concealing, affected rather to discover their fears. Wherefore they sent a message to the lords, that there was at Hull a magazine of arms for sixteen thousand men, and ammunition proportionable: that the town being weakly garrisoned, and the adjacent country full of papists and disaffected persons, they desired their concurrence in an order, that some of the trained-bands of Yorkshire should be put into Hull, under the command of sir John Hotham, member of the house of commons, with orders not to deliver up the place or magazine without the king's authority signified by both houses. To this the lords readily consenting, young Hotham, son to sir John, was sent immediately to Hull to execute the order, till his father should be ready to take the government of that place.

Nothing shews more clearly the parliament's distrust than this order about Hull, since it could not be upon the supposition of an urgent necessity that they could pretend to place governors in the towns; and it was also this necessity that they desired to insinuate to the people. However, the sequel shewed the parliament had reason to take that precaution[e].

Since the accusation of the six members, scarce a day had passed but the parliament expressed their suspicions of the king so that every thing manifestly tended to a rupture. The better to persuade the people that both houses were apprehensive of some violence from the king, and not safe at Westminster, a bill was passed to enable them to adjourn to any place they pleased.

They ordered likewise the earl of Newport, master of the ordnance, and the lieutenant of the Tower, not to suffer any cannon or ammunition to be carried from thence. And for the better safe-guard of the Tower, the sheriffs of London and Middlesex were ordered to set a sufficient guard both by land and water about it. The same day the commons caused some great saddles to be seized, that were to be sent to Kingston.

Moreover, Mr. Bagshaw of Windsor, member of the house of commons, informed them, that last night, as he was going to Windsor (where the king then was) he saw divers troops of horse, and that there came thither a waggon loaded with ammunition, and another waggon loaded with the same was sent from thence to Portsmouth: adding, there were at Windsor four hundred horse, with about forty officers. Whereupon Skippon was ordered to detach some horsemen towards Windsor for intelligence. But in all appearance there was no great discovery made, since nothing more was said of it.

After that the commons desired the lords to join with them in a petition to the king, for the removal of sir John Byron from the lieutenancy of the Tower, and offered their reasons. But the lords thought fit to decline it.

Mean while, the lords being informed by the earl of Essex, that the king had laid his commands upon him and the earl of Holland, to attend his majesty at Hampton-court, as lord chamberlain and groom of the stole, they would not dispense with their absence, alleging that their attendance in parliament about the high affairs of the realm, was truer ser-

[d] And sir Thomas Lunsford was committed to the Tower. Whitelock, p. 54.

[e] A committee was also appointed to draw up a letter, or other declaration, to be presented to the lords, and by both houses to be published in print, and sent into all parts of the kingdom, advising them with all expedition to be in a readiness, and good posture of defence, upon all occasions, to defend their several counties from invasion by papists, or other ill-affected persons. Nalson, tom. II. p. 847, 850, etc.

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vice to his majeſty, than any they could do him at court. The king ſoon after removed both theſe lords from their places[f].

During theſe differences between the king and the parliament, Ireland remained unaſſiſted. The commons would not pay ten thouſand men, who ſhould be levied by the king's commiſſions. They pretended theſe troops ſhould be raiſed by way of preſſing, in order to chuſe ſuch for ſoldiers as ſhould be leaſt attached to the king, and that the king ſhould not be concerned in the levies. The bill for preſſing had been ſent up to the lords, who had not yet paſſed it, of which the commons complained. At laſt, the Scotch commiſſioners, ſeeing that the differences between the king and the parliament retarded the concluſion of the treaty for which they were ſent, bethought themſelves of offering their mediation to the king and both houſes, to procure an agreement. But the king was offended at their offer, becauſe they had not firſt communicated their intentions to him in private. The two houſes on the contrary thanked them for this mark of their affection.

Mean while, the committee for the Iriſh affairs finding that kingdom wanted a ſpeedy aſſiſtance, and that the treaty for the ten thouſand Scots was not likely to be concluded ſoon enough, made a propoſal to the Scotch commiſſioners, that the Scots ſhould ſend into Ireland two thouſand five hundred men who were ready, till the treaty for the ten thouſand ſhould be ended; to which the commiſſioners of Scotland agreed. To that purpoſe they propounded certain conditions, which were approved by both houſes. But the king objected to one of the conditions, which was that Carrickfergus, a ſea-port in the north of Ireland, ſhould be delivered to the Scots. He ſaid it was too great a truſt for auxiliary forces. Nevertheleſs, ſeeing the parliament willing to confide in the Scots, he thought he ſhould not refuſe his confidence to his native ſubjects. It muſt be obſerved, that the king and commons expreſſed an equal deſire to aſſiſt Ireland, but each would have it in their own way. The king wiſhed to have an Engliſh army ſent thither, and blamed the commons for not haſtening the levies. The commons, on their ſide, ſuſpected that the king's aim was to leave England unprovided of men, arms, and ammunition, and therefore inſiſted upon the treaty of Scotland for ten thouſand men; and charged the king with being the ſole cauſe of the obſtacles to the concluſion of the treaty: nay, they plainly intimated, that though the king ſeemed to preſs the relief of Ireland, he had no real intention that kingdom ſhould be relieved. Neceſſity however obliged the king and both houſes to accept at length of the two thouſand five hundred Scots, who were ſent into the north of Ireland, where they did good ſervice.

The commons ceaſed not to ſhew openly their diſtruſt of the king. This was abſolutely neceſſary to the execution of the deſigns of thoſe who had then the chief management of the affairs of the houſe. But it does not follow, becauſe it was neceſſary to make known this diſtruſt, that therefore it was not real. The leading men of this party did not believe indeed they had reaſon to truſt the king, and withal it was their intereſt to ſhew the public the grounds of their diſtruſt. This they did in a ſolemn manner, by means of a ſpeech ſpoken by Mr. Pym at a conference with the lords. This ſpeech deſerves to be inſerted at length, becauſe it ſhews by what ſteps the commons endeavoured to compaſs their ends.

" My lords,

" I AM commanded by the knights, citizens, and burgeſſes, aſſembled for the commons in parliament, to preſent to your lordſhips divers petitions, which they have received from ſeveral parts, concerning the ſtate of the kingdom: whereunto they are chiefly moved by that conſtant affection which they have always expreſſed of maintaining a firm union and good correſpondence with your lordſhips, wherein they have ever found much advantage and contentment; but never held it more important and neceſſary than at this time, wherein the wiſdom and reſolution of parliament have as many great dangers and difficulties to paſs through, as ever heretofore.

" We are united in the public truſt, which is derived from the common-wealth, in the common duty and obligation whereby God doth bind us, to the diſcharge of that truſt; and the commons deſire to impart to your lordſhips whatſoever information or intelligence, whatſoever encouragement or aſſiſtance they have received from thoſe ſeveral counties which they repreſent, that ſo likewiſe we may be united in the ſame intentions and endeavours of improving all to the ſervice of his majeſty, and the common good of the kingdom.

" The petitions which I am directed to communicate to your lordſhips, are four; from London, Middleſex, Eſſex, and Hertfordſhire. We have received many more, but it would take up too much time, and be too great a trouble to peruſe all: and in theſe four you may perceive the effect and ſenſe of all: firſt, I am to deſire your lordſhips to hear them read, and then I ſhall purſue my inſtructions in propounding ſome obſervations out of them."

The petition of the lord mayor and aldermen of London.

" Sheweth,

" THAT the committee of this honourable houſe, upon Saturday the 22d of this inſtant January, ſent a meſſage to the petitioners, for the loan of one hundred thouſand pounds, or of ſo much thereof as could conveniently be forthwith raiſed, for levying of forces to ſuppreſs the rebels in Ireland: to which meſſage ſomething was then anſwered, and a further anſwer in writing promiſed.

" In performance whereof, they humbly preſent the anſwer following, together with the reaſon thereof, deſiring that the ſame (being the beſt that for the preſent they are able to give) may favourably be accepted."

As this anſwer is very long, and contains ſeveral particulars not abſolutely neceſſary, I ſhall content myſelf with inſerting here what is moſt material.

" That how ſenſible ſoever they were of the great miſeries of their brethren in Ireland, and of the imminent danger, not only of the total loſs of that kingdom, but of the ruin of this alſo, if that of Ireland ſhould be loſt; yet they are compelled to declare, That they have no power to raiſe any ſums by way of tax for any foreign uſe; and that they have no means to do it, otherwiſe than by the immediate perſonal conſent of every particular lender, which they cannot hope to obtain, in regard of theſe obſtructions following.

" 1. That immediately before the parliament, and ſince, divers great ſums, for the ſervice of the king and kingdom, have been already lent by the citizens of London, beſides 50,000l. for the ſupply of Ireland in particular; a great part whereof ſome of the lenders were compelled to borrow, and cannot to this day repay.

" 2. That ſuch part of thoſe monies as ſhould have been repaid out of the poll-money and ſubſidies, is not yet done.

" 3. That the ſaid ſum of fifty thouſand pounds, lent for Ireland, was haſtened and ſpeedily paid, upon account of the urgent neceſſities of that kingdom; and yet no conſiderable forces are ſent thither to this day.

" 4. The general with-holding of very great ſums of money from the petitioners, and many others, doth render divers perſons, of good eſtate and credit, hardly able to go on with trade, or to pay their debts, and maintain their charge.

" 5. The refuſing to accept the offers of Scotland, to ſend ten thouſand men into Ireland, diſcourageth moſt men from lending any money, were they never ſo able.

" 6. The not paſſing the bill for preſſing of ſoldiers puts many men into fears, that there may be ſome deſign there to loſe Ireland, and to conſume this kingdom in the loſing of Ireland, than to preſerve either the one or the other; for that it cannot be conceived, that the rebels (being grown ſo powerful) will be ſuppreſſed by volunteers[g].

" 7. The ſlow iſſuing of commiſſions to thoſe, who being in Ireland, or going thither, are willing to enter the field againſt the rebels, diſables them from doing any effectual execution upon the enemy, unleſs in their own defence; and ſo all the monies that have been, or may be ſent thither, are exhauſted to maintain our forces, to do little or nothing worthy of them, rather than employed to chaſtiſe the rebels; by means whereof thoſe rebels are ſo much emboldened, that they boaſt they will extirpate the Britiſh nation there, and then make England the ſeat of war.

" 8. The not diſarming of papiſts here in England, after many diſcoveries of their treacheries and bloody deſigns; the great decays of fortifications, block-houſes, and other ſea-

[f] The lord Clarendon ſays, that the earl of Eſſex reſolved to go, and was for that purpoſe making himſelf ready, when the earl of Holland came to him, and privately diſſuaded him; that if they went, they ſhould be both murdered at Hampton-court. Tom. I. p. 297.

[g] They would inſinuate by this, that an army raiſed in the uſual manner by the king's commiſſion, would be very unfit to reduce Ireland, becauſe the king did not wiſh the rebels to be ſubdued. Rapin.

They

forts; the not managing of them, nor furniſhing them with ordnance and ammunition; the not placing all of them in ſuch hands, in whom the parliament may confide; and the not ſettling this kingdom in a poſture of defence, in times of ſo many fears and jealouſies of foreign invaſions, and inteſtine conſpiracies; the not removing the preſent lieutenant of the Tower, and putting ſuch a perſon into that place as may be well approved of by the parliament, notwithſtanding the earneſt petitions exhibited to the houſe of commons for that purpoſe, which hath produced a forbearance to bring bullion into the Tower, in this time of ſcarcity of monies; all which cannot but overthrow trading more and more, and make monies yet more ſcarce in the city and kingdom.

" 9. The king's ſhips are not fitted and employed, as the preſent condition of this kingdom and Ireland requires, but ſome of them for conveying away of delinquents [h].

" 10. The not queſtioning thoſe many thouſands of unknown perſons, who are ſheltered in Covent-Garden, and thereabouts, which do not employ themſelves in any lawful calling, and, it is very probable, lie in a readineſs to adventure upon ſome deſperate attempt.

" 11. The miſunderſtanding between the king and the parliament; the not vindicating the privileges of parliament; the not ſuppreſſing of protections; the not puniſhing of delinquents; and the not executing of all prieſts and jeſuits legally condemned, while others, contrary to privilege of parliament, have been charged with treaſon.

" 12. By means of the premiſſes, there is ſuch decay of trading, and ſuch ſcarcity of money, as it is likely, in very ſhort time, to caſt innumerable multitudes of poor artificers into ſuch a depth of poverty and extremity, as may enforce them upon ſome dangerous and deſperate attempts.

" Theſe are the evils under which the petitioners do exceedingly labour and languiſh, which they humbly conceive to have ſprung from the employing of ill-affected perſons in places of truſt and honour in the ſtate, and near to the ſacred perſon of his majeſty; and that theſe evils are ſtill continued by means of the votes of biſhops and popiſh lords in the houſe of peers.

The petitioners of the county of Eſſex thanked the commons for their extraordinary care, repreſenting to them withal, that they were ſtill apprehenſive of a " great ſtop of reformation in matters of religion," and of the whole kingdom's being in great danger from the papiſts: nor could they expect any redreſs, unleſs the biſhops and popiſh lords were removed out of the houſe of peers.

The petitioners of the county of Hertford prayed, that the papiſts might be fully diſarmed; the kingdom put into a poſture of defence; the forts and ſtrong places committed to ſuch hands as the parliament might confide in; the privileges of parliament repaired; endeavours uſed to take away the votes of popiſh lords and biſhops; Ireland ſpeedily relieved; delinquents brought to further puniſhment; preſſures and grievances in church and ſtate removed; and whatever ſhall be amiſs reformed.

Theſe petitions being read, Mr. Pym continued his ſpeech in this manner:

" My lords,

" IN theſe four petitions you may hear the voice or rather the cry of all England, and you cannot wonder if the urgency, the extremity, of the condition wherein we are, do produce ſome earneſtneſs and vehemency of expreſſion more than ordinary; the agony, terror, and perplexity in which the kingdom labours is univerſal, all parts are affected with it; and therefore in theſe you may obſerve the groans and miſerable complaints of all. Divers reaſons may be given, why thoſe diſeaſes which are epidemical are more dangerous than others: the cauſe of ſuch diſeaſes is univerſal and ſupernatural, not from an evil conſtitution, or evil diet, or any other accident; and ſuch cauſes work with more vigour and efficacy than thoſe which are particular and inferior. 1. In ſuch diſeaſes there is a communicative quality, whereby the malignity of them is multiplied and enforced. 2. They have a converting, transforming power, that turns other diſeaſes and evil affections of mens bodies into their own nature.

" The common and epidemical diſeaſe wherein this common-wealth lies now gaſping, hath a ſuperior and univerſal cauſe from the evil counſels and deſigns of thoſe who, under his majeſty, bear the greateſt ſway in government. 1. It hath a contagious and infectious quality, whereby it is diffuſed and diſperſed through all parts of the kingdom. 2. It is apt to take in the diſcontents, evil affections, and deſigns of particular perſons, to increaſe and fortify itſelf.

" I ſhall take occaſion, from ſeveral branches of thoſe petitions which your lordſhips have heard, to obſerve:

" 1. The variety of dangers to which this kingdom is now ſubject.

" 2. The manifold diſtempers which are the cauſe of thoſe dangers.

" 3. The multiplicity of thoſe evil influences, which are the cauſes of thoſe diſtempers.

" The firſt danger is from enemies abroad: This may ſeem a cauſeleſs and impertinent obſervation at this time, ſeeing we are at peace with all nations about us: But (my lords) you may be pleaſed to conſider, that the ſafety of the kingdom ought not to depend upon the will and diſpoſition of our neighbours, but upon our own ſtrength and proviſion: Betwixt ſtates there are often ſudden changes from peace to war, according to occaſion and advantage: All the ſtates of Chriſtendom are now armed, and we have no reaſon to believe, but that thoſe of greateſt power have an evil eye upon us in reſpect of our religion: And if their private differences ſhould be compoſed, how dangerouſly, how ſpeedily might thoſe great armies, and other preparations now ready, be applied to ſome enterprize and attempt againſt us? And if there were no other cauſe, this were ſufficient to make us ſtand upon our guard; but there are divers more eſpecial ſymptoms of dangers of this kind. We may perceive, by ſeveral advertiſements from abroad, that they did foreſee our dangers many months before they broke out; they could foretel the time and manner of them, which is a clear evidence, they held intelligence with thoſe which were the contrivers and workers of the preſent troubles. We have many dangerous traitors and fugitives now in other parts, who can diſcover the weakneſs and diſtemper of the kingdom; who hold intelligence with the ill-affected party here, and by all cunning and ſubtle practices endeavour to excite and provoke other princes againſt us. Some of the miniſters of our neighbouring princes may be juſtly ſuſpected to have a more immediate hand and operation in the inſurrection and rebellion of Ireland; many of the commanders, and moſt of the ſoldiers levied for the ſervice of Spain, are now joined with the rebels there; and thoſe Iriſh friers which were employed by the Spaniſh embaſſador, for the making of thoſe levies, are known to have been the chief incendiaries of this rebellion, and are ſtill very active in the proſecution and encouragement of it. The rebels have a ready and ſpeedy ſupply from ſome of our neighbours. Two convoys of munition and arms we are certainly informed of; one from Dunkirk, the other from Nants in Britany; and certainly thoſe that are ſo forward to enable others to hurt us, will not forbear to hurt us themſelves, as ſoon as they ſhall have means and opportunity to do it.

" Another danger is from the papiſts and ill-affected party athome. The papiſts here are actuated by the ſame principles with thoſe in Ireland, many of the moſt active of them have lately been there; which argues an intercourſe and communication of council. They have ſtill ſtore of arms and munition at their diſpoſing, notwithſtanding all our endeavours to diſarm them; they have a free reſort to the city and to the court; they want no opportunity to conſult together; they have the ſame or greater encouragement from above, and from about [i], than ever, in reſpect of the example and ſucceſs of the rebels in Ireland, and the great confuſions and diviſions which, by their cunning and ſubtle practices, are raiſed and fomented among ourſelves at home.

" A third danger is of tumults and inſurrections of the meaner ſort of people, by reaſon of their ill vent of cloth and other manufactures, whereby great multitudes are ſet on work, who live for the moſt part by their daily gettings, and will, in a very ſhort time, be brought to great extremity, if not employed: Nothing is more ſharp and preſſing than neceſſity and want; what they cannot buy they will take, and from them the like neceſſity will quickly be derived to the farmers and huſbandmen; and ſo grow higher, and involve all in an equality of miſery and diſtreſs, if it be not prevented. And at this time ſuch tumults will be dangerous, becauſe the kingdom is full of diſbanded ſoldiers and officers, which will be ready to head and to animate the multitude to commit violence with more ſtrength and advantage; and if they once grow into a body, it will be much more difficult to reduce them into order again, becauſe neceſſity and want, which are the cauſe of this diſturbance, will ſtill increaſe as the effects do increaſe.

[h] They mean the lord Digby. Rapin.

[i] That is to ſay, from the king, queen, and miniſtry. Rapin.

" A fourth danger is from the rebels in Ireland, not only in the reſpect of that kingdom, but in reſpect of this. They have ſeized upon the body of that kingdom already: they abound in men of very able bodies; they increaſe in arms and munition; they have great hopes of ſupplies from abroad, of incouragement here, and are ſure of good entertainment from the popiſh party, ſo that they begin to ſpeak already there of tranſporting themſelves hither, and making this kingdom the ſeat of the war. The diſtemper which hath produced theſe dangers is various and exceeding violent. Whenſoever nature is hindered in her operations and faculties, diſtempers will neceſſarily follow.

" The obſtructions which have brought us into this diſtemper, are very many, ſo that we cannot wonder at the ſtrength and malignity of it. Some of the chiefeſt of theſe obſtructions I ſhall endeavour to remember.

" 1. The obſtructions of reformation in matters of religion: No grievances are ſharper than thoſe that preſs upon the tender conſciences of men; and there was never church or ſtate afflicted with more grievances of this kind than we have been. And though they are, by the wiſdom of this parliament, partly eaſed and diminiſhed, yet many ſtill remain; and as long as the biſhops and the corrupt part of the clergy continue in their power, there will be little hopes of freedom, either from the ſenſe of thoſe which continue, or the fear of thoſe which are removed. And of this obſtruction, (my lords) I muſt clear the commons, we are in no part guilty of it; ſome good bills have paſſed us, and others are in preparation, which might have been paſſed before this, if we had not found ſuch ill ſucceſs in the other. Whatſoever miſchief this obſtruction ſhall produce, we are free from it; we can have no part in the guilt or diſhonour.

" 2. An obſtruction in trade: It is the trade that brings food and nouriſhment to the kingdom: It is that which preſerves and increaſes the ſtock of the whole, and diſtributes a convenient portion of maintenance to every part of it; therefore ſuch an obſtruction as this muſt needs be dangerous; the freedom of trade being ſo neceſſary, the benefit ſo important, as that it gives life, ſtrength, and beauty to the whole body of the common-wealth; but I muſt proteſt, the houſe of commons have given no cauſe to this obſtruction; we have eaſed trade of many burdens and heavy taxes, which are taken off; we have freed it from many hard reſtraints by patents and monopolies: we have been willing to part with our own privileges to give encouragement; we have ſought to put the merchants into ſecurity and confidence in reſpect to the Tower of London, that ſo they might be invited to bring in their bullion to the mint, as heretofore they have done; and we are no way guilty of the troubles, the fears, and public dangers which make men withdraw their ſtocks, and keep their money by them, to be ready for ſuch ſudden exigents, as in theſe great diſtractions we have too much cauſe to expect.

" 3. The obſtructions in the relief of Ireland. It muſt needs be accounted a great ſhame and diſhonour to this kingdom, that our neighbours have ſhewed themſelves more forward to ſupply the rebels, than we have been to relieve our diſtreſſed brethren and fellow ſubjects. But I muſt declare, that we are altogether innocent of any neglect herein. As ſoon as the firſt news of the rebellion came over, we undertook the war, not by way of ſupply and aid, as in former rebellions the ſubjects have uſed to do, but we undertook the whole charge of it, and we ſuffered not twenty-four hours to paſs, before we agreed to a great levy of money and men, to be employed againſt the rebels, even in a larger proportion than the lords juſtices and council there did deſire; and from time to time we have done all for the furtherance thereof, though in the midſt of many diſtractions and diverſions; but the want of commiſſion for levying of men, for iſſuing arms, and divers other impediments, have been the cauſes of that obſtruction; and I wiſh we had not only found impediments to ourſelves, but alſo encouragements to them. Many of the chief commanders, now at the head of the rebels, after we had, with your lordſhips concurrence, ſtopt the ports againſt the Iriſh papiſts, have been ſuffered to paſs by his majeſty's immediate warrant, much to the diſcouragement of the lords juſtices and the council there, and this procured, as we believe, by ſome evil inſtrument too near his regal perſon, without his majeſty's knowledge and intentions.

" 4. The obſtruction in proſecution of delinquents: Many we have already brought unto your lordſhips; divers others we have been diſcouraged to tranſmit; ſuch difficult proceedings have we met withal; ſuch terrors and diſcountenance have been caſt upon ourſelves and our witneſſes, and thoſe who have ſhewed themſelves their friends and patrons, have found it the moſt ready way to preferment[k]; yea his majeſty's own hand hath been obtained, his majeſty's ſhips been employed for the tranſporting of divers of thoſe who have fled from the juſtice of the parliament[l].

" 5. A general obſtruction and interruption of the proceedings of parliament, by thoſe manifold deſigns of violence (which through God's mercy we have eſcaped) by the great and frequent breaches of privilege, by the ſubtle endeavours to raiſe parties in our houſe, and jealouſies betwixt the two houſes.

" 6. The obſtruction in providing for the defence of the kingdom, that we might be enabled to reſiſt a foreign enemy, to ſuppreſs all civil inſurrections; and what a preſſing neceſſity there is of this, the exceeding great decays in the navy, in the forts, in the power of ordering the militia of the kingdom, and means of furniſhing them with munition, are ſufficient evidences, known to none better than to your lordſhips; and what endeavour we have uſed to remove them (but hitherto without the ſucceſs and concurrence which we expect) and where the ſtop hath been, and upon what good grounds, we may claim our own innocency and faithfulneſs in this: we deſire no other witneſſes but yourſelves.

" Laſtly, I come to the evil influences which have cauſed this diſtemper, and I ſhall content myſelf to mention ſome few of thoſe which are moſt apparent and important.

" 1. In the firſt place, I ſhall remember the evil counſels about the king, whereof we have often complained. Diſeaſes of the brain are moſt dangerous; becauſe from thence ſenſe and motion are derived to the whole body. The malignity of evil counſels will quickly be infuſed into all parts of the ſtate. None can doubt but we have exceedingly laboured under moſt dangerous and miſchievous counſels. This evil influence hath been the cauſe of the preparation of war with Scotland, of the procuring a rebellion in Ireland, of corrupting religion, ſuppreſſing the liberty of this kingdom, and of many fearful and horrid attempts, to the ſubverting the very being of parliaments, which was the only hopeful mean of oppoſing and preventing all the reſt: And this doth appear to be a moſt predominant evil of the time; whereat we need not wonder when we conſider how counſellors have been preferred and prepared. And I appeal to your lordſhips own conſciences, whether the giving, and the countenancing of evil counſels, hath not been almoſt the only way to farther advancement.

" 2. The diſcouragement of good counſels. Divers honeſt and approved counſellors have been put from their places; others ſo diſcountenanced, as that the way of favour hath been ſhut againſt them, and that of danger and deſtruction only open to them.

" 3. The great power that an intereſted and factious party hath in the parliament, by the continuance of the votes of the biſhops and popiſh lords in your lordſhips houſe; and the taking in of others both out of the houſe of commons, and otherwiſe, to increaſe their ſtrength.

" 4. The fomenting and cheriſhing of a malignant party throughout the whole kingdom.

" 5. The manifold jealouſies betwixt the king, his parliament, and good ſubjects, whereby his protection and favour hath in a great meaſure been with-held from them; their inclinations and reſolution to ſerve and aſſiſt him, hath been very much hindered and interrupted: we have often ſuffered under the miſinterpretation of good actions, and falſe imputations of evil, which we never intended. So that we may juſtly purge ourſelves from all guilt of being authors of this jealouſy and miſunderſtanding: We have been and are ſtill ready to ſerve his majeſty with our lives and fortunes, with as much chearfulneſs and earneſtneſs of affection, as ever any ſubjects were, and we doubt not but our proceedings will ſo manifeſt this, that we ſhall be as clear in the apprehenſion of the world, as we are in the teſtimony of our own conſciences.

" I am now come to a concluſion, and I have nothing to propound to your lordſhips by way of requeſt or deſire from the houſe of commons. I doubt not but your judgments will tell you what is to be done; your conſciences, your honours, your intereſt will call upon you for the doing of it; the commons will be glad to have your help and concurrence in ſaving of the kingdom; but if they ſhould fail of it, it ſhould not diſcourage them in doing their duty. And whether the kingdom be loſt or ſaved (as through God's bleſſing I hope it will be) they ſhall be ſorry that the ſtory of this preſent parliament, ſhould tell poſterity, that in ſo great a danger and extremity, the houſe of commons ſhould be in-

[k] The lord Digby is chiefly meant. Rapin.

[l] Jermyn and Digby.

Namely,

forced to save the kingdom alone, and that the house of peers should have no part in the honour of the preservation of it, you having so great an interest in the good success of those endeavours, in respect of your great estates, and high degrees of nobility.

"My lords, consider what the present necessities and dangers of the common-wealth require, what the commons have reason to expect, to what endeavours and counsels the concurrent desires of all the people do invite you: So that applying yourselves to the preservation of the king and kingdom, I may be bold to assure you, in the name of all the commons of England, that you shall be bravely seconded."

I thought proper to insert this whole speech, because the resolution taken by the commons to divest the king of great part of his prerogatives, which they termed saving the kingdom, manifestly appears in it. In the next place, is seen here the plan they were forming, under colour of applying a cure to the epidemical disease, whose dangers, causes and evil influences were methodically described by Mr. Pym. Though he did not explain the manner of curing it, it was easy to infer from his speech, that it was necessary to prevent the dangers, remove the causes, and apply strong antidotes against the evil influences which inflamed the disease.

The first remark I shall make on this speech, is, that it was a preparative to dispose the people to see, without surprise, the violent remedies which were intended to be used to remove a disease that was industriously represented as almost incurable. It would be easy to shew that all the subsequent proceedings of the commons were intimated in this long speech, if I was not apprehensive it would lead me too far.

I shall add another remark, no less important and requisite; and that is, if the projects of the commons had been founded only upon idle notions and chimeras, they would never have met with so many adherents ready and eager to accomplish them. Had the people of England been never oppressed, vain would have been the endeavours to persuade them to think so. Had not the king attempted to establish an arbitrary power, had not his ministers, his counsellors, all persons in public offices, helped to execute this design, how would it have been possible to convince the people of its reality? If the bishops and high-commission had not abused their power, if in order to be farther removed from the presbyterians, they had not introduced ceremonies and innovations, wherein there was but too much affectation of imitating the Romish religion, never could the people have been persuaded that there was a design to introduce popery. Had the king always strictly kept his word, how would it have been practicable to inspire the people with so great a distrust of him? By what band would the members of parliament have been united together in the design of lessening the king's power? How should such a thought have come into their minds? It may therefore be affirmed, that these projects were founded on very real and true facts, but which the presbyterians artfully improved, to the accomplishment of their private ends. Nevertheless it must be owned, that most of these facts were aggravated, misinterpreted, and even inflamed with groundless insinuations.

I shall farther observe, that they who say, these petitions, presented to the house of commons, were all begged, seem to say it very justly, or at least, with great probability. It is difficult to believe, that the people to whom these petitions were ascribed, could have used a language so agreeable to the aim and intentions of the commons, if they had not been drawn up by persons fully informed of their designs. Indeed, in answer to this objection, it is alleged, that these petitions were not formed upon the views of the commons, but that the house framed their resolutions upon these petitions, which informed them of the nation's desires. But we do not find they ever framed their resolutions upon other petitions directly contrary to these, which were also presented to them from time to time, and which agreed not with their principles. On the contrary, we see that for the most part these were rejected or not regarded by the house.

The commons were so pleased with Mr. Pym's speech, that Mr. Speaker was ordered to give him thanks for it, and desire him to print it, that it might be dispersed among the people. But the king took great offence at it, particularly, at what Mr. Pym said concerning passes granted for Ireland, "That since the stop upon the ports against all Irish papists, by both houses, many of the chief commanders, now at the head of the rebels, have been suffered to pass by his majesty's immediate warrant." The king said, it was a black calumny, and demanded by a message, that the house should make him a solemn reparation, and disavow what Pym had asserted; but the commons, who were not then disposed to oblige the king, answered, that what Mr. Pym had said was agreeable to the sense of the house. That it was true, since the stop upon the ports by both houses, several persons who were now commanders among the rebels, had passed into Ireland with his majesty's immediate warrant some of whom they named. The king replied, that these passes were obtained whilst he was in Scotland, and before he knew of the order of parliament, and insisted upon the vindication he had already required. The commons answered by a declaration, maintaining what they had advanced, and adding, that his majesty's passes were not only for those they had before named, but also "For such a one[m] and his company, for such a one[n] and four other persons." The king replied, these were only inferences drawn from the passports, which could not serve for foundation to Pym's assertion in his speech. He insisted again upon reparation: but the commons thought proper not to return any answer.

But this dispute between the king and the parliament was of little importance, in comparison of another at the same time, concerning the militia and command of the forts. But for the better understanding this affair, which is one of the principal of the present reign, it is absolutely necessary to know what had already passed about it.

After the king's return from Scotland, it was easy for him to perceive, that the commons intended to deprive him of great part of his authority. The remonstrance of the state of the kingdom, presented to him at a time, when without such a design, it seemed very needless, was as the signal of the war preparing against him. Whatever had been since done, tended to the same end, that is, to discredit the king's government, and to impute to him sundry designs, under the name of his counsellors, of the papists, and of an ill-affected party. It is not very strange, that finding himself in this ill situation, he thought betimes of providing against the attacks to which he was likely to be soon exposed. But who can affirm, that if he had succeeded in putting himself in a condition to resist, he would have remained upon the defensive? However that be, the precautions he would have taken against his enemies, served but to render their accusations more plausible.

In January 1641-2, when the affair of the members accused and the breach of privileges was warmly debating, the king, not knowing how it might end, formed the design of securing Hull. This place was very considerable, as well by its situation, as a large magazine of arms and ammunition[o], which could procure a great advantage to him that should have it in his power, in case of a rupture. To this end, William Cavendish, earl of Newcastle, by the king's order, came to Hull under a counterfeit name[p], to consult with some of the king's friends, and amongst others with captain Legg, how to oblige the mayor to deliver to him the town and magazine, or to obtain it by force, if the mayor would not give his consent. The secret being discovered, the peers ordered the earl of Newcastle to attend the service of the house, which he did, after receiving the king's pleasure, without being asked at his return, where he had been. But some days after, the commons, as I have said, moved that sir John Hotham might be sent to Hull, to which the lords agreed the more readily, as they were not ignorant upon what design the earl of Newcastle had been dispatched thither. The order was therefore given to Hotham by both houses, to command in Hull, without the king's being acquainted with it.

Shortly after, the affair of the militia being now commenced, the king formed once more the design of securing Hull and Portsmouth. To that purpose, colonel Goring, governor of Portsmouth, whom the king had secretly gained, was to receive the queen into Portsmouth, after which, he had orders to go and take the command of Hull. Probably, there was some course taken for the surrender of that place to him. This design was discovered, though it was communicated but to three persons, and the king thought not proper to pursue it, fear of a disappointment.

If to this be added the suspicions entertained by the parliament, that the late assembly at Kingston was in order to

[m] Namely, colonel Butler, whose brother was general of the rebels in Munster. He was uncle to the earl of Ormond.

[n] Christopher Nugent, lord Delvin, and four persons unnamed, of whom Plunket was one.—There were also passes granted to a son of the lord Netterville, and to sir George Hamilton. Rushworth, tom. IV. p. 514.

[o] Upon the disbanding the late army in the north, all the artillery, arms, and ammunition, that was provided for that service, had been, by the king's command sent to Hull, where it still remained; and the king intended it should be kept there for a magazine upon all occasions. Clarendon, tom. I. p. 304.

[p] He took the name of sir John Savage. Rushworth, tom. IV. p. 564.

The

ſurpriſe Portſmouth, and the queen's intended journey thither had the ſame motive: that the lieutenancy of the Tower given to Lunsford might be in purſuance of the king's deſign to ſecure at once the three ſtrongeſt places in the kingdom, it will not be ſurpriſing hereafter, to ſee the parliament full of fears and jealouſies. For though the commons had given the king but too much reaſon to take precautions for his defence, theſe very precautions, had they ſucceeded, would have been no leſs prejudicial to the public, than if they had been without a plauſible foundation. So, as the king had reaſon to fear that the parliament intended to deprive him of his authority, the parliament had no leſs cauſe to ſuſpect that the king was privately labouring to ſubdue them. In this diſpoſition, neither the one nor the other took any ſtep which was not ſuſpected to cover ſome ill deſign. Conſequently every thing tended to a rupture. The ſole concern of both parties, was to gain the people to their intereſt. The parliament ſtrenuouſly endeavoured it by rendering the king odious, and cheriſhing the fears and ſuſpicions already infuſed into the people. Their aim was to convince the nation of the neceſſity of extraordinary proceedings, in a caſe ſo uncommon. The king, on his part, carefully repreſented, that the parliament did nothing but violate the laws, and ſubvert the conſtitution of the government, under colour of maintaining them. Thus much it was neceſſary to premiſe, before I entered upon the affair of the militia, that the reader may underſtand the motives of the king's and the parliament's proceedings.

Eight days after young Hotham's departure for Hull, where his father ſir John came within a few weeks, the king ſent a meſſage to both houſes, with the following propoſal:

"That they will with all ſpeed fall into a ſerious conſideration of all thoſe particulars, which they ſhould hold neceſſary, as well for the upholding and maintaining of his majeſty's juſt and regal authority, and for the ſettling of his revenue, as for the preſent and future eſtabliſhment of their privileges; the free and quiet enjoying of their eſtates and fortunes; the liberties of their perſons; the ſecurity of the true religion now profeſſed in the church of England, and the ſettling of ceremonies in ſuch a manner, as may take away all juſt offence; which, when they ſhall have digeſted and compoſed one entire body, that ſo his majeſty and themſelves may be able to make the more clear judgment of them, it ſhall then appear by what his majeſty ſhall do, how far he hath been from intending or deſigning any of thoſe things, which the too great fears and jealouſies of ſome perſons ſeem to apprehend, and how ready he will be to exceed the greateſt examples of the moſt indulgent princes in their acts of grace and favour to their people."

It is evident the king had three views in making this propoſition. The firſt, to find the houſes employment, and procure himſelf time to prepare. The ſecond was, to know at once how far the deſigns of his enemies reached, which could not but be advantageous to him and injurious to them, with regard to the people. His third view was, to ſhew his ſubjects how willing he was to conſent to whatever ſhould be capable of procuring a perfect reconciliation between him and his parliament. As to his ſaying, "How ready he ſhould be, &c." it was only a general promiſe, liable to numberleſs reſtrictions and explanations, and which properly bound him to nothing.

The commons fully perceived the ſnare laid for them by the king, but they perplexed him no leſs by their anſwer to his propoſition. They told him in a petition, "That they returned to his majeſty their moſt humble thanks, reſolving to take this meſſage into ſpeedy and ſerious conſideration; and to enable them with ſecurity to diſcharge their duties therein, they deſired the peers to join with them, in humbly beſeeching his ſacred majeſty, to raiſe up unto them a ſure ground of ſafety and confidence, by putting the Tower and other principal forts of the kingdom, and the whole militia thereof, into the hands of ſuch perſons as the parliament might confide in, and as ſhould be recommended unto his majeſty by both houſes of parliament [q]."

By this anſwer, the commons made a preliminary of the moſt important point to be ſettled between the king and the parliament, and which being granted, would have put it in the parliament's power to do whatever they pleaſed. In the ſecond place, they inſinuated to the people, that the parliament's diſtruſt of the king, muſt have been grounded upon ſtrong preſumptions, ſince there was no way to labour a reconciliation, and ſettle the rights of the nation, ſo long as the king ſhould be maſter of the forts and militia.

The king anſwered, concerning the Tower of London, "That having preferred a perſon of a known fortune, and unqueſtionable reputation to that truſt, he did not expect he ſhould be preſſed to remove him, without any particular charge againſt him: that notwithſtanding, if upon due examination any particular charge ſhould be preſented to his majeſty, whereby it might appear, that he was miſtaken in his opinion of Byron, and that he was unfit for the truſt committed to him, he would make no ſcruple of diſcharging him. But otherwiſe, he was obliged in juſtice to himſelf, to preſerve his own work, leſt his favour and good opinion might prove a diſadvantage and misfortune to his ſervants, without any other accuſation.

"For the forts and caſtles of the kingdom; he was reſolved they ſhould always be in ſuch hands (and only ſuch) as the parliament might ſafely confide in: but the nomination of any perſons to thoſe places (being ſo principal and inſeparable a flower of his crown, veſted in him, and derived unto him from his anceſtors, by the fundamental laws of the kingdom) he would reſerve to himſelf: and in beſtowing of them, he ſhould not be induced to expreſs that favour ſo ſoon to any perſon, as to thoſe whoſe good demeanour ſhould be eminent in, or to his parliament; and if he ſhould at any time confer ſuch a truſt upon an undeſerving perſon, he would always be ready to leave him to the wiſdom and juſtice of his parliament.

"As for the militia of the kingdom, which by the law was ſubject to no command but of his majeſty, and of authority lawfully derived from him, when any particular courſe for the ordering the ſame ſhould be conſidered and digeſted by his parliament, and propoſed to him, he would return ſuch an anſwer, as ſhould be agreeable to his honour, and the ſafety of his people, being reſolved only to deny thoſe things, the granting whereof would alter the fundamental laws."

So general an anſwer was not capable of ſatisfying the commons. Nay, it ſeemed to intimate very clearly, that the king would not grant what was intended to be aſked; and yet he removed ſir John Byron from the lieutenancy of the Tower, and gave it to ſir John Conyers, recommended to him by the commons. But this was a favour he readily granted, as it did not prejudice his rights. Nevertheleſs, a few days after the following petition was preſented to him by both houſes.

To the king's moſt excellent majeſty, the humble petition of the lords and commons aſſembled in parliament.

"Moſt gracious ſovereign,

"THE preſent evils and calamities wherewith your kingdoms are moſt miſerably entangled, the imminent dangers which threaten your royal perſon, and all your people, have cauſed us, your moſt faithful and obedient ſubjects, the lords and commons in this preſent parliament, with thankfulneſs to entertain, and with all earneſtneſs of affection and endeavours to purſue the gracious propoſition and direction, which not long ſince we have received from your majeſty. And we have thereupon taken into our moſt ſerious conſideration the ways and means of ſecuring the ſafety of your royal perſon, preſerving the honour and authority of your crown, removing all jealouſies betwixt your majeſty and your people, ſuppreſſing the rebellion in Ireland, preventing the fears and dangers of this kingdom, and the miſchievous deſigns of thoſe who are enemies to the peace of it. And that we may, with more comfort and ſecurity accompliſh our duties herein, we moſt humbly beſeech your majeſty, that you will be pleaſed forthwith to put the Tower of London, and all other forts, and the whole militia of the kingdom, into the hands of ſuch perſons as ſhall be recommended to your majeſty by both houſes of parliament [r]. Which they aſſure themſelves, will be a hopeful entrance into thoſe courſes, which (through God's bleſſing) ſhall be effectual for the removing of all diffidence and miſapprehenſion betwixt your majeſty and your people, and for eſtabliſhing and enlarging the honour, greatneſs and power of your majeſty and royal poſterity, and for the reſtoring and confirming the peace and happineſs of your loyal ſubjects in all your dominions. And to this our moſt neceſſary petition, we in all humility expect your majeſty's ſpeedy and gracious anſwer, the great diſtractions and diſtempers of the kingdom not admitting any delay."

The parliament always ſuppoſed the kingdom to be in extreme danger, and the papiſts and diſaffected party, or rather the king himſelf, to have ill-deſigns; though, after all, their

[q] The petition goes on, "Wherein the peers having refuſed to join with them, they, notwithſtanding, no way diſcouraged, but confiding in his majeſty's goodneſs, humbly beſeech him, that the Tower of London, &c." Ruſhworth, tom. IV. p. 517. Rapin takes no notice of this diſſent of the lords.

[r] The lieutenancy of the Tower was not yet given to ſir John Conyers. She

ſuppoſition was founded only upon conjectures, of which the king had given ſome occaſion, by endeavouring to ſecure Hull, as the houſe had been well informed. The king's anſwer to the petition was as follows:

"His majeſty having well conſidered of this petition, and being deſirous to expreſs how willing he is to apply a remedy, not only to your dangers, but even to your doubts and fears, he therefore returns this anſwer, that when he ſhall know the extent of power, which is intended to be eſtabliſhed in thoſe perſons whom you deſire to be commanders of the militia in the ſeveral counties, and likewiſe to what time it ſhall be limited that no power ſhall be executed by his majeſty alone, without the advice of parliament, then he will declare, that (for the ſecuring you from all dangers or jealouſies, if any) his majeſty will be content to put in all the places, both of forts and militia in the ſeveral counties, ſuch perſons as both the houſes of parliament ſhall either approve or recommend unto him, ſo that you declare before unto his majeſty the names of the perſons whom you approve or recommend, unleſs ſuch perſons ſhall be named, againſt whom he ſhall have juſt and unqueſtionable exception."

The king ſeemed, by this anſwer, to grant entirely the deſire of both houſes, and yet the ſequel ſhewed it was neither his intention nor thought. For the better underſtanding the anſwer, it will be neceſſary to know how the king then ſtood diſpoſed. His deſign was to withdraw to York and levy troops in thoſe parts, in order to ſeize Hull, with the magazine there. So that, very likely, from that time he thought of war, defenſive or offenſive. And therefore he had determined to ſend the queen into Holland, under colour of conducting thither the princeſs Mary her daughter, who had eſpouſed the prince of Orange, and of going to the Spa. But withal, he had put into her hands the crown jewels, which were afterwards uſed in buying arms and ammunition[s]. When the parliament preſented this petition to him, he was going to ſend away the queen, after which he intended to retire to York. It was not therefore his intereſt abſolutely to reject the parliament's requeſt in ſuch a juncture, for fear of raiſing a ſtorm too ſoon, which might have obſtructed the execution of his two deſigns, and eſpecially that relating to Hull. For this reaſon it was that he returned the parliament ſo ſeemingly ſatisfactory an anſwer, but which however was not an abſolute conſent, becauſe of ſome additional reſtrictions, from whence he meant to draw afterwards a pretence to render his engagement ineffectual. Nevertheleſs, the terms of this engagement were ſo well choſen, that though of themſelves, they ſignified not that the king reſerved to himſelf a power to recede from his word, ſuch a ſenſe however might by inference be fixt upon them. So in the king's intention, this anſwer was ſolely deſigned to gain time. A few days after, he gave the lieutenancy of the Tower to ſir John Conyers[t], the better to perſuade both houſes, he intended to ſatisfy them.

The parliament did not doubt, the king was reſolved to put the militia into the hands of ſuch as ſhould be recommended to him. And therefore they ordered the draught of an ordinance for regulating the militia to be prepared, with the names of the commanders in each county on a ſeparate paper, and preſented it to his majeſty, with a petition for his conſent.

The king anſwered, the queen and princeſs being upon their departure for Holland, he had not time to conſider of ſo important an affair, but would ſend an anſwer at his return. He was then upon the road, accompanying the queen to Dover.

Mean while, the parliament believing to have reaſon to ſuſpect, the king only ſought to amuſe them, and fearing he had formed ſome private deſign which he intended to execute before the regulation of the militia, preſented this other petition to him:

"May it pleaſe your moſt excellent majeſty, your humble and loyal ſubjects, the lords and commons, have with a great deal of grief received your majeſty's anſwer to their juſt and neceſſary petition, concerning the militia of this kingdom; which your majeſty, by a gracious meſſage formerly ſent unto them, was pleaſed to promiſe ſhould be put into ſuch hands as your parliament ſhould approve of, or recommend unto you: the extent of their power, and the time of their continuance, being likewiſe declared. That being done, and the perſons by both houſes nominated, your majeſty, nevertheleſs, refers your reſolution herein to a longer and a very uncertain time, which (the preſent dangers and diſtractions ſo great and preſſing) is as unſatisfactory and deſtructive as an abſolute denial.

"Therefore we once again beſeech your majeſty, to take our deſire into your royal thoughts, and to give us ſuch an anſwer, as may raiſe in us a confidence that we ſhall not be expoſed to the practices of thoſe, who thirſt after the ruin of this kingdom, and the kindling of that combuſtion in England, which they have in ſo great a meaſure effected in Ireland; from whence (as we are daily informed) they intend and endeavour to invade us, with the aſſiſtance of the papiſts here amongſt us.

"Nothing can prevent theſe evils, nor enable us to ſuppreſs the rebellion in Ireland, and ſecure ourſelves, but the inſtant granting of that humble petition, which we hope your majeſty will not deny to thoſe, who muſt in the diſcharge of their duties both to your majeſty and the commonwealth, repreſent unto your majeſty what they find ſo abſolutely neceſſary for the preſervation of both, which the laws both of God and man enjoin them to ſee put in execution, as ſeveral counties by their daily petitions have deſired of us, and in ſome places begun already to do it of themſelves."

The parliament wiſhed to have the king's conſent to this regulation of the militia. This would have been advantagious to them upon all accounts. But however, in the caſe wherein they ſuppoſed the kingdom to be, they did not mean, that the king's conſent was ſo abſolutely neceſſary that the regulation could not be done and executed, without his approbation. And therefore to ſhew the king, it would be in vain to oppoſe it, they had ſo ordered it, that in ſome places the people had, of their own accord, divided themſelves into companies, choſen officers, in a word, had begun to regulate the militia, without ſtaying for the king's orders. It is not likely, the people would have ventured upon ſuch an undertaking, had they not been ſure of the parliament's approbation.

The king ſeeing himſelf thus preſſed, ſought other evaſions to amuſe the parliament, without openly declaring however that his intention was to deny the deſire of both houſes. His anſwer to the laſt petition was as follows[u]:

"His majeſty having, with his beſt care and underſtanding, peruſed and conſidered, that which was ſent him from both houſes, for the ordering of the militia, preſented unto him to be made an ordinance of parliament, by the giving of his royal aſſent; as he can by no means do it for the reaſons hereafter mentioned, ſo he doth not conceive himſelf obliged, by any promiſe made in his anſwer of the ſecond of this month to the petition of both houſes, to yield the ſame.

"His majeſty finds great cauſe to except againſt the preface or introduction to that order, which confeſſeth a moſt dangerous and deſperate deſign upon the houſe of commons, of late ſuppoſed to be an effect of the bloody counſels of papiſts and other ill-affected perſons, by which many may underſtand (looking upon other printed papers to that purpoſe,) his coming in perſon to the houſe of commons on the 4th of January, which begat ſo unhappy a miſunderſtanding between him and his people; and for that, though he believes it upon the information ſince given, to be an apparent breach of their privilege, and hath offered to repair the ſame for the future, by any act that ſhall be deſired of his majeſty, yet he muſt declare, and require to be believed, that he had no other deſign upon that houſe, or any member of it, than to require (as he did the perſons of thoſe five gentlemen his majeſty had the day before accuſed of high-treaſon; and to declare, that he meant to proceed againſt them legally and ſpeedily, upon which he believes the houſe would have delivered them up; and his majeſty calls the Almighty God to witneſs, that he was ſo far from any intention or thought of force or violence; although that houſe had not delivered them according to his demand, or in any caſe whatſoever, that he gave thoſe his ſervants, and others, that waited on his majeſty, expreſs charge and command, that they ſhould give no offence to any man; nay, if they received any provocation or injury that they ſhould bear it without return; and his majeſty neither ſaw or knew, that any perſon of his train had any other weapons, but his penſioners and guards thoſe with which they uſually attend his majeſty, and the other gentlemen, ſwords. And therefore his majeſty doubts not, but his parliament will be regard-

[s] She was reduced to ſo great wants, that ſhe was compelled to coin, or ſell her chamber-plate, for the ſupply of her moſt neceſſary occaſions. Clarendon, tom. I. p. 327.

[t] February 11th, as appears by a ſhort meſſage that day from the king to the houſe of peers. Ruſhworth, tom. IV. p. 519.

[u] This anſwer the king ſent from Greenwich, where he came and reſided ſome time after the queen's departure. Clarendon, tom. I. p. 340, 341.

ful of his honour herein, that he ſhall not undergo any imputation, by the raſh or indiſcreet expreſſions of any young men then in his train, or by any deſperate words uttered by others, who might mingle with them without his conſent or approbation.

"For the perſons nominated to be lieutenants of the ſeveral counties of England and Wales, his majeſty is contented to allow that recommendation; only concerning the city of London, and ſuch corporations, as by ancient charters have been granted unto them the power of the militia, his majeſty doth not conceive, that it can ſtand with juſtice or policy to alter their government in that particular.

"And his majeſty is willing forthwith to grant every of them, that of London, and thoſe other corporations excepted,) ſuch commiſſions, as he hath done during this parliament, to ſome lord-lieutenants by your advice; but if that power be not thought enough, but that more ſhall be thought fit to be granted to thoſe perſons named, than by the law is in the crown itſelf; his majeſty holds it reaſonable, that the ſame be by law firſt veſted in him, with power to transfer it to thoſe perſons, which he will willingly do; and whatever that power ſhall be, to avoid all future doubts and queſtions, his majeſty deſires, it may be digeſted into an act of parliament rather than an ordinance; ſo that all his loving ſubjects may thereby particularly know, both what they are to ſuffer, and what they are not to ſuffer, for their neglect, that there be not the leaſt latitude for his good ſubjects to ſuffer under any arbitrary power whatever.

"As to the time deſired for the continuance of the powers to be granted, his majeſty giveth his anſwer, that he cannot conſent to diveſt himſelf of the juſt power, which God and the laws of this kingdom have placed in him for the defence of his people, and to put it into the hands of any other for any indefinite time. And ſince the ground of this requeſt from his parliament, was to ſecure their preſent fears and jealouſies, that they might with ſafety apply themſelves to the matter of his meſſage of the 20th of January: his majeſty hopeth, that his grace to them, ſince that time, in yielding to ſo many of their deſires, and in agreeing to the perſons now recommended to him by his parliament, and the power before expreſſed to be placed in them, will wholly diſpel thoſe fears and jealouſies; and aſſureth them, that as his majeſty hath now applied this unuſual remedy to their doubts, ſo (if there ſhall be cauſe) he will continue the ſame, to ſuch time as ſhall be agreeable to the ſame care he now expreſſeth toward them.

"And in this anſwer, his majeſty is ſo far from receding from any thing he promiſed, or intended to grant in his anſwer to the former petition: that his majeſty hath hereby conſented to all was then aſked of him by that petition concerning the militia of the kingdom, (except that of London, and thoſe other corporations) which was to put the ſame into the hands of ſuch perſons as ſhould be recommended unto him by both houſes of parliament: and his majeſty doubts not, but the parliament upon well weighing the particulars of this his anſwer, will find the ſame more ſatisfactory to their ends, and the peace and welfare of all his good ſubjects, than the way propoſed by this intended ordinance, to which, for theſe reaſons, his majeſty cannot conſent.

"And whereas his majeſty obſerves by the petition of both houſes, preſented to him by the earl of Portland, ſir Thomas Heal, and ſir William Savile, that in ſome places ſome perſons begin already to intermeddle of themſelves with the militia, his majeſty expecteth that his parliament ſhould examine the particulars thereof, it being a matter of high concernment and very great conſequence.

"And his majeſty requireth, that if it ſhall appear to his parliament, that any perſons whatſoever have preſumed to command the militia without lawful authority, they may be proceeded againſt according to law."

There were in this anſwer ſeveral things which could not but diſpleaſe the parliament. 1. The exception of London and ſuch other corporations, as by charters had the power of the militia, which was taking away with one hand, what he ſeemed to give with the other, ſince there were very few towns of any note, but what had the like charters. Beſides, it did not appear that either London or any other corporation deſired to be maintained in this privilege. The king ſuppoſed it without conſulting them. 2. The king, in complaining there was no fixed time for the continuance of the powers of the lieutenants, offered none himſelf. So it was a point to be debated which might long amuſe. 3. As to his promiſing to prolong the time, if there ſhould be cauſe, it was properly nothing, ſince it is certain his general promiſes were not relied on, eſpecially when attended with ſuch reſtrictions. 4. The king did not mention the government of the forts, which was however a point of great moment. 5. He abſolutely rejected the ordinance, and in perſuading the parliament to change it into an act, he would have indirectly obliged them to own, they had now power to make it, which was entirely contrary to the pretenſions of both houſes. 6. In ſuppreſſing the ordinance and turning it into an act, the bill muſt have been drawn his own way, otherwiſe, he tacitely reſerved to himſelf the power of rejecting it, a power that hitherto had been indiſputable. It was therefore very eaſy to perceive, that by all theſe reſtrictions the king ſought only to gain time, and put off the parliament with bare words. Accordingly both houſes having taken his anſwer into conſideration, voted that it was not ſatisfactory, and preſented a third petition to him at Theobalds, where he then was.

"Moſt gracious ſovereign,

"YOUR majeſty's moſt loyal and obedient ſubjects, the lords and commons in parliament, do find their juſt apprehenſions of ſorrow and fear, in reſpect of the public dangers and miſeries like to fall upon your majeſty and the kingdom, to be much increaſed, upon the receipt of your unexpected denial of their moſt humble and neceſſary petition, concerning the militia of the kingdom, eſpecially grieving, that wicked and miſchievous counſellors ſhould ſtill have that power with your majeſty, as in this time of imminent and approaching ruin, rather to incline your reſolutions to that which is apt to further the accompliſhment of the deſires of the moſt malignant enemies of God's true religion, and the peace and ſafety of yourſelf and your kingdom, than to the dutiful and faithful counſel of your parliament: wherefore they are enforced in all humility to proteſt, that if your majeſty ſhall perſiſt in that denial, the dangers and diſtempers of the kingdom are ſuch as will endure no longer delay: but unleſs you ſhall be graciouſly pleaſed to aſſure them by theſe meſſengers, that you will ſpeedily apply your royal aſſent to the ſatisfaction of their former deſires, they ſhall be inforced, for the ſafety of your majeſty and your kingdom, to diſpoſe of the militia by the authority of both houſes, in ſuch manner as hath been propounded to your majeſty, and they reſolve to do it accordingly.

"They likewiſe moſt humbly beſeech your majeſty to believe, that the dangerous and deſperate deſign upon the houſe of commons, mentioned in their preamble, was not inſerted with any intention to caſt the leaſt aſperſion upon your majeſty, but herein they reflected upon that malignant party, of whoſe bloody and malicious practices they have had ſo often experience, and from which they can never be ſecure, unleſs your majeſty will be pleaſed to put from you thoſe wicked and unfaithful counſellors, who interpoſe their own corrupt and malicious deſigns betwixt your majeſty's goodneſs and wiſdom, and the proſperity and contentment of yourſelf, and of your people: and that for the diſpatch of the great affairs of the kingdom, the ſafety of your perſon, the protection and comfort of your ſubjects, you will be pleaſed to continue your abode near to London, and the parliament, and not to withdraw yourſelf to any the remoter parts: which, if your majeſty ſhould do, muſt needs be a cauſe of great danger and diſtraction [x].

"That your majeſty will likewiſe be graciouſly pleaſed to continue the prince his highneſs in theſe parts at St. James's, or any other of your houſes near London [y], whereby the deſigns which the enemies of the religion and peace of this kingdom may have upon his perſon, and the jealouſies and fears of your people may be prevented. And they beſeech your majeſty to be informed by them, that by the laws of the kingdom, the power of raiſing, ordering, and diſpoſing of the militia, within any city, town or other place, cannot be granted to any corporation by charter or otherwiſe, without the authority and conſent of parliament; and that thoſe parts of the kingdom which have put themſelves in a poſture of defence againſt the common danger, have therein done nothing but according to the declaration and the direction of both houſes, and what is juſtifiable by the laws of the kingdom.

"All which, their moſt humble counſel and deſires, they

[x] Before the king left London, ſir Richard Gurney lord mayor, and ſome of the principal citizens, waited upon him, and engaged, if he would ſtay, to guard him with ten thouſand men, if occaſion were; and told him, if he went, he would leave the city open for the members to do as they pleaſed, and that they were ſure to be firſt undone; the king told them he was reſolved. R. Co .p. 341.

[y] The king upon his coming to Greenwich, had ſent to William Seymour, marquis of Hertford (lately made governor to the prince, in the room of the earl of Newcaſtle) to bring the prince to him, at which the parliament it ſeems took exception. Clarendon, tom. I. p. 332, 340.

pray

pray your majeſty to accept, as the effect of that duty and allegiance which they owe unto you, and which will not ſuffer them to admit of any thoughts, intentions, or endeavours, but ſuch as are neceſſary and advantageous for your majeſty's greatneſs and honour, and the ſafety and proſperity of the kingdom according to that truſt and power which the laws have repoſed in them."

Before I relate the king's anſwer, it will not be improper to make ſome remarks on this petition. My deſign being in this ſecond part of the reign of Charles I. to give the readers a true idea of the differences between the king and the parliament, that they may the better perceive the real grounds of the enſuing civil wars, I hope it will not be taken amiſs, that by remarks on the papers of both ſides, I point out ſome things which perhaps would not be generally obſerved.

In the firſt place, the imminent danger, the approaching ruin ſo much talked of by the parliament, was not ſo evident as they pretended. But they always ſuppoſed, there was a popiſh and malignant party, who had formed a deſign to ruin the kingdom and the proteſtant religion, and that the king's evil counſellors adviſed him to whatever could be advantageous to that party. I do not ſay this ſuppoſition was entirely falſe: but it may be ſaid at leaſt to be grounded upon bare conjectures. Beſides, theſe were only generals, under which the parliament concealed the true cauſe of their fears. They were apprehenſive, that the king by ſecret practices, would ſecure the forts and magazines, as it was well known he intended it, and raiſe an army. Nay, it could not be doubted that conſidering his preſent ſtate, he would have done it, had it been in his power. It will be ſeen hereafter that he had thought of it, before the time I am ſpeaking of. But when this petition was preſented to him, he was only ſuſpected to have ſome great deſign in hand. He was therefore to be prevented by diſpoſing of the militia by the authority of both houſes, in order to be ready to oppreſs ſuch as ſhould declare for him, or to hinder them from declaring. But all this was coloured with the pretence of putting the kingdom in a poſture of defence againſt the plots of the malignants. For that reaſon, the pretended deſign of this malignant party was always expreſſed in general terms, without mention of any particulars, and great care was taken to refer to it all the king's actions, and all the events which could have any relation thereto. But it muſt be remembered, as I have often ſaid, that the parliament's intention was to diveſt the king of the greateſt part of his authority, and that the king's deſign was to ſcreen himſelf from the impending misfortunes, and in ſo doing, he would have put himſelf alſo in a ſtate of attacking, had he been ſuffered to do it. This is properly the key to the papers which were publiſhed on both ſides concerning the militia, though the king and the parliament endeavoured to varniſh their reſpective proceedings with pretences capable of dazzling the people.

I ſhall remark in the ſecond place, that the parliament in this petition took no notice of the reaſons alleged by the king in his former anſwer. They were contented with always ſuppoſing the deſign of ſubverting religion and the laws, and with referring to that deſign the removal of the prince of Wales, and the abſence of the king from his parliament, to inſinuate that the king's reſtrictions to his promiſe were intended only to gain time, in order to favour the malignants.

Thirdly, the parliament's fears that the king's abſence concealed ſome hidden deſign were not groundleſs, as I ſaid, and as will hereafter appear.

All this ſhews, that the king and the parliament had but too much cauſe to miſtruſt one another. If the parliament, under colour of imminent danger to the kingdom, thought it incumbent on them to require, that the militia ſhould be put into ſuch hands as they could confide in, the king had no leſs reaſon to endeavour to hinder both houſes from uſurping a power, which was to ſerve to oppreſs him.

The king returned the following anſwer to the parliament's laſt petition:

"I am ſo much amazed at this meſſage, that I know not what to anſwer: you ſpeak of jealouſies and fears: lay your hands to your hearts, and aſk yourſelves, whether I may not likewiſe be diſturbed with fears and jealouſies: and if ſo, I aſſure you this meſſage hath nothing leſſened them.

"For the militia, I thought ſo much of it before I ſent that anſwer, and am ſo much aſſured that the anſwer is agreeable to what in juſtice or reaſon you can aſk, or I in honour grant, that I ſhall not alter it any point.

"For my reſidence near you, I wiſh it might be ſo ſafe and honourable, that I have no cauſe to abſent myſelf from Whitehall: aſk yourſelves whether I have not.

"For my ſon, I ſhall take that care of him, which ſhall juſtify me to God as a father, and to my dominions as a king.

"To conclude, I aſſure you upon my honour, that I have no thought but of peace and juſtice to my people, which I ſhall by all fair means ſeek to preſerve and maintain, relying upon the goodneſs and providence of God for the preſervation of myſelf and rights."

It muſt be obſerved upon this anſwer, that the reaſon alleged by the king to juſtify his abſence from Whitehall, namely, the riotous aſſemblies of the people of London, was plauſible: but it was extremely weak, to prove the neceſſity of his reſiding at York. However he artfully confounded, under one and the ſame reaſon, his removal to York and his abſence from London. We ſhall ſee preſently the true reaſon of his retiring to York.

2. It is very likely, the king wiſhed for peace, provided his prerogatives were untouched. But the parliament thought, in order to a laſting peace, the kings power was to be retrenched.

Upon this anſwer, it was reſolved by the houſe of commons:

"1. That this anſwer of his majeſty is a denial to the deſires of both houſes of parliament concerning the militia.

"2. That thoſe that adviſed his majeſty to give this anſwer, are enemies to the ſtate, and miſchievous projectors againſt the defence of the kingdom.

"3. That this denial is of that dangerous conſequence, that if his majeſty ſhall perſiſt in it, it will hazard the peace and ſafety of all his kingdoms, unleſs ſome ſpeedy remedy be applied by the wiſdom and authority of both houſes of parliament.

"4. That ſuch parts of this kingdom as have put themſelves into a poſture of defence againſt the common danger, have done nothing but what is juſtifiable, and is approved by the houſe.

"5. That if his majeſty ſhall remove into any remote parts from his parliament, it will be a great hazard to the kingdom, and a great prejudice to the proceedings of the parliament.

"6. That this houſe holds it neceſſary, that his majeſty may be deſired, that the prince may come unto St. James's, or to ſome other convenient place near or about London, and there to continue.

"7. That the lords be deſired to join with this houſe in an humble requeſt unto his majeſty, that he will be pleaſed to reſide near his parliament, that both houſes may have a convenience of acceſs unto him upon all occaſions.

"8. That the lords be moved to join with this houſe in ſome fit courſe of examination, to find who were the perſons that gave his majeſty this advice, that they may be removed from his majeſty, and brought to condign puniſhment.

"9. That no charter can be granted by the king, to create a power in any corporation over the militia of that place, without conſent of parliament.

"10. That the lords ſhall be moved to join with this houſe in theſe votes.

"11. That the lords ſhall be deſired to appoint a ſelect committee, that may join with a committee of a proportionable number of this houſe, to conſider and prepare what is fit to be done upon theſe votes, or upon any thing elſe that may ariſe upon this anſwer of his majeſty concerning the militia, and concerning the prince."

The ſame day it was reſolved in the houſe of commons,

"That the kingdom be forthwith put in a poſture of defence, by authority of both houſes, in ſuch a way as is already agreed upon by both houſes of parliament."

In purſuance of this reſolution, both houſes publiſhed the following ordinance for ſettling the militia:

"Whereas there hath been of late a moſt dangerous and deſperate deſign upon the houſe of commons, which we have juſt cauſe to believe to be an effect of the bloody counſels of papiſts and other ill-affected perſons, who have already raiſed a rebellion in the kingdom of Ireland, and by reaſon of many diſcoveries, we cannot but fear they will proceed not only to ſtir up the like rebellion and inſurrections in this kingdom of England, but alſo to back them with forces from abroad.

"For the ſafety therefore of his majeſty's perſon, the parliament, and kingdom, in this time of imminent danger, it is ordained by the lords and commons now in parliament aſſembled, that Henry earl of Holland ſhall be lieutenant of the county of Berks, Oliver earl of Bullingbroke ſhall be lieutenant of the county of Bedford, &c. And the ſaid lord-

lord-lieutenants ſhall ſeverally and reſpectively have power to aſſemble and call together all and ſingular his majeſty's ſubjects within the ſaid ſeveral and reſpective counties and places, as well within liberties as without, that are meet and fit for the wars, and them to train and exerciſe, and put in readineſs, and them, after their abilities and faculties, well and ſufficiently from time to time, to cauſe to be arrayed and weaponed, and to take the muſter of them in places fit for that purpoſe. And that they ſhall ſeverally and reſpectively have power, within the ſeveral and reſpective counties and places aforeſaid, to nominate and appoint ſuch perſons of quality as to them ſhall ſeem meet, to be their deputy-lieutenants, to be approved of by both houſes of parliament. And be it further ordained, that ſir John Gayre, ſir Jacob Garret, knights, &c. ſhall have ſuch power and authority within the city of London, as any of the lieutenants before named, are authorized to have by this ordinance, within the ſ'd ſeveral and reſpective counties (the nomination and appointment of deputy-lieutenants only excepted.) And it is further ordained, that ſuch perſons as ſhall not obey in any of the premiſſes, ſhall anſwer their neglect and contempt to the lords and commons in a parliamentary way, and not otherwiſe, nor elſewhere; and that every the powers granted as aforeſaid, ſhall continue, until it be otherwiſe ordered or declared by both houſes of parliament, and no longer."

Theſe forces from abroad, mentioned in the ordinance, were a chimera, framed to amuſe the people and make them believe the king would cauſe the realm to be invaded by foreigners. For though, very probably, the pope and cardinal Richlieu countenanced the Iriſh rebellion, it could not however be affirmed, they had formed a deſign to invade England in favour of the king.

March the 9th, the king being at Newmarket, both houſes preſented the following declaration to him, which ſerved for reply to his anſwer.

Declaration of both houſes preſented to the king at Newmarket, March 9, 1641-2.

" May it pleaſe your majeſty,

" ALTHOUGH the expreſſions in your majeſty's meſſage of the 2d of this inſtant March, do give juſt cauſe of ſorrow to us, your faithful ſubjects the lords and commons in parliament, yet it is not without ſome mixture of confidence and hope, conſidering they proceeded from the apprehenſion of our actions and intentions, which having no ground of truth or reality, may by your majeſty's juſtice and wiſdom, be removed, when your majeſty ſhall be fully informed, that thoſe fears and jealouſies of ours, which your majeſty thinks to be cauſeleſs and without any juſt ground, do neceſſarily and clearly ariſe from thoſe dangers and diſtempers, into which the miſchievous and evil councils about you have brought this kingdom; and that thoſe other fears and jealouſies, by which your favour, your royal preſence, and confidence have been withdrawn from your parliament, have no foundation or ſubſiſtence in any action, intention, or miſcarriage of ours, but are merely grounded upon the falſhood and malice of thoſe, who, for the ſupporting and fomenting their own wicked deſigns againſt the religion and peace of the kingdom, do ſeek to deprive your majeſty of the ſtrength and affection of your people, them of your grace and protection, and thereby to ſubject both your royal perſon and the whole kingdom to ruin and deſtruction.

" To ſatisfy your majeſty's judgment and conſcience in both theſe points, we deſire to make a clear and free declaration of the cauſes of our fears and jealouſies, which we offer to your majeſty in theſe particulars:

" 1. That the deſign of altering religion in this and in your other kingdoms, hath been potently carried on by thoſe in greateſt authority about you, for divers years together: the queen's agent at Rome, and the pope's agent or nuncio here, are not only evidences of this deſign, but have been great actors in it.

" 2. That the war with Scotland was procured to make way for this intent, and chiefly invited and fomented by the papiſts, and others popiſhly affected, whereof we have many evidences, eſpecially their free and general contribution to it.

" 3. That the rebellion in Ireland was framed and contrived here in England, and that the Engliſh papiſts ſhould have riſen about the ſame time, we have ſeveral teſtimonies and advertiſements from Ireland; and that it is a common ſpeech amongſt the rebels, wherewith concur other evidences and obſervations of the ſuſpicious meetings and conſultations, the tumultuary and ſeditious carriage of thoſe of that religion in divers parts of this kingdom, about the time of the breaking out of the Iriſh rebellion; the depoſition of O'Conelly; the information of Mr. Cole, miniſter; the letter of Triſtram Whitecombe; the depoſition of Thomas Grant, and many others, which we may produce, do all agree in this: the public declarations of the lords, gentlemen, and others, of the Pale, that they would join with the rebels, whom they call the Iriſh army, or any other, to recover unto his majeſty his royal prerogative, wreſted from him by the puritan faction in the houſes of parliament in England, and to maintain the ſame againſt all others, as alſo to maintain epiſcopal juriſdiction, and the lawfulneſs thereof: theſe two being quarrels upon which his majeſty's late army in the north ſhould be incenſed againſt us.

" The great cauſe we have to doubt, that the late deſign, ſtyled the Queen's pious Intention, was for the alteration of religion in this kingdom; for ſucceſs whereof, the pope's nuncio, the count Roſetti, enjoined faſting and praying to be obſerved every week by the Engliſh papiſts, which appeared to us by one of the original letters, directed by him to a prieſt in Lancaſhire.

" The boldneſs of the Iriſh rebels in affirming they do nothing but by authority from the king; that they call themſelves the queen's army; that the prey or booty which they take from the Engliſh, they mark with the queen's mark; that their purpoſe was to come to England, after they had done in Ireland; and ſundry other things of this kind proved by O'Conelly, and divers others, eſpecially in the fore-mentioned letters from Triſtram Whitecombe, the mayor of Kingſale, to his brother Benjamin Whitecombe, wherein there is this paſſage, " That many other ſtrange ſpeeches they utter about religion and our court of England, which he dares not commit to paper.

" The manifold attempts to provoke your majeſty's late army, and the army of the Scots, and to raiſe a faction in the city of London, and other parts of the kingdom: that thoſe who have been actors in thoſe buſineſſes, have had their dependance, their countenance, and encouragement from the court; witneſs the treaſon whereof Mr. Jermin and others ſtand accuſed, who was tranſported beyond ſea by warrant under your majeſty's hand, after your majeſty had given aſſurance to your parliament, that your majeſty had laid a ſtrict command upon all your ſervants, that none of them ſhould depart from court: and that dangerous petition delivered to captain Legg by your majeſty's own hand, accompanied with a direction ſigned with C. R.

" The falſe and ſcandalous accuſation againſt the lord Kimbolton, and the five members of the houſe of commons, tendered to the parliament by your majeſty's own command, endeavoured to be juſtified in the city by your own preſence and perſuaſion, and to be put in execution upon their perſons by your majeſty's demand of them in the houſe of commons, in ſo terrible and violent a manner as far exceeded all former breaches of privileges of parliament acted by your majeſty or any of your predeceſſors; and whatſoever your intentions were, divers bloody and deſperate perſons, which attended your majeſty, diſcovered their affections and reſolutions to have maſſacred and deſtroyed the members of that houſe, if the abſence of thoſe perſons accuſed, had not, by God's providence, ſtopped the giving of that word which they expected, for the ſetting them upon that barbarous and bloody act; the lifting of ſo many officers and ſoldiers, and others, putting them into pay, and under command of colonels; feaſting and careſſing them in an unuſual manner at Whitehall, thereby maintaining them in the violent aſſaults and other injuries which they offered to divers of your ſubjects, coming that way in a lawful and peaceable manner; the carrying them out of town, after which they were told by the lord Digby, that the king removed on purpoſe that they might not be trampled in the dirt; and keeping them ſo long in pay, endeavouring to engage the gentlemen of the inns of court in the ſame courſe; the plotting and deſigning of a perpetual guard about your majeſty; the labouring to infuſe into your majeſty's ſubjects an evil opinion of the parliament through the whole kingdom, and other ſymptoms of a diſpoſition of raiſing arms, and dividing your people by a civil war; in which combuſtion Ireland muſt needs be loſt, and this kingdom miſerably waſted and conſumed, if not wholly ruined and deſtroyed.

" That after a vote had paſſed the houſe of commons, declaring that the lord Digby had appeared in a warlike manner at Kingſton upon Thames, to the terror and fright of your majeſty's good ſubjects, and diſturbance of the public peace of the kingdom; and that therefore the lords ſhould be moved to require his attendance, he ſhould nevertheleſs be of that credit with your majeſty, as to be ſent away by your

your own warrant to sir John Pennington, to land him beyond the sea, from whence he vented his own traiterous conceptions, that your majesty should declare yourself, and retire to a place of strength in this kingdom, as if your majesty could not be safe among your people; and withal took that transcendent boldness to write to the queen, offering to entertain correspondence with her majesty by cyphers, intimating some service which he might do in those parts, for which he desired your majesty's instructions, whereby in probability he intended the procuring the same foreign force to strengthen your majesty in that condition, into which he would have brought you; which false and malicious council and advice, we have great cause to doubt, made too deep and an impression in your majesty, considering the course you are pleased to take of absenting yourself from your parliament, and carrying the prince with you, which seems to express a purpose in your majesty to keep yourself in a readiness for the acting of it.

"The manifold advertisements which we have had from Rome, Venice, Paris, and other parts, that they still expect, that your majesty has some great design in hand, for the altering of religion, the breaking the neck of your parliament, that you will yet find means to compass that design; that the pope's nuncio hath solicited the kings of France and Spain to lend your majesty four thousand men a piece, to help to maintain your royalty against the parliament; and this foreign force, as it is the most pernicious and malignant design of all the rest, so we hope it is, and shall always be farthest from your majesty's thoughts, because no man can believe, you will give up your people and kingdom to be spoiled by strangers, if you did not likewise intend to change both your own profession in religion, and the public profession of the kingdom, that so you might still be more assured of those foreign states of the popish religion, for your future support and defence.

"These are some of the grounds of our fears and jealousies, which make us so earnestly to implore your royal authority and protection for our defence and security, in all the ways of humility and submission, which being denied by your majesty, seduced by evil counsel, we do with sorrow, for the great and unavoidable misery and danger which thereby is like to fall upon your own person, and your kingdoms, apply ourselves to the use of that power for the security and defence of both, which by the fundamental laws and constitutions of this kingdom resides in us; yet still resolving to keep ourselves within the bounds of faithfulness and allegiance to your sacred person and your crown: so as to the second sort of jealousies and fears of us expressed by your majesty, we shall give a shorter, but as true and as faithful an answer.

"Whereas your majesty is pleased to say, that for your residence near the parliament, you wish it may be so safe and honourable, that you had no cause to absent yourself from Whitehall: this we take as the greatest breach of privilege of parliament that can be offered, as the heaviest misery to yourself, and imputation upon us, that can be imagined, and the most mischievous effects of evil counsels: it roots up the strongest foundation of the safety and honour which your crown affords; it seems as much as may be to cast on the parliament such a charge as is inconsistent with the nature of that great council, being the body whereof your majesty is the head; it strikes at the very being both of king and parliament, depriving your majesty, in your own apprehensions, of their fidelity, and them of your protection, which are the mutual bands and supports of government and subjection.

"We have, according to your majesty's desire, laid our hands upon our hearts; we have asked ourselves in the strictest examination of our consciences; we have searched our affections, our thoughts; considered our actions, and we find none that can give your majesty any just occasion to absent yourself from Whitehall and the parliament; but that you may with more honour and safety continue there than in any other place.

"Your majesty lays a general tax upon us; if you will be graciously pleased to let us know the particulars, we shall give a clear and satisfactory answer; but what hope can we have of ever giving your majesty satisfaction, when those particulars which you have been made to believe were true, yet being produced, and made known to us, appeared to be false, and your majesty notwithstanding, will neither punish, nor produce the authors, but go on to contract new jealousies and fears upon general and uncertain grounds, affording us no means or possibility of particular answer, to the clearing of ourselves? For proof whereof, we beseech your majesty to consider these instances:

"The speeches alleged to be spoken in a meeting of divers members of both houses at Kensington, concerning a purpose of restraining the queen and prince, which after it was denied and disavowed, yet your majesty refused to name the authors, though humbly desired by both houses.

"The report of articles framed against the queen's majesty, given out by some of near relation to the court; but when it was publicly and constantly disclaimed, the credit seemed to be withdrawn from it; but the authors being kept safe, will always be ready for exploits of the same kind, wherewith your majesty and the queen will be often troubled, if this course be taken to cherish and secure them in such wicked and malicious slanders.

"The heavy charge and accusation of the lord Kimbolton, and the five members of the house of commons, who refused no trial or examination which might stand with the privilege of parliament; yet no authors, no witnesses, produced, against whom they may have reparation, for the great injury and infamy cast upon them; notwithstanding three several petitions of both houses, and the authority of two acts of parliament, vouched in the last of those petitions.

"We beseech your majesty to consider in what state you are, how easy and fair a way you have to happiness, honour, greatness, plenty, and security; if you will join with the parliament, and your faithful subjects, in defence of the religion and public good of the kingdom: This is all we expect from you, and for this we shall return to you our lives, fortunes, and uttermost endeavours to support your majesty, your just sovereignty and power over us; but it is not words that can secure us in these our humble desires: We cannot but too well, and sorrowfully, remember, what gracious messages we had from you this summer, when, with your privity, the bringing up the army was in agitation; we cannot but with the like affections recall to our minds, how, not two days before you gave directions for the above-mentioned accusation, and your own coming to the commons house, that house received from your majesty a gracious message, that you would always have a care of their privileges, as of your own prerogative, of the safety of their persons as of your own children. That which we expect, which will give us assurance that you have no thought but of peace and justice to your people, must be some real effect of your goodness to them, in granting those things, which the present necessity of the kingdom doth enforce us to desire: And in the first place, that your majesty will be graciously pleased to put from you those wicked and mischievous counsellors, which have caused all these dangers and distractions, and to continue your own residence, and the prince's, near London, and the parliament, which we hope will be a happy beginning of contentment and confidence betwixt your majesty and your people, and be followed with many succeeding blessings of honour and greatness to your majesty, and of security and prosperity to them.

"The lords and commons have commanded us to present unto your majesty this farther addition, to their former declaration.

"That your majesty's return and continuance near the parliament, is a matter in their apprehension of so great necessity and importance, toward the preservation of your royal person and your kingdoms, that they cannot think they have discharged their duties, in the single expression of their desire, unless they add some farther reasons to back it with.

"1. Your majesty's absence will cause men to believe, that it is out of design to discourage the undertakers, and hinder the other provisions for raising money for defence of Ireland.

"2. It will very much hearten the rebels there, and disaffected persons in this kingdom, as being an evidence and effect of the jealousies and divisions betwixt your majesty and your people.

"3. That it will much weaken and withdraw the affection of the subjects from your majesty, without which a prince is deprived of his chiefest strength and lustre, and left naked to the greatest dangers and miseries, that can be imagined.

"4. That it will invite and encourage the enemies of our religion, and the states in foreign parts, to the attempting and acting their evil designs and intentions towards us.

"5. That it causeth a great interruption in the proceedings of parliament.

"These considerations threaten so great dangers to your majesty's person, and to all your dominions, that, as your majesty's great council, they hold it necessary to represent to you this their faithful advice, that so whatsoever followeth, they may be excused before God and man."

It is needless to make any particular remarks on this declaration. The following answers and replies will best explain

the nature of the quarrel between the king and the parliament and the arguments of both.

It muſt only be obſerved in general, that according to the cuſtom of contending parties, each inſiſted largely upon the points that were favourable, and lightly touched upon ſuch as were diſadvantageous, or even paſſed them over entirely in their anſwers and replies.

Thus much is certain, that in the preſent ſituation of affairs, the king and the parliament had but too much cauſe to miſtruſt one another, and that each laboured to procure ſuch advantages, as might enable them to attack or defend. As for the declarations, meſſages, anſwers, replies, theſe were only for the people, it being the intereſt of each to gain and amuſe them. But herein the parliament had a great advantage, by reaſon of the people's prejudice againſt the king, to which he oppoſed only general promiſes, whereof he could give no aſſurance. This was very advantageous to the parliament, who pretended, that in order to truſt in ſuch promiſes, it was neceſſary the king ſhould begin with diveſting himſelf of what enabled him to break them. Hence may be ſeen, how perplexed this affair was.

When the committees of both houſes preſented to the king the foregoing declaration, and after it was read in his preſence, he returned this extempore general anſwer.

" I AM confident that you expect not I ſhould give you a ſpeedy anſwer to this ſtrange and unexpected declaration, and I am ſorry (in the diſtraction of this kingdom) you ſhould think this way of addreſs to be more convenient, than that propoſed by my meſſage, of the 20th of January laſt, to both houſes.

" As concerning the grounds of your fears and jealouſies, I will take time to anſwer particularly, and doubt not but I ſhall do it to the ſatisfaction of all the world. God, in his good time, will, I hope, diſcover the ſecrets and bottoms of all plots and treaſons; and then I ſhall ſtand right in the eyes of my people; in the mean time I muſt tell you, that I rather expected a vindication for the imputation laid on me in Mr. Pym's ſpeech, than that any more general rumours and diſcourſes ſhould get credit with you.

" For my fears and doubts, I did not think they ſhould have been thought ſo groundleſs or trivial, while ſo many ſeditious pamphlets and ſermons are looked upon, and ſo great tumults are remembered, unpuniſhed, uninquired into: I ſtill confeſs my fears, and call God to witneſs that they are greater for the true proteſtant profeſſion [z], my people and laws, than for my own rights or ſafety; though I muſt tell you, I conceive that none of theſe are free from danger.

" What would you have? Have I violated your laws? Have I denied to paſs any bill for the eaſe and ſecurity of my ſubjects? I do not aſk you, what you have done for me.

" Have any of my people been tranſported with fears and apprehenſions? I have offered as free and general pardon, as yourſelves can deviſe. All this conſidered, there is a judgment from heaven upon this nation, if theſe diſtractions continue.

" God ſo deal with me and mine, as all my thoughts and intentions are upright, for the maintenance of the true proteſtant profeſſion, and for the obſervation and preſervation of the laws of this land; and I hope God will bleſs and aſſiſt thoſe laws for my preſervation.

" As for the additional declaration, you are to expect an anſwer to it, when you ſhall receive the anſwer to the declaration itſelf."

On the morrow, the king gave the general anſwer to the committee in writing, which he had delivered by word of mouth the day before.

After that, the earl of Pembroke, one of the committee, aſking him, whether he would grant the milita, as was deſired by the parliament, for a time? " No, anſwered the king, by God, not for an hour [a]." This anſwer did him great injury. His principal concern was to ſatisfy the people, that his word might be relied upon, and yet he ſhewed, he had no intention to keep his promiſe to the parliament, to grant the militia, when he ſhould know for how long a term, ſince he refuſed to grant it even for an hour.

If the parliament had hitherto placed but little confidence in the king's promiſes, this did not help to increaſe it. On the other hand, the harſh and diſreſpectful treatment of the king by both houſes, in their declaration, very much incenſed him, and rendered a rupture unavoidable. For my part, I verily believe, that the hard things ſaid by the parliament to the king in the declaration, were inſerted by the direction of ſome of the leaders of the party, on purpoſe to widen the breach, and make a reconciliation impracticable. For, it is to be preſumed, if the king had then granted the militia for two or three months, both houſes would have ſcarce known what uſe to have made of it. They would have had no pretence to employ it againſt him, ſince he would have clearly ſhewed, it was not his fault that their fears were not removed. But it is certain, he had to deal with abler heads than himſelf and his council. Beſides, he was then full of his deſign to ſeize Hull, which hindered him, doubtleſs, from ſeriouſly attending to what was moſt for his advantage.

March the 15th, the king being at Huntington, ſent a meſſage to both houſes to inform them, that he intended to reſide at York for ſometime. He recommended to them at the ſame time the affairs of Ireland. As to the militia he told them, " That as he had always been ſo tender of the privileges of parliament, that he had been ready and forward to retract any act of his own, which he had been informed had trenched upon their privileges; ſo he expected an equal tenderneſs in them, of his known and unqueſtionable privileges; amongſt which, he was aſſured it is a fundamental one, 'That his ſubjects cannot be obliged to obey any act, order or injunction, to which his majeſty hath not given his conſent:" That therefore, he expected and required obedience from all his ſubjects, to the laws eſtabliſhed, being reſolved to keep the laws himſelf, and to require obedience to them from all his ſubjects."

The next day, the commons paſſed the following votes, which were approved by the lords.

" That the houſe ſhould inſiſt upon their former votes concerning the militia.

" That the king's abſence, ſo far remote from his parliament, was not only an obſtruction, but might be a deſtruction to the affairs of Ireland.

" That when the parliament [b], which is the ſupreme court of judicature in the kingdom, ſhall declare what the law of the land is, to have this not only queſtioned and controverted, but contradicted: and a command that it ſhould not be obeyed, is a high breach of the privilege of parliament. (1.)

Remark (1.) The commons uſe here the equivocal word [parliament] in an improper ſenſe. It is true, the parliament, which conſiſts of the king and the two houſes, has a right to declare what is law; to make new and repeal old laws, becauſe the authority of both houſes, with the royal aſſent, is deemed the authority of the whole kingdom. But the two houſes alone had never enjoyed this right. Nay, in ſtrictneſs, the two houſes cannot be called the parliament, becauſe the parliament is a body, compoſed of three members, and not two only, namely, king, lords, and commons.

" That a committee ſhall be appointed by the houſe to join with a committee of lords to enquire where this meſſage was framed.

" That thoſe perſons that did adviſe his majeſty to abſent himſelf from the parliament are enemies to the peace of this kingdom, and juſtly ſuſpected to be favourers of the rebellion in Ireland, as are alſo thoſe that adviſed his majeſty to this meſſage."

It was at the ſame time unanimouſly reſolved upon the queſtion by the lords in parliament.

" That the ordinance of the lords and commons in parliament for the ſafety and defence of the kingdom of England and dominions of Wales, is not any way againſt the oath of allegiance.

" That the ſeveral commiſſions granted under the great ſeal to the lieutenants of the ſeveral counties, are illegal and void.

" That whoſoever ſhall execute any power over the militia of this kingdom and dominion of Wales, by colour of any commiſſion of lieutenancy, without conſent of both houſes of parliament, ſhall be accounted a diſturber of the peace of this kingdom.

" Moreover, both houſes voted with one common conſent, That the kingdom hath been of late, and ſtill is, in ſo evident and imminent danger, both from enemies abroad, and a popiſh party at home, that there is an urgent and inevit-

[z] He meant the church of England, in oppoſition to preſbyterianiſm. Rapin.

[a] Adding, " You have aſked that of me in this, was never aſked of any king, and with which I will not truſt my wife and children." Ruſhworth, tom. IV. p. 533.

[b] In Ruſhworth the words are, " When the lords and commons in parliament." Ruſhworth, tom. IV. p. 534.

In

able neceſſity of putting his majeſty's ſubjects into a poſture of defence, for the ſafe-guard both of his majeſty and his people.

"That the lords and commons fully apprehending this danger, and being ſenſible of their own duty, to provide a ſuitable prevention, have in ſeveral petitions addreſſed themſelves to his majeſty for the ordering and diſpoſing of the militia of the kingdom, in ſuch a way, as was agreed upon by the wiſdom of both houſes to be moſt effectual and proper for the preſent exigents of the kingdom; yet could not obtain it, but his majeſty did ſeveral times refuſe to give his royal aſſent thereunto.

"That in this caſe of extreme danger, and of his majeſty's refuſal, the ordinance agreed on by both houſes for the militia, doth oblige the people, and ought to be obeyed by the fundamental laws of this kingdom.

"That ſuch perſons as ſhall be nominated deputy-lieutenants, and approved of by both houſes, ſhall receive the commands of both houſes to take upon them to execute their offices [c].

Theſe reſolutions were taken with great precipitation, for the two houſes had not yet received the king's anſwer to their declaration of the 9th of March. But as by his laſt meſſage the king had ſufficiently ſhewn, he intended not to depart from his right concerning the militia, they thought it needleſs to wait for a more particular notification. Some time after, the king ſent them this anſwer in form of a declaration.

"The king's declaration to both houſes of parliament, in anſwer to that preſented to him at Newmarket, March 9, 1641-2 [d].

"THOUGH the declaration lately preſented to us at Newmarket from both our houſes of parliament, be of ſo ſtrange a nature, in reſpect of what we expected, (after ſo many acts of grace and favour to our people) and ſome expreſſions in it ſo different from the uſual language to princes, that we might well take a very long time to conſider it: Yet the clearneſs and uprightneſs of our conſcience to God, and love to our ſubjects, hath ſupplied us with a ſpeedy anſwer, and our unalterable affection to our people, prevailed with us to ſuppreſs that paſſion, which might well enough become us upon ſuch an invitation.

"We have conſidered our anſwer of the 1ſt of this month at Theobalds, which is urged to have given juſt cauſe of ſorrow to our ſubjects. Whoſoever looks over that meſſage, (which was in effect to tell us, that if we would not join with them in an act we conceived prejudicial and dangerous to us and the whole kingdom, they would make a law without us, and impoſe it upon our people) will not think that ſudden anſwer can be excepted to.

"We have little encouragement to replies of this nature, when we are told of how little value our words are like to be with you; though they come accompanied with all the actions of love and juſtice, (where there is room for actions to accompany them) yet we cannot but diſavow the having any ſuch evil council and counſellors to our knowledge, as are mentioned; and if any ſuch be diſcovered, we will leave them to the cenſure and judgment of our parliament: In the mean time we could wiſh, that our own immediate actions which we avow, and our honour, might not be ſo roughly cenſured and wounded, under that common ſtile of evil counſellors.

"For our faithful and zealous affection for the true proteſtant profeſſion, and our reſolution to concur with our parliament in any poſſible courſe for the propagation of it, and the ſuppreſſion of popery, we can ſay no more than we have already expreſſed in our declaration to all our loving ſubjects, publiſhed in Ireland by the advice of our privy-council, in which we endeavoured to make as lively a confeſſion of ourſelf in this point, as we were able, being moſt aſſured, that the conſtant practice of our life hath been anſwerable thereunto; and therefore we did rather expect a teſtimony and acknowledgement of ſuch our zeal and piety, than thoſe expreſſions we met with in this declaration of any deſign of altering religion in this kingdom; and we do (out of the innocence of our ſoul) wiſh, that the judgments of heaven may be manifeſted upon thoſe who have, or had any ſuch deſign. (1.)

Remark (1.) This article of the king's anſwer ſeems very weak. For the parliament having ſet forth, in their declaration, the reaſons why they believed there was a ſettled deſign to alter religion in England, and that the king encouraged the authors, his majeſty only anſwers in generals.

"As for the Scotch troubles, we had well thought, that thoſe unhappy differences had been wrapped up in perpetual ſilence by the act of oblivion, which being ſolemnly paſſed in the parliaments of both kingdoms, ſtops our mouth from any other reply, than to ſhew our great diſlike for reviving the memory thereof. (2.)

Rem. (2.) It is very viſible, the king avoids entering into particulars upon this head, though being attacked by the parliament, he might have vindicated himſelf without infringing the peace between the two kingdoms, or the act of oblivion.

"If the rebellion in Ireland (ſo odious to all chriſtians) ſeems to have been framed and maintained in England, or to have any countenance from hence, we conjure both our houſes of parliament, and all our loving ſubjects whatſoever, to uſe all poſſible means to diſcover and find ſuch out, that we may join in the moſt exemplary vengeance upon them that can be imagined; but we muſt think ourſelves highly and cauſeleſly injured in our reputation, if any declaration, action or expreſſion of the Iriſh rebels, any letters from count Roſetti to the papiſts for faſting and praying, or from Triſtram Whitecombe, of ſtrange ſpeeches uttered in Ireland, ſhall beget any jealouſy or miſapprehenſion in our ſubjects of our juſtice, piety and affection, it being evident to all underſtandings, that thoſe miſchievous and wicked rebels are not ſo capable of great advantage, as by having their falſe diſcourſes ſo far believed, as to raiſe fears and jealouſies to the diſtraction of this kingdom, the only way to their ſecurity: and we cannot expreſs a deeper ſenſe of the ſuffering of our poor proteſtant ſubjects in that kingdom, than we have done in our often meſſages to both houſes, by which we have offered, and are ſtill ready to venture our royal perſon for their redemption; well knowing, that as we are (in our own intereſt) more concerned in them, ſo we are to make a ſtrict account to almighty God, for any neglect of our duty, or their preſervation. (3.

Rem. (3.) The king continues here to clear himſelf from the ſuſpicions conceived of him with regard to Ireland, by generals and his own teſtimony. But theſe proofs taken from his word, and his other outward demonſtrations, were not ſufficient to ſatisfy every one. The parliament did not accuſe him of being wanting in expreſſions of zeal for the reducing of Ireland, but of really neglecting it.

"For the manifold attempts to provoke our late army, and the army of the Scots, and to raiſe the faction in the city of London, and other parts of the kingdom; if it be ſaid, as relating to us, we cannot without great indignation ſuffer ourſelves to be reproached, to have intended the leaſt force or threatening to our parliament, as the being privy to the bringing up of the army would imply; whereas we call God to witneſs, we never had any ſuch thought, or knew of any ſuch reſolution concerning our late army. (4.)

Rem. (4.) We have ſeen in the account of that conſpiracy what were the ſeveral projects of the conſpirators, and that indeed they came to no reſolution, particularly as to the bringing up the army to London. The king certainly knew all the circumſtances of the plot, but as there was nothing reſolved, he artfully confines himſelf here to the denying that he was privy to any reſolution, which is very true, for there was no reſolution taken. But however, he knew of the deſign in general to gain the army, of which he ſays not a word.

"For the petition ſhewed to us by captain Legg, we well remember the ſame, and the occaſion of that conference; captain Legg being lately come out of the North, and repairing to us at Whitehall; we aſked him of the ſtate of our army, and (after ſome relation made of it) he told us, that the commanders and officers of the army had a mind to petition the parliament, as others of our people had done, and ſhewed us the copy of a petition, which we read, and finding it to be very humble, deſiring the parliament might receive no interruption in the reformation of the church and ſtate, to the model of queen Elizabeth's days; we told him, we ſaw no harm in it; whereupon he replied, that he believed all the officers in the army would like it, only he thought ſir Jacob Aſhly would be unwilling to ſign it, out of fear that it might diſpleaſe us. We then read the petition over again, and then obſerving that neither in matter or form, we conceived it could poſſibly give juſt cauſe of offence, we delivered

[c] In the votes the commons received great encouragement and confirmation from the opinions of Mr. Pym, Hampden, Hollis, Stapleton, and St. John, Corbert, Liſle, &c. and chiefly from the confident opinion of the lord-keeper Littleton, concurring with them. Whitelock, p. 57.

[d] This declaration is without date, it was ſent from York a few days after coming thither. Clarendon, tom. I. p. 361.

livered it to him again, bidding him give it to sir Jacob Ashly, for whose satisfaction we had written C. R. upon it, to testify our approbation: and we wish that the petition might be seen and published, and then we believe it will appear no dangerous one, nor a just ground for the least jealousies or misapprehension. (5.)

Rem. (5.) If we compare what the king says here of the contents of this petition, with that inserted by the lord Clarendon in his history, we shall find the lord Clarendon's petition cannot be the same as that signed, by the king with C. R. The king's word must be taken, to believe that this petition had nothing in it prejudicial to the parliament. For hitherto it has never appeared.

"For Mr. Jermin, it is well known that he was gone from Whitehall, before we received the desires of both houses for the restraint of our servants, neither returned he thither, or passed over by any warrant granted by us after that time. (6.)

Rem. (6.) It is certain, Jermin went beyond sea by the king's warrant. It may be, the king had granted the warrant before he received the parliament's petition: but the parliament pretended the warrant was antedated.

"For the breach of privilege in the accusation of the lord Kimbolton, and the five members of the house of commons, we thought we had given so ample satisfaction in our several messages to that purpose, that it should be no more pressed against us; being confident, if the breach of privilege had been greater than ever before offered, our acknowledgement and retraction hath been greater than ever king hath given; besides the not examining how many of our privileges have been invaded in defence and vindication of the other; and therefore we hoped our true and earnest protestation in our answer to your order concerning the militia, would so far have satisfied you of our intentions then that you would no more have entertained any imagination of any other design than we there expressed. (7.)

Rem. (7.) The king was much mistaken in imagining that bare protestations were capable of satisfying the parliament of the sincerity of his intentions. Nay, the very declaration he was answering, might have convinced him of the contrary, since it was there said in plain terms, his word was not to be relied on.

"But why the listing of so many officers, and entertaining them at Whitehall, should be mis-construed, we much marvel, when it is notoriously known, the tumults of Westminster were so great, and their demeanours so scandalous and seditious, that we had good cause to suppose our own person and those of our wife and children, to be in apparent danger, and therefore we had great reason to appoint a guard about us, and to accept the dutiful tender of the services of any of our loving subjects, which was all we did to the gentlemen of the inns of court.

"For the lord Digby, we assure you on the word of a king, that he had not our warrant to pass the seas, and had left our court before we ever heard of the vote of the house of commons, or had any cause to imagine, that his absence would have been excepted against.

"What your advertisements are from Rome, Venice, Paris, and other parts, or what the pope's nuncio solicits the kings of France or Spain to do, or from what persons such informations come to you, or how the credit and reputation of such persons have been sifted and examined, we know not; but are confident no sober, honest man in our kingdoms can believe, that we are so desperate, or so senseless to entertain such designs, as would not only bury this our kingdom in sudden distraction and ruin, but our own name and posterity in perpetual scorn and infamy; and therefore we could have wished, that in matters of so high and tender a nature (wherewith the minds of our good subjects must needs be startled) all the expressions were so plain and easy, that nothing might stick with them with reflection upon us, since you thought fit to publish it all.

"And having now dealt thus plainly and freely with you by way of answer to the particular grounds of your fears, we hope (upon a due consideration, and weighing both together) you will not find the grounds to be of that moment to beget, or longer to continue a misunderstanding betwixt us, or force you to apply yourselves to the use of any other power than what the law hath given you, the which we always intend shall be the measure of our own power. and expect it shall be the rule of our subjects obedience.

"Concerning our fears and jealousies; as we had no intention of accusing you, so are we sure no words spoken by us (on the sudden) at Theobalds, will bear that interpretation. We said, for our residence near you, we wish it might be so safe and honourable, that we had no cause to absent ourself from Whitehall; and how this can be a breach of privilege of parliament, we cannot understand. We explained our meaning in our answer at Newmarket, at the presentation of this declaration, concerning the printed seditious pamphlets and sermons, and the great tumults at Westminster; and we must appeal to you and all the world, whether we might not justly suppose ourself in danger of either: and if we were now at Whitehall, what security have we that the like shall not be again, especially if any delinquents of that nature have been apprehended by the ministers of justice, and been rescued by the people, and so as yet escape unpunished? If you have not been informed of the seditious words used in, and the circumstances of those tumults, and will appoint some way for the examination of them, we will require some of our learned council to attend with such evidence as may satisfy you; and till that be done, or some other course be taken for our security, you cannot (with reason) wonder that we intend not to be, where we most desired to be.

"And can there yet want evidence of our hearty and importunate desire to join with our parliament and all our faithful subjects, in defence of the religion and public good of the kingdom? Have we given you no other earnest but words, to secure you of these desires? The very remonstrance, of the house of commons (published in November last) of the state of the kingdom, allows us a more real testimony of our good affections than words: that remonstrance valued our acts of grace and justice (8.) at so high a rate, that it declared the kingdom to be then a gainer, though it charged itself by bills of subsidies, and poll-money, with the levy of six hundred thousand pounds, besides the contracting of a debt to our Scotch subjects of two hundred and twenty thousand pounds. (9.)

Rem. (8.) Hitherto the king had spoken of his assent to the acts of this parliament, but as acts of grace. He began in this paper to add, of justice.

Rem. (9.) It is true the nation had been great gainers by these acts of grace and justice. But the king could not represent as a convincing proof of his love for his people, his consent that the illegal taxes of his own imposing should be abolished, and the monopolies authorised by himself suppressed. Especially as it was not entirely in his power to refuse his assent,

"Are the bills for the triennial parliament, relinquishing our title of imposing upon merchandize, and power of pressing soldiers, for the taking away the star-chamber, and high-commission-courts, for the regulating the council-table, but words? Are the bills for the forest, the stannery-courts, the clerk of the market, and the taking away the votes of the bishops out of the lords house, but words? Lastly, what greater earnest of our trust and reliance on our parliament could or can we give, than the passing of a bill for the continuance of this present parliament? The length of which we hope will never alter the nature of parliaments, and the constitution of this kingdom, or invite our subjects so much to abuse our confidence, as to esteem any thing fit for this parliament to do, which were not, if it were in our power to dissolve it to-morrow. And after all these, and many other acts of grace on our part (that we might be sure of a perfect reconciliation betwixt us and all our subjects) we have offered and are still ready to grant, a free and general pardon, as ample as yourselves shall think fit. Now if these be not real expressions of the affection of our soul, for the public good of our kingdom, we must confess, that we want skill to manifest them. (10.)

Rem. (10.) A sort of sophistry runs quite through this article, consisting in the supposition that the king had consented to all these acts, out of love and affection for his people, which few persons believed. Besides, all these acts having been made only to suppress the abuses introduced by the king himself, there was no occasion, it seems, to talk so much of them.

"To conclude (although we think our answer already full to that point) concerning our return to London; we are willing to declare, that we look upon it as a matter of so great weight, as with reference to the affairs of this kingdom, and our own inclinations and desires, that if all we can say or do can raise a mutual confidence (the only way, with God's blessing, to make us all happy) and by your encouragement the laws of the land, and the government of the city of London, may recover some life for our security, we will overtake your desires, and be as soon with you as you can wish; and in the mean time we will be sure that neither the business of Ireland, or any other advantage for this kingdom, shall suffer through our default, or by our absence we being

being ſo far from repenting the acts our juſtice and grace, which we have already performed to our people, that we ſhall with the ſame alacrity be ſtill ready to add ſuch new ones, as may beſt advance the peace, honour, and proſperity of this nation."

Before the parliament received this anſwer, they ſent another petition to the king in reply to his ſudden anſwer to the declaration delivered at Newmarket. Though theſe anſwers and replies be long and full of repetitions, yet I think it neceſſary to inſert them at large, that the reader may be able to paſs an impartial judgment upon this quarrel. For in affairs of this nature, and eſpecially in this which has given birth to two parties ſtill ſubſiſting in England, there is great danger of being miſled, if the honeſty and prejudices of the hiſtorians, who are all of one or other party, be relied on. It will be better therefore to leave the reader at liberty to judge upon the parties own papers. Here follows the parliament's petition.

" May it pleaſe your majeſty,

[1642] " YOUR majeſty's loyal ſubjects, the lords and commons in parliament, cannot conceive, that the declaration which your majeſty received from us at Newmarket, was ſuch as did deſerve that cenſure, your majeſty was pleaſed to lay upon us in that ſpeech, which your majeſty made to our committees there, and ſent in writing to both houſes; our addreſs therein being accompanied with plainneſs, humility, and faithfulneſs, we thought more proper for the removing the diſtraction of the kingdom, than if we had then proceeded according to your majeſty's meſſage of the 20th of January, by which your majeſty was pleaſed to deſire, that we would declare, what we intended to do for your majeſty, and what we expected to be done for ourſelves; in both which we have been very much hindred by your majeſty's denial to ſecure us, and the whole kingdom, by diſpoſing the militia, as we had divers times moſt humbly petitioned; and yet we have not been altogether negligent of either, having lately made good proceedings, in preparing a book of rates to be paſſed in a bill of tunnage and poundage; and likewiſe the moſt material heads of thoſe humble deſires, which we intend to make to your majeſty, for the good and contentment of your majeſty, and your people; but none of theſe could be perfected before the kingdom be put into ſafety, by ſettling the militia: and until your majeſty ſhall be pleaſed to concur with your parliament in theſe neceſſary things, we hold it impoſſible for you to give the world, or your people, ſuch ſatisfaction concerning the fears and jealouſies which we have expreſſed, as we hope your majeſty hath already received, touching that exception, which you were pleaſed to make to Mr. Pym's ſpeech.

" As for your majeſty's fears and doubts, the ground whereof is from ſeditious pamphlets and ſermons, we ſhall be as careful to endeavour the removal, as ſoon as we ſhall underſtand what pamphlets and ſermons are by your majeſty intended, as we have been to prevent all dangerous tumults. And if any extraordinary concourſe of people out of the city of Weſtminſter, had the face and ſhew of tumult and danger in your majeſty's apprehenſion, it will appear to be cauſed by your majeſty's denial of ſuch a guard to your parliament, as they might have cauſe to confide in; and by taking into Whitehall ſuch a guard for yourſelf, as gave juſt cauſe of jealouſy to the parliament, and of terror and offence to your people; we ſeek nothing but your majeſty's honour, and the peace and proſperity of your kingdoms; and we are heartily ſorry we have ſuch plentiful matter of an anſwer to that queſtion, Whether you had violated our laws?

" We beſeech your majeſty to remember, that the government of this kingdom, as it was in a great part managed by your miniſters, before the beginning of this parliament, conſiſted of many continued and multiplied acts of violation of the laws; the wounds whereof were ſcarcely healed, when the extremity of all thoſe violations was far exceeded, by the late ſtrange and unheard-of breach of our laws, in the accuſation of the lord Kimbolton, and five members of the commons houſe, and in the proceedings thereupon, for which we have received no full ſatisfaction.

" To your majeſty's next queſtion, whether you had denied any bill, for the eaſe and ſecurity of your ſubjects, we wiſh we could ſtop in the midſt of our anſwer; that with much thankfulneſs we acknowledge, that your majeſty hath paſſed many good bills, full of contentment and advantage to your people; but truth and neceſſity inforceth us to add this, that even in or about the time of paſſing thoſe bills, ſome deſign or other hath been on foot; which if it had taken effect, would not only have deprived us of the fruit of thoſe bills, but have reduced us to a worſe condition of confuſion, than that wherein the parliament found us.

" And if your majeſty had aſked us the third queſtion, intimated in that ſpeech, What we had done for yourſelf? Our anſwer would have been much more eaſy, That we had paid two armies, wherewith the kingdom was burthened laſt year; and have undergone the charge of the war in Ireland, at this time, when through many other exceſſive charges and preſſures, your ſubjects have been exhauſted, and the ſtock of the kingdom very much diminiſhed; which great miſchiefs, and the charges thereupon enſuing, have been occaſioned by the evil counſels ſo powerful with your majeſty, which have, and will, coſt this kingdom more than two millions, all which, in juſtice, ought to have been borne by your majeſty.

" As for that free and general pardon your majeſty has been pleaſed to offer, it can be no ſecurity to our fears and jealouſies, for which your majeſty ſeems to propound it becauſe they ariſe not from any guilt of our own actions, but from the evil deſigns and attempts of others.

" To this our humble anſwer to that ſpeech, we deſire to add an information, which we lately received from the deputy-governor of the merchant-adventurers at Rotterdam in Holland, that an unknown perſon, appertaining to the lord Digby, did lately ſolicit one James Henely, a mariner, to go to Elſenore, and to take charge of a ſhip in the fleet of the king of Denmark, there prepared, which he ſhould conduct to Hull; in which fleet likewiſe, he ſaid, a great army was to be tranſported: and although we are not apt to give credit to informations of this nature; yet we cannot altogether think it fit to be neglected; but that it may juſtly add ſomewhat to the weight of our fears and jealouſies, conſidering with what circumſtances it is accompanied, with the lord Digby's preceding expreſſions in his letter to her majeſty and ſir Lewis Dives, and your majeſty's ſucceeding courſe of withdrawing yourſelf northwards from your parliament, in a manner very ſuitable and correſpondent to that evil council, which we doubt will make much deeper impreſſion in the generality of your people; and therefore, we moſt humbly adviſe and beſeech your majeſty, for the procuring and ſettling the confidence of your parliament, and all your ſubjects, and for the other important reaſons concerning the recovery of Ireland, and ſecuring this kingdom, which have been formerly preſented to your majeſty; you will be graciouſly pleaſed (with all convenient ſpeed) to return to theſe parts, and to cloſe with the counſel and deſire of your parliament, where you ſhall find their dutiful affections and endeavours ready to attend your majeſty with ſuch entertainment, as ſhall not only give your majeſty juſt cauſe of ſecurity in their faithfulneſs, but other manifold evidences of their earneſt intentions and endeavours to advance your majeſty's ſervice, honour, and contentment, and to eſtabliſh it upon the ſure foundation of the peace and proſperity of all your kingdoms."

This petition was preſented to the king at York, the 26th of March. He had now ſent his anſwer to the declaration of both houſes, and therefore mentions it in his anſwer to this laſt petition.

" The king's anſwer [e].

" IF you would have had the patience to have expected our anſwer to your laſt declaration, (which conſidering the nature of it, hath not been long in coming) we believe you would have ſaved yourſelves the labour of ſaying much of this meſſage; and we could wiſh, that our privileges in all parts were ſo ſtated, that this way of correſpondence might be preſerved with that freedom which hath been uſed of old; for we muſt tell you, that if you may aſk any thing of us by meſſage or petition, and in what language (how unuſual ſoever) you think fit, and we muſt neither deny the thing you aſk, nor give a reaſon why we cannot grant it, without being taxed with breaking your privileges, or being counſelled by thoſe who are enemies of the peace of the kingdom, and favourers of the Iriſh rebellion (for we have ſeen your printed votes, upon our meſſage from Huntingdon) you will reduce all our anſwers hereafter into a very little room: in plain Engliſh, it is to take away the freedom of our vote, which were we but a ſubject were high injuſtice; but being your king, we leave all the world to judge what it is. (1.)

Remark (1.) The parliament ſuppoſed an imminent danger, which obliged them to act in an unuſual manner, and

[e] Without date. It was ſent back by the ſame hands that brought the petition. Clarendon, tom. I. p. 369.

the king ſuppoſed the government to be in its uſual and natural ſtate. This miſunderſtanding continually returns in the papers of both ſides.

" Is this the way to compoſe all miſunderſtandings? We thought we ſhewed you one by our meſſage of the 20th of January; if you have a better, or a readier we ſhall willingly hearken to it, for hitherto you have ſhewed us none: but why the refuſal to conſent to your order, (which you call a denial of the militia) ſhould be an interruption to it, we cannot underſtand; for the militia, (which we always thought neceſſary to be ſettled) we never denied the thing, (as we told you in our anſwer of the 28th of January, to the petition of the houſe of commons) for we accepted the perſons, (except for corporations) we only denied the way: you aſk it by way of ordinance, and with ſuch a preface, as we can neither with juſtice to our honour or innocence conſent to: you exclude us from any power in the diſpoſition, or execution of it, together with you, and for a time utterly unlimited. We tell you, we would have the thing done; allow the perſons (with that exception) deſire a bill, (the only good way of impoſing on our ſubjects) we are extremely unſatisfied what an ordinance is; but well ſatisfied, that without our conſent it is nothing, not binding; and it is evident, by the long time ſpent in this argument, the neceſſity and danger was not ſo imminent, but a bill might have well been prepared; which, if it ſhall yet be done with that due regard to us, and care of our people, in the limitation of the power, and other circumſtances, we ſhall recede from nothing we formerly expreſſed in that anſwer to your order; otherwiſe, we muſt declare to all the world, that we are not ſatisfied with, or ſhall ever allow our ſubjects, to be bound by your printed votes of the fifteenth or ſixteenth of this month, or that under pretence of declaring what the law of the land is, you ſhall without us make a new law, which is plainly the caſe of the militia; and what is this, but to introduce an arbitrary way of government? (2.)

Rem. (2.) It is no wonder the king and the parliament could not agree upon any one thing, ſince they reaſoned upon different principles. The king ſuppoſed, that the ordering of the militia, deſired by both houſes, ought to be done after the uſual manner; whereas the parliament pretended, that the danger the kingdom was in, and of which the king was the cauſe, gave them a right to demand an extraordinary regulation, wherein the king ſhould not be concerned. On the other hand, it is manifeſt, the reſtrictions propoſed by the king in this article, left him at liberty to diſpute eternally, and to refuſe the bill which ſhould be preſented to him, unleſs it was wholly ineffectual for the deſigns of the parliament.

" Concerning Pym's ſpeech, you will have found, by what the lord Compton, and Mr. Bainton brought from us, in anſwer to that meſſage they brought to us, that as yet we reſt nothing ſatisfied in that particular.

" As for the ſeditious pamphlets and ſermons, we are both ſorry and aſhamed in ſo great variety, and in which our rights, honour, and authority, are ſo inſolently ſlighted and vilified, and in which the dignity and freedom of parliament is ſo much invaded and violated, it ſhould be aſked of us to name any, the mentioning of the 'proteſtation proteſted, the apprentices proteſtation, to your tents, O Iſrael!' or any other, would be too great an excuſe for the reſt: if you think them not worth your inquiry we have done: But we think it moſt ſtrange to be told, that our denial of a guard, (which we yet never denied, but granted in another manner, and under a command at that time moſt accuſtomed in the kingdom) or the denial of any thing elſe, (which is in our power legally to deny) which in our underſtanding (of which God hath ſurely given us ſome uſe) is not fit to be granted, ſhould be any excuſe for ſo dangerous a concourſe of people; which, not only in our apprehenſion, but (we believe) in the interpretation of the law itſelf, hath been always held moſt tumultuous and ſeditious. And we moſt wonder what, and from whence come the inſtructions and informations that thoſe people have, who can ſo eaſily think themſelves obliged by the proteſtation, to aſſemble in ſuch a manner, for the defence of privileges, which cannot be ſo clearly known to any of them, and ſo negligently paſs over the conſideration, and defence of our rights, ſo beneficial and neceſſary for themſelves, and ſcarce unknown to any of them, which by their oaths of allegiance and ſupremacy, (and even by the ſame proteſtation) they are at leaſt equally obliged to defend. And what interruptions ſuch kind of aſſemblies may be to the freedom of future parliaments, (if not ſeaſonably diſcountenanced and ſuppreſſed) we muſt adviſe you to conſider, as likewiſe whether both our powers may not by ſuch means be uſurped, by hands not truſted by the conſtitution of this kingdom. For our guard, we refer you to our anſwer to that declaration.

" By that queſtion of violating your laws; by which we endeavoured to expreſs our care and reſolution to obſerve them; we did expect you would have been invited to have looked back ſo many years, for which you have had ſo ample reparation: neither looked we to be reproached with the actions of our miniſters (then againſt the laws) whilſt we expreſs ſo great a zeal for the preſent defence of them, it being our reſolution, upon obſervation of the miſchief which then grew by arbitrary power, (though made plauſible to us by the ſuggeſtions of neceſſity and imminent danger; and take you heed you fall not into the ſame error upon the ſame ſuggeſtions) hereafter to keep the rule ourſelf, and to our power require the ſame from all others: (3.) but above all, we muſt be moſt ſenſible of what you caſt upon us, for requital of thoſe good bills you cannot deny. We have denied any ſuch deſign, and as God Almighty muſt judge in that point between us, who knows our upright intentions at the paſſing thoſe laws: ſo in the mean time, we defy the devil to prove, that there was any deſign (with our knowledge or privity) in or about the time of paſſing thoſe bills, that, had it taken effect, could have deprived our ſubjects of the fruit of them: and therefore we demand full reparation in this point, that we may be cleared in the ſight of all the world, and chiefly in the eyes of our loving ſubjects, from ſo notorious and falſe an imputation as this is.

Rem. (3.) Thoſe that undertake to vindicate king Charles's government, during the firſt fifteen years of his reign, do more than ever he pretended to do himſelf, as appears by this clauſe of his anſwer.

" We are far from denying what you have done; for we acknowledge the charge our people have ſuſtained in keeping the two armies, and in relieving Ireland, of the which we are ſo ſenſible, that in regard of thoſe great burdens our people have undergone, we have, and do patiently ſuffer thoſe extreme perſonal wants, as our predeceſſors have been ſeldom put to, rather than we would preſs upon them; which we hope (in time) will be conſidered on your parts. (4.)

Rem. (4.) The king gloried in having ſuffered patiently, ſince this parliament, perſonal wants which it had not been in his power to help.

" In our offer of a general pardon, our intent was to compoſe and ſecure the general condition of our ſubjects, conceiving, that in theſe times of great diſtractions, the good laws of the land have not been enough obſerved: but it is a ſtrange world, when princes proffered favours are accounted reproaches: yet if you like not this our offer, we have done.

" Concerning any diſcourſes of foreign forces, though we have given you a full anſwer in ours to your laſt declaration yet we muſt tell you, we have neither ſo ill an opinion of our own merit, or the affections of our good ſubjects, as to think ourſelf in need of any foreign force to preſerve us from oppreſſion, (and we ſhall not need for any other purpoſe) but are confident (through God's providence) not to want the good wiſhes and aſſiſtance of the whole kingdom, being reſolved to build upon that ſure foundation, the law of the land. We take it very ill, that any general diſcourſes between an unknown perſon and a mariner, or inferences upon letters, ſhould be able to prevail in matters ſo improbable in themſelves, and ſcandalous to us; for which we cannot but likewiſe aſk reparation, not only for the vindicating of our own honour, but alſo thereby to ſettle the minds of our ſubjects, whoſe fears and jealouſies would ſoon vaniſh, were they not fed and maintained by ſuch falſe and malicious rumours as theſe.

" For our return to our parliament, we have given you a full anſwer in ours to your declaration and you ought to look on us as not gone, but driven (we ſay not by you, yet) from you. And if it be not ſo eaſy for you to make our reſidence in London ſo ſafe as we could deſire, we are, and will be contented, that our parliament be adjourned to ſuch a place, where we may be fitly and ſafely with you. For although we are not pleaſed to be at this diſtance, yet ye are not to expect our preſence, until ye ſhall both ſecure us, concerning our juſt apprehenſions of tumultuary inſolencies; and likewiſe give us ſatisfaction for thoſe inſupportable and inſolent ſcandals that are raiſed upon us. (5.)

Rem. (5.) The king took care not to return to London, at a time when he was going to try to ſecure Hull. The terms he required for his return were ſo undeterminate, that they would have afforded room for a long diſpute.

" To conclude, as we have, or ſhall not refuſe any way agreeable to juſtice or honour, which ſhall be offered to us for

for the begetting a right underſtanding between us; ſo we are reſolved, that no ſtraints or neceſſities (to which we may be driven) ſhall ever compel us to do that, which the reaſon and underſtanding that God hath given us, and our honour and intereſt, with which God hath truſted us for the good of our poſterity and kingdom, ſhall render unpleaſant and grievous unto us.

"And we aſſure you that (how meanly ſoever you are pleaſe to value the diſcharge of our public duty) we are ſo conſcious to ourſelf of having done our part ſince this parliament, that in whatſoever condition we now ſtand, we are confident of the continued protection of Almighty God, and the conſtant gratitude, obedience and affection of our people, and we ſhall truſt God with all."

All theſe papers were not capable of obliging the king or the parliament to alter their meaſures. The parliament was reſolved to diveſt the king of the command of the militia, and the king was as fully determined not to give up that point.

After this anſwer, both houſes ſent a meſſage to the king, directing the lord-keeper to incloſe it in a letter to the ſecretary attending his majeſty at York, to inform him that the lord admiral's indiſpoſition diſabling him to command the fleet in perſon, they had recommended to his lordſhip the earl of Warwick to ſupply his place. But underſtanding ſince that his majeſty had appointed for that employment ſir John Pennington, they beſought him not to prefer him to the earl of Warwick.

The king was very angry at this meſſage, which was not by way of petition or declaration, and ſent the lord-keeper word, that his reſolution was not to alter the perſon whom he had appointed. But he was not maſter: for, by the connivance of Algernon Piercy earl of Northumberland, who was lord-admiral, Robert Rich earl of Warwick, was acknowledged commander of the fleet, againſt the king's will.

About the ſame time a paper was diſperſed, wherein the author examined, "How laws are to be underſtood, and obedience yielded? A queſtion neceſſary for the preſent ſtate of things touching the militia. His majeſty (ſays he) is intruſted by law with the militia: but it is for the good and preſervation of the people, and not againſt them. So that when there is a well-grounded ſuſpicion that the king intends to employ the militia againſt the people, he is not to be obeyed, for it is not likely that the intent of the law is to inveſt the king with a power to be uſed againſt his ſubjects." This is the ſum of the author's reaſoning, which was properly that of both houſes. The king having peruſed this paper, ſent a meſſage to the lords to require them to find out the author of ſo pernicious a doctrine, and puniſh him according to his deſerts. But he objected nothing in particular againſt the author's principles and arguments.

Whilſt the affair of the militia was in agitation, the king came to the gates of Hull with ſome troops: but ſir John Hotham denied him admittance, as will be ſeen preſently. It is eaſy to judge, this proceeding of the king ſerved not to remove the parliament's fears and ſuſpicions, and the rather as having paſſed a bill for ſettling the militia, as the king deſired, this bill had been rejected. The affair of Hull happening ſhortly after, the parliament thought there was no more ceremony to be uſed, imagining the king ſought only to amuſe them, and make them loſe time. Mean while the king, five or ſix days after his diſappointment at Hull, ſent a meſſage to the parliament, dated April the 28th, containing his reaſons for not conſenting to the militia bill, which had been preſented to him. The meſſage was expreſſed in the following manner:

"WE have with great deliberation and patience weighed and conſidered (it concerning as much to weigh the conſequences of every law before we paſs it) your bill lately ſent to us, for the ſettling of the militia; and though it hath not been uſual to give any reaſons for our refuſal to paſs any bill (it being abſolutely in our power to paſs or not paſs, any act ſent unto us by you, if we conceive it prejudicial to ourſelf, or inconvenient for our ſubjects, for whom we are truſted, and muſt one day give an account; yet in this buſineſs of the militia, which being miſunderſtood amongſt our good ſubjects, hath been uſed as an argument, as if we were not vigilent enough for the public ſafety: and leſt we ſhould be thought leſs conſtant in our reſolutions, and this bill to be the ſame we ſent unto you; we have thought fit to give you and all the world particular ſatisfaction, why we muſt not, ought not, cannot paſs this bill, being the firſt public bill, to our remembrance, we have refuſed this parliament; and therefore we muſt complain, that having expreſſed ourſelf ſo clearly and particularly to you in this point, you ſhould preſs any thing upon us, which you could not but foreſee that we muſt refuſe, except we departed from thoſe reſolutions, grounded upon ſo much reaſon, which we had ſo earneſtly before acquainted you with, and againſt which you have not given one argument to ſatisfy our judgment.

"We are pleaſed that you have declined the unwarrantable courſe of your ordinance, (to the which we are confident our good ſubjects would never have yielded conſent) and choſen this only right way of impoſing on our people, which we would have allowed, but for the reaſons hereafter mentioned.

"We refuſed to conſent to your ordinance, as for other things, ſo, for that the power was put into the perſons nominated therein by direction of both houſes of parliament, excluding us from any power in the diſpoſition or execution, of it together with you. We then adviſed you for many reaſons, that a bill ſhould be prepared, and after, in our anſwer of the 26th of March laſt, to the petition of both houſes, we told you, if ſuch a bill ſhould be prepared with that due regard to us, and care of our people in the limitation of the power, and other circumſtances, we ſhould recede from nothing we formerly expreſſed. (1.)

Remark (1.) Whether the king was in the right or in the wrong concerning the affair of the militia, it is certain his deſign at firſt was only to amuſe the parliament, and this is what he ſtrives to conceal in this article.

"What paſſed (enough to have diſcouraged us from being farther ſolicitous in that argument) after our full and gracious anſwers, we are content to forget. When we reſolved of our journey into Ireland (ſo that by reaſon of our abſence there might be no want of ſettling that power) beſides complying with your fears, we ſent, together with a meſſage of that our purpoſe, a bill for the ſettling that power for a year, hoping in that time to return to you; and being ſure that in much leſs time you might do the buſineſs for which you ſeemed at firſt to deſire this, which was, that you might ſecurely conſider our meſſage of the 20th of January laſt. By that bill we conſented to thoſe names which were propoſed in your ordinance, and in the limitation of the power, provided that ourſelf ſhould not be able to execute any thing but by your advice; and when we ſhould be out of the kingdom, the ſole execution to be in you; with many other things of ſo arbitrary and uncircumſcribed a power, that we ſhould not have conſented to, but with reference to the abſence of our own perſon out of the kingdom, and thought it the more ſufferable, in reſpect the time was but for a year. Whether this be the bill you have now ſent to us to paſs, let all the world judge. (2.)

Rem. (2.) The lord Clarendon freely owns, that the king's offer to go into Ireland, was all a ſtratagem. Since therefore the king had no deſign to go thither, it follows, that the bill he had ſent to both houſes, and which he pretended he ſhould not have conſented to, but with reference to his abſence, was no more than an amuſement. We ſee here, that the general limitation he had annexed to his firſt engagement, were not without deſign. He knew how to particularize them in the bill he ſent to the parliament, and was very ſenſible it would not be received with all theſe reſtrictions. Thus his aim in this clauſe was only to colour the pretence he had uſed in his firſt promiſe concerning the militia.

"You have by this bill now tendered to us (without taking notice of us) put the power of the whole kingdom, the life and liberties of the ſubjects of all degrees and qualities, into the hands of particular men for two years. Can you imagine we will truſt ſuch an abſolute power in the hands of particular perſons, which we refuſed to commit to both houſes of parliament? Nay, is not the power itſelf too abſolute, too unlimitted to be committed to any private hands? Hath not ſir John Hotham's high inſolence ſhewed us, what we may expect from an exorbitant legal power, when he, by a power not warranted by law, dares venture upon a treaſonable diſobedience? (3.) But we would willingly know (and indeed ſuch an account in ordinary civility we might have expected) why we are by this act abſolutely excluded from any power or authority in the execution of this militia. Sure your fears and jealouſies are not of ſuch a nature, as are capable of no other remedy, than by leaving us no power in a point of the greateſt importance, in which God and the law hath truſted us ſolely, and which we are contented to ſhare with you by our bill, by putting it, and a greater, into the hands of particular ſubjects? What would all chriſtian princes think of us, after we had paſſed ſuch a bill? How would they

they value our ſovereignty? And yet ſure our reputation with foreign princes, is ſome ground of your ſecurity: nay, we are confident, by that time you have thoroughly conſidered the poſſible conſequence of the bill upon yourſelves, and the reſt of our good ſubjects, you and they will give us thanks for not conſenting to it, finding their condition (had it paſſed) not to have been ſo pleaſing unto them. We hope this animadverſion will be no breach of your privileges in this throng of buſineſs and diſtemper of affections; it is poſſible that ſecond thoughts may preſent ſomething to your conſideration, which eſcaped you before.

Rem. (3.) It was but five or ſix days ſince ſir John Hotham denied him entrance into Hull[f].

"We paſſed this parliament, at your entreaty, a bill concerning the captives of Algier, and waved many objections of our own to the contrary, upon information, that the buſineſs had been many months conſidered by you. Whether it prove ſuitable to your intentions, or whether you have not by ſome private order ſuſpended that act of parliament, upon view of the miſtakings, you beſt know; as likewiſe, what other great alterations you have made in other bills paſſed this ſeſſion. We cannot paſs over the putting their names out of this bill, whom before you recommended to us in your ordinance, it ſeems, not thinking fit to truſt thoſe who would obey no guide but the law of the land (we imagine you would not wiſh we ſhould in our eſtimation of others follow that your rule;) and the leaving out by ſpecial proviſion the preſent lord-mayor of London, as a perſon in your diſfavour: whereas we muſt tell you, his demeanour hath been ſuch, that the city and the whole kingdom is beholding to him for his example. (4.)

Rem. (4.) It was ſir Richard Gurney that was then lord-mayor of London, and entirely devouted to the king.

"To conclude, we do not find ourſelf poſſeſſed with ſuch an acceſs of power, that it is fit to transfer, or conſent it ſhould be in other perſons (as directed by the bill;) and therefore we ſhall rely upon that royal right and juriſdiction which God and the law hath given us, for the ſuppreſſing of rebellion, and reſiſting foreign invaſion, which hath preſerved this kingdom in the time of all our anceſtors, and which, we doubt not, but we ſhall be able to execute; and, not more for our own honour and right, than for the liberty and ſafety of our people, we cannot conſent to paſs this bill."

The declaration of the lords and commons concerning his majeſty's laſt meſſage about the militia.

"THE lords and commons holding it neceſſary for the peace and ſafety of this kingdom, to ſettle the militia thereof, did, for that purpoſe, prepare an ordinance of parliament and with all humility did preſent the ſame to his majeſty for his royal aſſent; who, notwithſtanding the faithful advice of his parliament, and the ſeveral reaſons, offered by them of the neceſſity thereof, for the ſecuring of his majeſty's perſon, and the peace and ſafety of his people, did refuſe to give his conſent; and thereupon they were neceſſitated, in diſcharge of the truſt repoſed in them, as the repreſentative body of the kingdom, to make an ordinance by authority of both houſes, to ſettle the militia warranted thereunto by the the fundamental laws of the land: (1.)

Remark (1.) This fundamental law was no other than the law of nature, which allows every man to provide for his own defence when he ſees himſelf expoſed to danger, and ſuch was the caſe of the parliament ſuppoſed themſelves in. For otherwiſe, there was no poſitive law which gave this power to the two houſes of parliament.

"His majeſty taking notice thereof, did by ſeveral meſſages invite them to ſettle the ſame by act of parliament; affirming, in his majeſty's meſſage ſent in anſwer to the petition of both houſes preſented to his majeſty at York, March 26, that he always thought it neceſſary the ſame ſhould be ſettled, and that he never denied the thing, only denied the way; and for the matter of it, took exceptions only to the preface, as a thing not ſtanding with his honour to conſent to, and that himſelf was excluded in the execution, and for a time unlimited: whereupon the lords and commons, being deſirous to give his majeſty all ſatisfaction that might be, even to the leaſt tittle of form and circumſtance; and when his majeſty was pleaſed to offer them a bill ready drawn, did, for no other cauſe, than to manifeſt their hearty affection to comply with his majeſty's deſires, and obtain his conſent, entertain the ſame; in the mean time no way declining their ordinance, and to expreſs their earneſt zeal to correſpond with his majeſty's deſire, (in all things that might conſiſt with the peace and ſafety of the kingdom, and the truſt repoſed in them) did paſs that bill, and therein omitted the preamble inſerted before the ordinance, limited the time to leſs than two years, and confined the authority of the lieutenants to theſe three particulars, namely, rebellion, inſurrection, and foreign invaſion, and returned the ſame to his majeſty for his royal aſſent: but all theſe expreſſions of affection and loyalty, all thoſe deſires and earneſt endeavours to comply with his majeſty, hath (to their grief and ſorrow) produced no better effect than an abſolute denial, even of that which his majeſty by his former meſſages, as we conceive, had promiſed; the advice of evil and wicked councils receiving ſtill more credit with him than that of his great council of parliament, in a matter of ſo high importance, that the ſafety of his kingdom, and the peace of his people depends upon it. (2.)

Rem. (2.) If the king, on his part, ſuppoſed the government to be in its natural ſtate, and that conſequently he ought to enjoy all his prerogatives, the parliament made here a ſuppoſition which was not liable to fewer objections. That is, in the preſent juncture, the king ought to conſider them as his great council, and be guided by their actions.

"But now what muſt be the exceptions to this bill? Not any, ſure, that were to the ordinance; for a care was taken to give ſatisfaction in all theſe particulars. Then the exception was, becauſe that the diſpoſing and execution thereof was referred to both houſes of parliament, and his majeſty excluded; and now that by the bill the power and execution is aſcertained, and reduced to particulars, and the law of the realm made the rule thereof, his majeſty will not truſt the perſons. The power is too great, too unlimited to truſt them with. (3.)

Rem. (3.) The parliament pretends to ſhew here that they had regarded the king's complaints, and yet the king had refuſed to paſs the bill. They own that one of his majeſty's complaints againſt the ordinance was, his being wholly excluded from having any thing to do in ſettling the militia. To ſhew therefore that the king had reaſon to be ſatisfied with the bill, it ſhould have been ſaid, "And now that by the bill he is joined in the execution with the two houſes." But inſtead of this, they ſay, "And now that the execution is aſcertained and the law of the realm made the rule." It is eaſy to ſee that this makes not a juſt oppoſition to the king's complaint.

"But what is that power? Is it any other, but in expreſs terms to ſuppreſs rebellion, inſurrection, and foreign invaſion? And who are thoſe perſons? Are they not ſuch as were nominated by the great council of the kingdom, and aſſented to by his majeſty? And is it too great a power to truſt thoſe perſons with the ſuppreſſion of rebellion, inſurrection, and foreign invaſion? Surely the moſt wicked of them that adviſed his majeſty to this anſwer, cannot ſuggeſt, but that it is neceſſary for the ſafety of his majeſty's royal perſon, and the peace of the kingdom, ſuch a power ſhould be put in ſome hands, and there is no pretence of exception to the perſons: his majeſty, for the ſpace of above fifteen years together, thought not a power far exceeding this to be too great to intruſt particular perſons with, to whoſe will the lives and liberties of his people by martial laws were made ſubject; for ſuch was the power given to lord-lieutenants and deputy-lieutenants in every county of this kingdom, and that without the conſent of his people, or authority of law: but now in caſe of extreme neceſſity, upon advice of both houſes of parliament, for no longer ſpace than two years, a leſſer power, and that for the ſafety of the king and people, is thought too great to truſt particular perſons with, though named by both houſes of parliament, and approved of by his majeſty himſelf. And ſurely, if there be a neceſſity to ſettle the militia (which his majeſty was pleaſed to confeſs) the perſons cannot be truſted with leſs power than this, to have it at all effectual: and the precedents of former ages, when there happened a neceſſity to raiſe ſuch a power, never ſtraitened that power to a narrow compaſs; witneſs the commiſſions of array in ſeveral kings reigns, and often iſſued out by the conſent and authority of parliament. The lords and commons therefore, intruſted with the ſafety of the kingdom, and peace of the people (which they call God to witneſs is their only aim) finding themſelves denied theſe their ſo neceſſary and juſt demands, and that they can never be diſcharged before God and man, if they ſhould ſuffer the ſafety of the kingdom, and peace of the people, to be expoſed to the malice of the malignant party at home, or the fury of enemies from abroad; and knowing no other way to encounter the imminent and approaching danger, but by

[f] The lord Clarendon places this meſſage before the king's going to Hull, See tom. I. p. 396.

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putting the people into a fit poſture of defence, do reſolve to put their ſaid ordinance in preſent execution, and do require all perſons in authority, by virtue of the ſaid ordinance, forthwith to put the ſame in execution, and all others to obey it, according to the fundamental laws of the kingdom, in ſuch caſes, as they tender the upholding of the true proteſtant religion, the ſafety of his majeſty's perſon, and his royal poſterity, the peace of the kingdom, and the being of this common-wealth."

His majeſty's anſwer to the parliaments declaration [g].

"WE very well underſtand how much it is below the high and royal dignity (wherein God hath placed us) to take notice, much more to trouble ourſelf, with anſwering thoſe many ſcandalous, ſeditious pamphlets, and printed papers, which are ſcattered with ſuch great licence throughout the kingdom (notwithſtanding our earneſt deſire, ſo often in vain preſſed for a reformation) though we find it evident, that the minds of many of our weak ſubjects have been, and ſtill are, poiſoned by thoſe means, and that ſo general a terror hath poſſeſſed the minds and hearts of all men, that while the preſſes ſwarm (and every day produceth new tracts againſt the eſtabliſhed government of the church and ſtate) moſt men want the courage, or the conſcience, to write, or the opportunity and encouragement to publiſh ſuch compoſed, ſober animadverſions, as might either preſerve the minds of our good ſubjects from ſuch infection, or reſtore and recover them when they are ſo infected; but we are contented to let ourſelf fall to any office, that may undeceive our people, and to take more pains this way by our own pen, than ever king had done, when we find any thing that ſeems to carry the authority or reputation of either or both houſes of parliament, and will not have the ſame refuted, or diſputed, by common and vulgar pens, till we are thoroughly informed, whether thoſe acts have in truth that countenance and warrant they pretend; which regard of ours, we doubt not but in time will recover that due reverence (the abſence whereof we have too much reaſon to complain of) to our perſon, and our meſſages, which in all ages hath been paid (and no doubt is due) to the crown of England.

"We have therefore taken notice of a printed paper, intituled, 'A declaration of both houſes of Parliament, in anſwer to our laſt meſſage concerning the militia,' publiſhed by command; the which we are unwilling to believe (both for the matter of it, the expreſſions in it, and the manner of publiſhing it) can reſult from the conſent of both houſes; neither do we know, by what lawful command ſuch uncomely, irreverent mention of us, can be publiſhed to the world. And though declarations of this kind have of late (with too much boldneſs) broken in upon us, and the whole kingdom, when one, or both houſes, have thought fit to communicate their counſels and reſolutions to the people; yet we are unwilling to believe, that ſuch a declaration as this, ſhould be publiſhed in anſwer to our meſſage, without vouchſafing at leaſt to ſend it to us as their anſwer. Their buſineſs, for which they are met by our writ and authority, being to counſel us for the good of our people, not to write againſt us to our people, and no conſent of ours for their long continuing together, enabling them to do any thing, but what they were firſt ſummoned by our writ to do: at leaſt we will believe, though miſunderſtanding and jealouſy (the juſtice of God will overtake the fomenters of that jealouſy, and the promoters and contrivers of that miſunderſtanding) might produce (to ſay no worſe) thoſe very untoward expreſſions, that if thoſe houſes had contrived that declaration, as an anſwer to our meſſage, they would have vouchſafed ſome anſwer to the queſtion propoſed in ours; which we profeſſed did, and muſt evidently, prevail over our underſtanding; and in their wiſdom and gravity, they would have been ſure to have ſtated the matters of fact, as (at leaſt to ordinary underſtandings) might be unqueſtionable; neither of which is done by that declaration.

"We deſire to know, why we were by that act abſolutely excluded from any power or authority in the execution of the militia; and we muſt appeal to all the world, whether ſuch an attempt be not a greater and juſter ground for fear and jealouſy in us, than any one that is avowed for thoſe deſtructive fears and jealouſies which are ſo publicly owned, almoſt to the ruin of the kingdom. But we have been told, 'That we muſt not be jealous of our great council of both houſes of parliament;' we are not, no more than they are of us, their king; and as hitherto they have not avowed any jealouſy of, or diſaffection to, our perſon; imputed all to our evil counſellors, to a malignant party, that are not of their minds; ſo we do (and we do it from our ſoul) profeſs no jealouſy of our parliament, but ſome turbulent, ſeditious and ambitious natures, which (being not ſo clearly diſcerned) may have an influence, even upon the actions of both houſes. And if this declaration hath paſſed by ſuch conſent (which we are not willing to believe) it is not impoſſible, but that the apprehenſion of ſuch tumults, which have driven us from the city of London, for the ſafety of our perſon, may make ſuch an impreſſion in other men (not able to remove from the danger) to make their conſent, or not to own a diſſent in matters not agreeable to their conſcience or underſtanding.

"We mentioned, in that our anſwer, our diſlike of the putting their names out of the bill, whom before they recommended to us, in their pretended ordinance; and the leaving out, by ſpecial proviſion, the preſent lord-mayor of London; to all which, the declaration affords no anſwer to that our meſſage, and therefore we cannot ſuppoſe it was intended for an anſwer to that our meſſage; which, whoſoever looks upon, will find to be in no degree anſwered by that declaration.

"But it informs all our ſubjects, after the mention with what humility the ordinance was prepared, and preſented to us (a matter very evident in the petitions and meſſages concerning it,) and our refuſal to give our conſent, notwithſtanding the ſeveral reaſons offered of the neceſſity thereof, for the ſecuring of our perſon, and the peace and ſafety of our people, (whether any ſuch reaſons were given, the weight of them, and whether they were not clearly and candidly anſwered by us, the world will eaſily judge;) and that they were at laſt neceſſitated to make an ordinance by authority of both houſes to ſettle the militia, warranted thereunto by the fundamental laws of the land; but if that declaration had indeed intended to have anſwered us, it would have told our good ſubjects what thoſe fundamental laws of the land are, and where to be found; and would at leaſt have mentioned one ordinance, from the firſt beginning of parliaments to this preſent parliament, which endeavoured to impoſe any thing upon the ſubjects without the king's conſent; for of ſuch, all the enquiry we can make could never produce us one inſtance. (1.)

Remark (1.) The king and the parliament equally abuſed the term, Fundamental Law. The parliament gave the name of Fundamental Law to the truſt placed in them by the people, which obliged the two houſes to take care of the public ſafety, when the kingdom was in danger, which was not properly a law. The king, on his ſide, would own none for fundamental, but poſitive, expreſs, and particular laws upon the caſe in queſtion, and required ſuch to be produced. It is eaſy for unbiaſſed perſons to ſolve this difficulty. If it is ſuppoſed with the parliament, that the king intended to eſtabliſh an arbitrary government, it is certain the parliament had a right to oppoſe it, by virtue of the truſt put in them by the people, and as the repreſentative body of the nation; and in ſuch caſe it might be ſaid, they were ſupported by a fundamental law, or ſomething equivalent. But if it is ſuppoſed with the king, that the government was in its ordinary and natural ſtate, and there was no reaſon to ſuſpect him, it is certain the parliament had no right to meddle with the militia, without the king's conſent. The whole conſiſts therefore in the truth or falſhood of theſe two ſuppoſitions.

"And if there be ſuch a ſecret of the law, which hath lain hid from the beginning of the world to this time, and now is diſcovered, to take away the juſt legal power of the king, we wiſh there be not ſome other ſecret (to be diſcovered when they pleaſe) for the ruin and deſtruction of the liberty of the ſubject: for, no doubt, if the votes of both houſes have any ſuch authority to make a new law, it hath the ſame authority to repeal the old; and then what will become of the long eſtabliſhed rights and liberties of the king and ſubject, and particularly of Magna Charta, will be eaſily diſcerned by the moſt ordinary underſtanding. (2.)

Rem. (2.) Never were the liberties of the people in more danger of being deſtroyed than in the reign of Charles I. notwithſtanding Magna Charta and the laws of the land. So, whatever the king ſaid againſt the parliament, was no leſs ſtrong againſt himſelf: beſides his reaſoning could ſubſiſt but in virtue of the ſuppoſition mentioned in the foregoing article, which was very far from being proved.

"It is true we did (out of the tenderneſs of the conſtitution of the kingdom, and care of the law which we are bound to defend, and being moſt aſſured of the unjuſtifiableneſs of the pretended ordinance) invite and deſire both our houſes of parliament to ſettle whatſoever ſhould be fit of that nature by act of parliament; but were we therefore obliged to paſs whatſoever ſhould be brought to us of that kind? We did

[g] Without date.

ſay in our anſwer to the petition of both houſes, preſented to us at York the 26th of March laſt, (and we have ſaid the ſame in other meſſages before) that we always thought it neceſſary the buſineſs of the militia ſhould be ſettled, and that we never denied the thing, only denied the way; and we ſay the ſame ſtill, ſince the many diſputes and votes upon lord-lieutenants, and their commiſſions (which were begun by us or our father) had ſo diſcountenanced that authority, which for many years together was happily looked upon with reverence and obedience by the people. We did, and do think it very neceſſary, that ſome wholeſome law be provided for that buſineſs; but we declared, in our anſwer to the pretended ordinance, we expected that that neceſſary power ſhould firſt be inveſted in us, before we conſented to transfer it to other men: (3) neither could it ever be imagined, that we could conſent, that a greater power ſhould be in the hands of a ſubject than we were thought worthy to be truſted with ourſelf. And if it ſhall not be thought fit to make a new act or declaration in this point, we doubt not but we ſhall be able to grant ſuch commiſſions, which ſhall very legally enable thoſe we truſt, to do all offices for the peace and quiet of the kingdom, if any diſturbance ſhall happen.

Rem. (3.) There was no occaſion to inveſt the king with power to ſuppreſs rebellions and inſurrections, and repel invaſions, in order to his transferring that power to others, ſince he was of courſe inveſted with it. But the king endeavours to colour his denial by repreſenting that power as exorbitant.

"But that declaration ſaith, we were pleaſed to offer them a bill ready drawn; and that they (to expreſs their earneſt zeal to correſpond with our deſire) did paſs that bill; yet all that expreſſion of affection and loyalty, all that earneſt deſire of theirs to comply with us, produced no better effect than an abſolute denial, even of what by our former meſſages (as that declaration conceives) we had promiſed, and ſo proceeds (under the pretence of mentioning evil and wicked councils) to cenſure and reproach us, in a dialect that we are confident our good ſubjects will read with much indignation on our behalf. But ſure, if that declaration had paſſed the examination of both houſes of parliament, they would never have affirmed that the bill we refuſed to paſs was the ſame we ſent to them, or have thought that our meſſage, wherein the difference and contrariety between the two bills is ſo particularly ſet down, would be anſwered with the bare averring them to be one and the ſame bill: no more would they have declared (when our exceptions to the ordinance and the bill are ſo notoriouſly known to all our people) that care being taken to give ſatisfaction in all the particulars we had excepted againſt in the ordinance, we had found new exceptions to the bill: and yet this very declaration confeſſes, that our exception to the ordinance was, that in the diſpoſing and execution thereof we were excluded; and was not this an expreſs reaſon in our anſwer for refuſal of the bill, which this declaration will needs confute? But the power was no other than to ſuppreſs rebellion, inſurrection, and foreign invaſion: and the perſons truſted no other than ſuch as were nominated by the great council of the kingdom, and aſſented to by us; and that declaration aſks if that be too great a power to truſt theſe perſons with? Indeed, while ſo great liberty is uſed in voting and declaring men to be enemies to the common-wealth (an Engliſh phraſe we ſcarcely underſtand), and in cenſuring men for their ſervice and attendance upon our perſon, and in our lawful command, great heed muſt be taken into what hands we commit ſuch a power to ſuppreſs inſurrection and rebellion; and if inſurrection and rebellion have found other definitions than what the law hath given them, we muſt be ſure that no lawful power ſhall juſtifiy thoſe definitions; and if there be learning found out to make ſir John Hotham's taking of arms againſt us, and keeping our town and fort from us, no treaſon and rebellion we know not whether a new diſcovery may not find it rebellion in us to defend ourſelves from ſuch arms, and ſo endeavour to recover what is ſo taken from us; (4.) and therefore it concerns us (till the known law of the land be allowed to be judge between us) to take heed into what hands we commit ſuch power.

Rem. (4.) The king always reaſoned upon the ſuppoſition that the government was in its natural ſtate, and that there was no cauſe to ſuſpect him; a ſuppoſition which was not granted.

"Beſides, can it be thought, that becauſe we are willing to truſt certain perſons, that we are obliged to truſt them in whatſoever they are willing to be truſted? We ſay, no private hands are fit for ſuch a truſt; neither have we departed from any thing (in the leaſt degree) we offered, or promiſed before; though we might with as much reaſon have withdrawn our truſt from ſome perſons we before had excepted, as they did from others whom they recommended. For the power which we are charged to have committed to particular perſons, for the ſpace of fifteen years, by our commiſſions of lieutenancy, it is notoriouſly known that it was not a power created by us, but continued very many years, and in the moſt happy times this kingdom hath enjoyed, even thoſe of our renowned predeceſſors queen Elizabeth and our father of happy memory; (5.) and whatever authority was granted by thoſe commiſſions, which were kept in the old forms, the ſame was determined at our pleaſure: and we know not that they produced any of thoſe calamities which might give our good ſubjects cauſe to be ſo weary of them, as to run the hazard of ſo much miſchief, as that bill we refuſed might poſſibly have produced.

Rem. (5.) The example of king James I. is no good evidence. I very much queſtion that in times of peace, queen Elizabeth ever made her ſubjects liable to be tried by martial law.

"For the precedents of former ages in the commiſſions of array, we doubt not but when any ſuch are iſſued out, that the king's conſent was always obtained, and the commiſſions determinable at his pleaſure, and then what the extent of power was, will be nothing applicable to this caſe of the ordinance.

"But whether that declaration hath refuted our reaſons for our refuſal to paſs the bill, or no, it hath reſolved and required all perſons in authority, thereby to put the ordinance in preſent execution, and all others to obey it according to the fundamental laws of the land. But we, whom God hath truſted to maintain and defend thoſe fundamental laws (which we hope, he will bleſs to ſecure us), do declare, that there is no legal power in either or both houſes, upon any pretence whatſoever, without our conſent, to command any part of the militia of this kingdom; nor hath the like ever been commanded by either or both houſes, ſince the firſt foundation of the laws of the land; and that the execution of, or the obedience to, that pretended ordinance, is againſt the fundamental laws of the land, againſt the liberty of the ſubject, and the right of parliaments, and a high crime in any that ſhall henceforth execute the ſame. And we do therefore charge and command all our loving ſubjects, of what degree or quality ſoever, upon their allegiance, and as they tender the peace of this kingdom, from henceforth, not to muſter, levy, array, ſummon, or warn any of our train-bands to riſe, muſter, or march, by virture or under colour of that pretended ordinance. And to this declaration and command of ours, we expect and require full ſubmiſſion and obedience from all our loving ſubjects, upon their allegiance, as they will anſwer the contrary at their perils; and as they tender the upholding of the true proteſtant religion, the ſafety of our perſon, and our royal poſterity, the peace and being of this kingdom."

Having given moſt of the papers, publiſhed on both ſides, concerning the militia, I ſhall endeavour, for the reader's better information, to illuſtrate a little more fully, the ground of the quarrel between the king and the parliament, which could be done very briefly in my ſhort remarks on ſeveral paſſages of theſe papers.

The parliament did not deny, that in the ordinary courſe of the government, the right of ſettling the militia, and appointing thoſe who were to command it under him, was ſolely in the king[h]. But they affirmed, that in the preſent extraordinary caſe, it was incumbent on them to take care the kingdom periſhed not by the king's fault. The caſe they ſuppoſed was this: the king, for the ſpace of fifteen years, had endeavoured to eſtabliſh an abſolute government, and had actually eſtabliſhed it on divers occaſions: he had pretended that he might govern without parliaments, and accordingly had called none for twelve years together; during which interval he had violated ſundry laws, and ruled after an arbitrary manner. Being forced by the neceſſity of his affairs to call this preſent parliament, he had ſeemed to acknowledge the injuſtice of his former conduct, by giving his conſent to the good acts made for the redreſs of paſt, and the prevention of future grievances. But at the very time that he expreſſed ſo great condeſcenſion for his ſubjects, and an outward repentance for his faults, he ceaſed not to deviſe means to become abſolute as before. The parliament inferred from this

[h] The commons were divided in their opinions about this point; ſome affirming, "That the power of the militia was ſolely in the king, and ought to be left to him, and that the parliament never did, nor ought to meddle with the ſame." And others, "That the king had not this power in him, but that it was ſolely in the parliament, and that if the king refuſed to order the ſame according to the advice of the parliament, that then they by the law might do it without him. Whitelock, p. 55.

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conduct, that the king's condeſcenſion was only apparent; that at the firſt opportunity he would revoke the acts he had conſented to, and which he affected to term always acts of grace, though they were really acts of juſtice: conſequently it was neceſſary to put it out of his power to recede from what he had done, if he ſhould deſire it. The only way to hinder ſuch a deſign, was to put the militia of the kingdom into ſafe hands, who ſhould not depend upon the king, and prevent him from having any power over the militia, for fear this power, either in him alone, or jointly with the two houſes, might enable him to break all the meaſures which ſhould be taken to hinder the execution of his deſigns.

It is manifeſt, the parliament was in the right or the wrong, according as their ſuppoſition was true or falſe. Let it be granted for a moment, that their ſuppoſition was well grounded, and that the king had really a deſign to render himſelf abſolute; ought the parliament, out of pure reſpect to the ancient laws leave the king a power which enabled him to alter the conſtitution of the government, and ſubvert once more theſe very laws, wherein the ſafety of the people entirely conſiſted? Is it not evident, that in ſuch a caſe it was neceſſary to violate theſe laws, in order to eſtabliſh them more firmly? When therefore the king objected to the parliament the laws which gave the kings of England certain prerogatives, he manifeſtly ſuppoſed the government to be in its natural ſtate; but the parliament ſuppoſed the contrary: conſequently, the king's arguments could not make any impreſſion, becauſe they were not applicable to the caſe ſuppoſed by the parliament. Unfortunately, the king was forced to uſe againſt the parliament the very reaſons alleged formerly by the parliament and people againſt him, when he uſurped an abſolute power. He complained that the parliament founded their right upon a pretended neceſſity which was never proved; and himſelf had formerly made uſe of a neceſſity ſtill more imaginary, to impoſe arbitrary taxes without the conſent of parliament, contrary to the laws of the land.

But if on the other hand, we ſuppoſe the parliament's ſuſpicions to be chimerical, and that the king never gave any room for them, at leaſt ſince the beginning of this parliament, and that his intention to govern according to law was ſincere, it is certain his arguments from the laws, cuſtoms, royal prerogatives, were invincible, becauſe in that caſe there would not have been any the leaſt juſt pretence to diveſt him of his rights. The whole queſtion therefore was reduced to this ſingle point, whether the king was ſincere, and his word to be relied on? But, unhappily for him, a fifteen years experience had convinced moſt of his ſubjects, that he would have eſtabliſhed an arbitrary government; the motives of his condeſcenſion in the acts paſſed this parliament, were dubious, and his proteſtations with regard to the future, uncertain. Thus the parliament had a great advantage over him, becauſe they had for warrant of their ſuſpicions, the paſt, which was but too certain; whereas the king could only offer the future, which had not the ſame certainty.

It was time for the declarations, anſwers, and replies concerning the militia, to end, ſince there was nothing new to be ſaid to the ſubject: beſides, the parliament's ordinance was now executing in all places where the people were willing to obey it. At laſt, May the 27th, the king publiſhed a proclamation, forbidding to execute the ordinance of the parliament, on pain to offenders of being declared diſturbers of the public peace [i]. The parliament, on their part, publiſhed a declaration, forbidding all perſons to obey the king's proclamation, as being contrary to the laws. As this might appear very ſtrange, both houſes grounded their prohibition upon reaſons, of which I ſhall only relate the ſubſtance, becauſe, flowing from the principles above-mentioned, it is eaſy to conceive them. They ſaid therefore:

"That the queſtion is not, whether it belong to the king or no, to reſtrain the levying of the militia; but if the king ſhall refuſe to diſcharge that duty and truſt, whether there be not a power in the two houſes to provide for the ſafety of the parliament, and peace of the kingdom? That though the law affirms that power to be in the king, it does not exclude thoſe in whom the law hath placed a power for that purpoſe, as in the courts of juſtice, yet can it not be reſtrained by his majeſty's command, by his great ſeal, or otherwiſe; much leſs can the power of parliament be concluded by his majeſty's command.

"That though the king is the fountain of juſtice and protection, yet the acts of juſtice and protection are not exerciſed in his own perſon, but by his courts and his miniſters; who muſt do their duty therein, though the king, in his own perſon, ſhould forbid them; and therefore, if judgment ſhould be given by them againſt the king's will, and perſonal command, yet are they the king's judgments. Thus alſo, the high court of parliament declares the king's pleaſure in thoſe things that are requiſite thereunto; and what they do herein hath the ſtamp of royal authority, although his majeſty do in his own perſon oppoſe or interrupt the ſame: for the king's ſupreme and royal pleaſure is exerciſed and declared in this high court of law and council, after a more eminent and obligatory manner, than it can be by any perſonal act or reſolution of his own.

"That by the conſtitution and policy of this kingdom, the king by his proclamation cannot declare the law, contrary to the judgment and reſolution of any of the inferior courts of juſtice, much leſs againſt the high court of parliament; for if it were admitted, that the king by his proclamation may declare a law, thereby his proclamations will in effect become laws, which would turn to the ſubverting of the law of the land, and the rights and liberties of the ſubjects."

Theſe are the principal arguments alleged by the parliament, to ſhew, that the king's proclamation was contrary to the laws. But there was a very manifeſt defect in this reaſoning. They repreſented the two houſes as alone compoſing the parliament, whereas it is certain, the parliament is compoſed of the king and both houſes, joined together and making but one body. What the parliament ſaid is therefore ſtrictly true, if the word parliament be underſtood in the ſenſe I have mentioned, as a body conſiſting of the king and the two houſes. For, the king cannot, by his ſole will, ſubvert what has been ordained by the parliament, becauſe himſelf making a part, and the nobleſt part of the parliament, he would contradict himſelf in forbiding a thing he had already ordained. But if by the parliament be meant the two houſes alone, without the king, it cannot be ſaid that their declarations are the king's, or that they are more ſolemn and obligatory than the king's private will. For if they were, the conſtitution of the government would be entirely overthrown. This is ſo true, that by retorting the argument alleged by both houſes againſt the king, it might be demonſtrated by the ſame reaſon, that they have a power to make laws without the concurrence of the king, which would be full as true, as their ſaying, that the king's proclamations would be ſo many laws. It is therefore certain, that by the arguments they alleged againſt the king's proclamation, they furniſhed invincible reaſons againſt their own ordinance. Nevertheleſs, upon this ſophiſtry it was that they grounded all the authority they aſſumed to themſelves afterwards. They did themſelves therefore great injury, by relying on ſuch weak arguments. Their right ſolely conſiſted in the ſuppoſition, that the king would have altered the conſtitution of the government, which they had a lawful power to oppoſe by extraordinary methods, ſince the laws of the land, inſtead of affording them effectual remedies, countenanced rather the king's deſigns. The king on his part, founded his right upon the contrary ſuppoſition, namely, that there was no danger from him; but that the parliament had undertaken to ſubvert the conſtitution of church and ſtate. Such was then the melancholy ſituation of England.

I have related without interruption the affair of the militia, which laſted however ſeveral months, that I might not be obliged to break the thread of the narration; this affair being of the utmoſt importance, ſince it was the moſt immediate cauſe of the civil wars which quickly enſued: but it was not the only affair during that time. Wherefore, it will be neceſſary to go back to the time when I began to ſpeak of the militia, to ſee other affairs, no leſs material, and whereof ſome contributed no leſs to the rupture.

The king having paſſed in February the two acts, ſo earneſtly deſired by the commons, namely, for the excluſion of the biſhops [k], and for preſſing of ſoldiers, ſent the following meſſage to both houſes:

"That his having paſſed theſe two bills, being of ſo great importance, and ſo earneſtly deſired by both houſes, will ſerve to aſſure his parliament, that he deſires nothing more than the ſatisfaction of his kingdom; yet, that he may farther manifeſt to both houſes how impatient he is, till he find out a full remedy to compoſe the preſent diſtempers, he is pleaſed to ſignify:

[i] The king grounded this proclamation on a ſtatute made in the 7th of Edward I. whereby it was enacted, "That to the king it belongeth, by his royal ſeigniory, ſtraightly to defend wearing of armour, and all other force, againſt the peace, at all times, when it ſhall pleaſe him, and to puniſh them which ſhall do contrary." See Ruſhworth, tom. IV. p. 550.

[k] Theſe bills were paſſed by commiſſion. The king ſigned the commiſſion for paſſing the firſt, at Canterbury, as he was in his way to Dover, where he accompanied the queen. Manley, p. 35.

They

" That he will by proclamation require, that all ſtatutes made concerning recuſants, be with all care, diligence, and ſeverity, put in execution.

" That his majeſty is reſolved, that the ſeven condemned prieſts ſhall be immediately baniſhed, if his parliament ſhall conſent thereunto: And he will give preſent order, that a proclamation iſſue to require all Romiſh prieſts within twenty days to depart the kingdom; and if any ſhall be apprehended after that time, his majeſty aſſures both houſes, on the word of a king, that he will grant no pardon to any ſuch, without conſent of his parliament.

" And becauſe great and different troubles are obſerved to ariſe, concerning the government and liturgy of the church, his majeſty declares, That he will refer that whole conſideration to his parliament: But deſires not to be preſſed to any ſingle act on his part, till the whole be ſo digeſted and ſettled by both houſes, that his majeſty may clearly ſee what is fit to be left, as well as what is fit to be taken away.

" For Ireland, he will not refuſe to venture his own perſon in that war, if his parliament ſhall think it convenient, for the reduction of that kingdom.

" That he will moſt readily concur in any reſolution their wiſdoms ſhall find out, which may conduce to promote the trade of the kingdom."

The two houſes contented themſelves with thanking his majeſty for paſſing the two bills, without returning any anſwer upon the other points.

The queen being miſinformed that there was a deſign to accuſe her of high treaſon, the parliament had notice of it, and ſent the earl of Newport and the lord Seymour, to vindicate themſelves from this aſperſion. The queen anſwered, it was true there was ſuch a report, but that ſhe gave little credit to it.

Some letters of the lord Digby, directed to the queen, to ſir Lewis Dives his brother-in-law, and to ſecretary Nicholas [l] being intercepted, the parliament cauſed them to be opened. It was found, that the lord Digby, who was then at Middleburg in Zealand, adviſed the king to betake himſelf to a place of ſafety, and deſired the queen to ſend him a cypher, that he might hold a correſpondence with her. There were alſo in the letters ſome ſharp expreſſions againſt the parliament. The two houſes ſent copies of theſe letters to their majeſties, aſſuring them, that they were far from reflecting any thing upon the queen, only they beſought her not to correſpond with the lord Digby. Some days after, it was reſolved by the commons, that the lord Digby ſhould be accuſed of high-treaſon.

February the 24th, a meſſage was ſent from both houſes to his majeſty, to acquaint him with the reaſons why they deſired, that the prince of Wales ſhould reſide at Hampton-court. The chief was, that the prince's removal might be a cauſe to promote jealouſies and fears in the minds of his ſubjects. For the parliament loſt no opportunity to let the people ſee, there was occaſion to be alarmed. The king intimated to them by his anſwer, that he did not think himſelf accountable for his conduct, with regard to the prince his ſon; and concluded with ſaying, " He could not imagine from what grounds theſe fears and jealouſies proceeded; but if any information had been given to that purpoſe, he deſired the ſame might be examined to the bottom; and then hoped their fears would be hereafter continued only with reference to his rights and honour."

About the ſame time, propoſals were made to the parliament, for the ſpeedy raiſing of money for the reduction of Ireland. Theſe propoſals were, that to ſuch perſons as ſhould be willing to advance money for that ſervice, ſhould be allotted, according to a certain proportion, the rebels lands that ſhould be forfeited, which was approved of by both houſes, and an act paſſed accordingly, to which the king gave the royal aſſent [m].

The queen departed for Holland about the end of February.

March the 16th, the king being at Stanford in his way to York, iſſued out a proclamation, for ſtrictly executing the laws againſt papiſts. This proclamation was very needleſs, and ſerved only to ſhew, that hitherto theſe laws had been ill executed. But the king had a mind thereby to repel the imputation of his protecting and countenancing the catholics, ſo much inſiſted upon by his enemies among the people, as if this protection was a proof of his deſign to introduce popery [n].

The king, as I ſaid, intended to ſecure Hull, with the magazine there; but his intention was yet a ſecret, and means were deviſing to put it in practice. To this end, very probably, he ſent a meſſage to the parliament, to acquaint them, that he had firmly reſolved to go into Ireland, and head the Engliſh troops. That therefore he intended to raiſe by his commiſſions, in the counties near Weſt-Cheſter, a guard for his own perſon (when he ſhould come into Ireland) conſiſting of two thouſand foot, and two hundred horſe, to be armed from his magazine of Hull, the charge of paying whereof he deſired them to take upon them. It was eaſy to foreſee, that this propoſition would not be accepted, in the preſent juncture; for it was at the very time that the affair of the militia was moſt warmly debating. But the king hoped to reap ſome advantage, either from approbation, or the denial. If the parliament conſented to it, the king found he ſhould be able to employ this pretended guard of two thouſand two hundred men, to render himſelf maſter of Hull. At leaſt, one can hardly help thinking he had ſuch an intention, conſidering what paſſed very ſhortly after. If his propoſition was rejected, he flattered himſelf, at leaſt, that he ſhould thereby convince the people of his ſincere deſire to reduce Ireland, and diſpel the rumours that were ſpread on that head, which would afford him opportunity to throw all the blame on the parliament. Accordingly this was the only uſe he afterwards made of this offer, which was but a ſtratagem, as the earl of Clarendon owns in his hiſtory. But whether both houſes conſidered this propoſition of the king, as a ſnare, or as a real and ſincere offer, they thought not fit to conſent to it. Indeed, as things then ſtood, it was by no means proper to ſet the king at the head of an army in Ireland, and ſtill leſs, that he ſhould raiſe in England a guard of two thouſand two hundred men, when they were labouring with all their power to take from him the command of the militia, upon the foundation of the jealouſies conceived of him. For though hitherto they had been contented to accuſe only his counſellors, and a malignant party, of contriving plots againſt the ſtate, this was however but an artifice to accuſe him himſelf. So as they neither could nor would approve of the king's propoſition, they preſented a petition to him, ſetting forth:

" That having duly conſidered his majeſty's meſſage concerning his purpoſe of going into Ireland to proſecute the war, which he was pleaſed to propound to them, not as a matter wherein he deſired the advice of the parliament, but as already firmly reſolved on, and forthwith to be put in execution, by granting out commiſſions for the levying of two thouſand foot and two hundred horſe, for a guard for his perſon; they could not but wonder, that a buſineſs of ſo great importance, and wherein they had a ſpecial intereſt, by thoſe great ſums which they had diſburſed, and for which they ſtood engaged, ſhould be concluded and undertaken without their advice. And therefore they held it their duty to declare, That his going into Ireland would very much endanger the ſafety of his royal perſon and kingdoms, for the following reaſons.

" 1. Becauſe his royal perſon would be ſubject not only to the caſualty of war, but to the ſecret practices and conſpiracies of the papiſts.

" 2. It would exceedingly encourage the rebels, who did generally profeſs and declare, That his majeſty countenanced their proceedings, and that this inſurrection was undertaken by the warrant of his commiſſion.

" 3. It would much increaſe the charge of the war, and hinder the advance of money for ſupporting it; many of the adventurers, who had already ſubſcribed, upon hearing his majeſty's intention, declaring their reſolution not to pay in their money; and others who were willing to have ſubſcribed, now profeſſing the contrary.

" 4. His abſence would very much interrupt the good proceedings of parliament.

[l] They were all incloſed in a cover to ſecretary Nicholas. Ruſhworth, tom. IV. p. 554.

[m] It was propoſed, that two millions and a half of thoſe acres might be aſſigned, and divided amongſt the adventurers after this proportion, viz.

	£.	
For each adventure of	200	1000 acres in Ulſter.
	300	1000 acres in Conaught.
	450	1000 acres in Munſter.
	600	1000 acres in Leinſter.

All according to the Engliſh meaſure, conſiſting of meadow, arable, and paſture, the bogs, woods, and barren mountains being caſt in over and above, to be holden in free and common ſoccage of the king with the conſtant rent, of one penny each acre in Ulſter, two pence half-penny in Conaught, two pence farthing in Munſter, and three pence in Leinſter. Ruſhworth, tom. IV. p. 556.

[n] The king, upon his coming to York, iſſued out a proclamation for the payment of tunnage and poundage, though the act, whereby they were granted, was expired. Ruſhworth, tom. IV. p. 559, 688.

Mr.

" 5. It would exceedingly increaſe, and render more probable, the jealouſies and fears of his people, of ſome force intended by evil councils near his majeſty, in oppoſition to the parliament.

" 6. It would bereave the parliament of that advantage, whereby they were induced to undertake that war, upon his majeſty's promiſe, that it ſhould be managed by their advice; which could not be done, if his majeſty, contrary to their counſels, ſhould undertake to order and govern it in his own perſon.

" Upon which reaſons both houſes declared, That they could not conſent to any levies of ſoldiers to be made by his majeſty for his intended expedition into Ireland, or to the payment of any army or ſoldiers there, but ſuch as ſhould be employed and governed according to their advice and direction: That if any ſuch levies ſhould be made by any commiſſion of his majeſty, (not agreed to by both houſes of parliament) they ſhould be forced to interpret the ſame to be raiſed to the terror of the people, and diſturbance of the public peace, and hold themſelves bound by the laws of the kingdom, to apply the authority of parliament to ſuppreſs the ſame. And they farther declared, That if his majeſty ſhould by ill counſel be perſuaded to go contrary to this advice of his parliament, they ſhould not in that caſe hold themſelves bound to ſubmit to any commiſſioners which his majeſty ſhould chuſe; but did reſolve to preſerve and govern the kingdom by the counſel and advice of parliament, for his majeſty and his poſterity, according to their allegiance and the laws of the land[o].

The king returned a long anſwer to this petition, and confuted all the parliament's reaſons, which indeed, conſidered in themſelves, were very weak. But if it is obſerved, that it was but ſix days ſince the king had reſolved to ſecure Hull, when the parliament preſented their petition to him, it will not be thought ſtrange that they rejected the king's offer. Wherefore they loſt no time in replying to the king, and the affair reſted there, without any farther mention of his majeſty's pretended expedition into Ireland. Only he made this advantage of it, that he could ſay he had offered to go in perſon and endeavour the reduction of Ireland, but that his offer was rejected.

[o] Mr. Whitelock obſerves, that this petition was looked upon by many as very ſtrange, and high, p. 57.

THE

HISTORY of ENGLAND.

BOOK XXI.

Containing the third and laſt Part of the Reign of CHARLES I. from the Year 1642 to 1648.

[1642] HITHERTO we have ſeen how the breach between the king and the parliament daily grew wider. The diſtruſt was ſo great on both ſides, that it was hardly poſſible they ſhould come to an agreement. The king could not doubt, there was a deſign to deprive him of great part of his authority; and the parliament perceiving the king was not ignorant of this deſign, could ſcarce queſtion, he would privately take all poſſible meaſures to prevent the execution thereof. But this was not all. The parliament had alſo reaſon to fear, the king would not confine himſelf to the defenſive, but under colour of ſtanding upon his guard, would put himſelf in a condition to attack. Before the accuſation of the members of parliament, whilſt the reſolution of depriving the king of his power was not abſolutely taken, and many members were yet wavering, it would not perhaps have been impoſſible to find expedients for a peace. But by this fatal accuſation, and his coming to the houſe of commons, the king gave ſuch an advantage to his enemies, who knew but too well how to improve it, that it was no longer practicable for him to recover the confidence of thoſe who till then had preſerved ſome good-will towards him. Before this, the deſign of diveſting the king of his authority was a ſecret among ſome of the leaders of the party, who were labouring to accompliſh it by degrees, without daring to be too open, ſo that it was not eaſy to know perfectly, they had really ſuch a deſign. But it was not ſo eaſy to deceive the king, who was chiefly concerned. He ſaw, that his authority was gradually undermining, and readily perceived, where this mine would end at laſt, if ſuffered to continue. In this perplexity, he found it incumbent on him to take precautions, in order to oppoſe his enemies: But on the other hand, he was ſenſible he ſhould make his cauſe bad, if he fell upon the parliament itſelf, which was ſeduced by theſe able leaders, and thereby ſet the whole nation againſt him. This conſideration, very likely, induced him to attack in particular the lord Kimbolton with five of the moſt powerful commoners, imagining they would be ſent to the Tower upon his accuſation, and then the parliament, as being no longer directed by theſe men, would be better inclined in his favour. He was not only deceived in his conjecture, but did himſelf alſo an irretrievable injury, in that the precaution he would have taken to ſecure himſelf from the ſecret practices of ſome private perſons, paſſed for a ſettled deſign upon the whole parliament. He thereby confirmed the ſuſpicions which were infuſing into the people, that he was ſeeking to render himſelf abſolute, as he had formerly been; and from thence it naturally followed, that therefore it was neceſſary to put it out of his power to execute that deſign.

Then it was that this reſolution, taken firſt by ſome few, was approved by the majority, and endeavoured to be effectually executed, by beginning with the important affair of the militia. For, depriving the king of the power to command the militia, and lodging this power in the hands of perſons devoted to the parliament, was properly diſarming him entirely. The king's condition growing much worſe, he eaſily perceived, that as his enemies managed, there was no medium for him, between being a ſlave or rendering himſelf maſter. He was unwilling to be a ſlave, and it was difficult to become maſter, in his circumſtances, and eſpecially, having to deal with very able and watchful enemies. Very probably, in the belief of the impoſſibility to free himſelf from his preſent danger but by a war, he reſolved to ſend the queen into Holland to buy arms and ammunition, to retire to York himſelf, and to try to ſecure Hull, though he coloured his deſigns with other pretences. He ſaw that the parliament reckoned among the pretended malignants, not only ſuch as openly appeared for the king, but alſo thoſe who were for preſerving any moderation, and that many ſuffered themſelves to be drawn into the ſame plot, out of fear, and becauſe they could not be ſecure of protection, in caſe they declared againſt the two houſes. He thought, therefore, he ſhould chiefly endeavour to render himſelf able to protect thoſe who dared to eſpouſe his cauſe openly. But morever, as the parliament never ceaſed to infuſe ſuſpicions into the people, it was abſolutely neceſſary for the king to try to efface theſe impreſſions, ſo prejudicial to him. Hence flowed, in all the papers publiſhed by him concerning the militia, thoſe ſo frequent expreſſions of his affection for his people, and his attachment to the laws. His aim was to ſhew the nation, that the parliament acted directly contrary to law, in uſurping an authority which belonged not to them. As it was by the very ſame thing that the king had given occaſion to the people to be prejudiced againſt him, he hoped, the uſurpations of the parliament would produce the ſame effect. But herein he was much

much miſtaken. The people were perſuaded, that the king, without any provocation, had invaded the privileges of the ſubject, during the firſt fifteen years of his reign, whereas if the parliament had in any thing incroached upon the rights of the king, it was in maintenance of the nation's liberties, and for the revival of the laws.

Though it was hard to prove by unqueſtionable evidence, that the king had formed the project of ſeizing, at once, the Tower of London, Portſmouth, and Hull, there were, however, ſo great ſigns of it, that it would have been very imprudent in the parliament, not to think of ſecuring thoſe places in the preſent ſituation of affairs. Sir John Byron lieutenant of the Tower was a man devouted to the king. The earl of Newcaſtle had been ſent to Hull, under a borrowed name, and information was given, that he would have perſuaded the mayor to deliver that place to him. As for Portſmouth, the journey the queen was to take thither on ſome pretence, and the meeting of the officers at Kingſton, were more than ſufficient to breed ſtrong ſuſpicions on that account. In ſhort, the lord Clarendon freely owns the king's deſigns upon Portſmouth and Hull, though he mentions not the Tower. Had theſe deſigns ſucceeded, the king would have been maſter of the three principal forts of the kingdom, with the magazines of the Tower and Hull, and thereby enabled to ſubdue the parliament. Theſe projects failing, as I have ſaid, the king endeavoured, as well as he could, to ſtifle them, and make them paſs for imaginary. But the two houſes judged otherwiſe of them. Accordingly, the commons never reſted till the lieutenancy of the Tower was given to one they could confide in, and Hotham ſent to Hull. As for Portſmouth, the parliament not miſtruſting Goring the governor, becauſe he was the perſon that diſcovered the plot to ſeduce the army, were contented with ſending him ſufficient orders, as they thought, for the preſervation of the place. From that time, there was no more mention of Portſmouth, for the king found means to gain colonel Goring, who promiſed to declare for him at a proper time, as he did accordingly.

Notwithſtanding the king's ill ſucceſs in his ſecret undertakings, he perſiſted in his deſign to free himſelf by force from the ſlavery to which it was intended to reduce him, perceiving it would be impoſſible for him to ſucceed any other way. To that end, doubtleſs, he ſent the queen to Holland, and having but little money to give her, put into her hands the crown-jewels, which were uſed in buying arms and ammunition. If the queen's voyage had been only to conduct the princeſs Mary to the prince her ſpouſe and to drink the waters of the Spa, there would have been no occaſion to give her wherewithal to buy arms and ammunition. Very probably therefore the king, from that time, thought of war, whether it were offenſive or defenſive only. But his attempt upon Hull, where was a magazine of arms for ſixteen thouſand men, is a ſtill clearer evidence. The king himſelf had cauſed theſe arms to be brought to Hull, when he had reſolved to make war upon Scotland.

When the parliament ſent ſir John Hotham down to Hull, the king complained not of it, whether he was apprehenſive of being reproached with attempting to ſecure that place, or to amuſe the parliament and hinder them from taking great precautions. Mean while, both houſes finding the king at a diſtance from London, and fearing for Hull on account of the magazine there, petitioned him, to order the magazine to be removed to the Tower of London. The king anſwered, "He rather expected, that both houſes would have given him an account, why a governor and garriſon had been placed in Hull without his knowledge, than to be moved to conſent for the removal to the Tower of a magazine (which were his own proper goods) upon ſuch general reaſons, as gave no ſatisfaction to his judgment: that in ſhort, he would not agree to the removal of theſe arms, till he knew for what ſervice they were intended: and if any attempt ſhould be made in this matter without his approbation, he ſhould eſteem it as the greateſt violation of his right." A little after, ſome gentlemen of the county of York petitioned the king, that the magazine might not be removed, by reaſon they conceived the kingdom, and particularly the north, to be in danger. This petition was probably begged, ſince affairs were not yet in ſuch a ſituation, that private perſons ſhould dare to preſent an addreſs to the king, directly contrary to that of the parliament, had they not been encouraged thereto. It is certain, the king intended to ſeize Hull with the magazine. He was deſirous to have a place, which would enable him to protect his adherents, and depended upon this magazine to arm them in due time. This was the cauſe of his refuſing to remove the arms to the Tower, though he alleged other reaſons. The parliament alſo, on their part, urged for the removal, reaſons that were not the true ones. At laſt, finding the king would not conſent to it, they ordered moſt of the magazine to be brought to the Tower, without aſking his approbation any more.

The king and the parliament uſed all poſſible endeavours to make the people believe, that in all their proceedings, they had no other motive than their good and the kingdom's advantage. From theſe proteſtations it is, that the hiſtorians take their ſtrongeſt arguments to demonſtrate the innocence and ſincerity of the party, whoſe cauſe they undertake to ſupport. But the impartial reader muſt peruſe the manifeſtoes, and all the papers of that kind with great caution for fear of being drawn into error. It is certain, the king intended to become maſter of Hull, that he might not be at the parliament's mercy: but it is not ſo certain, that herein his view was only to maintain the conſtitution of the government, that the laws might be punctually executed. On the other hand, the parliament had ſent Hotham to Hull, to hinder the king from ſeizing the town: but who can affirm, that their real aim was to prevent the malignant party from making uſe of it, to eſtabliſh an arbitrary power and inſlave the kingdom?

The king's deſign broke out the 23d of April, when the affair of the militia was agitated with great heat on both ſides. The day before, he had ſent to Hull the duke of York his ſecond ſon, with the young elector Palatine his nephew, under colour of ſeeing the place, and very likely theſe two princes had a pretty numerous retinue. Hotham and the mayor received them with all the reſpect due to their rank. The princes were entertained the firſt day by the mayor, and invited to dine with the governor on the morrow being St. George's-day. But the entertainment was diſturbed by an officer, ſir Lewis Dives, who came a little before dinner, and told the governor, that his majeſty intended to dine with him, being then within four miles of the town, with a train of above three hundred horſe[a]. Hotham, ſurpriſed at this meſſage, conſulted with ſome of his friends[b], and it was reſolved among them, that a meſſenger ſhould be diſpatched to the king, humbly to beſeech him to forbear to come, for as much as he could not, without betraying the truſt committed to him, ſet open the gates to ſo great a guard as he came attended with. The meſſenger returning with a doubtful anſwer, and certifying of the king's advance to the town, Hotham drew up the bridge, ſhut the gates, and commanded the ſoldiers to ſtand to their arms round the walls. The king being come to Beverley-gate, called for the governor, who appearing on the walls, he commanded him to open the gate. The governor anſwered, "He was intruſted by the parliament for the ſecuring of the town for his majeſty's honour, and the kingdom's uſe, which he intended by God's help to do; proffering, however, that if his majeſty would be pleaſed to come in with twelve more, he ſhould be welcome, otherwiſe he could not, without betraying his truſt to the ſtate, admit entrance to ſo great a guard[c]." But the king refuſing to enter on theſe terms, repeated ſeveral times his command to open the gate, and ſtill received the ſame anſwer. Preſently after, the duke of York, and the prince elector went out of the town[d] and came to the king, who was pleaſed to give the governor one hour more to conſider what he did. But Hotham perſiſting in his reſolution, the king offered at laſt to enter with thirty horſe only[e], which was refuſed. In ſhort, about five in the evening, the king returning to the gate, commanded Hotham once more to open it, and upon his refuſal, cauſed him to be proclaimed traitor by two heralds he had brought with him. This done, he retired to Beverley, where he paſſed the night. The next morning, he ſent a herald to Hotham, to ſummon him once more to open the gates of Hull, with promiſe of

[a] The lord Clarendon ſays, that the king came attended with two or three hundred of his ſervants, and gentlemen of the country, Tom. I. p. 397.

[b] Particularly with Mr. Pelham, member of parliament and alderman of Hull. Ruſhworth, tom. IV. p. 567.

[c] This is Ruſhworth's account: See tom. IV. p. 567, 573. But the lord Clarendon, and Whitelock ſay nothing of this offer of Hotham's; but only that he ſhould ſay, he would not admit him, though with twenty horſe only. Indeed it does not ſeem likely that the king would have ſtood upon eight horſe, ſince he offered to come in but with twenty. Clarendon, tom. I. p. 397. Whitelock, p. 57.

[d] But they were not ſuffered to go out, till after ſome conſultation. Ruſhworth, tom. IV. p. 568.

[e] Twenty, ſays Clarendon and Whitelock. Ibid.

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pardon for what was paſt, but could not prevail; ſo that he was forced to return to York.

When it is conſidered, the king had formed a deſign to ſecure Hull from the time he reſolved to retire from York, as the lord Clarendon expreſly owns, one would imagine, that at leaſt he had contrived proper means to accompliſh the undertaking, the ſucceſs whereof was ſo very important. But one knows not what to think, when this attempt is ſeen to be ſo ill-managed, that it was neither plauſible nor likely. The king was not ignorant, that Hotham was member of the houſe of commons, that the houſe had choſen him for the government of Hull, as a man they could confide in: that Hotham knew he was to keep the place againſt the king, however his commiſſion might be worded. And yet, he imagines, that this man will be awed by his preſence alone, and not dare to deny him entrance with three hundred horſe, beſides the train of the two princes already admitted: that he will ſuffer himſelf to be deprived of his government, upon the bare ſcruple of diſobeying the king, he who probably was choſen by the commons as one of the leaſt ſcrupulous. I own, I cannot conceive how the king could be adviſed to declare himſelf ſo openly in attempting to ſeize Hull, and indeed, from that time, all confidence intirely vaniſhed. It ſignified nothing to colour this proceeding, and to ſay, he had no other deſign than to viſit the place and examine the magazine, to know what might be taken for the ſervice of Ireland, and for arming the Scots, who were to ſerve in that country. This was not capable of deceiving the parliament, who ſaw but too plainly what was the king's deſign, and of what conſequence the execution would have been. There were no fewer papers, meſſages, anſwers, replies, about this affair, than about the militia.

The king was extremely troubled at this diſappointment, and ſeeing no other way to palliate his proceedings, he reſolved expreſly to deny, he had ever intended to become maſter of Hull. By this ſuppoſition, he meant to repreſent ſir John Hotham's actions as a manifeſt treaſon, and accordingly demanded an authentic reparation of the parliament. He cited the laws and ſtatutes which placed in the king the care of defending the realm, and the command of the forts and magazines. But he conſtantly ſuppoſed the kingdom to be in a ſtate of tranquility, as it was when theſe laws were made, which was by no means the caſe. He pretended, the forts and magazines were his own proper goods; and particularly that of Hull, being purchaſed with his own money, could not be with-held from him, without rendering his condition worſe than that of his meaneſt ſubject.

But the parliament did not grant theſe ſuppoſitions. They pretended, that the forts and magazines were committed to the king, as a truſt to be employed for the preſervation, and not for the deſtruction of the people, and that the king's claim to the property of the forts and magazines was groundleſs. It is no wonder that upon ſuch different principles, the papers ſhould abound on both ſides, without producing any great effects. The king however had this advantage, that the parliament could not evidently prove their aſſertions againſt him, and that the authority aſſumed by both houſes, was founded only on bare ſuſpicions of the king's ill deſigns, which would have rendered it plauſible, had they been averred. But they did not think proper to wait for demonſtrations, to be aſſured of the king's ſecret intentions. It was enough to have reaſons to ſuſpect him, which to them appeared ſufficiently ſtrong to oblige them to take precautions, which might come too late, in caſe more convincing proofs were expected.

This is the ſubſtance of all the papers publiſhed on both ſides, concerning Hull. As I have already inſerted a great many about the militia, I think it convenient to ſave the reader the pains of peruſing thoſe which were publiſhed on the preſent affair, and which run upon the ſame principles and ſuppoſitions ſo often mentioned.

The parliament openly ſupported ſir John Hotham; ſo that after many meſſages, declarations, anſwers, and replies, the king had no way left to become maſter of Hull, but by ſurpriſe or force. The laſt of theſe ways was not very practicable, becauſe he could depend but on a very ſmall number of troops, and had no artillery, arms, or ammunition. It is true, he expected ſome from Holland, but the time was very uncertain. And therefore he attempted to take Hull by correſpondence. In the execution of this deſign, he made uſe of Mr. Beckwith a gentleman of Beverley, who had a ſon-in-law, officer in Hull. But this officer diſcovered the plot to the governor, who was ſo civil as to ſend the king word he might ſave himſelf the trouble of carrying on the contrivance, and at the ſame time ſent an expreſs to the parliament. Beckwith retiring to the king at York, the parliament diſpatched a meſſenger to ſeize and bring him to London: but the meſſenger was not permitted to execute his orders.

From that time, the king and the parliament prepared for war, it being very eaſy to foreſee, they ſhould at laſt be forced to it. But as each ſtood in need of the people to bear the expence, ſo each uſed all poſſible endeavours to gain them, by demonſtrating the injuſtice of the contrary party, and by ſtriving to convince them, that their good was only intended. The parliament pretended, that the malignants, by whom the king ſuffered himſelf to be guided, had formed a deſign to inſlave the nation, wherein they could not ſucceed, but by inflaming the miſunderſtanding between the king and the parliament, in order to engage them in a civil war, which they hoped would prove ſucceſsful to the king. This was the parliament's ſuppoſition, from whence they inferred, that therefore it was neceſſary to prevent by good meaſures the execution of this deſign, and to put themſelves in a poſture of defence, in caſe the king continued to be directed by theſe malignants.

The king, on his ſide, pretended, that the parliament, in feigning to have only in view the good of the kingdom, really meant to alter the conſtitution of church and ſtate: that they deſigned to aboliſh the regal power, or render the king but a ſhadow, whilſt both houſes ſhould be poſſeſſed of the government. He inferred from this ſuppoſition, that he ought to expoſe himſelf to the greateſt hazards, rather than receive law from his ſubjects, his conſcience and the care of the realm, which God had entruſted him with, not permitting him to ſuffer the alterations deſigned to be made in church and ſtate. Whatever ſecret motives both might have, the reaſons they alleged were very plauſible, and thoſe who ſought only juſtice, were not a little embarraſſed which ſide to eſpouſe. But the parliament ſeemed to have a great advantage over the king, in that their party was much more numerous, and the forts and militia in their poſſeſſion, with plenty of arms and ammunition, whilſt the king was wholly unprovided. Nevertheleſs, the king was not without hopes. He had, as I have ſaid, privately gained colonel Goring governor of Portſmouth. The queen was now buſy in Holland in procuring artillery, arms, ammunition, and ſeveral officers of the Engliſh troops in the Dutch ſervice. Moſt of the Yorkſhire gentlemen, the largeſt county in England, were for him, and he did not queſtion, but by their means he ſhould engage the whole county to declare in his favour. With this aſſiſtance, he hoped to prevent the parliament, and raiſe a ſufficient number of forces to take Hull, before the parliament ſhould be able to oppoſe it. He expected alſo, that when he was maſter of Hull and Portſmouth, and had received arms from Holland, many, who were ſtill reſtrained by the fear of wanting protection, would openly take his part. Moreover, he gave private notice to all his friends, that it was time to repair to York, and ordered letters to be ſent in his name to ſuch members as adhered to him, to abſent themſelves from the parliament and retire to York, or to other places where they could be ſerviceable to him.

All theſe meaſures could not be taken ſo privately but the parliament had ſome information, and therefore the king endeavoured to give them ſome colour, to hinder his deſigns from being diſcovered. After his diſappointment at Hull, he ſummoned all the Yorkſhire tenants in chief, to appear at York the 12th of May.

Shortly after, both houſes ſent a committee to York[f], under pretence of bringing the king a meſſage about Hull and the militia, but, in reality, to be ſpies upon his actions. The meſſage was the more diſagreeable to him, as after having returned an anſwer and diſmiſſed the committee, they told him, they had orders to ſtay at York. Though it was eaſy for him to ſee with what view the parliament had ſent this committee, he thought not proper to uſe any violence to drive them from the city.

The 12th of May, the gentry of the county being come to York, his majeſty made a ſpeech to them, wherein he proteſted, "That the enjoying of quiet was the chief cauſe of his coming among them in the North, and not to make that part of the kingdom a ſeat of war, as malice would

[f] Ferdinando lord Fairfax, ſir Hugh Cholmley, ſir Philip Stapleton, and ſir Henry Cholmley. Ruſhworth, tom. IV. p. 615. To whom the lord Clarendon adds, the lord Howard of Eſerick, Tom. I. p. 403.

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make them believe." He added, "that both houſes of parliament did, by their meſſengers brave him even in York; and that, as his magazine of Hull was going, directly againſt his will, to be taken from him, and the militia to be put in execution againſt law and his conſent; and laſtly, as ſir John Hotham's treaſon was countenanced, none could blame him for apprehending danger. Therefore he was reſolved to have a guard, in which he deſired their concurrence and aſſiſtance."

The Yorkſhire gentry being variouſly diſpoſed, it was not poſſible for the hearers of the king's ſpeech to agree in the ſame anſwer. Nay, it is ſaid, ſome violence was uſed by the court, to exclude from the debate ſuch as were known to be oppoſite to the king, and that theſe were forced to aſſemble elſewhere. For this reaſon the king received four different anſwers to his propoſition, two whereof were favourable, and the other two beſought him to hearken to the advice of his parliament. The guard however was raiſed, and the command thereof given to the prince of Wales [g].

The king would have alſo removed the courts of juſtice from Weſtminſter to York, and even ſent a proclamation to the lord-keeper Littleton for that purpoſe, with orders to publiſh it. But the parliament having notice of it, forbad him to execute the orders.

Serjeant major-general Skippon being an excellent officer, and the king knowing the parliament deſigned to employ him, ſent for him to attend him at York. But the parliament gave him orders to the contrary, which Skippon obeyed. This doubtleſs was foreſeen by the king, but he was very glad to ſhew that the parliament deſired a war, ſince they ſo haughtily contradicted his orders.

As matters ſtood between the king and the parliament, a war ſeemed unavoidable, and probably it was determined on both ſides. The ſole concern was to amuſe the public with good or bad reaſons, and try to caſt the blame on the oppoſite party. Mean while the king's two anſwers of March the 9th and the 20th, not being replied to, the parliament was apprehenſive, their ſilence would produce an ill effect in the minds of the people. Wherefore they took occaſion, in anſwering theſe two meſſages, to publiſh a manifeſto, under the name of remonſtrance or declaration, the 19th of May. As this manifeſto, and the king's anſwer, are very proper to inform the reader of the reaſons of both parties, or at leaſt of thoſe they allege to ſupport their cauſe and vindicate their conduct, I think it neceſſary to inſert theſe two papers, for fear the abridging them may be an injury to either.

The declaration or remonſtance of the lords and commons in parliament aſſembled, May 19, 1642.

"THE infinite mercy and providence of the Almighty God hath been abundantly manifeſted ſince the beginning of this parliament, in great variety of protections and bleſſings, whereby he hath not only delivered us from many wicked plots and deſigns, which, if they had taken effect, would have brought ruin and deſtruction upon this kingdom; but out of thoſe attempts hath produced divers evident and remarkable advantages to the furtherance of thoſe ſervices, which we have been deſirous to perform to our ſovereign lord the king, and to this church and ſtate, in providing for the public peace and proſperity of his majeſty, and all his realms, which in the preſence of the ſame all-ſeeing Deity, we proteſt to have been, and ſtill to be, the only end of all our counſels and endeavours, wherein we have reſolved to continue freed and enlarged from all private aims, perſonal reſpects or paſſions whatſoever. (1.)

Remark (1. It may be preſumed, there were in both houſes, many members who acted with ſincerity, and believed, they really ſerved the public in whatever they did againſt the king. But it is hard to conceive, how both houſes, conſiſting of ſo many members, who were ignorant of one another's inward ſentiments, could call God to witneſs, that they acted only by juſt motives, free from paſſion and private views.

"In which reſolution we are nothing diſcouraged, although the heads of the malignant party, diſappointed of that prey, the religion and liberty of this kingdom, which they were ready to ſeize upon and devour before the beginning of this parliament, have ſtill perſiſted, by new practices, both of force and ſubtilty, to recover the ſame again; for which purpoſe they have made ſeveral attempts for the bringing up of the army; they afterwards projected the falſe accuſation of the lord Kimbolton and the five members of the houſe of commons, which being in itſelf of an odious nature, they yet ſo far prevailed with his majeſty, as to procure him to take it upon himſelf; but when the unchangeable duty and faithfulneſs of the parliament could not be wrought upon by ſuch a fact as that, to withdraw any part of their reverence and obedience from his majeſty, they have, with much art and induſtry, adviſed his majeſty, to ſuffer divers unjuſt ſcandals and imputations upon the parliament, to be publiſhed in his name, whereby they might make it odious to the people, and by their help to deſtroy that which hath hitherto been the only means of their own preſervation.

"For this purpoſe, they have drawn his majeſty into the northern parts, far from the parliament, that ſo falſe rumours might have time to get credit, and the juſt defences of the parliament find a more tedious, difficult, and diſadvantageous acceſs, after thoſe falſe imputations and ſlanders had been firſt rooted in the apprehenſion of his majeſty, and his ſubjects; which the more ſpeedily to effect, they have cauſed a preſs to be tranſported to York, from whence ſeveral papers and writings of that kind are conveyed to all parts of the kingdom, without the authority of the great ſeal, in an unuſual and illegal manner, and without the advice of his majeſty's privy-council; from the greater and better part whereof having withdrawn himſelf, as well from his great council of parliament, he is thereby expoſed to the wicked and unfaithful counſels of ſuch as have made the wiſdom and juſtice of the parliament dangerous to themſelves; and this danger they labour to prevent, by hiding their own guilt under the name and ſhadow of the king, infuſing into him their own fears, and as much as in them lies, aſperſing his royal perſon and honour with their own infamy, from both which it hath always been as much the care, as it is the duty, of the parliament, to preſerve his majeſty, and fix the guilt of all evil actions and counſels, upon thoſe who have been the authors of them.

"Amongſt divers writings of this kind, we the lords and commons in parliament, have taken into our conſideration two printed papers; the firſt containing a declaration, which they received from his majeſty, in anſwer to that which was preſented to his majeſty from both houſes of parliament at Newmarket, the 9th of March 1641. The other, his majeſty's anſwer to the petition of both houſes, preſented to his majeſty at York, the 26th of March 1642, both which are filled with harſh cenſures, and cauſeleſs charges upon the parliament; concerning which, we hold it neceſſary to give ſatisfaction to the kingdom, ſeeing we find it very difficult to ſatisfy his majeſty, whom, to our great grief, we have found to be ſo engaged to, and poſſeſſed by thoſe miſapprehenſions, which evil counſellors have wrought in him, that our moſt humble and faithful remonſtrances have rather irritated and imbittered, than any thing allayed or mitigated the ſharp expreſſions, which his majeſty hath been pleaſed to make in anſwer to them; for the manifeſtation whereof, and of our own innocency, we deſire that all his majeſty's loving ſubjects may take notice of theſe particulars.

"We know no occaſion given by us, which might move his majeſty to tell us, That in our declaration, preſented at Newmarket, there were ſome expreſſions different from the uſual language to princes.

"Neither did we tell his majeſty, either in words or in effect, That if he did not join with us in an act, which his majeſty conceived might prove prejudicial and dangerous to himſelf and the whole kingdom, we could make a law without him, and impoſe it upon the people. That which we deſired was, That in regard of the imminent danger of the kingdom, the militia, for the ſecurity of his majeſty and his people, might be put under the command of ſuch noble and faithful perſons, as they had all cauſe to confide in: and ſuch was the neceſſity of this preſervation, that we declare, That if his majeſty ſhould refuſe to join with us therein, the two houſes of parliament, being the ſupreme court, and higheſt council of the kingdom, were enabled, by their own authority, to provide for the repulſing of ſuch imminent and evident danger, not by any new law of their own making, as hath been untruly ſuggeſted to his majeſty, but by the moſt ancient law of this kingdom, even that which is fundamental and eſſential to the conſtitution and ſubſiſtence of it.

"Although we never deſired to encourage his majeſty to ſuch replies, as might produce any conteſtation betwixt him and his parliament, of which we never found better effect than loſs of time, and hindrance of the public affairs; yet we have been far from telling him, of how little value his words would be with us, much leſs when they are accom-

[g] This guard conſiſted of a troop of horſe, and of a regiment of foot of about ſix hundred men, taken from the militia. Clarendon, tom. I. p. 417.

panied

panied with actions of love and juſtice. His majeſty hath more reaſon to find fault with thoſe wicked counſellors, who have ſo often bereaved him of the honour, and his people of the fruit, of many gracious ſpeeches which he made to them, ſuch as thoſe in the end of the laſt parliament; 'That on the word of a king, and as he was a gentleman, he would redreſs the grievances of his people, as well out of parliament as in it.' Were the ſearching the ſtudies and chambers, yea, the pockets of ſome, both of the nobility and commons, the very next day; the commitment of Mr. Bellaſis, ſir John Hotham, and Mr. Crew; the continued oppreſſions by ſhip-money, coat and conduct-money; with the manifold impriſonments, and other vexations thereupon, and other enſuing violations of the laws and liberties of the kingdom, (all which were the effects of evil counſel, and abundantly declared our general remonſtrance of the ſtate of the kingdom) actions of love and juſtice, ſuitable to ſuch words as thoſe?

"As gracious was his majeſty's ſpeech in the beginning of this parliament: 'That he was reſolved to put himſelf freely and clearly upon the love and affection of his Engliſh ſubjects.' Whether his cauſeleſs complaints and jealouſy, the unjuſt imputations ſo often caſt upon his parliament, his denial of their neceſſary defence by the ordinance of the militia, his dangerous abſenting himſelf from his great council, like to produce ſuch a miſchievous diviſion in the kingdom, have not been more ſuitable to other mens evil counſels, than to his own words, will eaſily appear to any indifferent judgment.

"Neither have his latter ſpeeches been better uſed and preſerved by theſe evil and wicked counſellors. Could any words be fuller of love and juſtice, than thoſe in his anſwer to the meſſage ſent the houſe of commons, the 31ſt of December 1641? 'We do engage unto you ſolemnly, on the word of a king, that the ſecurity of all, and every one of you, from violence, is, and ever ſhall be as much our care, as the preſervation of us and our children.' And could any actions be fuller of injuſtice and violence than that of the attorney-general, in falſly accuſing the ſix members of parliament, and the other proceedings thereupon, within three or four days after that meſſage? For the full view whereof let the declaration made of thoſe proceedings be peruſed; and by thoſe inſtances (we could add many more) let all the world judge, who deſerves to be taxed with diſvaluing his majeſty's words, they, who have as much as in them lies ſtained and ſullied them with ſuch foul counſels; or the parliament, who have ever manifeſted, with joy and delight, their humble thankfulneſs for thoſe gracious words and actions of love and juſtice which have been conformable thereunto.

"The king is pleaſed to diſavow the having any ſuch evil council or counſellors, as are mentioned in our declaration, to his knowledge; and we hold it our duty, humbly to avow there are ſuch, or elſe we muſt ſay, that all the ill things done of late in his majeſty's name, have been done by himſelf, wherein we ſhould neither follow the direction of the law, nor the affection of our own hearts, which is, as much as may be, to clear his majeſty from all imputation of miſ-government, and to lay the fault upon his miniſters; the falſe accuſing of ſix members of parliament; the juſtifying of maſter attorney in that falſe accuſation; the violent coming to the houſe of commons; the denial of the militia; the ſharp meſſages to both houſes, contrary to the cuſtoms of former kings; the long and remote abſence of his majeſty from parliament; the heavy and wrongful taxes upon both houſes; the cheriſhing and countenancing a diſcontented party in the kingdom againſt them: theſe certainly are the fruits of very ill counſel, apt to put the kingdom into a combuſtion, to hinder the ſupplies of Ireland, and to countenance the proceedings and pretenſions of the rebels there; and the authors of thoſe evil counſels, we conceive, muſt needs be known to his majeſty. And we hope our labouring with his majeſty to have theſe diſcovered and brought to a juſt cenſure, will not ſo much wound his honour, in the opinion of his good ſubjects, as his labouring to preſerve and conceal them.

"And whereas his majeſty ſaith, he could wiſh that his own immediate actions, which he avows on his own honour, might not be ſo roughly cenſured under that common ſtile of evil counſellors: we could alſo heartily wiſh, that we had not cauſe to make that ſtile ſo common: but how often and undutiful ſoever theſe wicked counſellors fix their diſhonour upon the king, by making his majeſty the author of thoſe evil actions, which are the effects of their own evil counſels, we his majeſty's loyal and dutiful ſubjects can uſe no other ſtile, according to that maxim in the law, 'The king can do no wrong;' but if any ill be committed in matter of ſtate, the council; if in matter of juſtice, the judges muſt anſwer for it.

"We lay no charge upon his majeſty, which ſhould put him upon that apology, concerning his faithful and zealous affection of the proteſtant profeſſion: neither doth his majeſty endeavour to clear thoſe in greateſt authority about him, by whom (we ſay) that deſign hath been potently carried on for divers years; and we rather wiſh, that the mercies of heaven, than the judgments, may be manifeſted upon them; but that there hath been ſuch, there are ſo plentiful and frequent evidences, that we believe there is none, either proteſtant or papiſt, who hath had any reaſonable view of the paſſages of latter times, but either in fear or hope, did expect a ſudden iſſue of this deſign.

"We have no way tranſgreſſed againſt the act of oblivion, by remembering the intended war againſt Scotland, as a branch of that deſign to alter religion, by thoſe wicked counſels, from which God did then deliver us, which we ought never to forget.

"That the rebellion in Ireland was framed and cheriſhed by the popiſh and malignant party in England, is not only affirmed by the rebels, but may be cleared by many other proofs: the ſame rebellious principles of pretended religion, the ſame politic ends, are apparent in both, and their malicious deſigns and practices are maſked and diſguiſed with the ſame falſe colour, of their earneſt zeal to vindicate his majeſty's prerogative from the ſuppoſed oppreſſion of the parliament. How much theſe treacherous pretences have been countenanced by ſome evil counſel about his majeſty, may appear in this, That the proclamation whereby they were declared traitors, was ſo long with-held as to the 2d of January, though the rebellion broke forth in October before, and then no more but forty copies appointed to be printed, with a ſpecial command from his majeſty not to exceed that number; and that none of them ſhould be publiſhed, till his majeſty's pleaſure was further ſignified, as by the warrant appears, a true copy whereof is hereunto added, ſo that few only could take notice of it; which was made more obſervable, by the late contrary proceedings againſt the Scots, who were in a very quick and ſharp manner proclaimed; and thoſe proclamations forthwith diſperſed, with as much diligence as might be, through all the kingdom, or ordered to be read in all churches, accompanied with public prayers and execrations.

"Another evidence of favour and countenance to the rebels, in ſome of power about his majeſty, is this, That they have put forth in his name a cauſeleſs complaint againſt the parliament, which ſpeaketh the ſame language of the parliament which the rebels do, whereby to raiſe a belief in mens minds, that his majeſty's affections are alienated, as well as his perſon is removed from that great council; all which doth exceedingly retard the ſupplies of Ireland, and more advance the proceedings of the rebels, than any jealouſy or miſapprehenſion, begotten in his ſubjects, by the declaration of the rebels injunctions of Roſetti, or information of Triſtram Whitecomb; ſo that, conſidering the preſent ſtate and temper of both kingdoms, his royal preſence is far more neceſſary here than it can be in Ireland, for redemption or protection of his ſubjects there.

"And whether there be any cauſe of his majeſty's great indignation, for being reproached to have intended force or threatening to the parliament, we deſire them to conſider, who ſhall read our declaration, in which there is no word tending to any ſuch reproach; and certainly we have been more tender of his majeſty's honour in this point, than he, whoſoever he was, that did write this declaration, wherein his majeſty's name, he doth call God to witneſs, he never had any ſuch thought, or knew of any ſuch reſolution of bringing up the army; which truly will ſeem ſtrange to thoſe, who ſhall read the depoſition of Mr. Goring, the information of Mr. Percy, and divers other examinations of Mr. Wilmot, Mr. Pollard, and others; the other examinations of captain Legg, ſir Jacob Aſhley, ſir John Coniers; and conſider the condition and nature of the petition which was ſent unto ſir Jacob Aſhley, under the approbation C. R. which his majeſty doth now acknowledge to be his own hand; and being full of ſcandal to the parliament, might have proved dangerous to the whole kingdom, if the army ſhould have interpoſed betwixt the king and them, as was deſired.

"We do not affirm, that his majeſty's warrant was granted for the paſſage of Mr. Jermin, after the deſire of both houſes for reſtraint of his ſervants, but only that he did paſs over, after that reſtraint, by virtue of ſuch a

warrant. We know the warrant bears the date the day before our desire; yet it seems strange to those who knew how great respect and power Mr. Jermin had in court, that he should begin his journey in such haste, and in apparel so unfit for travel, as a black sattin suit, and white boots, if his going away were designed the day before.

"The accusation of the lord Kimbolton, and the five members of the house of commons, is called a breach of privilege; and truly so it was, and a very high one, far above any satisfaction that hath been yet given: how can it be said to be largely satisfied, so long as his majesty laboured to preserve master attorney from punishment, who was the visible actor in it; so long as his majesty hath not only justified him, but by his letters declared, that it was his duty to accuse them, and that he would have punished him, if he had not done it; so long as those members have not the means of clearing their innocency, and the authors of that malicious charge undiscovered, though both houses of parliament have several times petitioned his majesty to discover them, and that not only upon grounds of common justice, but by act of parliament, his majesty is bound to do it; so long as the king refuses to pass a bill for their discharge, alleging, That the narrative in that bill is against his honour, whereby he seems still to avow the matter of that false and scandalous accusation, though he deserts the prosecution, offering to pass a bill for their acquittal; yet with intimation, that they must desert the avowing their own innocency, which would more wound them in honour, than secure them in law.

"And in vindication of this great privilege of parliament, we do not know that we have invaded any privilege belonging to his majesty, as is alleged in this declaration.

"But we look not upon this only in the notion of a breach of privilege, which might be, though the accusation were true or false, but under the notion of a heinous crime in the attorney, and all other subjects who had a hand in it: a crime against the law of nature, against the rules of justice, that innocent men should be charged with so great an offence as treason, in the face of the highest judicatory of the kingdom, whereby their lives and estates, their blood and honour, are endangered, without witness, without evidence, without all possibility of reparation in a legal course, yet a crime of such a nature, that his majesty's command can no more warrant, than it can any other acts of injustice. It is true, that those things which are evil in their own nature, such as false testimony, or false accusation, cannot be the subject of any command, or induce any obligation of obedience upon any man, by any authority whatsoever; therefore the attorney in this case was bound to refuse to execute such a command, unless he had some such evidence or testimony, as might have warranted him against the parties, and be liable to make satisfaction if it should prove false; and it is sufficiently known to every man, and adjudged in parliament, That the king can be neither the relator, informer, or witness. If it rest as it is without further satisfaction, no future parliament can be safe, but that the members may be taken and destroyed at pleasure; yea, the very principles of government and justice will be in danger to be dissolved.

"We do not conceive, that numbers do make an assembly unlawful, but when either the end or manner of their carriage shall be unlawful. Divers just occasions might draw the citizens to Westminster, where many public and private petitions, and other causes, were depending in parliament; and why that should be found more faulty in the citizens, than the resort of great numbers every day in the term to the ordinary courts of justice, we know not. That those citizens were notoriously provoked and assaulted at Westminster, by colonel Lunsford, captain Hide, with divers others, and by some of the servants of the archbishop of York, is sufficiently proved: and that afterward they were more violently wounded, and most barbarously mangled with swords, by the officers and soldiers near Whitehall, many of them being without weapons, and giving no cause of distaste, as is likewise proved by several testimonies; but of any scandalous or seditious misdemeanours of theirs, that might give his majesty good cause to suppose his own person, or those of his royal consort, or children, to be in apparent danger, we have had no proof ever offered to either house; and if there had been any complaint of that kind, it is no doubt the houses would have been as forward to join in an order for the suppressing such tumults, as they were not long before upon another occasion, when they made an order to that purpose. Whereas those officers and soldiers, which committed that violence upon so many of the citizens at Whitehall, were cherished and fostered in his majesty's house: and when, not long after, the common-council of London presented a petition to his majesty, for reparation of those injuries; his majesty's answer was, (without hearing the proof of the complaints) that if any citizen was wounded or ill-treated, his majesty was confidently assured, that it happened by their own evil and corrupt demeanours.

"We hope it cannot be thought contrary to the duty and wisdom of a parliament, if many concurring, and frequently reiterated and renewed advertisements from Rome, Venice, Paris, and other parts; if the solicitations of the pope's nuncio, and our own discontented fugitives, do make us jealous and watchful for the safety of the state. And we have been very careful to make our expressions thereof so easy and so plain to the capacity and understanding of the people, that nothing might justly stick with them, with reflection upon the person of his majesty. Wherein we appeal to the judgment of any indifferent person, who shall read and peruse our own words. We must maintain the ground of our fears to be of that moment, that we cannot discharge the trust and duty which lies upon us, unless we do apply ourselves to the use of those means which the law hath enabled us in cases of this nature, for the necessary defence of the kingdom; and as his majesty doth graciously declare, the law shall be the measure of his power; so do we most heartily profess, that we shall always make it the rule of our obedience.

Prudent omissions in the king's answer.

"The next point of our declaration was with much caution artificially passed over by him who drew his majesty's answer, it being indeed the foundation of all our misery, and his majesty's trouble, that he is pleased to hear general taxes upon his parliament, without any particular charge to which they may give satisfaction, and that he hath often conceived displeasure against particular persons upon misinformation; and although those informations have been clearly proved to be false, yet he would never bring the accusers to question, which layeth an impossibility upon honest men of clearing themselves, and gives encouragement unto false and unworthy persons to trouble untrue and groundless informations; three particulars we mentioned in our declaration, which the penner of that answer had good cause to omit; the words supposed to be spoken at Kensington; the pretended articles against the queen; and the groundless accusation of the six members of parliament, there being nothing to be said in defence or denial of any of them.

"Concerning his majesty's desire to join with his parliament, and with his faithful subjects, in defence of religion, and public good of the kingdom; we doubt not but he will do it fully, when evil counsellors shall be removed from about him; and until that be, as we have shewed before of words, so must we also say of laws, that they cannot secure us; witness the petition of right, which was followed with such an inundation of illegal taxes, that we had just cause to think, that the payment of eight hundred and twenty thousand pounds was an easy burthen to the common-wealth, in exchange for them; and we cannot but justly think, that if there be a continuance of such ill counsellors, and favour to them, they will by some wicked device or other, make the bill for the triennial parliament, and those other excellent laws mentioned in his majesty's declaration, of less value than words.

"That excellent bill for the continuance of this parliament was so necessary, that without it, we could not have raised so great sums of money for the service of his majesty and the common-wealth as we have done, and without which the ruin and destruction of the kingdom must needs have followed. And we are resolved, the gracious favour of his majesty expressed in that bill, and the advantage and security which thereby we have from being dissolved, shall not encourage us to do any thing, which otherwise had not been fit to have been done. And we are ready to make it good before all the world, that although his majesty hath passed many bills very advantageous for the subject, yet in none of them have we bereaved his majesty of any just, necessary, or profitable prerogative of the crown. We so earnestly desire his majesty's return to London, for that upon it, we conceive, depends the very safety and being of both his kingdoms: and therefore we must protest, that as for the time past, neither the goverment of London, nor any laws of the land, have lost their life and force for his security; so for the future, we shall be ready to do or say, any thing that may stand with the duty or honour of a parliament, which may raise a mutual confidence betwixt his majesty and us, as we do wish, and as the affairs of the kingdom do require.

"Thus

" Thus far the anſwer to that which is called his majeſty's declaration, hath led us. Now we come to that which is intitled, 'His Majeſty's Anſwer to the Petition of both Houſes, preſented to him at York, the 26th of March 1642.' In the beginning whereof his majeſty wiſheth, that our privileges on all parts were ſo ſtated, that this way of correſpondency might be preſerved with that freedom which hath been uſed of old. We know nothing introduced by us that gives any impediment hereunto; neither have we affirmed our privileges to be broken, when his majeſty denies us any thing, or gives us a reaſon why he cannot grant it, or that thoſe who adviſed ſuch denial, were enemies to the peace of the kingdom, and favourers of the Iriſh rebellion, in which aſperſion, that is turned into a general aſſertion, which in our votes is applied to a particular caſe; wherefore we muſt maintain our votes, that thoſe who adviſe his majeſty to contradict that which both houſes, in the queſtion concerning the militia, had declared to be law and command, it ſhould not be obeyed, is a high breach of privilege; and that thoſe who adviſed his majeſty to abſent himſelf from his parliament, are enemies to the peace of the kingdom, and juſtly to be ſuſpected to be favourers of the rebellion in Ireland. The reaſons of both are evident, becauſe in the firſt there is as great a derogation from the truſt and authority of parliament; and in the ſecond, as much advantage to the proceedings and hopes of the rebels as may be: and we hold it a very cauſeleſs imputation upon the parliament, that we have herein any way impeached, much leſs taken away, the freedom of his majeſty's vote, which doth not import a liberty for his majeſty to deny any thing, how neceſſary ſoever, for the preſervation of the kingdom, much leſs a licence to evil counſellors, to adviſe any thing, though never ſo deſtructive to his majeſty and his people. (2.)

Rem. (2.) I do not think it was ever decided to what acts the king may, or may not, deny his aſſent. So there ariſes an inexhauſtible fountain of diſputes, when the king and parliament do not agree.

" By the meſſage of the 20th of January, his majeſty did propound to both houſes of parliament, that they would with all ſpeed fall into a ſerious conſideration all thoſe particulars, which they thought neceſſary, as well for the upholding and maintaining his majeſty's juſt and regal authority, and for the ſettling his revenue, as for the preſent and future eſtabliſhing our privileges, the free and quiet enjoying our eſtates, the liberties of our perſons, the ſecurity of the true religion profeſſed in the church of England, and the ſettling of ceremonies in ſuch a manner as may take away all juſt offence, and digeſt it into one entire body.

" To that point of upholding and maintaining his royal authority, we ſay, nothing has been done to the prejudice of it, that ſhould require any new proviſion: to the other of ſettling the revenue, the parliament hath no way abridged or diſordered his juſt revenues; but it is true that much waſte and confuſion of his majeſty's eſtate hath been made by thoſe evil and unfaithful miniſters, whom he hath employed in the managing of it, whereby his own ordinary expences would have been diſappointed, and the ſafety of the kingdom more endangered, if the parliament had not in ſome meaſure provided for his houſhold, and for ſome of the forts, more than they were bound to do; and they are ſtill willing to ſettle ſuch a revenue upon his majeſty, as may make him live royally, plentifully, and ſafely; but they cannot in wiſdom and fidelity to the common-wealth do this, till he ſhall chuſe ſuch counſellors and officers as may order and diſpoſe it to the public good, and not apply it to the ruin and deſtruction of his people, as heretofore it hath been. But this and the other matters concerning ourſelves, being works of great importance, and full of intricacy, will require ſo long a time of deliberation, that the kingdom might be ruined before we ſhould effect them. Wherefore we thought it neceſſary, firſt to be ſuiters to his majeſty, ſo to order the militia, that the kingdom being ſecured, we might with more eaſe and ſafety apply ourſelves to debate of that meſſage wherein we have been interrupted by his majeſty's denial of the ordinance concerning the ſame, becauſe it would have been in vain for us to labour in other things, and in the mean time to leave ourſelves naked to the malice of ſo many enemies both at home and abroad; yet we have not been altogether negligent of thoſe things which his majeſty is pleaſed to propound in that meſſage: we have agreed upon a book of rates in a larger proportion than hath been granted to any of his majeſty's predeceſſors, which is a conſiderable ſupport of his majeſty's public charge; and have likewiſe prepared divers propoſitions and bills for preſervation of our religion and liberties, which we intend ſhortly to preſent to his majeſty, and to do whatſoever is fit for us to make up this unpleaſant breach betwixt his majeſty and his parliament.

" Whereas divers exceptions are here taken concerning the militia; firſt, that his majeſty never denied the thing, but accepted the perſons (except for corporations) only that he denied the way. To which we anſwer, that that exception takes off London, and all other great towns and cities, which makes a great part of the kingdom; and for the way of ordinance it is ancient, more ſpeedy, more eaſily alterable, and in all theſe and other reſpects, more proper and more applicable to the preſent occaſion, than a bill which his majeſty calls the only good old way of impoſing upon the ſubjects. It ſhall ſeem that neither his majeſty's royal predeceſſors, nor our anceſtors have heretofore been of that opinion; 37 Ed. 3. we find this record, 'The chancellor made declaration of the challenge of the parliament; the king deſires to know the griefs of his ſubjects, and to redreſs enormities. The laſt day of the parliament, the king demanded of the whole eſtates, whether they would have ſuch things as they agreed on, by way of ordinance or ſtatute? who anſwered, by way of ordinance; for that they might amend the ſame at their pleaſure, and ſo it was.'

" But his majeſty objects further, that there is ſomewhat in the preface, to which he could not conſent with juſtice to his honour and innocence, and that thereby he is excluded from any power in the diſpoſing of it. Theſe objections may ſeem ſomewhat, but indeed will appear nothing, when it ſhall be conſidered, that nothing in the preamble lays any charge upon his majeſty, or in the body of the ordinance, that excludes his royal authority in the diſpoſing or execution of it: but only it is provided, that it ſhould be ſignified by both houſes of parliament, as that channel through which it will be beſt derived, and moſt certainly to thoſe ends for which it is intended, and let all the world judge, whether we have not reaſon to inſiſt upon it, that the ſtrength of the kingdom ſhould rather be ordered according to the direction or advice of the great council of the land, equally intruſted by the king, and by the kingdom, than that the ſafety of the king, parliament, and kingdom, ſhould be left at the devotion of a few unknown councellors, many of them not intruſted at all by the king in any public way, and not at all confided in by the kingdom.

" We wiſh the danger were not imminent, or not ſtill continuing, but cannot conceive, that the long time ſpent in this debate is evidence ſufficient that there was no ſuch neceſſity or danger, but a bill might eaſily have been prepared; for when many cauſes do concur to the danger of a ſtate, the interruption of any one may hinder the execution of the reſt, and yet the deſign be ſtill kept on foot for better opportunities. Who knows whether the ill ſucceſs of the rebels in Ireland had not hindered the inſurrection of the papiſts here? whether the preſervation of the ſix members of the parliament falſely accuſed, hath not prevented that plot of the breaking the neck of the parliament, of which we were informed from France, not long before they were accuſed? yet ſince his majeſty hath been pleaſed to expreſs his pleaſure rather for a bill than an ordinance, and that he ſent in one for that purpoſe, we readily entertained it, and with ſome ſmall and neceſſary alterations, ſpeedily paſſed the ſame: but, contrary to the cuſtom of parliament, and our expectations grounded upon his majeſty's own invitation of us to that way, and the other reaſons manifeſted in our declaration concerning the militia of the 5th of May, inſtead of his royal aſſent, we met with an abſolute refuſal.

" If the matter of theſe our votes of the 15th and 16th of March, be according to the law, we hope his majeſty will allow the ſubjects to be bound by them, becauſe he hath ſaid, he will make the law the rule of his power; and if the queſtion be, whether that be law which the lords and commons have once declared to be ſo, who ſhall be the judge? not his majeſty; for the king judgeth not of matters of law, but by his courts; and his courts, though ſitting by his authority, expect not his aſſent in matters of law: nor any other courts, for they cannot judge in that caſe, becauſe they are inferior; no appeal lying to them for parliament, the judgment whereof is, in the eye of the law, the king's judgment in his higheſt court; though the king in his perſon be neither preſent nor aſſenting thereunto. (3.)

Rem. (3.) I obſerved elſewhere, the defect of this reaſoning, which is a mere fallacy, grounded upon the equivocal word parliament. For under colour, that is a certain ſenſe, the two houſes alone are called the parliament, they aſſume here to themſelves the rights belonging ſolely to the parliament compoſed of king, lords, and commons.

The

"The votes at which his majesty takes exceptions, are these:

"That the king's absence so far remote from the parliament, is not only an obstruction, but may be a destruction to the affairs of Ireland.

"That when the lords and commons shall declare what the law of the land is, to have this not only questioned and controverted, but contradicted, and a command that it should not be obeyed, is a high breach of the privilege of parliament.

"That those persons that advised his majesty to absent himself from the parliament, are enemies to the peace of the kingdom, and justly may be suspected to be favourers of the rebellion in Ireland.

"That the kingdom hath been of late, and still is, in so imminent danger, both from enemies abroad, and a popish and discontented party at home, that there is an urgent and inevitable necessity of putting his majesty's subjects into a posture of defence, for the safeguard both of his majesty and his people.

"That the lords and commons fully apprehending this danger, and being sensible of their own duty, to provide a suitable prevention, have in several petitions addressed themselves to his majesty, for the ordering and disposing of the militia of the kingdom, in such a way as was agreed upon by the wisdom of both houses, to be most effectual and proper for the present exigents of the kingdom, yet could not obtain it; but his majesty did several times refuse to give his royal assent thereunto.

"That in this case of extreme danger, and his majesty's refusal, the ordinance of parliament agreed upon by both houses for the militia, doth oblige the people, and ought to be obeyed by the fundamental laws of this kingdom.

"By all which it doth appear, that there is no colour that by this tax we go about to introduce a new law, much less to exercise an arbitrary power, but indeed to prevent it; for this law is as old as the kingdom, that the kingdom must not be without a means to preserve itself; which that it may be done without confusion, this nation hath intrusted certain hands with a power to provide, in an orderly and regular way, for the good and safety of the whole; which power, by the constitution of this kingdom, is in his majesty and in his parliament together. Yet since the prince, being but one person, is more subject to accidents of nature and chance, whereby the common-wealth may be deprived of the fruit of that trust which was in part reposed in him; in cases of such necessity, that the kingdom may not be inforced presently to return to its first principles, and every man left to do what is right in his own eyes, without either guide or rule, the wisdom of this state hath intrusted the houses of parliament with a power to supply what shall be wanting on the part of the prince; as is evident by the constant custom and practice thereof in cases of nonage, natural disability, and captivity; and the like reason doth and must hold for the exercise of the same power in such cases, where the royal trust cannot be, or is not discharged, and that the kingdom runs an evident or imminent danger thereby; which danger having been declared by the lords and commons in parliament, there needs not the authority of any person or court to affirm; nor is it in the power of any person or court to revoke that judgment. (4.)

Rem. (4.) All these reasonings of both houses are founded upon the supposition of an imminent danger. When they come to give proofs of the reality of this danger, they allege only suspicions, whereof they explain the causes. After which they affirm the danger to be real, because they have declared it so, and because there is no superior authority to contradict their judgment. But this declaration does not make the danger real, if it be not so indeed. It is easy therefore to perceive, by their way of proceeding, that they are embarrassed by this article.

"We know the king hath ways enough in his ordinary courts of justice to punish such seditious pamphlets and sermons, as are any ways prejudicial to his rights, honour and authority; and if any of them have been so insolently violated and vilified, his majesty's own council and officers, have been to blame, and not the parliament. We never did restrain any proceedings of this kind in other courts, nor refuse any fit complaint to us. The 'Protestation protested' was referred by the commons house to a committee, and the author being not produced, the printer was committed to prison, and the book voted by that committee to be burnt; but sir Edward Deering, who was to make that report of the votes of that committee, neglected to make it. The 'Apprentices Protestation' was never complained of; but the other seditious pamphlet (To your tents, O Israel) was once questioned, and the full prosecution of it was not interrupted by any fault of either house, whose forwardness to do his majesty all right therein, may plainly appear, that in a committee of lords and commons were purposely appointed to take such informations as the king's council should present, concerning seditious words, practices, or tumults, pamphlets or sermons, tending to the derogation, of his majesty's rights or prerogative; and his council were enjoined by that committee to enquire and present them; who several times met thereupon, and received this answer and declaration from the king's council, 'That they knew of no such thing as yet.'

"If his majesty had used the service of such a one in penning this answer, who understood the laws and government of this kingdom, he would not have thought it legally in his power to deny his parliament a guard, when they stood in need of it, since every ordinary court hath it; neither would his majesty, if he had been well informed of the laws, have refused such a guard as they desired, it being in the power of inferior courts to command their own guard; neither would he have imposed upon them such a guard, under a command which they could not confide in; which is clearly against the privileges of parliament, and of which they found very dangerous effects, and therefore desired to have it discharged. But such a guard, and so commanded, as the houses of parliament desired, they could never obtain of his majesty; and the placing of a guard about them, contrary to their desire, was not to grant a guard to them, but in effect, to set one upon them. All which considered; we believe in the judgments of any indifferent persons, it will not be thought strange, if they were a more than ordinary resort of people at Westminster, of such as came willingly of their own accord to be witnesses and helpers of the safety of them, whom all his majesty's good subjects are bound to defend from violence and danger; or that such a concourse as this, they carrying themselves quietly and peaceably (as they did) ought, in his majesty's apprehension, or can, in the interpretation of the law, be held tumultuary and seditious.

"When his majesty, in that question of violation of the laws, had expressed the observation of them indefinitely, without any limitation of time, although we never said or thought any thing that might look like a reproach to his majesty, yet we had reason to remember that it had been otherwise, lest we should seem to desert our former complaints and proceedings thereupon, as his majesty doth seem but little to like or approve of them; for although he doth acknowledge here, that great mischief that grew by that arbitrary power then complained of, yet such are continually preferred and countenanced as were friends or favourers, or related unto the chief authors and actors of that arbitrary power, and of those false colours, suggestions of imminent danger and necessity, whereby they did make it plausible unto his majesty. And on the other side, such as did appear against them, are daily discountenanced and disgraced; which, whilst it shall be so, we have no reason to judge the disease to be yet killed and dead at root, and therefore no reason to bury it in oblivion. And whilst we behold the spawns of those mischievous principles cherished and fostered in that new generation of counsellors, friends and abetters of the former, or at least, concurring with them in their malignancy against the proceedings of the parliament, we cannot think ourselves secure from the like or a worse danger.

"And here the penner of this answer bestows an admonition upon the parliament, bidding us take heed we fall not upon the same error, upon the same suggestions. But might have well spared this, till he could have shewed wherein we had exercised any power, otherwise than by the rule of the law, or could have found a more authentic or higher judge in matters of law, than the high court of parliament.

"It is declared in his majesty's name, that he is resolved to keep the rule himself, and to his power to require the same of all others. We must needs acknowledge, that such a resolution is like to bring much happiness and blessing to his majesty, and all his kingdom; yet with humility we must confess, we have not the fruit of it, in that case of my lord Kimbolton, and the other five members, accused contrary to law, both common law and the statute law, and yet remain unsatisfied; which case was remembered in our declaration, as a strange and unheard of violation of our laws. But the penner of this answer thought fit to pass it over, hoping that many would read his majesty's answer, (which hath been so carefully dispersed) which would not read our declaration.

Whereas

"Whereas after our ample thanks and acknowledgement of his majesty's favour in passing many good bills, we said that truth and necessity inforced us to add this, that in or about the time of passing those bills, some design or other hath been on foot, which, if it had taken effect, would not only have deprived us of the fruit of those bills, but would have reduced us to a worse condition of confusion, than that wherein the parliament found us. It is now told us, that the king must be most sensible of what we cast upon him, for requital of those good bills; whereas, out of their usual tenderness of his majesty's honour, we did not mention him at all: but so injurious are those wicked counsellors to the name and honour of their master and sovereign, that, as much as they can, they lay their own infamy and guilt upon his shoulders.

"Here God is also called to witness his majesty's upright intentions at the passing of those laws; this we will not question, neither did we give any occasion for such a solemn asseveration as this is. The devil is likewise defied to prove, there was any design with his majesty's knowledge or privity. This might well have been spared, for we spoke nothing of his majesty: but since we are so far taxed, as to have it affirmed, that we laid a notorious and false imputation upon his majesty, we have thought it necessary, for the just defence of our own innocency, to cause the oaths and examinations which had been taken concerning the design, to be published in a full narration, for satisfaction of all his majesty's subjects; out of which we shall now offer some few particulars, whereby the world may judge, whether we could have proceeded with more tenderness towards his majesty than we have done. Mr. Goring confesseth, that the king first asked him, whether he was engaged in any cabal concerning the army? and commanded him to join with Mr. Percy and Mr. Jermin, and some others, whom they should find within at Mr. Percy's chamber; where they took the oath of secrecy and then debated of a design propounded by Mr. Jermin, to secure the Tower, and to consider of bringing up the army to London, and captain Legg confessed, he had received the draught of a petition in the king's presence: and his majesty acknowledged it was from his own hand: and whosoever reads the sum of that petition, as it was proved by the testimony of sir Jacob Astley, sir John Coniers, and captain Legg, will easily perceive some points in it, apt to beget in them some discontent against the parliament. And can any man believe there was no design in the accusation of the lord Kimbolton, and the rest, in which his majesty doth avow himself to be both a commander and an actor? these things being so, it will easily appear to be as much against the rule of prudence, that the penner of this answer should entangle his majesty in this unnecessary apology; as it is against the rules of justice, that any reparation from us should be either yielded or demanded.

"It is professed in his majesty's name, that he is truly sensible of the burdens of his people, which makes us hope, that he will take that course which will be most effectual to ease them of these burdens; that is, to join with his parliament in preserving the peace of the kingdom; which by his absence from them hath been much endangered, and which, by hindering the voluntary adventurers for the recovery of Ireland, and disabling the subjects to discharge the great tax laid upon them, is like to make the war much more heavy to the kingdom. And for his majesty's wants, the parliament hath been no cause of them; we have not diminished his just revenue, but have much eased his public charge, and somewhat his private. And we shall be ready, in a parliamentary way, to settle his revenue, in such an honourable proportion, as may be answerable to both, when he shall put himself into such a posture of government, that his subjects may be sure to enjoy his just protection for their religion, laws, and liberties.

"We never refused his majesty's gracious offer of a free and general pardon, only we said it could be no security to our present fears and jealousies: and we gave a reason for it, that those fears did not arise out of any guilt of our own actions, but out of the evil designs and attempts of others; and we leave it to the world to judge, whether we herein have deserved so heavy a tax and exclamation, ('That it was a strange world, when princes proffered favours are counted reproaches;' such are the words of his majesty's answer) who do esteem that offer as an act of princely grace and bounty, which, since this parliament began, we have humbly desired we might obtain, and do still hold it necessary and advantageous for the generality of the subjects, upon whom these taxes and subsidies lie heaviest; but we see, upon every occasion, how unhappy we are in his majesty's misapprehensions of our words and actions.

"We are fully of the king's mind, as it is here declared, that he may rest so secure of the affections of his subjects that he should not stand in need of foreign force to preserve him from oppression, and are confident, that he shall never want an abundant evidence of the good wishes and assistance of his whole kingdom, especially if he shall be pleased to hold to that gracious resolution, of building upon that sure foundation, the law of the land: but why his majesty should take it ill, that we having received information so deeply concerning the safety of the kingdom, should think them fit to be considered of, we cannot conceive; for although the name of the person was unknown, yet that which was more substantial to the probability of the report was known (that is) that he was servant to the lord Digby, who in his presumptious letters to the queen's majesty, and other letters to sir Lewis Dives, had intimated some wicked proposition, suitable to that information; but that this should require reparation, we hold it as far from justice as it is from truth, that we have mixed any malice with these rumours, thereby to feed the fears and jealousies of the people.

"It is affirmed, his majesty is driven (but not by us yet) from us; perchance hereafter, if there be opportunity of gaining more credit, there will not be wanting who will suggest unto his majesty, that it is done by us. And if his majesty were driven from us, we hope it was not by his own fears, but by the fears of the lord Digby, and his retinue of cavaliers; (5.) and that no fears of any tumultuary violence but of their just punishment for their manifold insolence, and intended violence against the parliament.

Rem. (5.) By the lord Digby's cavaliers were meant the officers and gentlemen who assembled at Whitehall, to guard the king, in the head of whom was the lord Digby. I do not believe, that when this declaration was published, the term cavaliers was commonly used to denote the royal party. Perhaps this word, used here by the parliament, was the occasion of calling the king's party cavaliers, as the parliament's adherents were named round-heads. These two names were afterwards changed into Tories and Whigs.

"And this is expressed by the lord Digby himself, when he told those cavaliers, that the principal cause of his majesty's going out of town, was to save them from being trampled in the dirt; but of his majesty's person there was no cause of fear in the greatest heat of his people's indignation, after the accusation, and his majesty's violent coming to the house; there was no shew of any evil intention against his regal person, of which there can be no better evidence than this, that he came the next day without a guard into the city, where he heard nothing but prayers and petitions, no threatenings nor irreverent speeches, that might give him any just occasion of fear, that we have heard of, or that his majesty expresst: for he staid near a week after at Whitehall, in a secure and peaceable condition, whereby we are induced to believe, that there is no difficulty or doubt at all, but his majesty's residence near London, may be as safe as in any part of the kingdom. We are most assured of the faithfulness of the city and suburbs; and for ourselves, we shall quicken the vigour of the laws, the industry of the magistrates, the authority of the parliament, for the suppressing of all tumultuary insolence whatsoever, and for the vindicating of his honour from all insupportable and insolent scandals, if any such shall be found to be raised upon him, as are mentioned in this answer; and therefore we think it altogether unnecessary, and exceeding inconvenient, to adjourn the parliament to any other place.

"Where the desire of a good understanding betwixt the king and the parliament, is on both parts so earnest as is here professed by his majesty, to be in him, and we have sufficiently testified to be in ourselves, it seems strange we should be so long asunder, it can be nothing else but evil and malicious counsel, misrepresenting our carriage to him, and indisposing his favour to us: and as it shall be far from us, to take any advantage of his majesty's supposed straits, as to desire, much less to compel him to that which his honour or interest may render unpleasant and grievous to him; so we hope, that his majesty will not make his own understanding or reason the rule of his government, but will suffer himself to be assisted with a wise and prudent council, that may deal faithfully betwixt him and his people; and that he will remember, that his resolutions do concern kingdoms, and therefore ought not to be moulded by his own, much less by any other private person, which is not alike proportionable

to ſo great a truſt. And therefore we ſtill deſire and hope, that his majeſty will not be guided by his own underſtanding, or think thoſe courſes, ſtraits and neceſſities, to which he ſhall be adviſed by the wiſdom of both houſes of parliament, which are the eyes in this politic body, whereby his majeſty is, by the conſtitution of this kingdom, to diſcern the differences of thoſe things which concern the public peace and ſafety thereof.

"We have given his majeſty no cauſe to ſay, that we do meanly value the diſcharge of his public duty. Whatſoever acts of grace or juſtice have been done, they proceed from his majeſty by the advice and counſel of his parliament; yet we have, and ſhall always anſwer them with conſtant gratitude, obedience, and affection: And although many things have been done ſince this parliament, of another nature, yet we ſhall not ceaſe to deſire the continued protection of Almighty God upon his majeſty; and moſt humbly petition him, to caſt from him all thoſe evil and contrary counſels, which have, in many particulars formerly mentioned, much detracted from the honour of his government, the happineſs of his own eſtate, and proſperity of his people.

"And having paſſed ſo many dangers from abroad, ſo many conſpiracies at home, and brought on the public work ſo far, through the greateſt difficulties that ever ſtood in oppoſition to a parliament, to ſuch a degree of ſucceſs, that nothing ſeems to be left in our way, able to hinder the full accompliſhment of our deſires and endeavours of the public good; unleſs God in his juſtice do ſend ſuch a grievous curſe upon us, as to turn the ſtrength of the kingdom againſt itſelf, and to effect that by their own folly and credulity, which the power and ſubtilty of their and our enemies could not attain, that is, to divide the people from the parliament, and to make them ſerviceable to the ends and aims of thoſe who would deſtroy them. Therefore we deſire the kingdom to take notice of this laſt and moſt deſperate and miſchievous plot of the malignant party, that is acted and proſecuted in many parts of the kingdom, under plauſible notions of ſtirring them up to a care of preſerving the king's prerogative, maintaining the diſcipline of the church, upholding and continuing the reverence and ſolemnity of God's ſervice, and encouraging of learning. And upon theſe grounds, divers mutinous petitions have been framed in London, Kent, and other counties, and ſundry of his majeſty's ſubjects have been ſolicited to declare themſelves for the king againſt the parliament: and many falſe and foul aſperſions have been caſt upon our proceedings, as if we had been not only negligent, but averſe in theſe points: whereas we deſire nothing more, than to maintain the purity and power of religion, and to honour the king in all his juſt prerogatives; and for encouragement and advancement of piety and learning, we have very earneſtly endeavoured, and ſtill do, to the utmoſt of our power, that all pariſhes may have learned, pious, and ſufficient preachers, and all ſuch preachers competent livings. (6.)

Rem. (6.) The king complained, that the church of England was going to be deſtroyed to make way for preſbytery. The parliament dares not ſay the contrary, for fear of diſcouraging the preſbyterians, nor own it, becauſe it was not yet time to diſcover themſelves ſo openly. They endeavour therefore to get off, by general terms, which ſignify nothing, that is, they have reſolved to place in every pariſh pious miniſters, and provide for their ſubſiſtence.

"Many other bills and propoſitions are in preparation for the king's profit and honour, the people's ſafety and proſperity: in the proceedings whereof we are much hindered by his majeſty's abſence from the parliament, which is altogether contrary to the uſe of his predeceſſors, and the privileges of parliament, whereby our time is conſumed by a multitude of unneceſſary meſſages, and our innocency wounded by cauſeleſs and ſharp invectives. Yet we doubt not, but we ſhall overcome all this at laſt, if the people ſuffer not themſelves to be deluded with falſe and ſpecious ſhews, and ſo drawn to betray us to their own undoing, who have ever been willing to hazard the undoing of ourſelves, that they might not be betrayed by our neglect of the truſt repoſed in us: but if it were poſſible they ſhould prevail herein, yet we would not fail, through God's grace, ſtill to perſiſt in our duties, and to look beyond our own lives, eſtates, and advantages, as thoſe who think nothing worth the enjoying, without the liberty, peace, and ſafety of the kingdom; nor any thing too good to be hazarded in diſcharge of our conſciences, for the obtaining of it: and ſhall always repoſe ourſelves upon the protection of Almighty God, which we are confident ſhall never be wanting to us, (while we ſeek his glory) as we have found it hitherto wonderfully going along with us in all our proceedings."

The king quickly anſwered this manifeſto. He had ſtrong reaſons to prevent betimes the impreſſions it might make upon the minds of the people. As a war was unavoidable, the king and the parliament were equally concerned to gain the people, and for that theſe papers were intended. We have ſeen in the parliament's manifeſto, the objections againſt the king reiterated, and we ſhall ſee in the king's, the ſame anſwers he had before given to each of the articles. Theſe two papers therefore may be conſidered as a recapitulation of whatever had been alleged pro and con, in the diſpute between the king and the parliament. Both flattered themſelves, that their reaſons were unanſwerable, and propoſed them with great confidence. Nor was this intirely without foundation, for both ſides, reaſoning upon different principles, might be in the right, according to their reſpective ſuppoſitions.

His majeſty's anſwer to a book, entitled, The Declaration or Remonſtrance of the Lords and Commons of the 19th of May, 1642.

"IF we could be weary of taking any pains for the ſatisfaction of our people, and to undeceive them of thoſe ſpecious miſchievous infuſions which are daily inſtilled into them, to ſhake and corrupt their loyalty and affection to us and our government, after ſo full and ample declaration of ourſelf and intentions, and ſo fair and ſatisfactory anſwers to all ſuch matters as have been objected to us by a major part preſent of both houſes of parliament, we might well give over this labour of our pen, and ſit ſtill till it ſhall pleaſe God ſo to enlighten the affections and underſtandings of our good ſubjects on our behalf, (which we doubt not but that in his good time he will do) that they may ſee our ſufferings are their ſufferings. But ſince, inſtead of applying themſelves to the method propoſed by us, of making ſuch ſolid particular propoſitions as might eſtabliſh a good underſtanding between us, or of following the advice of our council of Scotland (with whom they communicate their affairs) in forbearing all means that may make the breach wider and wound deeper; they have choſen to purſue us with new reproaches, or rather to continue and improve the old, by adding and varying little circumſtances and language, in matters formerly urged by them, and fully anſwered by us. We prevailed with ourſelf, upon very mature and particular conſideration of it, to anſwer the late printed book, intitled, 'A declaration or remonſtrance of the lords and commons,' which was ordered the 19th of May laſt to be printed and publiſhed, hoping then, that they would put us to no more of this trouble, but that ſhould have been the laſt of ſuch a nature they would have communicated to our people, and that they would not, as they have done ſince, thought fit to aſſault us with a newer declaration, indeed of a very new nature and learning, which muſt have another anſwer. (1.)

Rem. (1.) This was another declaration of the ſecond of June, whence it may be inferred, that this anſwer of the king to the firſt was not publiſhed till after that time.

"And we doubt not, but that our good ſubjects in ſhort time will be ſo well inſtructed in the differences and miſtakeings between us, that they will plainly diſcern, without reſigning their reaſon and underſtanding to our prerogative, or the infallability of a now major part of both houſes of parliament (infected by a few malignant ſpirits) where the fault is. (2.)

Rem. (2.) The king begins in this paper to repreſent the reſolutions of the parliament, not as being agreeable to the ſentiments of the nation, but as coming only from a diſaffected party which prevailed in both houſes.

"Though we ſhall, with humility and alacrity, be always forward to acknowledge the infinite mercy and providence of Almighty God, vouchſafed ſo many ſeveral ways to ourſelf and this nation, yet ſince God himſelf doth not allow that we ſhould fancy and create dangers to ourſelf, that we might manifeſt and publiſh his mercy in our deliverance, we muſt profeſs we do not know thoſe deliverances mentioned in the beginning of that declaration, from ſo many wicked plots and deſigns ſince the beginning of this parliament, which if they had taken effect, would have brought ruin and deſtruction upon this kingdom. We well know, the great labour and ſkill hath been uſed to amaze and affright our good ſubjects with fears and apprehenſions of plots and conſpiracies, the ſeveral pamphlets publiſhed, and letters ſcattered up and down, full of ſuch ridiculous contemptible animadverſions to that purpoſe, as (though they found, for what end God knows, very unuſual countenances) no ſober man would be moved with them. But we muſt confeſs, we have never been able to inform ourſelf of any ſuch pernicious formed

formed design againſt the peace of this kingdom, ſince the beginning of this parliament, as is mentioned in that declaration, or might be any warrant to thoſe great fears, both our houſes of parliament ſeem to be tranſported with; but we have great cauſe to believe, more miſchief and danger hath been raiſed and begotten to the diſturbance of this kingdom, than cured or prevented by thoſe fears and jealouſies. And therefore, however the rumour and diſcourſe of plots and conſpiracies may have been neceſſary to the deſigns of particular men, they ſhall do well not to pay any falſe devotions to Almighty God, who diſcerns whether our dangers are real or pretended.

" For the bringing up of the army to London, as we have heretofore (by no other direction than the teſtimony of a good conſcience) called God to witneſs, we never had, or knew of ſuch reſolution; ſo upon the view of ſuch depoſitions now publiſhed with that declaration, it is not evident to us, there was ever ſuch a deſign, unleſs very looſe diſcourſe or argument be inſtance enough of a deſign. (3.)

Rem. (3.) The king ſeems to vindicate himſelf very weakly upon this article. His whole anſwer lies in the ambiguity of the word deſign, which may ſignify, either a bare project, or a ſettled and formed deſign. It is certain, there was a deſign or project to bring up the army to London, which the king knew of and was propoſed by Jermyn; but no reſolution was taken thereon. The king denies, he knew of any ſuch reſolution, becauſe indeed there was none. But he dares not deny, he was informed of the deſign or project to march the army to London. Wherefore, after having ſpoken of the deſign in general, he immediately changes the word into that of reſolution. Charles I. was very ſkilful in ſuch ſort of ambiguities.

" And it is apparent, that what was ſaid of it, was near three months before the diſcovery to both houſes of parliament: ſo that if there were any danger threatened that way, it vaniſhed without any reſiſtance or prevention, by the wiſdom, power, or authority of them. (4.)

Rem. (4.) The parliament inſiſted chiefly upon the king's intention, and endeavoured to prove the fact, in order to ſhew the intention. So it was not a proof of the king's having no ill intention, that the deſign of ſeducing the army, and bringing it up to London, was not purſued.

" It ſeems the intention of that declaration (whatſoever other end it hath) is to anſwer a declaration they received from us, in anſwer to that which was preſented to us at New-market the 9th of March laſt; and likewiſe to our anſwer to the petition of both houſes, preſented to us at York the 26th of March laſt. But before that declaration falls upon any particulars of our ſaid declaration or anſwer, it complains, that the heads of the malignant party have, with much art and induſtry, adviſed us to ſuffer divers unjuſt ſcandals and imputations upon the parliament, to be publiſhed in our name, whereby they might make it odious to the people, and by their help deſtroy it: but not inſtancing in any one ſcandal or imputation ſo publiſhed by us, we are ſtill to ſeek for the heads of that malignant party. But our good ſubjects will eaſily underſtand, that if we are guilty of that aſperſion, we muſt not only be active in raiſing the ſcandal, but paſſive in the miſchief begotten by that ſcandal, we being an eſſential part of the parliament. (5.)

Rem. (5.) This is only a ſubtility grounded upon the ambiguity of the word parliament. In the declaration which the king is anſwering, by the term, 'parliament,' is meant both houſes, excluſive of the king, and here the king means both houſes and the king together.

" And we hope the juſt defence of ourſelf and our authority, and the neceſſary vindication of our innocence and juſtice, from the imputation laid on us by a major part then preſent, by either or both houſes, ſhall no more be called a ſcandal upon the parliament, than the opinion of ſuch a part be reputed an act of parliament. And we hope our good ſubjects will not be long miſled by that common expreſſion, in all the declarations, wherein they uſurp the word parliament, and apply it to countenance any reſolution or vote ſome few have a mind to make, by calling it, the reſolution of parliament, which can never be without our conſent; neither can the vote of either, or both houſes, make a greater alteration in the laws of this kingdom (ſo ſolemnly made by the advice of their predeceſſors, with the concurrence of us and our anceſtors) either by commanding or inhibiting any thing (beſides the known rules of the law) than our ſingle direction or mandate can do, to which we do not aſcribe the authority. (6.)

Rem. (6.) This reaſon is invincible, ſuppoſing the government in its natural ſtate. But it could not make any impreſſion upon thoſe who believed the king intended to eſtabliſh an arbitrary power.

" But that declaration informs our people, that the malignant party hath drawn us into the northern parts far from our parliament: it might more truly and properly have ſaid, that it hath driven, than drawn us hither. (7.)

Rem. (7.) The parliament underſtood by the malignant party the kings party, and here the king gives the ſame name to that of the parliament.

" For we confeſs our journey hither (for which we have no other reaſon to be ſorry, than with reference to the cauſe of it) was only forced upon us by the true malignant party, which contrived and countenanced thoſe barbarous tumults, and other ſeditious circumſtances, of which we have ſo often complained, and hereafter ſhall ſay more, and which indeed threatens ſo much danger to our perſon, and laid ſo much ſcandal upon the whole privilege and dignity of parliament, that we wonder it can be mentioned without bluſhes or indignation: but of that anon. But why the malignant party ſhould be charged with cauſing a preſs to be tranſported to York, we cannot imagine; neither have any papers or writings iſſued from thence, to our knowledge, but what have been extorted from us by ſuch provocations, as have not been before offered to a king. And no doubt it will appear a moſt trivial and fond exception, when all preſſes are open to vent whatſoever they think fit to ſay to the people, (a thing unwarranted by former cuſtom) that we ſhould not make uſe of all lawful means to publiſh our juſt and neceſſary anſwers thereunto. As for the authority of the great ſeal, (though we do not know that it hath been neceſſary to things of this nature) the ſame ſhall be more frequently uſed hereafter, as occaſion ſhall require; (8.) to which we make no doubt the greater and better part of our privy-council will concur, and whoſe advice we are reſolved to follow, as far as it ſhall be agreeable to the good and welfare of the kingdom.

Rem. (8.) The parliament's declaration was publiſhed the 19th of May, and three days after the lord-keeper Littleton went privately from London with the great ſeal to the king. So the king had it in his hands when he publiſhed his anſwer. For this reaſon, he ſays, the ſame ſhall be more frequently uſed hereafter.

" Before that declaration vouchſafes to inſiſt on any particulars, it is pleaſed to cenſure both our declaration and anſwer, to be filled with harſh cenſures, and cauſeleſs charges upon the parliament (ſtill miſapplying the word parliament to the vote of both houſes) concerning which they reſolve to give ſatisfaction to the kingdom, ſince they find it very difficult to ſatisfy us. If, as in the uſage of the word parliament, they have left us out of their thoughts; ſo by the word kingdom, they intend to exclude all our people, who are out of their walls, (for that's grown another phraſe of the time, the vote of the major part of both houſes, and ſometimes of one, is now called, (The reſolution of the whole kingdom) we believe it may not be hard to give ſatisfaction to themſelves; otherwiſe we are confident (and our confidence proceeds from the uprightneſs of our own conſcience) they will never be able ſo to ſerve the affections of us and our kingdom, that what cannot be ſatisfaction to the one, ſhall be to the other. Neither will the ſtile of 'humble and faithful,' and telling us, 'That they will make us a great and glorious king,' in their petitions and remonſtrances, ſo deceive our good ſubjects, that they will paſs over the reproaches, threats, and menaces they are ſtuffed with, which ſure could not be more gently reprehended by us, than by ſaying, their expreſſions were different from the uſual language to princes, which that declaration tells you we had no occaſion to ſay. But we believe, whoſoever looks over that declaration preſented to us at New-market, to which ours was an anſwer, will find the language throughout it to be ſo unuſual, that before this parliament, it could never be paralleled; whilſt under pretence of juſtifying their fears, they give ſo much countenance to the diſcourſe of the rebels of Ireland, as if they had a mind our good ſubjects ſhould give credit to it: otherwiſe, being warranted by the ſame evidence, which they have ſince publiſhed, they would have as well declared, That thoſe rebels publicly threaten the rooting out the name of the Engliſh, and that they will have a king of their own, and no longer be governed by us; as that they ſay, that they do nothing but by our authority, and that they call themſelves 'the queen's army.' And therefore we have great reaſon to complain of the abſence of juſtice and integrity in that declaration, beſides the unfitneſs of other expreſſions. Neither did we miſtake the ſubſtance or logic of the meſſage to us at Theobalds concerning the militia,

militia, which was no other, and is ſtated to be no other (even by that declaration which reproved us) than a plain threat, 'That if we refuſed to join with them, they would make a law without us.' Nor hath the practice ſince that time been other, which will never be juſtified to the moſt ordinary (if not partial) underſtandings, by the mere averring it to be according to the fundamental laws of this kingdom, without giving any direction, that the moſt cunning and learned men in the laws may be able to find thoſe foundations. (9.)

Rem. (9.) There is here an ambiguity in the term Fundamental law. The parliament had clearly expreſſed what they meant by this fundamental law, viz. if the king failed in the diſcharge of his duty, the nation ought not, however, to be without defence, and in that caſe, it belonged to the parliament to take care of it. Inſtead therefore of aſking where this law was, it ſeems, that the king ſhould have ſhewn, either that, though he neglected his duty, it belonged not to the parliament to meddle with the government of the ſtate, or that he never had neglected, nor did ſtill neglect it. For, according to the parliament, though this law was not expreſſed in any particular ſtatute, it naturally flowed from the conſtitution of the government. The king ſeems, by requiring this law to be produced, to inſinuate, that the parliament, in no caſe whatever, could intermeddle with the government of the ſtate, unleſs authoriſed by an expreſs law: and yet the parliament had alleged two caſes, namely, the captivity and nonage of a king, wherein they might have the management of the government, and they reckoned the king's negligence in the ſame claſs. To this the king ſhould have returned an anſwer.

"And we muſt appeal to all the world, whether they might not, with as much juſtice, and by as much law, have ſeized upon the eſtate of every member of both houſes, who diſſented from that pretended ordinance, (which much the major part of the houſe of peers did two or three ſeveral times) as they have invaded that power of ours over the militia, becauſe we (upon reaſons they have not ſo much as pretended to anſwer) refuſe to conſent to that propoſition. (10.)

Rem. (10.) The authority aſſumed by the parliament, was not an ordinary authority, nor pretended to be ſo. It was extraordinary for the preſent ſuppoſed caſe, that there was great danger from the king. As therefore they had not the ſame ſuſpicions of thoſe who had at firſt refuſed their conſent to the ordinance, they could not ſeize their eſtates, upon the ſame foundation. Thus the conſequence drawn by the king from the parliament's uſurpation, does not ſeem juſt.

"And if no better effects, than loſs of time, and hindrance of the public affairs, have been found by our anſwers and replies, let all good men judge, by whoſe default, and whoſe want of duty, ſuch effects have been: for as our end (indeed only end) in thoſe anſwers and replies, hath been the ſettlement and compoſure of public affairs, ſo we are aſſured, and moſt men do believe, That if that due regard and reverence had been given to our words, and that conſent and obedience to our counſels, which we did expect, there had been before this time a chearful calm upon the face of the whole kingdom, every man enjoying his own, with all poſſible peace and ſecurity that can be imagined; which ſurely thoſe men do not deſire, who (after all thoſe acts of juſtice and favour paſſed by us this parliament, all thoſe affronts and ſufferings endured and undergone by us) think fit ſtill to reproach us with ſhip-money, coat and conduct-money, and other things ſo abundantly declared (as that declaration itſelf confeſſes) in the general remonſtrance of the ſtate of the kingdom, publiſhed in November laſt, which we wonder to find now avowed to be the remonſtrance of both houſes, and which we are ſure was preſented to us only by the houſe of commons; and did never, and we are confident, in that time could never have paſſed the houſe of peers; the concurrence and authority of which was not then thought neceſſary. Shall we believe thoſe reproaches to be the voice of the kingdom of England? That all our loving ſubjects, eaſed, refreſhed, ſtrengthened, and abundantly ſatisfied with our acts of grace and favour towards them, are willing to be involved in theſe unthankful expreſſions? We muſt appeal to the thanks and acknowledgements publiſhed in the petitions of moſt of the counties of England, to the teſtimony and thanks we have received from both houſes of parliament, how ſeaſonable, how agreeable this uſage of us is to our merit, or their former expreſſions.

"We have not in the leaſt ſwerved or departed from our reſolution, or words, in the beginning of this parliament. We ſaid, we were reſolved to put ourſelf freely and clearly upon the love and affection of our Engliſh ſubjects; and we ſay ſo ſtill, as far as concerns England. And we call Almighty God to witneſs all our complaints and jealouſies, which have never been cauſeleſs, not out of our houſes of parliament, (but of ſome few ſchiſmatical, factious, and ambitious ſpirits, upon ſuch grounds, as ſhort time, we fear, will juſtify to the world) our denial of the militia, our abſenting ourſelf from London, have been the effects of an upright and faithful affection to our Engliſh ſubjects, that we may be able (through all the inconveniences we are compelled to wreſtle with) at laſt, to preſerve and reſtore their religion, laws, and liberties unto them.

"Since the proceedings againſt the lord Kimbolton, and the five members, is ſtill looked upon, and ſo often preſſed as ſo great an advantage againſt us, that no retraction made by us, nor no actions ſince that time committed againſt us, and the law of the land, under the pretence of vindication of privilege can ſatisfy the contrivers of that declaration, but that they would have our good ſubjects believe, the accuſation of thoſe ſix members muſt be a plot, for the breaking the neck of the parliament, (a ſtrange arrogance, if any of thoſe members had the penning of that declaration) and that it is ſo often urged againſt us, as if, by that ſingle caſual miſtake of ours, (in form only) we had forfeited all duty, credit and allegiance from our people; we muſt, without endeavouring to excuſe that, which in truth was an error, (our going to the houſe of commons) gave our people a clear and full narration of the matter of fact, aſſuring ourſelf, that our good ſubjects will not find our carriage in that buſineſs ſuch as hath been reported.

"When we reſolved upon ſuch grounds, as, when they ſhall be publiſhed, will ſatisfy the world, that it was fit for our own ſafety and honour, and the peace of the kingdom, to proceed againſt thoſe perſons; (11.) though we well know there was no degree of privilege in that caſe, yet (to ſhew our deſire of correſpondency with the two houſes of parliament) we choſe, rather than to apprehend their perſons by the ordinary miniſters of juſtice, which, according to the opinion and practice of former times, we might havedone) to command our attorney-general to acquaint our houſe of peers with our intention, and the general matter of our charge, (which was yet more particular than a mere accuſation) and to proceed accordingly; and at the ſame time ſent a ſworn ſervant, a ſerjeant at arms to our houſe of commons, to acquaint them, That we did accuſe, and intended to proſecute the five members of that houſe for high-treaſon, and did require that their perſons might be ſecured in cuſtody.

Rem. (11.) I have already ſaid, that the parliament was chiefly offended, that the articles of the accuſation exhibited by the attorney-general, were levelled at the whole houſe of commons, and a great number of lords, as much as at the perſons accuſed. Here, the king maintains the matter of the accuſation, ſince it was for the peace of the kingdom, and paſſes over in ſilence the reaſons which he reſerved for another time, and thereby his vindication cannot be full and perfect.

"This we did, not only to ſhew that we intended not to violate or invade their privileges, but to uſe more ceremony towards them, than we then conceived in juſtice might be required of us; and expected at leaſt ſuch an anſwer as might inform us, if we were out of the way: but he received none at all; only in the inſtant, without offering any thing of their privileges to our conſideration, an order was made, (and the ſame night publiſhed in print) That if any perſon whatſoever ſhould offer to arreſt the perſon of any member of that houſe, without firſt acquainting that houſe therewith, and receiving further orders from that houſe, that it ſhould be lawful for ſuch members, or any perſon, to aſſiſt them, and to ſtand upon his, or their guard of defence, and to make reſiſtance according to the proteſtation taken to defend the privileges of parliament. And this was the firſt time that we heard the proteſtation might be wreſted to ſuch a ſenſe; or that in any caſe, (though of the moſt undoubted and unqueſtionable privilege) it might be lawful for any perſon to reſiſt, and uſe violence againſt a public miniſter of juſtice, armed with lawful authority, though we well knew, that even ſuch a miniſter might be puniſhed for executing ſuch authority.

"Upon viewing this order, we muſt confeſs we were ſomewhat amazed, having never ſeen or heard of the like, though we had known members of either houſe committed, without ſo much formality as we had uſed, and upon crimes of a far inferior nature to thoſe we had ſuggeſted, and having no courſe propoſed to us for our proceeding, we were upon the matter only told, that againſt thoſe perſons we were not to proceed at all: That they were above our reach, or the reach of

of the law. It was not then eaſy for us to reſolve what to do. (12.)

Rem. (12.) This is a little diſguiſed. The king was not told, that theſe members were above the reach of the law: but only, that the parliament ſitting, the members could not be impriſoned without the conſent of their houſe, and that it was expected the grounds of the accuſation ſhould be made known, in order to this conſent.

"If we employed our miniſters of juſtice in the uſual way for their apprehenſion, (who, without doubt, would not have refuſed to execute our lawful commands) we ſaw what reſiſtance and oppoſition was likely to be made, which very probably might coſt ſome blood. If we ſtood ſtill, and deſiſted upon this terror, we ſhould at the beſt have confeſſed our own want of power, and the weakneſs of the law. In this ſtrait we put on a ſudden reſolution to try, whether our own preſence, and a clear diſcovery of our intentions (which haply might not have been ſo well underſtood) could remove thoſe doubts, and prevent thoſe inconveniencies, which ſeemed to have been threatened; and thereupon we reſolved to go in our own perſon to our houſe of commons, which we diſcovered not till the very minute of our going; when we ſent out, That our ſervants, and ſuch gentlemen as were then in our court, ſhould attend us to Weſtminſter: but giving them expreſs command (as we have expreſſed in our anſwer to the ordinance that no accident of provocation ſhould draw them to any ſuch action as might imply a purpoſe of force in us: and ourſelf, requiring thoſe of our train not to come within the door) went into the houſe of commons: the bare doing of which, we did not then conceive would have been thought more a breach of privilege, than if we had gone to the houſe of peers, and ſent for them to come to us, which is the uſual cuſtom. We uſed the beſt expreſſions we could, to aſſure them, how far we were from any intention of violating their privileges, that we intended to proceed legally and ſpeedily againſt the perſons we had accuſed, and deſired therefore, if they were in the houſe, that they might be delivered to us; or, if abſent, that ſuch courſe might be taken for their forthcoming, as might ſatisfy our juſt demands: and ſo we departed, having no other purpoſe of force, if they had been in the houſe, than we have before proteſted before God, in our anſwer to the ordinance. You have an account of our part of the ſtory fully, let our people judge freely of it. What followed on their part, (though this declaration tells you, 'It could not withdraw any part of their reverence and obedience from us;' it may be any part of theirs it did not) we ſhall have too much cauſe hereafter to inform the world.

"There will be no end of the diſcourſe, and upbraiding us with evil counſellors, if, upon our conſtant denial of knowing any, they will not vouchſafe to inform us of them; and after eight months amuſing the kingdom with the expectation of a diſcovery of a malignant party, and of evil counſellors, they will not at laſt name any, nor deſcribe them. Let the actions and lives of men be examined, who have contrived, counſelled, actually conſented to grieve and burden our people: and if ſuch as be about us, or any againſt whom any notorious malicious crime can be proved; if we ſhelter and protect any ſuch, let our injuſtice be publiſhed to the world: but till that be done, particularly and manifeſtly, (for we ſhall never conclude any man, upon a bare general vote of the major part of either or both houſes, till it be evident, that major part be without paſſion or affection) we muſt look upon the charge this declaration puts on us, of cheriſhing and countenancing a diſcontented party of the kingdom againſt them, as a heavier and unjuſter tax upon our juſtice and honour, than any we have, or can lay, upon the framers of that declaration. (13.)

Rem. (13.) With ſuch reſtrictions one may eternally diſpute: for who ſhould be judge, whether the major part of the houſe were without paſſion or prejudice?

"And now to countenance thoſe unhandſome expreſſions, whereby uſually they have implied our connivance at, or want of zeal againſt, the rebellion of Ireland, (ſo odious to all good men) they have found a new way of exprobation; 'That the proclamation againſt thoſe bloody traitors came not out till the beginning of January, though that rebellion broke out in October; and then by ſpecial command from us, but forty copies were appointed to be printed.' It is well known where we were at that time, when that rebellion broke forth in Scotland; that we immediately from thence recommended the care of that buſineſs to both houſes of parliament here, after we had provided for all fitting ſupplies from our own kingdom of Scotland: that after our return hither, we obſerved all thoſe forms for that ſervice, which we were adviſed to by our council of Ireland, or both houſes of parliament here; and if no proclamation iſſued out ſooner (of which for the preſent we are not certain, but think that others before that time were iſſued by our direction) it was, becauſe the lords juſtices of the kingdom deſired them no ſooner, and when they did, the number they deſired was but twenty, which they adviſed might be ſigned by us; which we for expedition of the ſervice commanded to be printed, (a circumſtance not required by them) thereupon we ſigned more than our juſtices deſired. All which was very well known to ſome members, of one or both houſes of parliament, who have the more to anſwer, if they forbore to expreſs it at the paſſing of this declaration: and if they did expreſs it, we have the greater reaſon to complain, that ſo envious an aſperſion ſhould be caſt on us to our people, when they know well how to anſwer their own objections. (14.)

Rem. (14.) This anſwer appears ſomething weak; for ſuppoſing forty copies would have been ſufficient for Ireland, why was not the proclamation publiſhed in England? The king returns no anſwer to what the parliament ſaid of the proclamation againſt the Scots.

"What that complaint is againſt the parliament, put forth in our name, which is ſuch an evidence and countenance to the rebels, and ſpeaks the ſame language of the parliament which the rebels do, we cannot underſtand. All our anſwers and declarations have been, and are owned by us, and have been atteſted under our own hand; if any other had been publiſhed in our name, and without our authority, it would be eaſy for both houſes of parliament to diſcover and apprehend the authors. And we wiſh, that whoſoever was truſted with the drawing and penning of that declaration, had no more authority or cunning to impoſe upon or deceive the major part of thoſe votes by which it paſſed, than any man hath to prevail with us to publiſh in our own name any thing, but the ſenſe and reſolution of our own heart: or, that the contriver of that declaration could, with as good a conſcience, call God to witneſs, that all his counſels and endeavours have been free from all private aims, perſonal reſpects or paſſions whatſoever, as we have done and do, that we never had or knew of ſuch reſolutions of bringing up the army to London. And ſince this new device is found out, inſtead of anſwering our reaſons, or ſatisfying our juſt demands, to blaſt our declarations and anſwers, as if they were not our own (a bold ſenſeleſs imputation) we are ſure, that every anſwer and declaration publiſhed by us, is much more our own, than any one of thoſe bold, threatening, and reproachful petitions and remonſtrances are the acts of either, or both houſes. And if the penner of that declaration had been careful of the truſt repoſed in him, he would never have denied, (and thereupon found fault with our juſt indignation) in the text or margin, that we had never been charged with the intention of any force; and that in their whole declaration, there is no word tending to ſuch a reproach; the contrary whereof is ſo evident, that we are in expreſs terms charged in that declaration, that we ſent them gracious meſſages, when, with our privity, bringing up the army was in agitation. And even in this declaration they ſeek to make our people believe, ſome ſuch thing to be proved in the depoſitions now publiſhed, wherein, we doubt not, they will as much fail, as they do in their cenſure of that petition ſhewed formerly to us by captain Legg, and ſubſcribed by us with C. R. which, notwithſtanding our full and particular narration of the ſubſtance of that petition, the circumſtances of our ſeeing and approving it, this declaration is pleaſed to ſay, was full of ſcandal to the parliament, and might have proved dangerous to the whole kingdom. If they have this dangerous petition in their hands, we have no reaſon to believe any tenderneſs to us-ward hath kept them from communicating it: if they have it not, we ought to have been believed. But that all good people may compute their other pretended dangers by their clear underſtanding of this, the noiſe whereof hath not been inferior to any of the reſt, we have recovered a true copy of the very petition we ſigned with C. R. which ſhall in fit time be publiſhed; and which we hope will open the eyes of our good people. (15.) Concerning our warrant for Mr. Jermin's paſſage, our anſwer was true and full: but for his black ſattin ſuit, and white boots, we can give no account.

Rem. (15.) This whole article of the anſwer ſeems very weak, ſince the king's defence conſiſts only of his own teſtimony. There could not be a more proper occaſion to publiſh the petition, of which he ſaid he had a true copy. But in deferring the publication to a more convenient time, he gave room to ſuſpect, there were ſome things in the petition which were not favourable to him.

"We complained in our declaration, and as often as we

have occaſion to mention our return and reſidence near London, we ſhall complain, of the barbarous and ſeditious tumults at Weſtminſter and Whitehall, which indeed was very full of ſcandal to our government, and danger to our perſon, that we ſhall never think of our return thither, till we have juſtice for what is paſt, and ſecurity for the time to come. And if there were ſo great a neceſſity, or deſire of our return as is pretended, in all this time, upon ſo often preſſing our deſires, and upon cauſes ſo notorious, we ſhould at leaſt have procured ſome order for the future. But that declaration tells us, we are upon the matter miſtaken; the reſort of the citizens to Weſtminſter was as lawful as the reſort of great numbers every day in the term to the ordinary courts of juſtice. They knew no tumults. Strange! Was the diſorderly appearance of ſo many thouſand people with ſtaves and ſwords crying through the ſtreets, Weſtminſter-hall, the paſſage between both houſes, (inſomuch as the members could hardly paſs to and fro) 'No biſhops, down with the biſhops;' no tumults! What member is there of either houſe that ſaw not thoſe numbers, and heard not thoſe cries? And yet lawful aſſemblies! Were not ſeveral members of either houſe aſſaulted, threatened and ill-treated? And yet no tumults! Why made the houſe of peers a declaration, and ſent it down to the houſe of commons, for the ſuppreſſing of tumults, if there were no tumults? And if there were any, why was not ſuch a declaration conſented to and publiſhed? When the attempts were ſo viſible, and the threats ſo loud to pull down the abbey at Weſtminſter, had we not cauſe to apprehend that ſuch people would continue their work at Whitehall? Yet no tumults! What a ſtrange time are we in! That a few impudent, malicious (to give no worſe term) men, ſhould caſt ſuch a ſtrange midſt of error before the eyes of both houſes of parliament, as that they either cannot, or will not ſee, how manifeſtly they injure themſelves by maintaining theſe viſible untruths? We ſay no more. By the help of God, and the law, we will have juſtice for thoſe tumults. (16.)

Rem. (16.) The parliament's declaration contained two things upon this article; firſt, That the concourſe of people at Weſtminſter was no tumult. Secondly, That the king's perſon was in no danger, ſince on the morrow he went through the city without a guard, and moreover ſtaid ſeveral days at Whitehall in ſafety. The king anſwers here to the firſt of theſe things, and leaves the other without reply. Only he draws a conſequence, that Whitehall was in danger, becauſe the people threatened to pull down Weſtminſter-abbey, a circumſtance which no where appears in the accounts of theſe tumults.

"From excepting (how weightily let every man judge) to what we have ſaid, that declaration proceeds to cenſure us for what we have not ſaid, for the prudent omiſſions in our anſwer: We forebore to ſay any thing of the words ſpoken at Kenſington, or the articles againſt our deareſt conſort, and of the accuſation of the ſix members: of the laſt we have ſpoken often, and we thought enough of the other two; having never accuſed any (though God knows what truth there might be in either) we had no reaſon to give any particular anſwer.

"We do not reckon ourſelf bereaved of any part of our prerogative, which we are pleaſed freely for a time to part with by bill; yet we muſt ſay, we expreſſed a great truſt in our two houſes of parliament, when we diveſted ourſelf of the power of diſſolving this parliament, which was a juſt, neceſſary, and proper prerogative: but we are glad to hear their reſolution, that it ſhall not encourage them to do any thing, which otherwiſe had not been fit to have been done; if it do, it will be ſuch a breach of truſt, God will require an account for at their hands.

"For the militia, we have ſaid ſo much in it heretofore, and the point is ſo well underſtood by all men, that we will waſte time no more in that diſpute. We never ſaid there was no ſuch thing as an ordinance, (though we know that they have been long diſuſed) but that there was never any ordinance, or can be, without the king's conſent; and that is true, and the unneceſſary precedent cited in that declaration doth not offer to prove the contrary. But enough of that, God and the law muſt determine that buſineſs.

"Neither hath this declaration given us any ſatisfaction concerning the votes of the 15th and 16th of March laſt, which we muſt declare, and appeal to all the world in the point, to be the greateſt violation of our privilege, the law of the land, the liberty of the ſubject, and the right of parliament, that can be imagined. One of theſe votes is (and there needs no other to deſtroy the king and people) 'That when the lords and commons (it is well the commons are admitted to their part in judicature) ſhall declare what the law of the land is, the ſame muſt be aſſented to, and obeyed;' that is the ſenſe in few words. Where is every man's property; every man's liberty? If a major part of both houſes declare that the law is, that the younger brother ſhall inherit, what is become of all the families and eſtates in the kingdom? If they declare, that by the fundamental law of the land, ſuch a raſh action, ſuch an unadviſed word ought to be puniſhed by perpetual impriſonment, is not the liberty of the ſubject, 'durante bene placito,' remedileſs? That declaration confeſſeth, They pretend not to a power of making new laws; that without us they cannot do that. They need no ſuch power, if their declaration can ſuſpend this ſtatute from being obeyed or executed, and make this order, which is no ſtatute, to be obeyed and executed. If they have power to declare the lord Digby, waiting on us to Hampton-court, and thence viſiting ſome officers at Kingſton, with a coach and ſix horſes, to be levying war and high-treaſon; and ſir John Hotham's defying us to our face, keeping our town, fort, and goods againſt us by force of arms, to be an act of affection and loyalty, what needs a power of making new laws? Or is there ſuch a thing as law left? We deſired our good ſubjects to mark the reaſon and conſequence of theſe votes, the progreſs they have already made, and how infinite that progreſs may be. Firſt, they vote the kingdom is in imminent danger (it is above three months ſince they diſcern it) from enemies abroad, and a popiſh and diſcontented party at home: this is matter of fact, the law follows. This vote hath given them authority by law (the fundamental laws of the kingdom) to order and diſpoſe of the militia of the kingdom, and with this power, and to prevent that danger, to enter into our towns, ſeize upon our magazine, and by force keep both from us. Is not this our caſe? Firſt, They vote we have an intention to levy war againſt our parliament[h], that is matter of fact: then they declare, ſuch as ſhall aſſiſt us, to be guilty of high-treaſon; that is the law, and proved by two ſtatutes, themſelves known to be repealed: no matter for that, they declare it. Upon this ground they exerciſe the militia, and ſo actually do that upon us, which they have voted we intend to do upon them. Who doth not ſee the confuſion that muſt follow upon ſuch a power of declaring? If they ſhould now vote, that we did not write this declaration, but that ſuch an one did it, which is ſtill matter of fact; and then declare, that for ſo doing he is an enemy to the common-wealth; what is become of the law that man was born to? And if all their zeal for the defence of the law, be but to defend that which they declare to be law, their own votes, it will not be in their power to ſatisfy any man of their good intentions to the public peace, but ſuch who were willing to relinquiſh their titles to Magna Charta, and hold their lives and fortunes by a vote of the major part of both houſes. In a word, we deny not, but that they may have power to declare, in a particular doubtful caſe, regularly brought before them, what law is; but to make a general declaration, whereby the known rule of the law may be croſſed or altered, they have no power, nor can exerciſe any, without bringing the life and liberty of the ſubject, to a lawleſs and arbitrary ſubjection. (17.)

Rem. (17.) It muſt have been a great mortification to the king, to be forced to ſhew by ſuch good arguments, the miſchiefs that flow from arbitrary power. The ſame reaſons uſed by the king, to demonſtrate that arbitrary power was a natural conſequence of the parliament's maxims, ſerved to prove, that it was equally hazardous to leave, not every king of England, but Charles I. in particular, inveſted with the royal authority allowed him by the laws, conſidering the uſe he had already made of that power.

"We complained, (and let the world judge of the juſtice and neceſſity of that complaint) of the multitude of ſeditious pamphlets and ſermons. And that declaration tells us, they know we have ways enough in our ordinary courts of juſtice to puniſh thoſe; ſo we have to puniſh tumults and riots, and yet they will not ſerve our turn to keep our towns, our foreſts, and parks from violence[i]. And it may be, though thoſe courts have ſtill the power to puniſh, they may have loſt the ſkill to define what riots and tumults are: otherwiſe a jury in Southwark, legally impannelled to examine a riot there, would not have been ſuperſeded, and the ſheriff enjoined not to proceed, by virtue of an order from the houſe of commons, which it ſeems at that time had the ſole power

[h] Theſe votes paſſed in the interval between the publication of the parliament's declaration, and that of the king's anſwer. Rapin.

[i] This alludes to a diſturbance which happened in the park and foreſt of Windſor. Idem.

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of declaring. But it is no wonder, that they who could not ſee the tumults, do not conſider the pamphlets and ſermons, though the author of the Proteſtation proteſted, be well known to be Burton (that infamous diſturber of the peace of this church and ſtate) and that he preached it at Weſtminſter, in the hearing of divers members of the houſe of commons; but of ſuch pamphlets, and ſeditious preachers (divers whereof have been recommended, if not impoſed upon ſeveral pariſhes, by ſome members of both houſes, by what authority we know not) we ſhall hereafter take a further account. (18.)

Rem. (18.) Theſe ſermons contained, for the moſt part, the maxims which the parliament would have eſtabliſhed, or pretended to be agreeable to the laws; but which the king looked upon as ſeditious, and for that reaſon affirmed, the parliament ought to puniſh the authors. This Burton was the ſame whoſe ears were cut off by the Star-chamber, and who was baniſhed to Guernſey, for publiſhing a treatiſe againſt the church of England. It ſeems here, that, the king was not pleaſed with the parliament's reverſing his ſentence.

"We confeſs we have little ſkill in the laws, and thoſe that have had moſt, we now find are much to ſeek. Yet we cannot underſtand or believe, that every ordinary court, or any court, hath power to raiſe what guard they pleaſe; and under what command they pleaſe; neither can we imagine what dangerous effects they have found by the guard we appointed them, or (indeed) any the leaſt occaſion why they needed a guard at all.

"But of all the imputations ſo cauſeleſsly and unjuſtly laid upon us by that declaration, we muſt wonder at that charge ſo apparently and evidently untrue, That ſuch are continually preferred and countenanced by us, who are friends or favourers or related unto the chief authors and actors of that arbitrary power, heretofore practiſed or complained of: and on the other ſide, that ſuch as did appear againſt it, are daily diſcountenanced and diſgraced. We would know one perſon that contributed to the ills of thoſe times, or had dependence upon thoſe that did, whom we do, or lately have countenanced or preferred. Nay, we are confident (and we look for no other at their hands) as they have been always moſt eminent aſſertors of the public liberties; ſo, if they found us inclined to any thing not agreeable to honour and juſtice, they would leave us to-morrow: whether different perſons have not and do not receive countenance elſewhere, and upon what grounds, let all men judge; and whether we have not been forward enough to honour and prefer thoſe of the moſt contrary opinion, how little comfort ſoever we have had of thoſe preferments; in beſtowing of which hereafter we ſhall be more guided by mens actions than opinions. And therefore we had good cauſe to beſtow that admonition (for we aſſure you it was an admonition of our own) upon both our houſes of parliament, to take heed of inclining, under the ſpecious ſhews of neceſſity and danger, to the exerciſe of ſuch an arbitrary power they before complained of: the advice will do no harm, and we ſhall be glad to ſee it followed.

"And are all the ſpecious promiſes, and loud profeſſions of making us a great and glorious king, of ſettling a greater revenue upon us than any of our anceſtors have enjoyed; of making us to be honoured at home, and feared abroad; reſolved into this, that they will be ready to ſettle our revenue in an honourable proportion, when we ſhall put ourſelf in ſuch a poſture of government, that our ſubjects may be ſecure to enjoy our juſt protection for their religion, laws, and liberties? what poſture of government they intend we know not, nor can we imagine what ſecurity our good ſubjects can deſire for their religion, laws and liberties, which we have not offered, or fully given. (19.)

Rem. (19.) Unhappily, ſince the violation of the petition of right, neither the king's word nor promiſes, nor even acts of parliament, had been deemed a ſufficient ſecurity. At leaſt, plauſible reaſons were alleged not to confide in them. Nothing but the militia could ſatisfy the parliament, and there was what the king would not willingly grant.

"And is it ſuitable to the duty and dignity of both houſes of parliament, to anſwer our particular weighty expreſſions of the cauſes of our remove from London (ſo generally known to the kingdom) with a ſcoff, that they hope we were driven from thence, not by our own fears, but by the fears of the lord Digby, and his retinue of Cavaliers? Sure the penner of that declaration inſerted that ungrave and inſolent expreſſion, (as he hath done divers others) without the conſent or examination of both houſes, who would not ſo lightly have departed from their former profeſſions of duty to us.

"Whether the way to a good underſtanding between us and our people, hath been as zealouſly preſſed by them, as it hath been profeſſed and deſired by us, will be eaſily diſcerned by thoſe who obſerve, that we have left no public act undone on our part, which in the leaſt decree might be neceſſary to the peace, plenty, and ſecurity of our ſubjects, and that they have not diſpatched one act, which hath given the leaſt evidence of their particular affection and kindneſs to us; but on the contrary, have diſcountenanced and hindered the teſtimony other men would give to us of their affections; witneſs, the ſtopping and keeping back the bill of ſubſidies granted by the clergy almoſt a year ſince; which, though our perſonal wants are ſo notoriouſly known, they will not to this time paſs: ſo not only forbearing to ſupply us themſelves, but keeping the love and bounty of other men from us, and afford no other anſwers to all our deſires, all our reaſons, (indeed not to be anſwered) than, that we muſt not make our underſtanding or reaſon, the rule of our government, but ſuffer ourſelf to be aſſiſted (which we never denied) by our great council. We require no other liberty to our will, than the meaneſt of them do, (we wiſh they would always uſe that liberty) not to conſent to any thing evidently contrary to our conſcience and underſtanding; and we have and ſhall always give as much eſtimation and regard to the advice and counſel of both our houſes of parliament, as ever prince hath done; but we ſhall never (and we hope our people will never) account the contrivance of a few (factious, ſeditious perſons, a malignant party, who would ſacrifice the common-wealth to their own fury and ambition) the wiſdom of parliament: and that the juſtifying and defending ſuch perſons, (of whom, and of their particular ſiniſter ways to compaſs their own bad ends, we ſhall ſhortly inform the world) is not the way to preſerve parliaments, but is the oppoſing and preferring the conſideration of a few unworthy perſons, before their duty to their king, or their care of the kingdom. They would have us remember, that our reſolutions do concern kingdoms, and therefore are not to be moulded by our own underſtanding. We well remember it, but we would have them remember, that when their conſultations endeavour to leſſen the office and dignity of a king, they meddle with that which is not within their determination, and of which we muſt give an account to God, and our other kingdoms, and muſt maintain with the ſacrifice of life.

"Laſtly, That declaration tells you, of a preſent deſperate, and malicious plot, the malignant party is now acting, under the plauſible notions of ſtirring men up to a care of preſerving the king's prerogative, maintaining the diſcipline of the church, upholding and continuing the reverence and ſolemnity of God's ſervice, and encouraging learning, (indeed plauſible and honourable notions to act any thing upon) and that upon theſe grounds divers mutinous petitions have been framed in London, Kent, and other places. Upon what grounds would theſe men have petitions framed? Have ſo many petitions (even againſt the form and conſtitution of the kingdom, and laws eſtabliſhed) been joyfully received and accepted? And ſhall petitions framed upon theſe grounds be called mutinous? Hath a multitude of mean, unknown, inconſiderable, contemptible perſons, about the city ſuburbs of London, had liberty to petition againſt the government of the church, and againſt the book of Common-prayer, againſt the freedom and privilege of parliament, and been thanked for it? And ſhall it be called mutiny in the graveſt and beſt citizens of London, in the gentry and commonality of Kent, to frame petitions upon theſe grounds[k], and to deſire to be governed by the known laws of the land, not by orders or votes of either, or both houſes? Can this be thought the wiſdom and juſtice of both houſes of parliament? Is it not evidently the work of a faction within or without

[k] The petitions here mentioned, from London and Kent, were about the militia. For the London petition, George Binion, a rich citizen, was committed to priſon: where, after he had lain ſome time, the lords bailed him; but the commons committed him again the next day.—When the Kentiſh petition was brought, which was by ſome gentlemen of that county, with a great number of the ſubſtantial inhabitants, the city of London was put in arms; ſtrong guards placed at London bridge, were the petitioners were diſarmed, and only ſome few ſuffered to paſs with their petition to Weſtminſter. Upon the delivery thereof to the houſe of commons, the bringers of the petition were ſharply reprehended; two or three of them committed to ſeveral priſons; the principal gentlemen of the county, who had ſubſcribed and deſired it, ſent for as delinquents; charges and impeachments drawn up againſt them; and a declaration publiſhed, "That whoſoever ſhould henceforth adviſe, or contrive the like petitions, ſhall be proceeded againſt as enemies to the common-wealth. Clarendon, tom. I. p. 381, 382.

both

both houſes, who receive the truſt repoſed in them, and have now told us, what mutiny is? To ſtir up men to a care of preſerving our prerogative, maintaining the diſcipline of the church, upholding and continuing the reverence and ſolemnity of God's ſervice, encouraging of learning, is mutiny. Let heaven and earth, God and man, judge between us and theſe men. And however ſuch petitions are there called mutinous, and the petitioners threatened, diſcountenanced, cenſured, and impriſoned; if they bring ſuch lawful petitions to us, we will graciouſly receive them, and defend them and their rights againſt what power ſoever, with the uttermoſt hazard of our being.

"We have been the longer (to our very great pain) in this anſwer, that we might give the world ſatisfaction, even in the moſt trivial particulars which have been objected againſt us; and that we may not be again reproached with any more prudent omiſſions. If we have been compelled to ſharper language than we affect, let it be conſidered, how vile, how inſufferable, our provocations have been: and except to repel force, be to aſſault, and to give punctual and neceſſary anſwers to rough and inſolent demands, be to make invectives, we are confident the world will accuſe us of too much mildneſs, and all our good ſubjects will think we are not well dealt with, and will judge of us, and of their own happineſs and ſecurity in us, by our actions; which we deſire may no longer proſper, or have a bleſſing from God upon them and us, than they ſhall be directed to the glory of God, in the maintenance of the true Proteſtant profeſſion, to the preſervation of the property, and the liberty of the ſubject, in the obſervation of the laws, and to the maintainance of the rights and freedom of parliament, in the allowance and protection of all their juſt privileges."

After all theſe papers in this ſecond part of the reign of Charles I. one ſhould, it ſeems, have a perfect knowledge of the differences between the king and the parliament, and the ſubject be exhauſted. Nevertheleſs, if the reader ſhould keep to the papers publiſhed on both ſides, he would not have a very clear idea of the cauſe of theſe differences. To this end he muſt underſtand the motives which they took care not to diſcover in their manifeſtos, publiſhed only with deſign to gain the approbation of the people. The following deduction, will, in my opinion, ſerve to give a clear and plain idea of theſe differences. I ſhall ſay nothing but what has been ſaid in ſeveral places, and yet, I believe, it will not be ſuperfluous, briefly to recapitulate the whole, which may be of ſervice to ſhew the grounds and cauſes of the civil wars.

It muſt be laid down as an undeniable fact, after what has been ſaid, that the king had formed a deſign to eſtabliſh an arbitrary government in England. They who deny this, have only to ſeek in their imagination a more natural cauſe of the people's diſcontent againſt his government. But it is certain, whatever their ſyſtem may be, they will never be able, without this, ſo to reconcile it with the events as to ſatisfy the impartial. The four preceding parliaments conſidered all the king's proceedings, from the beginning of his reign, as tending to eſtabliſh an abſolute power. This was what they called their grievances, the redreſs whereof they had frequently, though in vain, demanded.

Charles I. inherited the king his father's mortal averſion to the puritans or preſbyterians. He was, like him, perſuaded that their principles concerning church-government, were directly oppoſite to monarchy. They both went ſtill farther. They believed not only, that all the puritans were antimonarchical, but alſo, that all thoſe who were againſt a deſpotic power were truly puritans. This made Charles I. reſolve to ruin ſuch as were not ſubmiſſive enough to his will, by confounding them all under the name of puritans. To that purpoſe he admitted into his council and public-offices, ſuch only as were of his principles. Hence ſprung all the ſeverities exerciſed by the council, the ſtar-chamber, the high-commiſſion, the judges, and all the magiſtrates, upon thoſe that, according to the notions of the court, were infected with puritaniſm, though many of theſe men were ſincerely attached to the church of England. Herein the king, contrary to his intention, did a very conſiderable ſervice to the true preſbterians, ſince he confounded their intereſts with thoſe of a great number of people, who otherwiſe would have had no inclination to preſbyterianiſm. The truth is, they were both threatened with the ſame deſtruction. And therefore, in the elections for this laſt parliament, many were returned of contrary principles to the king and court. Among theſe, the preſbyterians were the moſt ardent, perceiving their ruin was determined, and would ſoon approach if the king ſucceeded in his deſigns. Thus, the preſbyterian party, which before made an inconſiderable figure in the kingdom, grew very powerful by the junction of the other ſort of puritans, whom the court was pleaſed to confound with them.

On the other hand, archbiſhop Laud and ſome of the court-biſhops, deviſed a means, which could not fail to afford them occaſions to perſecute the puritans. This was to enjoin with great rigour the obſervances of certain practices, which moſt people looked upon as indifferent. Nay, they added ſundry innovations, which offended not only the preſbyterians, but alſo many church-of-England-men. This produced great murmurs. But people were not ſatisfied with complaining, they openly diſobeyed, and their diſobedience afforded a pretence to puniſhment. Hereby the biſhops, who were the chief authors of theſe innovations, made themſelves ſo odious, that many believed to have juſt reaſon to ſuſpect a deſign to reſtore the popiſh religion, ſince the eſtabliſhment of theſe innovations was ſo ardently purſued, which ſeemed to tend only to draw the church of England nearer to that of Rome. If to this diſcontent be added that occaſioned by the king's government with regard to the liberties of the people and the privileges of the parliament, it will not be difficult to conceive, that the nation in general was extremely diſſatisfied.

Though, in this laſt parliament there were many preſbyterians for the reaſon above-mentioned, they were not however ſtrong enough to form a party capable of oppoſing that of the church, had they at firſt diſcovered their intentions. So, it may be affirmed, that in general the deſign of this parliament, when they met, was not to overthrow the church of England, and eſtabliſh preſbyterianiſm in its room, though it can ſcarce be doubted, that this was the private aim of the preſbyterians. But as their numbers were too ſmall to oppoſe all the reſt of the parliament, they reſolved to join with the oppoſite party to the king, for procuring the redreſs of grievances. Among theſe grievances, ſome concerned religion, as the innovations which offended the church-men no leſs than the preſbyterians themſelves. Upon that ſubject, theſe ſcrupled not to declaim ſtrenuouſly when occaſion offered, and to repreſent theſe grievances as being of very dangerous conſequence. They could do it without diſcovering themſelves too openly, becauſe, as I ſaid, moſt of the members of parliament were already prejudiced againſt the innovations and the conduct of the biſhops. As the king was extremely zealous for the church of England, and in the number of thoſe who conſidered the innovations and ſome other trifles as neceſſary to the ſolemnity of the public worſhip, he oppoſed their ſuppreſſion as much as poſſible, not directly, but by means of the biſhops, popiſh lords, and others of his party. Wherefore the preſbyterians endeavoured to convince all the reſt of the contrary party, that as long as the biſhops ſhould ſit in the houſe of lords, it would be almoſt impoſſible to obtain an entire redreſs of grievances. The houſe of commons perſiſted therefore in ſo ordering it, that the biſhops votes ſhould be taken away, wherein they met with great obſtacles. But at length, by means of the tumults they frightened them away, and induced them to preſent the proteſtation, which occaſioned the ſending of twelve of them to the Tower. By the ſame means, the popiſh lords were alſo forced to abſent themſelves from the parliament. From that time the king's party became very weak, and the preſbyterians acquired new ſtrength.

Afterwards, the preſbyterian party having gained ſo much ground, diligently applied themſelves to cheriſh the diſſention between the king and the parliament. It was they that cauſed the remonſtrance of the ſtate of the kingdom to be paſſed, which was preſented to the king at his return from Scotland, and was as the ſignal of the rupture. Unhappily, there was in the preſbyterian party, another party which concealed themſelves, and were afterwards known by the name of Independents. This party, as they could not accompliſh their ſecret deſigns without diſorder and confuſion, affected a rigid preſbyterianiſm, and ſtrove to carry things to extremities, under colour of maintaining preſbyterianiſm, though in truth their intention was to deſtroy it as well as the church of England.

Mean while, the king retiring to York, and perceiving a war unavoidable, ſent private notice to all whom he thought his friends in both houſes, to leave the parliament and retire to York or elſewhere. Many obeyed, and by their retreat, the preſbyterian party became ſuperior in the two houſes. Before that time, when any thing was moved by the preſbyterians, tending to the ſubverſion of the church of England, thoſe who had any regard for the church did not fail to oppoſe it, and of this number were all the king's friends.

friends. But as ſoon as theſe were retired, the preſbyterian party, by their ſuperiority in both houſes, paſſed whatever they pleaſed. This is what the king obſerved in ſeveral paſſages of his anſwer. Thus, the preſbyterian party prevailing in both houſes, and ſecretly intending to alter the church government, but the thing being impracticable ſo long as the king ſhould preſerve his power, it is evident, that according to this project it was the parliament's intereſt, which was directed by the preſbyterians, carefully to avoid whatever tended to an accommodation, which would have broken all their meaſures. But they took care not to diſcover intirely their deſigns. It was not yet time, till they had put it out of the king's power to prevent the execution. So, though they rendered their fears and jealouſies of the king as plauſible as poſſible, and though it be granted, they had reaſon to ſuſpect and fear, there is however room to think that the danger they repreſented as being ſo near and imminent, was not ſo real as they pretended. Their grand aim, was to induce the king to begin the breach, wherein the king ſeems not to have ſoon enough perceived the ſnare that was laid for him.

As for the king, it is almoſt impoſſible to know perfectly his ſecret motives and intentions, becauſe, ſince the opening of the parliament, it had never been in his power to ſhew them evidently by any effects. It is true, he gave his aſſent to ſeveral advantageous bills to the people, and thereby ſeemed to expreſs a kind of repentance for his paſt conduct. But his ſituation, when he paſſed theſe acts, made it doubtful, whether he ſincerely conſented to the redreſs of grievances, or whether it was only to accommodate himſelf to the times. He aſſured, that his intentions was to govern for the future according to law, and called God to witneſs his ſincerity. But they would not rely on his word. Thus much is certain, that whatever he ſaid or did in favour of the laws, was little agreeable to the principles he had followed for fifteen years. If any were perſuaded, that his aſſeverations and promiſes were ſufficient for the nation's ſecurity, others thought to have juſt cauſe to queſtion their ſincerity, becauſe they came at a time when he had no other refuge than the laws to ſupport himſelf, nor other means than his promiſe to obſerve them, to hinder the whole nation from entirely deſerting him. I ſhall not pretend to decide ſo difficult a queſtion, which is beyond human reach, there being none but God alone who knows perfectly what paſſes in the heart. I believe it raſh to affirm, that Charles I. was not ſincere in his promiſes. But I believe alſo, his ſincerity may be doubted, ſince he had never opportunity to demonſtrate it by effects.

Whatever was the king's private intention, he fully perceived that of the prevailing party in the parliament, and ſaw that force alone could free him from his danger. His propoſals for an agreement were rejected, and his promiſes to keep the laws for the future conſidered as ſo many ſnares, and unfortunately for him he had given but too much cauſe for diſtruſt. He could not diſown it with reſpect to what had paſſed before this parliament; and even during this parliament, he had taken ſome ſteps, which his enemies knew how to turn to their advantage. Such was the plot to ſeduce the army, in which probably he was concerned, though he could affirm, he knew of no reſolution to bring up the army to London. Such was the accuſation of the ſix members of parliament, which could not but breed a ſuſpicion of ſome hidden deſign. The project to ſecure Hull, his withdrawing to York, the queen's voyage into Holland, the motive whereof was diſcovered in time, were things that helped not to cure the people's ſuſpicions. So both houſes ſteadily keeping to the occaſions of jealouſy, fear and diſtruſt, which they had, or pretended to have of the king, made uſe of them to convince the people, that there was no depending on his promiſe, unleſs it was put out of his power to break them. This occaſioned the affair of the militia, on account of which the king was drawn into a ſtrait, from whence he could not get clear. For, by granting the militia, he would himſelf have been ſubſervient to the execution of the parliament's deſigns, and by refuſing it, he gave occaſion to ſay, he was willing to agree with both houſes, without giving them other ſecurity than his word, which, as they pretended, could not be relied on. It is alſo true, that the king would not recede from any of his rights, neither would he offer other aſſurance than his word, to ſatisfy the parliament.

After what has been ſeen, it will not be hard to perceive the ground of the quarrel, and the difficulties of an accommodation. That concerning the government of the church, was one of the principal, though it may not be clearly explained in the manifeſtos of both parties. If the king's intereſts had been ſolely in queſtion, perhaps he would have agreed to ſome conceſſions, at leaſt, for a time. But he found, that one chief reaſon of his enemies deſiring to leſſen his authority, was the more eaſily to accompliſh a change in the eccleſiaſtical government, which he thought himſelf bound in conſcience to oppoſe to the utmoſt of his power. He was ſo ſtrongly, and ſo ſincerely attached to the church of England, that he looked upon any condeſcenſion which might tend to her ruin, as the blackeſt crime he could be guilty of, and perſiſted in this opinion, even when his affairs were grown deſperate. All his counſellors were of the ſame principles. They believed the epiſcopal government of the church ſo abſolutely neceſſary, that a church without biſhops was no true church in their opinion. On the other hand, the preſbyterians were no leſs poſſeſſed with their notions, and without diſtinguiſhing what is eſſential in religion from what is only external, they conſidered the uſages and practices of the church of England as a ſort of popery. Beſides, they were ſo convinced of the king's enmity to them, that they could not think themſelves ſafe, ſo long as it was in his power to oppreſs them. Matters ſtanding thus, it is evident, that force of arms alone was capable of obliging one or other party to yield.

A war being almoſt unavoidable, the earl of Briſtol, though he had no great reaſon to be pleaſed with the king, made his laſt effort to procure an accommodation, by a ſpeech in the houſe of peers. He repreſented, that the thing was not impoſſible, if it was ſincerely endeavoured. After having enumerated all the miſchiefs of a civil war, and the calamities it is uſually attended with, he moved to appoint a ſelect committee of both houſes, truly to ſtate all the differences betwixt the king and the parliament, with the moſt probable ways of reconciling them; what the king ought to do to ſatisfy the people, and what ſecurity he ſhould give. He added ſeveral other things, which plainly ſhewed, he inclined to the king's ſide, and becauſe, withal, he mentioned religion but very ſlightly and in general terms, his ſpeech had no great effect.

The ſame, or the next day, the commons voted:

"1. That it appeared, that the king, ſeduced by wicked counſels, intended to make war againſt the parliament, who, in all their conſultations and actions, had propoſed no other end unto themſelves, but the care of his kingdoms, and the performance of all duty and loyalty to his perſon.

"2. That whenſoever the king made war upon the parliament, it would be a breach of the truſt repoſed in him by his people, contrary to his oath, and tending to the diſſolution of the government.

"3. That whoſoever ſhall ſerve or aſſiſt him in ſuch wars, would be traitors by the fundamental laws of the kingdom; and had been ſo judged by two acts of parliament, and ought to ſuffer as traitors, 11 Rich. II. 1 Hen. IV." [l]

May the 22d, the lord-keeper Littleton delivered the great ſeal to be carried to the king, and followed it himſelf the next morning, before the parliament had any knowledge of it.

The 23d, both houſes ſent a petition to the king, to deſire him to diſband the horſe and foot raiſed under colour of a guard for his perſon. They told him, if he did not diſmiſs theſe forces, they ſhould be obliged to preſerve the peace of the kingdom by the moſt proper means. The king returned a very ſharp anſwer to this petition, reproaching both houſes, that they had raiſed a guard for themſelves, and ordered the ſheriffs to oppoſe with the power of the counties, ſuch as ſhould be drawn together by the king's command [m].

A war, as I ſaid, was reſolved on both ſides; but each ſtill proceeded with ſome caution, in order to caſt the blame on the contrary party. For, in a civil war, it is chiefly the people that are wanted, becauſe in them lies the ſtrength of the two parties. The earl of Briſtol, in his ſpeech to the lords the 20th of May, obſerved, that it was not impoſſible to propound and ſettle the differences betwixt the king and the parliament; but that the great difficulty conſiſted in finding ſuch ſecurity, as might ſtand with the king's honour, and the people's ſatisfaction. He chiefly inſiſted upon this, that the king offering to give reaſonable ſecurity, they were not to reject the offer, and charge themſelves with the events of a war. As this offer, though made in very general terms, appeared plauſible, the parliament was apprehenſive it would make ſome impreſſion on the people. And therefore they judged it neceſſary to ſhew that the king, by this general

[l] Theſe votes were paſſed before the king's anſwer to the parliament's manifeſto, and therefore are mentioned by him in that anſwer. Rapin.

[m] This order was dated May 17, and was repeated again May 28, together with an order to all high-ſheriffs, juſtices of peace, and other officers, within one hundred and fifty miles of York, to ſtay all arms and ammunition going to that city. Ruſhworth, tom. IV. p. 721, 722.

offer, did however offer only his word for ſecurity, which could not be a firm foundation of a good agreement. To this end, they ſent him, the 2d of June, nineteen propoſitions, which they conſidered as proper to eſtabliſh a good peace and ſtrict union between the king and the parliament. The propoſitions were theſe:

"1. That the lords, and others of your majeſty's privy-council, and ſuch great officers and miniſters of ſtate, either at home or beyond the ſeas, may be put from your privy-council, and from thoſe officers and employments, excepting ſuch as ſhall be approved of by both houſes of parliament; and that the perſons put into the places and employments of thoſe that are removed, may be approved of by both houſes of parliament: and that the privy-council ſhall take an oath for the due execution of their places, in ſuch forms as ſhall be agreed upon by both houſes of parliament.

"2. That the great affairs of this kingdom may not be concluded or tranſacted by the advice of private men, or by any unknown or unſworn counſellors, but that ſuch matters as concern the public, and are proper for the high court of parliament, which is your majeſty's great and ſupreme council, may be debated, reſolved, and tranſacted only in parliament, and not elſewhere; and ſuch as ſhall preſume to do any thing to the contrary, ſhall be reſerved to the cenſure and judgment of parliament; and ſuch other matters of ſtate, as are proper for your majeſty's privy-council, ſhall be debated and concluded by ſuch of the nobility and others, as ſhall from time to time be choſen for that place, by approbation of both houſes of parliament: and that no public act concerning the affairs of the kingdom, which are proper for your privy-council, may be eſteemed of any validity, as proceeding from the royal authority, unleſs it be done by the advice and conſent of the major part of the council, atteſted under their hands; and that your council may be limitted to a certain number, not exceeding five and twenty, nor under fifteen. And if any counſellor's place happen to be void in the interval of parliament, it ſhall not be ſupplied without the aſſent of the major part of the council; which choice ſhall be confirmed, at the next ſitting of parliament, or elſe to be void.

"That the lord high-ſteward of England, lord high-conſtable, lord-chancellor, or lord-keeper of the great ſeal, lord-treaſurer, lord privy-ſeal, earl-marſhal, lord-admiral, warden of the cinque-ports, chief governor of Ireland, chancellor of the exchequer, maſter of the wards, ſecretaries of ſtate, two chief-juſtices and chief-baron, may always be choſen with the approbation of both houſes of parliament, and, in the intervals of parliament, by aſſent of the major part of the council, in ſuch manner as is before expreſſed in the choice of counſellors.

"4. That he or they, unto whom the government and education of the king's children ſhall be committed, ſhall be approved of by both houſes of parliament; and, in the intervals of parliament, by the aſſent of the major part of the council, in ſuch manner as is before expreſſed in the choice of counſellors; and that all ſuch ſervants as are now about them, againſt whom both houſes ſhall have any juſt exceptions, ſhall be removed.

"5. That no marriage ſhall be concluded, or treated for any of the king's children, with any foreign prince or other perſon whatſoever, abroad or at home, without the conſent of parliament, under the penalty of a Præmunire, upon ſuch as ſhould conclude, or treat of any marriage as aforeſaid; and that the ſaid penalty ſhall not be pardoned or diſpenſed with, but by the conſent of both houſes of parliament.

"6. That the laws in force againſt jeſuits, prieſts, and popiſh recuſants, be ſtrictly put in execution, without any toleration or diſpenſation to the contrary; and that ſome more effectual courſe may be enacted by authority of parliament, to diſable them from making any diſturbance in the ſtate, or eluding the law by truſts, or otherwiſe.

"7. That the votes of popiſh lords in the houſe of peers may be taken away, ſo long as they continue papiſts; and that your majeſty will conſent to ſuch a bill as ſhall be drawn, for the education of the children of papiſts by proteſtants, in the proteſtant religion.

"8. That your majeſty will be pleaſed to conſent, that ſuch a reformation be made of the church government, and liturgy, as both houſes of parliament ſhall adviſe; wherein they intend to have conſultations with divines, as is expreſſed in their declaration to that purpoſe; and that your majeſty will contribute your beſt aſſiſtance to them, for the raiſing of a ſufficient maintenance for preaching-miniſters through the kingdom; and that your majeſty will be pleaſed to give your conſent to laws, for the taking away of innovations and ſuperſtition, and pluralities, and againſt ſcandalous miniſters.

"9. That your majeſty will be pleaſed to reſt ſatisfied with that courſe that the lords and commons have appointed for the ordering of the militia, until the ſame ſhall be farther ſettled by a bill, and that your majeſty will recal your declarations and proclamations againſt the ordinance made by the lords and commons concerning it.

"10. That ſuch members of either houſe of parliament, as have, during the preſent parliament, been put out of any place or office, may either be reſtored to that place and office, or otherwiſe have ſatisfaction made for the ſame, upon the petition of that houſe, whereof he or they are members.

"11. That all privy-counſellors and judges may take an oath, the form whereof to be agreed on, and ſettled by act of parliament, for the maintaining of the petition of right, and of certain ſtatutes made by the parliament, which ſhall be mentioned by both houſes of parliament; and that an enquiry of all the breaches and violations of thoſe laws may be given in charge, by the juſtices of the king's-bench every term, and by the judges of aſſize in their circuits, and juſtices of the peace at the ſeſſions, to be preſented and puniſhed according to law.

"12. That all the judges, and all the officers placed by approbation of both houſes of parliament, may hold their places, 'quamdiu bene ſe geſſerint.'

"13. That the juſtice of parliament may paſs upon all delinquents, whether they be within the kingdom, or fled out of it; and that all perſons cited by either houſe of parliament, may appear and abide the cenſure of parliament.

"14. That the general pardon offered by your majeſty may be granted, with ſuch exceptions as ſhall be adviſed by both houſes of parliament.

"15. That the forts and caſtles of this kingdom may be put under the command and cuſtody of ſuch perſons as your majeſty ſhall appoint, with the approbation of your parliament; and in the intervals of parliament, with the approbation of the major part of the council, in ſuch manner as is before expreſſed in the choice of counſellors.

"16. That the extraordinary guards, and military forces now attending your majeſty, may be removed and diſcharged; and that for the future you will raiſe no ſuch guards or extraordinary forces, but according to the law, in caſe of actual rebellion or invaſion.

"17. That your majeſty will be pleaſed to enter into a more ſtrict alliance with the ſtates of the United Provinces, and other neighbour princes and ſtates of the proteſtant religion, for the defence and maintenance thereof, againſt all deſigns and attempts of the pope and his adherents to ſubvert and ſuppreſs it, whereby your majeſty will obtain a great acceſs of ſtrength and reputation, and your ſubjects be much encouraged and enabled in a parliamentary way, for your aid and aſſiſtance, in reſtoring your royal ſiſter and her princely iſſue to thoſe dignities and dominions which belong unto them, and relieving the other proteſtant princes who have ſuffered in the ſame cauſe.

"18. That your majeſty will be pleaſed, by act of parliament, to clear the lord Kimbolton, and the five members of the houſe of commons, in ſuch manner, that future parliaments may be ſecured from the conſequence of that evil precedent.

"19. That your majeſty will graciouſly be pleaſed to paſs a bill, for reſtraining peers made hereafter, from ſitting or voting in parliament, unleſs they be admitted thereunto with the conſent of both houſes of parliament.

"And theſe our humble deſires being granted by your majeſty, we ſhall forthwith apply ourſelves to regulate your preſent revenue, in ſuch ſort as may be for your beſt advantage; and likewiſe to ſettle ſuch an ordinary and conſtant increaſe of it, as ſhall be ſufficient to ſupport your royal dignity in honour and plenty, beyond the proportion of any former grants of the ſubjects of this kingdom, to your majeſty's royal predeceſſors. We ſhall likewiſe put the town of Hull into ſuch hands as your majeſty ſhall appoint, with the conſent and approbation of parliament, and deliver up a juſt account of all the magazine; and chearfully employ the uttermoſt of our power and endeavours in the real expreſſion and performance of our moſt dutiful and loyal affections, to the preſerving and maintaining the royal honour, greatneſs and ſafety of your majeſty and your poſterity."

The king made to theſe propoſitions, a long anſwer, that is to ſay, with ſo long periods, and ſo frequent parentheſes, that it is no eaſy taſk to tranſlate it without loſing ſomething of its force[n].

[n] The original is here inſerted.

The king's anſwer to the nineteen propoſitions.

" BEFORE we ſhall give you our anſwer to your petition and propoſitions, we ſhall tell you, that we are now clearly ſatisfied, why the method which we traced out to you by our meſſage of the 20th of January, and have ſince ſo often preſſed upon you, as the proper way to compoſe the diſtractions of this kingdom, and render it truly happy, hath been hitherto declined, and is at length not thought fit to be looked upon. We now ſee plainly, (and deſire that you and all other our good ſubjects ſhould do ſo too) that the cabaliſts of this buſineſs have with great prudence reſerved themſelves, until due preparations ſhould be made for their deſign. If they had unſeaſonably vented ſuch propoſitions, as the wiſdom and modeſty of your predeceſſors never thought fit to offer to any of our progenitors; nor we in honour or regard to our regal authority (which God hath intruſted us with for the good of our people) could receive without juſt indignation (and ſuch many of your preſent propoſitions are) their hopes would ſoon have been blaſted, and thoſe perſons, to whom offices, honours, power, and commands were deſigned, by ſuch ill-timing of their buſineſs, would have failed of their expectation, not withont a brand upon the attempt. Therefore, before any thing of this nature ſhould appear, they have (certainly, with great wiſdom in the conduct of it) thought fit to remove a troubleſome rub in their way, the law, to this end, (that they might undermine the very foundations of it) a new power hath been aſſumed to interpret and declare laws without us by extemporary votes, without any caſe judicially before either houſe, (which is in effect the ſame thing as to make laws without us:) orders and ordinances made only by both houſes, (tending to a pure arbitrary power) were preſſed upon the people as laws, and their obedience required to them.

" Their next ſtep was, to erect an upſtart authority without us (in whom, and only in whom the laws of this realm have placed that power) to command the militia, (very conſiderable to this their deſign.) In farther order to it, they have wreſted from us our magazine and town of Hull, and abetted ſir John Hotham in his bold faced treaſon. They have prepared, and directed to the people, unprecedented invectives againſt our government, thereby (as much as lay in their power) to weaken our juſt authority and due eſteem among them; they have, as injuriouſly, as preſumptuouſly, (though we conceive by this time, impudence itſelf is aſhamed of it) attempted to caſt upon us aſperſions of an unheard-of nature, as if we had favoured a rebellion in our own bowels. They have likewiſe broached a new doctrine, that we are obliged to paſs all laws that ſhall be offered to us by both houſes, (howſoever our own judgment and conſcience ſhall be unſatisfied with them) a point of policy as proper for their preſent buſineſs, as deſtructive to all our rights of parliament, and ſo with ſtrange ſhameleſſneſs will forget a clauſe in law ſtill in force, made in the ſecond year of king Henry V. wherein both houſes of parliament do acknowledge, that it is of the king's regality to grant or deny ſuch of their petitions as pleaſeth himſelf. They have interpreted our neceſſary guard, legally aſſembled, for the defence of us and our childrens perſons, againſt a traitor in open rebellion againſt us[o], to be with intent to levy war againſt the parliament, (the thought whereof our very ſoul abhorreth) thereby to render us odious to our people.

" They have ſo awed our good ſubjects with purſevants, long chargeable attendances, heavy cenſures, and illegal impriſonments, that few of them durſt offer to preſent their tenderneſs of our ſufferings, their own juſt grievances, and their ſenſe of thoſe violations of the law, (the birth-right of every ſubject in this kingdom) though in an humble petition directed to both houſes; and if any did, it was ſtifled in the birth, called ſedition, and burnt by the common hangman.

" They have reſtrained the attendance of our ordinary and neceſſary houſhold ſervants[p], and ſeized upon thoſe ſmall ſums of money, which our credit had provided to buy us bread, with injunctions that none ſhould be ſuffered to be conveyed, or returned to us to York, or any of our peers or ſervants with us; ſo that, in effect, they have blocked us up in that county.

" They have filled the ears of the people with the noiſe of fears and jealouſies, though taken up upon truſt, tales of ſkippers, ſalt-fleets, and ſuch like, by which alarms they might prepare them to receive ſuch impreſſions as might beſt advance this deſign when it ſhould be ripe. And now it ſeems they think we are ſufficiently prepared for theſe bitter pills. We are in a handſome poſture to receive theſe humble deſires, which probably are intended to make way for a ſuperfetation of a (yet) higher nature, if we had not made this diſcovery to you, for they do not tell us this is all. In them we muſt obſerve, that theſe contrivers, the better to advance their true ends, diſguiſed as much as they could their intents, with a mixture of ſome things really to be approved by every honeſt man; others, ſpecious and popular; and ſome which are already granted by us, all which are cunningly twiſted and mixed, with thoſe other things of their main deſign of ambition and private intereſt; in hope that at the firſt view, every eye may not ſo clearly diſcern them in their proper colours.

" We would not be underſtood, that we intend to fix this deſign upon both or either houſe of parliament: we utterly profeſs againſt it, being moſt confident of the loyalty, good affection, and integrity of the intentions of that great body; and knowing well, that very many of both houſes were abſent, and many diſſented from all thoſe particulars we complain of: but we do believe, and accordingly profeſs to all the world, that the malignity of this deſign as (dangerous to the laws of this kingdom, the peace of the ſame, and the liberties of all our good ſubjects, as to ourſelf and our juſt prerogative) hath proceeded from the ſubtle informations, miſchievous practices, and evil counſels of ambitious turbulent ſpirits, diſaffected to God's true religion, and the unity of the profeſſors thereof, our honour and ſafety, and the public peace and proſperity of our people, not without a ſtrong influence upon the very actions of both houſes. But how faulty ſoever others are, we ſhall, with God's aſſiſtance, endeavour to diſcharge our duty with uprightneſs of heart; and therefore, ſince theſe propoſitions come to us in the name of both houſes of parliament, we ſhall take a more particular notice of every of them.

" If the 1ſt, 2d, 3d, 4th, 5th, 9th, 10th, 15th, 16th, 19th demands, had been writ and printed in a tongue unknown to us and our people, it might have been poſſible we and they might have charitably believed the propoſitions to be ſuch, as might have been in order to the ends pretended in the petition (to wit) the eſtabliſhing of our honour and ſafety, the welfare and ſecurity of our ſubjects and dominions, and the removing thoſe jealouſies and differences, which are ſaid to have unhappily fallen betwixt us and our people, and procuring both us and them a conſtant courſe of honour, peace, and happineſs: but being read and underſtood by all, we cannot but aſſure ourſelf, that this profeſſion, joined to theſe propoſitions, will rather appear a mockery and a ſcorn, the demands being ſuch; as though we were unworthy of the truſt repoſed in us by the law, and of our deſcent from ſo many great and famous anceſtors, if we could be brought to abandon that power, which only can enable us to perform what we are ſworn to, in protecting our people and the laws, and ſo aſſume others into it, as to diveſt ourſelf of it, although not only our preſent condition (which it can hardly be) were more neceſſitous than it is, and we were both vanquiſhed, and a priſoner, and in a worſe condition than ever the moſt unfortunate of our predeceſſors have been reduced to, by the moſt criminal of their ſubjects. And though the bait laid to draw us to it, and to keep our ſubjects from indignation at the mention of it, the promiſes of a plentiful and unparelleled revenue were reduced from generals (which ſignify nothing) to clear and certain particulars; ſince ſuch a bargain would have but too great a reſemblance of that of Eſau's, if we ſhould part with ſuch flowers of a crown, as are worth all the reſt of the garland, and have been tranſmitted to us from ſo many anceſtors, and have been found ſo uſeful and neceſſary for the welfare and ſecurity of our ſubjects, for any preſent neceſſity, or for any low and ſordid conſiderations of wealth and gain, and therefore all men knowing that thoſe accommodations are moſt eaſily made, and moſt exactly obſerved, that are grounded upon reaſonable and equal conditions, we have great cauſe to believe, that the contrivers of theſe had no intention of ſettling any firm accommodation, but to increaſe thoſe jealouſies, and widen that diviſion, which (not by our fault) is now unhappily fallen between us and both houſes.

" It is aſked, that all the lords and others of our privy-council, and ſuch (we know not what you mean by ſuch, but we have cauſe to think you mean all) great officers and miniſters of ſtate, either at home or beyond the ſeas, (for care is taken to leave out no perſon or place, that our diſhonour may be ſure not to be bounded within this kingdom, though no ſubtle inſinuations at ſuch a diſtance can probably be believed to have been the cauſe of our diſtractions and danger) ſhould be put from our privy-council, and from thoſe offices, and employments, unleſs they be approved by both

houſes

[o] Sir John Hotham. Rapin.

[p] The earls of Eſſex and Holland. Id.

houſes of parliament, how faithful ſoever we have found them to us and the public, and how far ſoever they have been from offending againſt any law, the only rule they had, or any others ought to have, to walk by. We therefore to this part of this demand, return you this anſwer, that we are willing to grant, that they ſhall take a larger oath than yourſelves deſire in your 11th demand, for maintaining not of any part, but of the whole law. (1.)

Remark (1.) This is ſaid, becauſe, in the whole body of the law were contained thoſe laws, which aſcribed to the king the prerogatives they had a mind to deprive him of.

"And we have and do aſſure you, that we will be careful to make election of ſuch perſons in thoſe places of truſt, as ſhall have given good teſtimony of their abilities and integrities, and againſt whom there can be no juſt cauſe of conception, whereon reaſonably to ground a diffidence; that if we have or ſhall be miſtaken in our election, we have and do aſſure you, that there is no man ſo near to us in place or affection, whom we will not leave to the juſtice of the law, if you ſhall bring a particular charge and ſufficient proofs againſt him; and that we have given you (the beſt pledge of the effects of ſuch a promiſe on our part, and the beſt ſecurity for the performance of their duty on theirs) a triennial parliament, the apprehenſion of whoſe juſtice, will, in all probability, make them wary how they provoke it, as wary how we charge ſuch, as by the diſcovery of their faults may in any degree ſeem to diſcredit our election, but that without any ſhadow of a fault objected, only perhaps becauſe they follow their conſciences, and preſerve the eſtabliſhed laws, and agree not in ſuch votes, or aſſent not unto ſuch bills, as ſome perſons, who have now too great an influence even upon both houſes, judge, or ſeem to judge to be for the public good, and as are agreeable to that new Utopia of religion and government, into which they endeavour to tranſform this kingdom. (2.)

Rem. (2.) This alludes to ſir Thomas Moor's Utopia.

"For we remember what names, and for what reaſons, you left out in the bill offered us concerning the militia, which you had yourſelves recommended in the ordinance. We will never conſent to the diſplacing of any, whom, for their former merits from, and affection to us and the public, we have intruſted; ſince we conceive, that to do ſo would take away both from the affection of our ſervants, the care of our ſervice, and the honour of our juſtice; and we the more wonder it ſhould be aſked by you of us, ſince it appears by the 12th demand, that you yourſelves count it reaſonable, after the preſent turn is ſerved, that the judges and officers who are then placed, may hold their places 'Quamdiu ſe bene geſſerint;' and we are reſolved to be as careful of thoſe we have choſen, as you are of thoſe you would chooſe, and to remove none till they appear to us to have otherwiſe behaved themſelves, or ſhall be evicted by legal proceedings to have done ſo.

"But this demand, as unreaſonable as it is, is but one link of a great chain, and but the firſt round of that ladder, by which our juſt, ancient, regal power, is endeavoured to be fetched down to the ground. For it appears plainly, that it is not with the perſons now choſen, but with our chuſing, that you are diſpleaſed; for you demand, that the perſons put into the places and employments of thoſe who ſhall be removed, may be approved by both houſes; which is ſo far (as to ſome at firſt ſight it may appear) from being leſs than the power of nomination, that of two things (of which we will never grant either) we would ſooner be content, that you ſhould nominate, and we approve, than you approve, and we nominate; the mere nomination being ſo far from being any thing, that if we could do no more, we would never take the pains to do that, when we ſhould only hazard thoſe whom we eſteemed, to the ſcorn of a refuſal, if they happened not to be agreeable, not only to the judgment, but to the paſſion, intereſt, or humour, or the preſent major part of either houſe.

"Not to ſpeak now of the great factions, animoſities, and diviſions, which this power would introduce in both houſes, between both houſes, and in the ſeveral counties, for the choice of perſons to be ſent to that place where that power was, and between thoſe perſons that were ſo choſen. Neither is this ſtrange potion preſented to us only for once, for the cure of a preſent preſſing deſperate diſeaſe, but for a diet to us and our poſterity: it is demanded, that our counſellors, all chief officers, both of law and ſtate, commanders of forts and caſtles, and all peers hereafter made (as to voting, without which, how little is the reſt?) be approved of (that is, choſen) by them from time to time; and rather than it ſhould ever be left to the crown, to whom it doth and ſhall belong, if any place fall void in the intermiſſion of parliament, the major part of the approved council is to approve them; neither is it only demanded, that we ſhould quit the power and right our predeceſſors have had, of appointing perſons in theſe places, but for counſellors we are to be reſtrained, as well in the number as in the perſons, and a power muſt be annexed to theſe places, which their predeceſſors had not; and indeed, if this power was paſſed to them, it were not fit we ſhould be truſted to chuſe thoſe who were to be truſted as much as we.

"It is demanded, that ſuch matters as concern the public, and are proper for the high court of parliament, which is our great and ſupreme council, may be debated, reſolved and tranſacted, only in parliament, and not elſewhere; and ſuch as preſume to do any thing to the contrary, ſhall be reſerved to the cenſure and judgment of the parliament; and ſuch other matters of ſtate, as are proper for our privy-council, ſhall be debated and concluded, by ſuch of our nobility, (though indeed, it being made by us, they may not vote without the conſent of both houſes, we are rather to call them your nobility) and others, as ſhall be from time to time choſen for that place, by approbation of both houſes of parliament; and that no public act concerning the affairs of the kingdom, which are proper for our privy-council, may be eſteemed of any validity, as proceeding from the royal authority, unleſs it be done by the advice and conſent of the major part of our council, atteſted under their hands; which demands were of that nature, that to grant them, were in effect, at once to depoſe both ourſelf, and our poſterity.

"Theſe being paſt, we may be waited on bare headed, we may have our hand kiſſed, the ſtile of majeſty continued to us, and the king's authority declared by both houſes of parliament, may be ſtill the ſtile of your commands; we may have ſwords and maces carried before us, and pleaſe ourſelf with the ſight of a crown and ſcepter; (and yet even theſe twigs would not long flouriſh, when the ſtock upon which they grew were dead) but as to true and real power, we ſhould remain but the outſide, but the picture, but the ſign of a king. We were ever willing that our parliament ſhould debate, reſolve, and tranſact, ſuch matters as are proper for them, as far as they are proper for them, and we heartily wiſh, that they would be as careful not to extend their debates and reſolutions beyond what is proper to them, that multitudes of things puniſhable, and cauſes determinable by the ordinary judicatures may not be entertained in parliament, and ſo cauſe a long, chargeable and fruitleſs attendance of our people, and (by degrees) draw to you, as well as all the cauſes, as all the faults, of Weſtminſter-hall, and divert your proper buſineſs: that the courſe of law be no ways diverted, much leſs diſturbed, as was actually done by the ſtop of the proceedings againſt a riot in Southwark, by order of the houſe of commons, in a time ſo riotous and tumultuous, as much increaſed the danger of popular inſolencies, by ſuch a countenance to riots, and diſcountenance of law: that you deſcend not to the leiſure of recommending lectures to churches, nor aſcend to the legiſlative power, by commanding (the law not having yet commanded it) that they whom you recommend be received, although neither the parſon nor biſhop do approve of them; and that the refuſers (according to the courſe ſo much formerly complained of to have been uſed at the council-table) be not ſent for to attend to ſhew cauſe at leaſt, that you would conſider conveniency, if not law, and recommend none but who are well known to you to be orthodox, learned, and moderate, or at leaſt ſuch as have taken orders, and are not notorious depravers of the book of Common-prayer; a care which appeareth by the diſcourſes, ſermons, and perſons of ſome recommended by you, not to have been hitherto taken; and it highly concerns both you in duty, and the commonwealth in the conſequences, that it ſhould have been taken: that neither one eſtate tranſact what is proper for two, nor two what is proper for three; and conſequently, that, contrary to our declared will, our forts may not be ſeized, our arms may not be removed, our monies may not be ſtopt, our legal directions may not be countermanded by you, nor we deſire to countermand them ourſelf; nor ſuch entrances made upon a real war againſt us, upon pretence of an imaginary war againſt you, and a chimera of neceſſity. So far do you paſs beyond your limits, whilſt you ſeem by your demand, to be ſtrangely ſtraitened within them; at leaſt we could have wiſhed, you would have expreſſed what matters you meant as fit to be tranſacted only in parliament, and what you meant by only in parliament.

"You have of late been perſuaded, by the new doctrine of ſome few, to think that proper for your debates, which hath not uſed to be at all debated within thoſe walls, but

been

been truſted wholly with our predeceſſors and us; and to tranſact thoſe things, which, without the regal authority, ſince there were kings of this kingdom, were never tranſacted: it therefore concerns us the more, that you ſpeak out, and that both we and our people may either know the bottom of your demands, or know them to be bottomleſs. What concerns more the public, and is more, (indeed) proper for the high court of parliament, than the making of laws, which not only ought there to be tranſacted, but can be tranſacted no where elſe? But then you muſt admit us to be a part of the parliament; you muſt not (as the ſenſe is of this part of the demand, if it have any) deny the freedom of our anſwer, when we have as much right to reject what we think unreaſonable, as you have to propoſe what you think convenient or neceſſary: nor is it poſſible our anſwers, either to bills, or any other propoſitions, ſhould be wholly free, if we may not uſe the liberty of every one of you, and of every ſubject, to receive advice (without their danger who ſhall give it) from any perſon, known or unknown, ſworn or unſworn, in theſe matters, in which the manage of our vote is truſted by the law, to our own judgment and conſcience; which how beſt to inform, is (and ever ſhall be) left likewiſe to us: and moſt unreaſonable it were, that two eſtates propoſing ſomething to the third, that third ſhould be bound to take no advice, whether it were fit to paſs, but from thoſe two that did propoſe it. We ſhall ever in theſe things, which are truſted wholly to us by the law, not decline to hearken to the advice of our great council, and ſhall chuſe to hear willingly the free debates of our privy council, (whenſoever we may be ſuffered to have them for ſending for, and they ſhall not be terrified from that freedom by votes, and brands of malignants and enemies to the ſtate, for adviſing what no law forbids to adviſe) but we will retain our power, of admitting no more to any council than the nature of the buſineſs requires, and of diſcourſing with whom we pleaſe, of what we pleaſe, and informing our underſtanding by debate with any perſons, who may be well able to inform and adviſe us in ſome particulars, though their qualities, education, or other abilities, may not make them ſo fit to be of our ſworn council; and not tie ourſelf up not to hear any more than twenty-five (and theſe not choſen abſolutely by us) out of a kingdom ſo repleniſhed with judicious and experienced perſons of ſeveral kinds. And though we ſhall (with the proportionable conſideration due to them) always weigh the advices both of our great and privy-council, yet we ſhall alſo look upon their advices as advices, not as commands or impoſitions; upon them as our counſellors, not as our tutors and guardians; and upon ourſelf as their king, not as their pupil or ward: for whatſoever of regality were, by the modeſty of interpretation, left us, in the firſt part of the ſecond demand as to the parliament, is taken from us in the ſecond part of the ſame, and placed in this new-fangled kind of counſellors, whoſe power is ſuch, and ſo expreſſed by it, that in all public acts concerning the affairs of this kingdom, which are proper for our privy-council, (for whoſe advice all public acts are ſometimes proper, though never neceſſary) they are deſired to be admitted joint-patentees with us in the regality; and it is not plainly expreſſed, whether they mean us ſo much as a ſingle vote in theſe affairs; but it is plain, they mean us no more at moſt, than a ſingle vote in them, and no more power than every one of the reſt of our privy-counſellors only leave to us, out of their reſpect and duty, (and that only is left of all our ancient power) a choice, whether theſe that are thus to be joined with (or rather ſet over) us, ſhall be fifteen or twenty-five: and great care is taken, that the oath which theſe men ſhall take, ſhall be ſuch, in the framing the form of which (though ſure we are not wholly unconcerned in it) we may be wholly excluded, and that wholly reſerved to be agreed upon by both houſes of parliament.

"And to ſhew that no more care is taken of our ſafety, than of our power, after ſo great indignities offered to us, and countenanced by thoſe who were moſt obliged to reſent them: after our town and fort kept from us, (from which if it were no otherwiſe ours, than the whole kingdom is, we can no more legally be kept out, than out of our whole kingdom, which ſure yourſelves will not deny to be treaſon) our arms our goods ſent away, and our money ſtopped from us, our guards (in which we have no other intention, than to hinder the end of theſe things from being proportionable to their beginnings) are not only deſired to be diſmiſſed, before ſatisfaction for the injury, puniſhment of the injuries, and care taken for our future ſecurity from the like. But it is likewiſe deſired (and for this, law is pretended, and might as well have been for the reſt, which yet with ſome ingenuity, are it ſeems acknowledged to be but deſires of grace) that we ſhall not for the future raiſe any guards, or extraordinary forces, but in caſe of actual rebellion or invaſion; which if it had been law, and ſo obſerved in the time of our predeceſſors, few of thoſe victories, which have made theſe nations famous in other parts, could have been legally atchieved: nor could our bleſſed predeceſſor queen Elizabeth have ſo defended herſelf in eighty-eight. And if no forces muſt be levied till rebellions and invaſions (which will not ſtay for the calling of parliaments, and their conſent for raiſing of forces) be actual, they muſt undoubtedly, (at leaſt moſt probably) be effectual and prevalent.

"And as neither care is taken for our rights, honour nor ſafety, as a prince; ſo our rights, as a private perſon, are endeavoured to be had from us; it being aſked, that it may be unlawful and puniſhable, not only to conclude, but even to treat of any marriage with any perſon for our own children, or to place governors about them, without conſent of parliament; and in the intermiſſion of theſe, without the conſent of our good lords of the council; that we may not only be in a more deſpicable ſtate than any of our predeceſſors, but in a meaner and viler condition than the loweſt of our ſubjects, who value no liberty they have more than that of the free education and marriage of their children, from which we are aſked to debar ourſelf; and have the more reaſon to take it ill that we are ſo, becauſe of our choice of a governor for our ſon, and a huſband for our daughter, (in which the proteſtant religion was our principal conſideration) we conceive we had reaſon to expect your preſent thanks, and the increaſe of your future truſts.

"We ſuppoſe theſe demands by this time to appear ſuch, as the demanders cannot be ſuppoſed to have any ſuch real fear of us, as hath been long pretended; they are too much in the ſtile, not only of equals, but of conquerors; and as little to be intended for removing of jealouſies, (for which end they are ſaid to be aſked;) and that is not as merchants aſk at firſt, much more than they will take, but as moſt neceſſary to effect it, which (if they be) God help this poor kingdom, and thoſe who are in the hands of ſuch perſons, (whoſe jealouſies nothing elſe will remove) which indeed is ſuch a way, as if there being differences and ſuits between two perſons, whereof one would have from the other ſeveral parcels of his ancient land, he ſhould propoſe to him, by way of accommodation, that he would quit to him all thoſe in queſtion, with the reſt of his eſtate, as the moſt neceſſary and effectual means to remove all thoſe ſuits and differences: but we call God to witneſs, that as for our ſubjects ſake theſe rights are veſted in us, ſo, for their ſakes, as well as for our own, we are reſolved not to quit them, nor to ſubvert (though in a parliamentary way) the ancient, equal, happy, well-poiſed, and never-enough commended conſtitution of the government of this kingdom; nor to make ourſelf of a king of England, a duke of Venice, and this of a kingdom, a republic.

"There being three kinds of government among men, abſolute monarchy, ariſtocracy, and democracy; and all theſe having their particular conveniencies and inconveniencies; the experience and wiſdom of our anceſtors, hath ſo moulded this out of a mixture of theſe, as to give to this kingdom (as far as human prudence can provide) the conveniencies of all three, without the inconveniencies of any one, as long as the balance hangs even between the three ſtates, and they run jointly on in their proper channel, (begetting verdure and fertility in the meadows on both ſides) and the overflowing of either on either ſide, raiſe no deluge or inundation. The ill of abſolute monarchy, is tyranny; the ill of ariſtocracy, is faction and diviſion; the ills of democracy, are tumults, violence and licentiouſneſs. The good of monarchy, is the uniting a nation under one head, to reſiſt invaſion from abroad, and inſurrection at home: the good of ariſtocracy, is the conjunction of council in the ableſt perſons of a ſtate for the public benefit: the good of democracy, is liberty, and the courage and induſtry which liberty begets.

"In this kingdom, the laws are jointly made by a king, by a houſe of peers, and by a houſe of commons, choſen by the people, all having free votes and particular privileges. The government, according to theſe laws, is truſted to the king; power of treaties, of war, and peace, of making peers, of chuſing officers and counſellors for ſtate, judges for law, commanders for forts and caſtles; giving commiſſions for raiſing men; to make war abroad, or to prevent or provide againſt invaſions or inſurrections at home; benefit of confiſcations, power of pardoning, and ſome more of the like kind are placed in the king. And this kind of regulated monarchy, having this power to preſerve that authority, without which it would be diſabled to preſerve the laws in their force, and

the ſubjects in their liberties and properties, is intended to draw to him ſuch a reſpect and relation from the great ones, as may hinder the ills of diviſion and faction; and ſuch a fear and reverence from the people, as may hinder tumults, violence, and licentiouſneſs.

" Again, That the prince may not make uſe of this high and perpetual power to the hurt of thoſe for whoſe good he hath it; and make uſe of the name of public neceſſity, for the gain of his private favourites and followers, to the detriment of his people, the houſe of commons, (an excellent conſerver of liberty, but never intended for any ſhare in government, or the chuſing of them that ſhould govern) is ſolely intruſted with the firſt propoſitions concerning the levies of monies, (which is the ſinews as well of peace as of war) and the impeaching of thoſe, who for their own ends, though countenanced by any ſurreptitiouſly-gotten command of the king, have violated that law, which he is bound (when he knows it) to protect; and to the proſecution of which they were bound to adviſe him, at leaſt not to ſerve him in the contrary. And the lords being truſted with a judicatory power, are an excellent ſkreen and bank between the prince and people, to aſſiſt each againſt any incroachments of the other; and by juſt judgments to preſerve that law, which ought to be the rule of every one of the three. For the better enabling them in this, beyond the examples of any of our anceſtors, we were willingly contented to oblige ourſelf, both to call a parliament every three years, and not to diſſolve it in fifty days: and for the preſent exigent, the better to raiſe money, and to avoid the preſſure (no leſs grievous to us than them) our people muſt have ſuffered by a longer continuance of ſo vaſt a charge as two great armies; and for their greater certainty of having ſufficient time to remedy the inconveniences ariſen, during ſo long an abſence of parliaments, and for the puniſhment of the cauſers and miniſters of them, we yielded up our right of diſſolving this parliament, expecting an extraordinary moderation from it, in gratitude for ſo unexampled a grace, and little looking that any malignant party ſhould be encouraged, or enabled to have perſuaded them, firſt, to countenance the injuſtices and indignities we have endured, and then by a new way of ſatisfaction for what was taken from us, to demand of us at once to confirm what was ſo taken, and to give up almoſt all the reſt.

" Since therefore the power, legally placed in both houſes, is more than ſufficient to prevent and reſtrain the power of tyranny; and without the power, which is now aſked from us, we ſhall not be able to diſcharge that truſt, which is the end of monarchy, ſince this would be a total ſubverſion of the fundamental laws, and that excellent conſtitution of this kingdom, which hath made this nation, ſo many years, both famous and happy to a great degree of envy; ſince to the power of puniſhing, (which is already in your hands according to law) if the power of preferring be added, we ſhall have nothing left for us but to look on, ſince the incroaching of one of theſe eſtates upon the power of the other, is unhappy in the effects both to them and all the reſt, ſince this power, of at moſt a joint government in us with our counſellors (or rather our guardians) will return us to the worſt kind of minority, and make us deſpicable both at home and abroad, and beget eternal factions and diſſenſions (as deſtructive to public happineſs as war) both in the choſen, and in the houſes that choſe them, and the people who choſe the chuſers; ſince ſo new a power will undoubtedly intoxicate perſons who were not born to it, and beget not only diviſions among them as equals, but in them contempt of us, as become an equal to them, and inſolence and injuſtice toward our people, and now ſo much their inferior, which ſhall be the more grievous unto them, as ſuffering from thoſe who were ſo lately of a nearer degree to themſelves: and being to have redreſs only from thoſe that placed them; and fearing they may be inclined to preſerve what they have made, both out of kindneſs and policy, ſince all great changes are extremely inconvenient, and almoſt infallibly beget yet greater changes, which beget yet greater inconveniencies.

" Since as great an one in the church muſt follow this of the kingdom; ſince the ſecond eſtate would in all probability follow the fate of the firſt, and by ſome of the turbulent ſpirits, jealouſies would ſoon be raiſed againſt them, and the like propoſitions for reconciliation of differences would be then ſent to them, as they now have joined to ſend to us, till (all power being veſted in the houſe of commons, and their number making them incapable of tranſacting affairs of ſtate with the neceſſary ſervice and expedition, thoſe being retruſted to ſome cloſe committee) at laſt the common people (who in the mean time muſt be flattered, and to whom licence muſt be given in all their wild humours, how contrary ſoever to eſtabliſhed law, or their own real good) diſcover this Arcanum imperii, That all this was done by them, but not for them; and grow weary of journey-work, and ſet up for themſelves, call parity and independence liberty; devour that eſtate which had devoured the reſt; deſtroy all rights and properties, all diſtinctions of families and merit; and by this means this ſplendid and excellently diſtinguiſhed form of government, end in a dark equal chaos of confuſion, and the long line of our many noble anceſtors in a Jack Cade, or a Wat Tyler.

" For all theſe reaſons, to all theſe demands our anſwer is, Nolumus Leges Angliæ mutari: but this we promiſe, that we will be as careful of preſerving the laws, in what is ſuppoſed to concern wholly our ſubjects, as in what moſt concerns ourſelf: for indeed we profeſs to believe, that the preſervation of every law concerns us, thoſe of obedience not being ſecure, when thoſe of protection are violated: and we being, moſt of any, injured in the leaſt violation of that, by which we enjoy the higheſt rights and greateſt benefits, and are therefore obliged to defend no leſs by our intereſt, than by our duty, and hope that no jealouſies to the contrary ſhall be any longer nouriſhed in any of our good people, by the ſubtle inſinuations, and ſecret practices of men, who, for private ends, are diſaffected to our honour and ſafety, and the peace and proſperity of our people. And to ſhew you, that no juſt indignation at ſo reproachful offers, ſhall make us refuſe to grant what is probable to conduce to the good of our good people, becauſe of the ill company it comes in, we will ſearch carefully in this heap of unreaſonable demands, for ſo much as we may (complying with our conſcience, and the duty of our truſt) aſſent unto, and ſhall accordingly agree to it.

" In purſuance of which ſearch in the fourth propoſition, under a demand, which would take from us that truſt, which God, nature, and the laws of the land have placed in us, and of which none of you could endure to be deprived, we find ſomething to which we give this anſwer, That we have committed the principal places about our children to perſons of quality, integrity, and piety, with ſpecial regard that their tender years might be ſo ſeaſoned with the principles of the true proteſtant religion, as (by the bleſſing of God upon this our care) this whole kingdom may in due time reap the fruits thereof: and as we have been likewiſe very careful in the choice of ſervants about them, that none of them may be ſuch, as by ill principles, or by ill examples, to croſs our endeavours for their pious and virtuous education; ſo if there ſhall be found (for all our care to prevent it) any perſon about our children, (or about us, which is more than you aſk) againſt whom both houſes ſhall make appear to us any juſt exception, we ſhall not only remove them, but thank you for the information; only we ſhall expect that you ſhall be likewiſe careful, that there be no underhand-dealing by any, to ſeek faults, to make room for others to ſucceed in their places.

" For the fifth demand, as we will not ſuffer any to ſhare with us in our power of treaties, which are moſt improper for parliaments, and leaſt of all in thoſe treaties in which we are neareſt concerned, not only as a king, but as a father; yet we do (ſuch is our deſire to give all reaſonable ſatisfaction) aſſure you by the word of a king, that we ſhall never propoſe or entertain any treaty whatſoever for the marriage of any of our children, without due regard to the true proteſtant profeſſion, the good of our kingdom, and the honour of our family.

" For the ſixth demand, concerning the laws in force againſt jeſuits, prieſts, and popiſh recuſants, we have, by many of our meſſages to you, by our voluntary promiſes to you ſo ſolemnly made, never to pardon any popiſh prieſt, by our ſtrict proclamations lately publiſhed in this point, and by the public examples which we have made in that caſe ſince our reſidence at York, and before at London, ſufficiently expreſſed our zeal herein. Why do you then aſk that in which our own inclination hath prevented you? And if you can yet find any more effectual courſe to diſable them from diſturbing the ſtate, or eluding the law by truſt or otherwiſe, we ſhall willingly give our conſent to it.

" For the ſeventh demand, concerning the votes of the popiſh lords; we underſtand, that they in diſcretion have withdrawn themſelves from the ſervice of the houſe of peers, and had done ſo when uſe was publicly made of their names to aſperſe the votes of that houſe, (which was then counted as malignant as thoſe, who are called our unknown and unſworn counſellors, are now;) neither do we conceive, that ſuch a poſitive law againſt the votes of any whoſe blood gives them

that

that right, is ſo proper in regard of the privilege of parliament, but are content, that ſo long as they ſhall not be conformable to the doctrine and diſcipline of the church of England, they ſhall not be admitted to ſit in the houſe of peers, but only to give their proxies to ſuch proteſtant lords as they ſhall chooſe, who are to diſpoſe of them as they themſelves ſhall think fit, without any reference at all to the giver.

" As to the deſires for a bill for the education of papiſts by proteſtants in the proteſtant profeſſion, many about us can witneſs with us, that we have often delivered our opinion, that ſuch a courſe (with God's bleſſing upon it) would be the moſt effectual for the rooting popery out of this kingdom; we ſhall therefore thank you for it, and encourage you in it, and when it comes unto us, do our duty; and we heartily wiſh for the public good, that the time you have ſpent in making ordinances without us, had been employed in preparing this and other good bills for us.

" For the eighth, touching the reformation to be made of the church-government and liturgy, we had hoped, that what we had formerly declared concerning the ſame, had been ſo ſufficiently underſtood by you, and all good ſubjects, that we ſhould not need to have expreſſed ourſelf further in it. We told you in our anſwer to your petition, preſented to us at Hampton-court the 1ſt of December, that for any illegal innovations which may have crept in, we ſhould willingly concur in the removal of them; and if our parliament ſhould adviſe us to call a national ſynod, which may duly examine ſuch ceremonies as give juſt cauſe of offence to any, we ſhould take it into conſideration, and apply ourſelf to give due ſatisfaction therein; that we were perſuaded in our conſcience, that no church could be found upon the earth, that profeſſeth the true religion with more purity of doctrine than the church of England doth, nor where the government and diſcipline are jointly more beautified and free from ſuperſtition, than as they are here eſtabliſhed by law: which (by the grace of God) we will with conſtancy maintain (while we live) in their purity and glory, not only againſt all invaſions of popery, but alſo from the irreverence of thoſe many ſchiſmatics and ſeparatiſts, wherewith of late this kingdom, and our city of London, abounds, to the great diſhonour and hazard both of church and ſtate, for the ſuppreſſion of whom we required your timely and active aſſiſtance. We told you in our firſt declaration, printed by the advice of our privy-council, 'That for differences amongſt ourſelves for matters indifferent in their own nature concerning religion, we ſhould, in tenderneſs to any number of our loving ſubjects, very willingly comply with the advice of our parliament, that ſome law might be made for the exemption of tender conſcience from puniſhment, or proſecution for ſuch ceremonies, and in ſuch caſes, which by the judgment of moſt men are held to be matters indifferent, and of ſome to be abſolutely unlawful; provided that this caſe ſhould be attempted and purſued with that modeſty, temper, and ſubmiſſion, that in the mean time the peace and quiet of the kingdom be not diſturbed, the decency and comlineſs of God's ſervice diſcountenanced, nor the pious, ſober, devout actions of thoſe reverend perſons who were the firſt labourers in the bleſſed reformation, or of that time, be ſcandalized and defamed.' And we heartily wiſh, that others whom it concerned, had been as ready as their duty bound them, though they had not received it from us, to have purſued this caution, as we were, and ſtill are willing and ready to make good every particular of that promiſe. Nor did we only appear willing to join in ſo good a work, when it ſhould be brought us, but preſſed and urged you to it by our meſſage of the 14th of February, in theſe words: 'And becauſe his majeſty obſerves great and different troubles to ariſe in the hearts of people, concerning the government and liturgy of the church, his majeſty is willing to declare, that he will refer the whole conſideration to the wiſdom of his parliament, which he deſires them to enter into ſpeedily, that the preſent diſtractions about the ſame may be compoſed; but deſires not to be preſſed to any ſingle act on his part till the whole be ſo digeſted and ſettled by both houſes, that his majeſty may clearly ſee what is fit to be left, as well as what is fit to be taken away:' of which we the more hoped of a good ſucceſs to the general ſatisfaction of our people, becauſe you ſeem in this propoſition to deſire but a reformation, and not, as is daily preached for as neceſſary in thoſe many conventicles, which have within theſe nineteen months begun to ſwarm, and which, though their leaders differ from you in this opinion, yet appear to many as countenanced by you, by not being puniſhed by you (few elſe, by reaſon of the order of the houſe of commons of the 9th of September, daring to do it) a deſtruction of the preſent diſcipline and liturgy. And we ſhall moſt chearfully give our beſt aſſiſtance for raiſing a ſufficient maintenance for preaching miniſters, in ſuch courſe as ſhall be moſt for the encouragement and advancement of piety and learning.

" For the bills you mention, and the conſultation you intimate, knowing nothing of the particular matters of the one (though we like the titles well) not of the manner of the other, but from an informer, (to whom we give little credit, and we wiſh no man did more) common fame, we can ſay nothing till we ſee them.

" For the eleventh, we could not have the oath of all privy-counſellors and judges ſtraitened to particular ſtatutes of one or two particular parliaments, but extend to all ſtatutes of all parliaments, and the whole law of the land; and ſhall willingly conſent, that an inquiry of all the breaches and violations of the law may be given in charge by the juſtices of the King's-bench every term, and by the judges of aſſize in their circuits, and juſtices of the peace at the ſeſſions, to be preſented and puniſhed according to law.

" For the ſeventeenth, we ſhall ever be moſt ready, (and we are ſorry it ſhould be thought needful to move us in it) not only to join with any (particularly with the States of the United Provinces, of which we have given a late proof in the match of our daughter) for the defence and maintenance of the proteſtant religion againſt all deſigns and attempts of the pope and his adherents; but ſingly (if need were) to oppoſe with our life and fortune all ſuch deſigns in all other nations, were they joined: and that for conſiderations of conſcience, far more than any temporal end of obtaining acceſs of ſtrength and reputation, or any natural end of reſtoring our royal ſiſter and her princely iſſue to their dignities and dominions, though theſe be likewiſe much conſidered by us.

" For the eighteenth, it was not our fault that an act was not paſſed to clear the lord Kimbolton, and the five members of the houſe of commons, but yours, who inſerted clauſes into both the preamble and act, (perhaps perſuaded to it by ſome who wiſh not that you ſhould in any thing receive ſatisfaction from us) as by paſſing the preamble, we muſt have wounded our honour againſt our conſcience, and by another clauſe have admitted a conſequence, from which we could never have been ſecured, by declaring, that no member of either houſe, upon any accuſation of treaſon, could have his perſon ſeized without the conſent of that houſe of which he is a member; though the known law be, 'That privilege of parliament extends not to treaſon;' and if it did, any member (the houſe being for a ſhort time adjourned, and ſo their conſent not being ſo had) how treaſonable ſoever his intentions were, how clearly ſoever known, and how ſuddenly ſoever to be executed, muſt have fair leave given him to go on and purſue them; no way, how legal ſoever, after the paſſing ſuch a clauſe, being left to prevent it. (3.)

Rem. (3.) The king, in ſhewing the inconveniencies of this clauſe, lays down a caſe different from that of the ſix members accuſed. For he ſuppoſes, to demonſtrate theſe inconveniencies, that the treaſon is manifeſt, and juſt going to be executed. Whereas the difference between the king and the parliament conſiſted, in that the parliament deſired to ſee the proofs, before they conſented to the proſecution of their members. Beſides, this maxim, that the privileges of parliament extend not to treaſonable caſes, is very ambiguous. For it may ſignify, either that in caſe of real, manifeſt, or apparent treaſon, the members of parliament have no more privilege than the reſt of the ſubjects, or elſe that by a bare accuſation of treaſon, true or falſe, a member may be committed to priſon like any other private perſon. The king took it, and would have it taken, in this laſt ſenſe, but the parliament would admit it only in the firſt. But that the king's ſenſe was wrong, evidently appears, in that when, for inſtance, a peer is accuſed of treaſon, he is not ſent to the Tower, according to the uſual courſe of juſtice, as a private perſon would be, but by order of his houſe, which thinks proper to conſent to his proſecution. Without this conſent, the king cannot ſend him to the Tower by his own authority, and upon a bare accuſation. In ſhort, no leſs inconveniencies would attend the king's ſenſe, ſince in that caſe the king, upon bare accuſations, true or falſe, might impriſon all the principal members of both houſes.

" To conclude, we conjure you, and all men, to reſt ſatisfied with the truth of our profeſſions, and the reality of our intentions, not to aſk ſuch things as deny themſelves; that you declare againſt tumults, and puniſh the authors; that you allow us our property in our towns, arms, and goods, and our ſhare in the legiſlative power, which would be counted in us not only breach of privilege, but tyranny and ſubverſion of parliaments, to deny to you. And when you

you ſhall have given us ſatisfaction upon thoſe perſons who have taken away the one, and recalled thoſe declarations (particularly that of the 26th of May) and thoſe in the point of the militia (our juſt rights, wherein we will no more part with than with our crown, leſt we enable others by them to take that from us) which would take away the other, and declined the beginnings of a war againſt us, under pretence of our intention of making one againſt you; as we have never oppoſed the firſt part of the thirteenth demand, ſo we ſhall be ready to concur with you in the latter.

"And being then confident, that the credit of thoſe men, who deſired a general combuſtion, will be ſo weakened with you, that they will not be able to do this kingdom any more harm, we ſhall be willing to grant our general pardon, with ſuch exceptions as ſhall be thought fit, and ſhall receive much more joy in the hope of a full and conſtant happineſs of our people in the true religion, and under the protection of the law, by a bleſſed union between us, and our parliament (ſo much deſired by us) than any ſuch increaſe of our revenue, (how much ſoever beyond former grants) as (when our ſubjects were wealthieſt) our parliament could have ſettled upon us."

I ſhall make but one general remark upon this anſwer of the king, and which to me ſeems abſolutely neceſſary, namely, that all the beginning, which includes two thirds, is entirely needleſs, ſince the king treats not of the point in diſpute between him and the parliament. The queſtion was not to know, whether the laws aſcribed ſuch and ſuch power to the king, but to know, whether the king having abuſed this power, his promiſe, that he would govern according to the law of the land, was to be depended upon for the future. The king throughout the beginning of his anſwer, ſuppoſes an ignorance of what is due to a king of England, or a cauſeleſs denial of the ſame. As to the firſt point, he pretends to acquaint the public with the nature of the Engliſh conſtitution, which was very needleſs, ſince nobody diſagreed with him. He keeps to the general poſition acknowledged by all the world, but ſays not a word to the particular queſtion, which was the ſole ſubject of the diſpute. As to the ſecond point, he does not deny that he had abuſed his power, but makes no other anſwer to the conſequence drawn by the parliament from this abuſe, than that he promiſes to behave better for the future.

It is eaſy to ſee, that neither the parliament's propoſitions, nor the king's anſwer, were proper to beget an accommodation. Accordingly, it may be affirmed, that neither ſide thought of any ſuch thing. When the king publiſhed his anſwer, he had received ſome arms, ammunition, and pieces of ordnance from Holland, and beſides that, was preparing to beſiege Hull. Though great part of the arms were now removed to London, he hoped ſtill to find there ſufficient for his moſt urgent occaſions. Moreover, this place, which was one of the ſtrongeſt in the kingdom, could be of great ſervice to him, to keep the adjacent country in his intereſt.

On the other hand, the preſbyterian party, who then prevailed in the parliament, had almoſt attained their deſire, that is, had brought things to a rupture, which gave them room to hope, they ſhould quickly have opportunity to accompliſh the reſt of their project. Indeed, this rupture between the king and the parliament being ſuppoſed, it was manifeſt, the kingdom was to be governed by the parliament and the king, ſeparately, and not jointly, as before, that is, they would each govern thoſe of their party; in which caſe, the parliament would have no more occaſion for the king's conſent, who would be looked upon as an enemy, and conſequently, they might ordain whatever they pleaſed, without any oppoſition. This was preciſely the point in which all the proceedings of the preſbyterian party had tended, without their diſcovering themſelves however, any more than was neceſſary to ſupport the expectations of their adherents. For till now it highly concerned them to make the public, and the members who were not of their ſide believe, that they acted in conjunction with the other members, only with the view of vindicating the common liberty, againſt the incroachments of the king.

It is certain, that from the beginning, there was in this parliament, a preſbyterian party, whoſe aims was to alter the church-government. But that this was the ſole aim of the preſbyterians, as many aſſert, is what does not to me appear evident, Why might not theſe men, in ſtriving to erect their diſcipline upon the ruins of the church, have another end, I mean, the prevention of the king and his party's incroachments upon the public liberty? There were, certainly, in this very parliament, members who were very far from being preſbyterians, and yet had the ſame end: why might not the preſbyterians have it too, jointly with that which was peculiar to them? Is it ſo uncommon a thing, to ſee people propoſe to themſelves two different ends, in one and the ſame undertaking? I confeſs I do not ſee the improbability of ſuch a propoſition. The preſbyterian party therefore muſt be conſidered as acting with thoſe two views, and this is ſo true, that undeniable proofs of it will appear in the ſequel of this reign. But their enemies have been pleaſed to aſcribe to them the firſt only, in order to charge them with putting the kingdom in a flame, for the ſake of eſtabliſhing the preſbyterian government in the church. I do not deny, that this motive contributed very much to it. But it does not follow, that the reaſons on which the parliament refuſed to confide in the king, were frivolous. The contrary may be rather inferred. For if theſe reaſons had not been plauſible, the preſbyterians would never have been able to execute their projects, and form ſo ſtrong a party in a kingdom, where, at the beginning of this parliament, they made ſo inconſiderable a figure. But they politicly make uſe of the general diſcontent, which actually ſubſiſted, to bring matters to the point they deſired. They cannot be ſaid to have cauſed this univerſal diſcontent, though it is certain, they helped to inflame it, becauſe it was neceſſary to their views.

The parliament having received advice from Holland, that the queen had pawned or ſold ſome of the crown-jewels at Amſterdam, publiſhed the 2d of June an order, declaring, that whoſoever was concerned in the ſelling or pawning theſe jewels, or in the bringing any money to the king, by way of bill of exchange, or otherwiſe, ſhould be accounted an enemy to the ſtate. But the queen had already laid out the money in purchaſing arms and ammunition, which ſhe had conveyed to the king, in a ſmall ſhip called the Providence, which, the very day the parliament publiſhed this order, ſafely arrived in Burlington-bay, after having been warmly purſued by part of the parliament's fleet, commanded by the earl of Warwick [q].

Some time before the king, finding a war unavoidable, had ordered his friends in both houſes, to abſent themſelves from the parliament. He hoped, by leſſening ſo conſiderably the number of the members, to leſſen the credit of the parliament. But this policy turned not to his advantage. It is true, both houſes were conſiderably leſſened in number. But withal, the king's party there grew ſo weak that they could no longer oppoſe the reſolutions taken againſt the king. Though the two houſes were not ſorry to be rid of theſe ſpies, they believed however, it was neceſſary to take ſome meaſures, either to hinder a greater deſertion, or to convince the people, it was not their fault if the parliament was not ſo numerous as hitherto. The commons therefore ordered all the ſheriffs of the kingdom, to give notice to the repreſentatives, to attend the houſe by the 16th of June, on the forfeiture of one hundred pounds, to be employed in the wars in Ireland, and on pain of undergoing ſuch farther puniſhment as the houſe ſhould think fit.

But the lords went ſtill farther, for they ordered nine of their members [r], who had repaired to the king at York, to appear at the bar the 8th of June as delinquents. Theſe nine lords having ſent their excuſe by a letter, the commons forthwith prepared an impeachment againſt them, and ſent it up to the lords. The 27th of the ſame month [s], the peers pronounced ſentence againſt the nine lords, declaring, they ſhould neither ſit or vote in the houſe during the preſent parliament, and ſhould ſtand committed to the Tower during the pleaſure of the houſe.

Theſe were little preludes to the war which was going to be kindled. But the 10th of June, both houſes gave a more evident proof of their deſign; for upon receiving advice, that the king was actually giving out commiſſions to levy forces, they publiſhed propoſals for the bringing in

[q] The Providence ran aſhore upon Holderneſs coaſt in Kenningham-creek, There were on board of her, ſixteen pieces of ordnance, and great ſtore of arms and ammunition. Ruſhworth, tom. IV. p. 601. Two or three thouſand arms, and two hundred barrels of gun-powder, ſays lord Clarendon, tom. I. p. 521.

[r] Spencer Compton, earl of Northampton, William Cavendiſh, earl of Devonſhire, Robert Cary, earl of Monmouth, and Henry Cary, earl of Dover; and Robert lord Rich, Charles Howard, lord Andover, Charles lord Grey of Ruthen, Thomas lord Coventry, and Arthur, lord Capel. Ruſhworth, tom. IV. p. 737.

[s] On the 20th of July. Ibid. p. 742.

They

of money or plate, at eight per cent. for the defence of the kingdom[t]. This is what the king's friends will have to be conſidered as the firſt declaration of war on the parliament's ſide, and pretend thereby to ſhew, that both houſes were the aggreſſors. But it is certain, the king, long before, had taken meaſures to prepare for war, and there is no doubt the parliament had done the ſame, though perhaps more ſecretly than the king. Be this as it will, after having ſeen what were the true grounds and cauſes of the war, it ſeems of little moment to know, which of the two parties firſt diſcovered the meaſures taken to attack or defend. For that at moſt is the meaning of the queſtion, 'Which of the parties began the war?'

The king having notice of what the parliament had done for the ſpeedy raiſing of money, writ to the lord-mayor of London, commanding him to publiſh his letter, wherein he forbid the citizens to lend any money to both houſes. This letter occaſioned their publiſhing a declaration, the aim whereof was to ſhew the people, that the parliament was under an abſolute neceſſity of preparing for their defence. They ſaid his majeſty having ſo often threatened them about Hull and the militia, they could not but conſider his preparations as a deſign to levy war againſt his parliament.

The king made to this declaration a long anſwer, full of reproaches of the illegal proceedings of both houſes againſt him. He did not deny, that he intended to have juſtice in the caſes of Hull and the militia, or loſe his life in requiring it; and affirmed, that this was no proof of a deſign to make war againſt the parliament, but only of his intention to defend himſelf againſt their attacks. The parliament ſaid the ſame thing on their part, and each endeavoured to caſt the blame of the war on the oppoſite party. I did not think it neceſſary to inſert theſe laſt papers, there being nothing new in them. They contain the ſame reproaches, and the ſame vindications on both ſides, as were ſeen in the former declarations. I ſhall only obſerve, that even when the war was going to commence, and there was no more hopes of an accommodation, the king thought it very ſtrange, that his prerogatives ſhould be violated, and the parliament raiſe forces without his approbation. He always uſed the ſame ſtile, even the very midſt of the war. In ſhort, the parliament, weary of theſe paper-ſkirmiſhes, of which there was no end, and which conſumed a great deal of time, prohibited, by a printed order, the publiſhing any declarations or papers in the king's name, that ſhould be contrary to the ordinances of the parliament. After that there was no hope of peace, and accordingly, all thoughts of it were laid aſide by both parties.

The king, before he came to an open declaration, had a mind to execute two deſigns he had formed. The firſt was, to become maſter of the fleet; the ſecond, to beſiege Hull. The project of the fleet was ſolely founded in the expectation, that the captains of the ſhips would declare for him as ſoon as commanded. In this belief, he writ to each captain in particular, requiring him, without delay, and without demanding the orders of his ſuperiors, to bring away his ſhip to Burlington-bay, and yield no farther obedience to the earl of Warwick. He ſent withal a letter to the earl of Warwick, to diſcharge him from the command of the fleet. The letters to the captains were to be delivered, as indeed they were, before that directed to the earl of Warwick. The king diſpatched at the ſame time a meſſenger to London, to carry to the earl of Nortumberland a revocation of his commiſſion of admiral, under the great ſeal. The earl of Warwick, who was then on ſhore, having notice of what paſſed in the fleet, went immediately on board his ſhip, and ſummoned all the captains to attend him at a council of war. All obeyed, notwithſtanding the king's orders, except five, who united together to make their defence, in caſe they ſhould be attacked. The reſt proteſted to their admiral, they would obey his commands. As ſoon as he had ſecured theſe, he cauſed them to come to an anchor round the five others, to force them to ſubmit. But three of them thought fit to come in upon a ſummons. The two that ſtill remained obſtinate, ſuffered themſelves to be ſhamefully taken by unarmed boats, and were ſent to London. Thus the king was diſappointed of his aim, for which, though of great importance, he had not doubtleſs taken very proper meaſures, as appeared by the event[u].

After this fruitleſs attempt, the king believed it in vain to diſſemble any longer, and that he muſt at laſt begin the war. To that end, he ordered William Cavendiſh earl of Newcaſtle to ſecure the town of Newcaſtle; which was performed, though with ſome difficulty, and then he cauſed alſo Tinmouth caſtle to be ſeized. At the ſame time, he ſent many lords and gentlemen into their reſpective ſhires to levy forces, and by a patent under the great ſeal, appointed William Seymour earl of Hertford, his lieutenant-general of the weſtern counties. He kept near his perſon Robert Bartu earl of Lindſey, to be, under him, general of his army. Sir Jacob Aſhley was general of the foot, and the place of general of the horſe was reſerved for prince Rupert, the king's nephew and brother to the elector Palatine, who was daily expected.

Though the king had pretended to raiſe only a guard for his perſon, it was found however, that in the beginning of July, he had about three thouſand foot, and ſeven or eight hundred horſe, with which he reſolved to march to Hull. He ſtaid ſome days at Beverly, and publiſhed a proclamation, to ſignify his intention to beſiege Hull, and the reaſon that induced him thereto. As they have already been mentioned, it is needleſs to repeat them. Three days after, he ſent the proclamation to the parliament, with a meſſage, requiring them, that the Town of Hull might be forthwith delivered to him.

Before the parliament received the meſſage, they had reſolved to preſent a petition to his majeſty, to pray him, in a very humble manner, to forbear all preparations for war; to remove his forces from about Hull; to diſmiſs his troops; to ſend away his garriſons from Newcaſtle, Tinmouth, and other places; for which they promiſed alſo, on their part, to diſcontinue all the preparations they had been forced to make for their defence. The king returned a long anſwer in writing to this petition, wherein he repeated great part of what he had ſaid in his declarations. He made likewiſe ſome propoſitions to both houſes, allowing them to the 27th of July for a full and poſitive anſwer.

The parliament having returned an unſatisfactory anſwer to the propoſitions, the king reſolved to begin the ſiege of Hull. But the enterprize was ſo unſucceſsful, that after having been ſome time before the town, without making any progreſs, he was obliged to raiſe the ſiege or rather blockade, and return to York. The earl of Clarendon ſays, the king undertook the ſiege of Hull, upon the aſſurance given him by ſir John Hotham, that he would ſurrender the town at the firſt ſhot, but that it was not poſſible for Hotham to perform his word[x].

The king, as I before ſaid, had, ſome months ſince, gained Colonel Goring governor of Portſmouth, who feigning to keep the place for the parliament, held it indeed for the king. He received money from both ſides, to reinforce the garriſon and raiſe new works, the parliament not miſtruſting him, and the king relying on his word. At laſt, about the time the king was before Hull, Goring openly declared for him. This happened in the beginning of Auguſt, but three weeks after the parliament had iſſued out orders for levying an army, to be commanded by Robert Devereux earl of Eſſex[y]. This army not being yet ready, both houſes, though aſtoniſhed at Goring's defection, were not however diſcouraged. As it was of the utmoſt importance to recover this place, the ſtrongeſt in the kingdom, before the king ſhould be able to relieve it, they haſtily diſpatched a committee, whom they impowered to aſſemble the militia of the neighbouring counties to block up Portſmouth by land, while the earl of Warwick, by their order, blocked it up by ſea. Happily for the parliament, Goring, though he had received from them three thouſand pounds, and the like ſum from the king, had neglected to lay in the

[t] They pretended, that their deſign was only to maintain the proteſtant religion, the king's authority and perſon in his royal dignity, the free courſe of juſtice, the laws of the land, the peace of the kingdom, and privileges of the parliament. Ruſhworth, tom. IV. p. 745, 747. So ready were the people to comply with the parliament's propoſals, that the ſums brought in, including plate, &c. mentioned, to above eleven millions. Dugdale's View, p. 96.

[u] Sir John Pennington, it ſeems, having refuſed to undertake the buſineſs, each captain, as is ſaid above, had orders to bring away his ſhip; but Pennington altering his mind, the diſpatches were altered too, and the captains were commanded in their letters to follow Pennington's orders, who not coming time enough, the project came to nothing. Had the firſt letters gone, the five ſhips above-mentioned might have got off. Clarendon, tom. I. p. 523, 524.

[x] The lord Digby coming privately to the king at York, from beyond ſea, and not finding matters as he expected, reſolved to go back to the queen, and haſten the ſupply of arms, but was taken at ſea by the ſhips that were chaſing the Providence, and brought diſguiſed like a Frenchman into Hull, where diſcovering himſelf to ſir John Hotham, he prevailed with him according to the lord Clarendon, to promiſe to ſurrender the town, if the king would come before it, and make but one ſhot. And this he ſays, induced the king to march to Beverly, in order to beſiege Hull, before, he had any thing in readineſs for ſuch an undertaking. Clarendon, tom. I. p. 546, &c.

[y] And William Ruſſel earl of Bedford, was, on July 14, appointed general of the horſe. Ruſhworth, tom. IV. p. 736.

neceſſary proviſions for a ſiege, and particularly corn and ſalt; ſo that in the very beginning of the blockade, he perceived he could not reſiſt long. This made him to reſolve to capitulate. He ſurrendered the place to the committee, only for liberty to retire into Holland, and for his officers to repair to the king.

During the blockade of Portſmouth, the king not doubting but Goring was in condition to defend that place, publiſhed at laſt a declaration that had long been prepared, wherein he ſums up all the complaints he had already made againſt both houſes. As the reader is ſufficiently informed, there is no occaſion to inſert this new declaration. Only it muſt be remarked, that the king declared both houſes guilty of high-treaſon, and forbid all his ſubjects to obey them. At the ſame time was alſo publiſhed a proclamation, requiring all men who could bear arms, to repair to him by the 25th of Auguſt at Nottingham, where he intended to ſet up his royal ſtandard, which all good ſubjects were obliged to attend. The ſetting up of the royal ſtandard, was the ancient manner of making known to the people the king's urgent occaſion for their aid, and the place to which they were to repair to aſſiſt him. The king could not forbear thinking, he was ſtill to be conſidered as an ordinary king, and to have the ſame reſpect and obedience paid to him, as if he had never given his people any cauſe of complaint. He imagined, that the acts of grace he had paſſed in this parliament, and his promiſes to behave better for the future, had effaced all the ill impreſſions made by his paſt government upon his ſubjects; and that, though there was a powerful party againſt him in the parliament, it was otherwiſe among the people. He thought therefore, the ſetting up his ſtandard would make a ſtrong impreſſion on the people, and induce them to appear in arms at Nottingham. But the prejudices were too deeply rooted in the minds of moſt of the ſubjects, for a bare ceremony to remove them.

Whilſt the day appointed for the ſetting up of the ſtandard was expected, the king endeavoured to augment the number of his forces. He gave out freſh commiſſions, and ſent the earl of Hertford and ſome other lords and gentlemen to manage his concerns, and raiſe troops in the weſtern parts. For himſelf, he departed from York ſome days before the 25th of Auguſt, and in his way took Lincoln, from whence he drew the arms of the train-bands for his troops; after which he came to Nottingham, and the next day reviewed his horſe.

The review was no ſooner ended, but he was informed that two regiments of foot were marching to Coventry by the earl of Eſſex's orders. Whereupon he haſtened thither with his cavalry, conſiſting of ſeven or eight hundred horſe, in hopes of preventing the parliament's forces, and poſſeſſing himſelf of that city. Accordingly he arrived there the day before the two regiments: but the mayor of the city, though without a garriſon, ſhut the gates againſt him, and fired upon his men. He was very ſenſibly touched with this indignity; but as there was no remedy, he was forced to return to Nottingham, leaving the command of his cavalry to commiſſary-general Wilmot,

The next day, his horſe being upon a plain of five or ſix miles extent, where nothing incumbered them, had a clear view of a body of twelve hundred of the enemies foot, guarded only by one troop of horſe. Wilmot, it ſeemed, could not have wiſhed for a fairer opportunity to attack with advantage this body of foot, who had nothing to ſecure them. But, for what reaſon it is not known, inſtead of attacking the enemies, he thought only of avoiding them, and even retreated with ſome precipitation. This was a bad omen to a war juſt commenced.

At laſt, on the 25th of Auguſt, the king cauſed his ſtandard to be erected on a turret of Nottingham caſtle[z], having only with him ſome unarmed train-bands. His proclamation had produced ſo little effect, that few were come to attend the royal ſtandard. Nay, it happened, the very day the ſtandard was erected, to grow ſo tempeſtuous, that it was blown down, and could not be fixed again in a day or two. This was looked upon by many as a fatal preſage of the war. The king had imagined, that the ſetting up of his ſtandard would draw a great numbers of people to Nottingham, who would come and offer him their ſervice: but he was very much diſappointed. He had with him but three hundred foot, and ſome train-bands drawn together by ſir John Digby ſheriff of the county. His cavalry conſiſted only of eight hundred horſe, and his artillery was ſtill at York, from whence it was difficult to bring it, many things being yet wanted to prepare and form it for marching, and beſide there were no foot to guard it. Nevertheleſs, as he had given out many commiſſions, and ordered his forces to repair to Nottingham, he expected them in that town, though not without danger, the parliament having at Coventry five thouſand foot, and fifteen hundred horſe. Thus the king was in a very melancholy ſtate before the war was well begun. He had appointed Robert Bartu earl of Lindſey for general, but had yet no army. The princes Rupert and Maurice his nephews, brothers of the elector Palatine, being come to offer him their ſervice in the beginning of September, he made prince Rupert general of his horſe, quartered at Leiceſter, whither the prince went and took upon him the command.

The king it is certain, was in extreme danger at Nottingham. The town was not in condition to make a long reſiſtance, and the king having ſcarce any forces, if the parliament's troops, which were within twenty miles of the place, had marched directly to him, he muſt have been forced to retire with diſhonour to York, unleſs he would have hazarded his being made priſoner. All thoſe about him ſaw the danger, it being ſo evident; but it was not eaſy to avoid it without quitting Nottingham, which could not but be very prejudicial to him. For this reaſon it was moved in the council, to ſend a meſſage to both houſes, with ſome overture to incline them to a treaty. The intent of this propoſition was doubtleſs to intimate to the king, that his affairs were in ſuch a ſituation, that peace alone could free him from the perplexity and danger he was expoſed to. But the mover of this advice could hardly think, that a bare offer of peace was able to effect it, after what had paſſed before the rupture. Very likely therefore, his deſign was that, in propoſing a peace, ſomething more ſhould be offered, than what had been offered before. The king eaſily perceived the intimation, and was ſo offended at it, that he broke up the council, that it might not be no longer urged.

However, the next day, the ſame motion was renewed, but under a different view. As it was doubtleſs perceived, that what had offended the king, was the plain meaning of propoſing a peace, namely, that his majeſty muſt depart from ſome of his pretenſions, care was taken to remove this odious meaning, and it was adviſed only to ſend a meſſage to both houſes, in order to gain time. The king ſtill oppoſed it, alleging, to offer peace in ſuch a juncture, would be diſcovering his weakneſs: That his enemies would reject the offer with inſolence, and nothing but diſhonour would thereby reflect on himſelf. But it was repreſented to him, that ſuch a meſſage might do good, but could do no harm: That indeed, both houſes, very likely, would reject the offer, but they would thereby render themſelves odious to the people, who were deſirous of peace, and who would be the more inclined to ſerve his majeſty, for his endeavours to procure it: That if the overture was accepted, the king would have an opportunity of demonſtrating, that the war, on his part, was purely defenſive: In ſhort, that the bare offer of peace would of courſe retard the preparations of the parliament, becauſe mens minds would be in ſuſpenſe, whilſt the king's levies might be continued by virtue of the commiſſions already ſent out.

The king yielded to theſe reaſons, becauſe the point was not to offer any new conditions, but only to lay a ſnare for the parliament, and retard their preparations. This was the ſole motive of the meſſage, wherein, as we ſhall ſee preſently, the king propoſed nothing new, and which, however, he repreſented afterwards as an evident ſign of his ſincere deſire of peace. But though ſome pretend, that his majeſty's meſſage, and the parliament's refuſal, contributed very much to facilitate the king's levies, and undeceive the people of their good opinion of the intentions of both houſes, I cannot believe that ſuch weak reaſons were able to produce ſo great effects. It is true, if by the people be meant only thoſe who were devoted to the king, it is not unlikely, that the refuſal of peace might render the parliament odious to them, and promote their taking up arms for the king. But if by the people, be underſtood the parliament's party, or rather all the people in general and without diſtinction, it is not eaſy to conceive, how the refuſal of a bare propoſition, without any thing new in it, could produce ſuch an effect [a]. The people, no doubt, wiſhed

[z] Ruſhworth ſays, it was erected in the open field, on the back-ſide of the caſtle wall. Tom. IV. p. 783.

[a] It is judiciouſly obſerved by a modern author, That thoſe on whom the parliament's repreſentations prevailed, were generally people of the midland counties, and the traders in the ſouthern parts of the kingdom, who had ſmarted moſt by the arbitrary acts of power, ſuch as ſeizure of goods, proſecutions for ſhip-money, loans, tunnage, and poundage, illegal imprionment, &c. Thoſe on whom the king's repreſentations prevailed, were gene-
rally

for peace rather than war. But they would have a ſolid peace, ſupported by other foundations than the king's bare word, and not a peace in general, ſuch as his majeſty propoſed. They had already rejected ſuch a peace; and upon this ſenſe of the nation it was, that the parliament's whole authority was founded. This was no new thing: it had been long diſputed without coming to any concluſion. How therefore could the bare propoſal of a treaty, without any particular offer, incline the people ſo ſtrongly to the king, and render the parliament more odious, if it was rejected? And yet, upon this foundation the king conſtantly built, from the beginning of the war, as will appear in the ſequel. The ſecond reaſon was wholly founded on the prejudices of the privy-counſellors. For, ſuppoſing the negotiation had been entered into, by what freſh evidence would the king have been able to demonſtrate, that the war was only defenſive on his part, ſince he had already alleged all that could be ſaid on that ſubject and ſince his papers were public? The third reaſon was of no greater force. For if the bare overture of a treaty was capable of keeping people in ſuſpence, and retarding the parliament's levies, it might alſo have the ſame effect with regard to the king's. But the counſellors ſuppoſed, his majeſty's levies would be continued with vigour, whilſt the parliament's preparations would be interrupted: That is to ſay, the parliament's friends would fall into the ſnare, whilſt care ſhould be taken privately to warn the king's to avoid it. Nothing more clearly ſhews, with what ſpirit they adviſed the king to ſend this meſſage to the parliament.

Be this as it will, the meſſage was ſent the 25th of Auguſt, (three days after the ſetting up of the ſtandard) [b] by Thomas Wriotheſly earl of Southampton, ſir John Culpepper, and ſome others [c].

He pronounced to both houſes, "That ſome perſons might be by them enabled to treat with the like number authorized by him, in ſuch a manner, and with ſuch freedom of debate, as might beſt tend to the peace of the kingdom. And he aſſured them, that nothing ſhould be wanting on his part, which might advance the proteſtant religion, oppoſe popery, ſecure the laws of the land, and confirm all juſt power and privileges of parliament. If this propoſition ſhould be rejected, he proteſted, he had done his duty ſo amply, that God would abſolve him from any of the guilt of that blood which muſt be ſpilt."

As the war was ſufficiently declared by the erecting of the ſtandard, it ſeems, the king ſhould have demanded a ſafe conduct for his meſſengers. But though he had neglected to take that precaution, they pretended, on what grounds I know not, to go and ſit in their reſpective places, without any previous notice, [d]. The lords, offended at the earl of Southampton's boldneſs, called upon him to withdraw, and ordered him to ſend his meſſage in writing, and wait for an anſwer out of London. The commons alſo obliged Culpepper to deliver his meſſage at the bar, at which the king took great offence.

The anſwer of both houſes to his majeſty's meſſage was, "That notwithſtanding their endeavours to prevent the diſtracted eſtate of the kingdom, nothing had followed but proclamations and declarations againſt both houſes of parliament, whereby their actions were declared treaſonable, and their perſons traitors. So that until thoſe proclamations were recalled, and the ſtandard taken down, they could not, by the fundamental privileges of parliament, give his majeſty any other anſwer to his meſſage."

The king's meſſengers being returned to Nottingham with this anſwer, "His majeſty," ſays the lord Clarendon, "Was contented to make ſo much farther uſe of their pride and paſſion, as to give them occaſion, by another meſſage, to publiſh more of it to the people." It is eaſy to judge from hence, whether the king's real motive was a ſincere deſire of peace, ſince his meſſages were intended only to render the parliament odious. He ſaid in his reply: "That he never deſigned to declare both houſes of parliament traitors, or ſet up his ſtandard againſt them, and much leſs to put them and the kingdom out of his protection; he utterly profeſſed againſt it before God and the world. But he promiſed, that if a day were appointed by them, for the revoking of their declarations againſt all perſons as traitors or otherwiſe for aſſiſting him, he would, with all chearfulneſs, upon the ſame day, recal his proclamations and declarations, and take down his ſtandard."

In this meſſage, as in all his other papers, may be obſerved the genius and character of Charles I. He always made uſe of obſcure expreſſions, the interpretation whereof he reſerved to himſelf. It is true, he had not in expreſs terms declared both houſes traitors: but he called their members by that name, as the earl of Eſſex and others. So, according to his way of reaſoning, thoſe that executed the orders of both houſes were traitors and rebels, though the houſes themſelves were not ſo. It may be affirmed, that thoſe little artifices were one of the principal cauſes of this prince's misfortunes, as they made him forfeit the truſt and confidence of his ſubjects. They inſpired the parliament with a perpetual jealouſy of being intangled by treaties, wherein it would have been impoſſible to avoid ſuch ambiguous expreſſions.

The two houſes anſwered, "That his majeſty not having taken down his ſtandard, recalled his proclamations and declarations, whereby he had declared the actions of both houſes of parliament to be treaſonable, and their perſons traitors, and having publiſhed the ſame, ſince his meſſage of the 25th of Auguſt, they could not recede from their former anſwer. That if his majeſty would recal his declarations, and return to his parliament, he ſhould find ſuch expreſſions of their fidelities and duties, that his ſafety, honour, and greatneſs could only be found in the affections of his people, and the ſincere counſels of his parliament, who deſerved better of his majeſty, and could never allow themſelves, repreſenting likewiſe the whole kingdom, to be balanced with thoſe who gave evil counſels to his majeſty."

Mean while, both houſes perceiving, that the king's aim was to keep the people in ſuſpenſe by an uncertain expectation of peace, publiſhed a declaration, proteſting, they would never lay down their arms till his majeſty had left the delinquents to the juſtice of the parliament.

The king on his part, failed not, purſuant to his purpoſe, to make uſe of the anſwers of both houſes to his two meſſages, in a third which he ſent to them, ſaying, "That let all the world judge who had uſed moſt endeavours to prevent the preſent diſtractions, either he who had condeſcended to deſire and preſs it, or the two houſes, who had refuſed to enter into a negotiation. That for the future, if they deſired a treaty of him, he ſhould remember that the blood which was to be ſpilt in this quarrel was that of his ſubjects, and therefore would return to his parliament, as ſoon as the cauſes which had made him abſent himſelf from it ſhould be removed."

Both houſes finding the king's deſign was to render their refuſal to treat odious to the people, returned a ſtronger and more particular anſwer to this meſſage than they had made to the two firſt. The ſubſtance whereof was as follows:

"That at the very time his majeſty propounded a treaty, his ſoldiers were committing numberleſs oppreſſions and rapines.

"That they could not think his majeſty had done all that in him lay to remove the preſent diſtractions, as long as he would admit of no peace, without ſecuring the authors and inſtruments of theſe miſchiefs from juſtice.

"That they beſought his majeſty to conſider his expreſſions, 'That God ſhould deal with him and his poſterity, as he deſired the preſervation of the juſt rights of parliament.' That nevertheleſs, his intention was to deny the parliament the privilege of declaring to be delinquents thoſe they deemed ſuch, a privilege which belonged to the meaneſt court of juſtice in the kingdom.

"That his majeſty hath no cauſe to complain, that he was denied a treaty, when they offered all that a treaty could produce, ſecurity, honour, ſervice, obedience, ſupport, and ſought nothing but that their religion and liberty might be ſcreened from the open violence of a wicked party.

"That if there were any cauſe of treaty, 'They know no competent perſon to treat betwixt the king and the parliament.'

"That beſides, the ſeaſon was altogether unfit, whilſt his majeſty's ſtandard was up, his proclamations and declarations, not recalled, whereby his parliament was charged with treaſon.

"That indeed his majeſty had often proteſted his tenderneſs of the miſeries of Ireland, and his reſolution to maintain the proteſtant religion, and the laws of this kingdom. But that theſe proteſtations could give no ſatisfaction to reaſonable and indifferent men, when at the ſame time ſeveral of

rally his ſubjects in the fartheſt parts of the nation, in Wales, Cornwall, Cumberland, &c. who were the leaſt ſenſible, and had been the leaſt afflicted with the late preſſures and ſufferings, after the king's departing from the known laws. Acherly, p. 535.

[b] This ſuppoſes the ſtandard was ſet up the 22d of Auguſt, as indeed Whitelock and Ruſhworth both ſay. Though Rapin, after the lord Clarendon, ſaid it was erected the 25. See p. 684.

[c] The earl of Dorſet, and ſir William Uvedal, knight.

[d] Sir John Culpepper, by reaſon of the penalty of a hundred pounds to be paid by all members who were not at the houſe by ſuch a day, did not take his place, but ſent in for leave, which was denied him. Clarendon, tom. II. p. 8.

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the Iriſh rebels, the known favourers of and agents for them, were admitted to his majeſty's preſence with grace and favour, nay, ſome of them employed in his ſervice; when the cloaths, ammunition, horſe, bought by his parliament for the ſupply of the Iriſh war, were violently taken away, and applied to the maintenance of an unnatural war againſt his people.

" That if his majeſty would be pleaſed to come back to his parliament, they ſhould be ready to ſecure his royal perſon, crown, and dignity, with their lives and fortunes."

The king did not leave this anſwer without a reply. But inſtead of doing it by way of meſſage, he publiſhed a declaration to this effect:

" In the firſt place, he alleged the laws in his favour.

" He denied that his ſoldiers had committed any diſorders or violences, and affirmed, he had never ſuffered them to oppreſs any perſon whatever.

" He recriminated upon the parliament. He denied that there were any Iriſh about him, and maintained, that it was a notorious calumny, like that caſt upon him heretofore by Mr. Pym.

" He ſaid, the artillery horſes he had taken at Cheſter were few in number, and of ſmall value. And for the cloaths, if his ſoldiers had taken any that were deſigned for the ſervice of Ireland, it was done without his order; and though he might have ſeized three thouſand ſuits which were going thither, yet he refuſed to do it, and gave order for their ſpeedy tranſportation.

" That the parliament made no ſcruple to employ in the war againſt their king, a hundred thouſand pounds particularly appointed for the relief of Ireland.

" That of near five hundred members, of which the lower-houſe conſiſted, there remained not above three hundred, the reſt having been driven away by tumults and threats, or withdrawn themſelves, out of conſcience, from their deſperate conſultations. That of above a hundred peers, there remained but fifteen or ſixteen in the upper houſe.

" That it was not the body of the parliament, but only the violent leading members that were the authors of the war."

I omit ſeveral general aſſertions which might then be neceſſary to the king's deſigns, but which have been already ſeen in the foregoing papers.

During theſe paper-ſkirmiſhes, both ſides prepared for war. The earl of Eſſex having ordered his forces to aſſemble at Northampton, departed from London the 9th of September to head the army; and having reviewed them, found about ſixteen thouſand men well armed, and well appointed with a good train of artillery. Then the king, perceiving he could no longer remain at Nottingham with ſafety, marched towards the borders of Wales with his troops [e], which were yet ſo few in number, that they did not deſerve the name of an army. He was unreſolved in what place to expect the forces that were to come to him from ſeveral parts: but intended to ſecure, if poſſible, Shrewſbury or Cheſter, without knowing however whether either of theſe towns would receive him, the parliament having in all thoſe parts very active and vigilent agents, who employed all their pains to procure them adherents. For this reaſon the king marched but very ſlowly. When he came to Wellington, about ten miles from Shrewſbury [f], he drew his little army together, and cauſed his military orders for the diſcipline thereof to be read before them; after which he took occaſion to make a ſpeech to his ſoldiers, and the better to ſatisfy them of his good intentions to the public, he made the following proteſtation.

" I do promiſe, in the name of Almighty God, and as I hope for his bleſſing and protection, that I will to the utmoſt of my power, defend and maintain the true reformed proteſtant religion eſtabliſhed in the church of England, and by the grace of God, in the ſame will live and die.

" I deſire to govern by all the known laws of the land, and that the liberty and property of the ſubject may be by them preſerved, with the ſame care as my own juſt rights. And if it pleaſe God, by a bleſſing upon this army, raiſed for my neceſſary defence, to preſerve me from this rebellion, I do ſolemnly and faithfully promiſe, in the ſight of God to maintain the juſt privileges and freedom of parliament, and to govern by the known laws of the land to my utmoſt power, and particularly to obſerve inviolably the laws conſented to me by this parliament.

" In the mean while, if this time of war, and the great neceſſity and ſtraits I am now driven to, beget any violation of thoſe, I hope it ſhall be imputed by God and man to the authors of this war, and not to me, who have ſo earneſtly laboured for the preſervation of the peace of this kingdom.

" When I willingly fail in theſe particulars, I will expect no aid or relief from any man, or protection from heaven: but in this reſolution, I hope for the chearful aſſiſtance of all good men, and am confident of God's bleſſing."

The king was not contented with making this proteſtation to his army, but moreover, in all the conſiderable places he paſſed through, he aſſembled the inhabitants, and endeavoured to convince them of the ſincerity of his intentions. Theſe were neceſſary precautions, at a time when the chief point was to gain the people to his intereſt, for on the people depended the ſtrength of both parties.

From Wellington the king marched to Shrewſbury, having received the agreeable news that the town had declared in his favour, and the inhabitants would give him a joyful reception. Here he reſolved to fix his head quarters, and appoint his rendezvous of his army. This was a very convenient place to expect the troops which were levying for him in Wales, Yorkſhire and Lancaſhire, and to ſend for his ordnance, which had not been able to follow him to Nottingham for want of horſes. This had forced him to make uſe of a hundred draught-horſes ſent by the parliament to Cheſter, to be tranſported into Ireland. He deſired to have the earl of Leiceſter's conſent, who was appointed lord-lieutenant of Ireland, and was then with him at Nottingham. But the earl conſtantly refuſing to give any orders about theſe horſes, bought with the parliament's money, the king gained one Errington, a ſervant of the earl's, who took them in his maſter's name, and delivered them to the king [g]. This the parliament, as hath been ſeen, taxed the king with. As for arms, the king not having a ſufficient quantity for all the troops that were to come from divers parts, had taken the arms of the militia in all the places through which he paſſed: but it was by way of loan, that is, he obtained the conſent of the officer, of the militia to take away their arms, on promiſe of reſtoring them. As ſoon as the king came to Shrewſbury [h], the number of his troops ſo conſiderably increaſed, that in a few days he had an army of ten thouſand foot, and four thouſand horſe, with which he was intirely ſecure from the danger he was in, whilſt his army was forming.

It is ſtrange, that the earl of Eſſex ſhould neither moleſt the king whilſt at Nottingham, nor in his march to Shrewſbury. Probably, if preſently after his arrival at Northampton he had marched directly againſt him, he would have greatly embarraſſed him, and perhaps diſabled him from aſſembling an army. This neglect can be aſcribed only to his not having power to act directly againſt the king's perſon, till he received his inſtructions, which he expected every day, and which came too late. Both houſes, it ſeems, could not believe, the king could be ready ſo ſoon as he was, and imagined, that his inability to raiſe men and money, would compel him to retire to ſome corner of the kingdom, or to throw himſelf into their arms. At leaſt, this is what they ſtrove to infuſe into the people, for fear of terrifying them with the notion of a war, the event whereof might be doubtful. The king made an advantage of this error, to aſſemble all his forces at Shrewſbury, and provide himſelf with money, which he wanted extremely. His friends at London had taken care of this laſt article, and privately ſent conſiderable ſums to Oxford. Moreover, the univerſity, which had always been firmly attached to the king, had engaged to deliver to him all the plate belonging to the colleges, which was very conſiderable. The point was only how to convey this aid ſafely to his majeſty. To that end, the king ſent thither ſir John Byron, with a ſmall detachment of horſe, not daring to give him a ſtronger, for fear of raiſing a ſuſpicion, that it was for ſome conſiderable affair. Byron coming to Oxford, received the money and plate, and returned toward Shrewſbury, by way of Worceſter, taking all poſſible precautions not to be attacked in his march. For this aid of money, which the king could not be without, was of the utmoſt importance to him. Wherefore, the better to ſecure it, he detached prince Rupert with a body of horſe, who marched on the other ſide of the Severn to Worceſter, to expect Byron and guard him to Shrewſbury.

[e] He marched from Nottingham to Derby, Stafford, Leiceſter; and ſo to Shrewſbury, where he ſet up a Mint. Ruſhworth, tom. V. p. 20.

[f] The author ſays, juſt by Derby. As there are abundance of theſe little geographical miſtakes in the French, care will be taken to correct them all in the tranſlation, without troubling the reader every time with a note.

[g] The earl ſays in his letter, the king gave Errington a warrant to fetch the horſes, which he executed without his knowledge or conſent. See the letter in Ruſhworth, tom. V. p. 13,---15.

[h] Which was September 20. Clarendon, tom. II. p. 14.

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In the mean time, the earl of Eſſex, after ſtaying ſome days at Northampton and ſecuring Warwick, reſolved to fix his head-quarters at Worceſter. To that purpoſe, he ſent colonel Nathaniel Fiennes before, who came to Worceſter at break of day, ſome hours after ſir John Byron was entered with his convoy. Fiennes, at his arrival being told, that there were ſome of the king's horſe in the town, the number whereof he did not know, haſtily retreated, without making any attempt. Preſently after, prince Rupert arrived, and to ſecure Byron's convoy, who was reſting himſelf in order to march on, paſſed through the town, and poſted himſelf, with his horſe, at ſome diſtance on the other ſide. As he did not believe there were any enemies in thoſe parts, he was not very careful to hinder many of his troopers from ſtaying in the town. When he came to the place he had choſen, he alighted with his brother prince Maurice, and moſt of the officers, repoſing themſelves on the ground. On a ſudden they perceived, within muſket-ſhot, five hundred horſe of the enemy marching up a narrow lane. Theſe were a body commanded by colonel Sandys, whom the earl of Eſſex had ſent before to take poſſeſſion of Worceſter. Prince Rupert inſtantly mounting his horſe, without a moment's heſitation, charged theſe troops, as they came out of the lane, and the charge was ſo vigorous, that the enemy was intirely routed, and Sandys ſlain, with thirty of his men. This action gained the prince a great name, not only for the valour he ſhewed, but chiefly for his ſudden and very ſeaſonable reſolution, in attacking his enemies as they came out of the lane, and when they leaſt expected it. Some hiſtorians in relating this ſkirmiſh, ſeem to repreſent prince Rupert, as one of thoſe romantic heroes, who with five or ſix perſons attacked and routed whole armies. But, after all, there is nothing wonderful in this action of the prince, who had not poſted himſelf beyond Worceſter, without having with him his detachment. Beſides, it is not ſaid, what was the number of the body he commanded. Nevertheleſs, this action, how little important ſoever it was, failed not to ſtrike great terror into the parliament's troops, chiefly by reaſon of prince Rupert's activity and courage, who afterwards gave them cauſe to be confirmed in their high opinion of his valour, for he was one of the braveſt princes in Europe. But though he had gained ſome little advantage, he did not think fit to expect the enemy at Worceſter. He went from thence ſome hours after, and ſafely conducted the convoy of money to Shrewſbury, where the king immediately ordered the plate to be coined. The next day, the earl of Eſſex poſſeſſed himſelf of Worceſter, and making ſome ſtay there, ſecured in the mean while, Hereford, Gloceſter, and Briſtol.

It would doubtleſs be very ſtrange, that in the twenty days the king ſtayed at Shrewſbury, his army ſhould ſo greatly increaſe, if, as ſome ſay, it was the effect of the parliament's denial to treat with his majeſty. For, ſo ſhort a ſpace does not ſeem ſufficient to determine the people to repair to the places where they were liſted, and to conduct theſe new raiſed troops to Shrewſbury. It may at leaſt be affirmed, that it is much leſs ſurpriſing, that the king's new levies, which could not be ready whilſt his majeſty was at Nottingham, or which did not care to go to a place ſo expoſed, would be in condition to march during his ſtay at Shrewſbury, though it was but of twenty days, ſince he had iſſued out his commiſſions before he left York.

However this be, the king finding himſelf at the head of an army little inferior in number to the earl of Eſſex's, and perceiving, it was not ſufficient to remain in quiet at Shrewſbury, whilſt the enemy was taking, without reſiſtance, the principal towns in the heart of the kingdom, believed he ought to try to put a ſpeedy concluſion to the war. There were two ways, one was to fight the enemies, the other, to gain ſome marches upon them, and appear near London, before they could arrive. The king took this laſt courſe, in the expectation that he ſhould raiſe an univerſal conſternation in London, which might afford his friends opportunity to ſerve him effectually. So, on a ſudden beginning to march the 12th of October, with his army, which was not much incumbered with baggage, there being not one tent and but little artillery, he quartered that night at Bridgenorth, twenty miles from Shrewſbury; the next day he came to Wolverhampton, the third to Birmingham, and the fourth to Kenelworth, where he reſted one day. It was two days before the earl of Eſſex had notice of his march, and began to follow him. It evidently appears by the king's rout, that if he was not in queſt of the enemies, at leaſt he feared them not, ſince he could not be ignorant how eaſy it was for the earl of Eſſex, either to put himſelf in his way, or overtake him. In all likelihood, he imagined the earl would not dare to hazard a battle, or that being much more incumbered with baggage and artillery, his march would be conſiderably retarded. Be this as it will, it was not till the 22d of October, that the two armies came within ſix miles of one another, without having received any notice of each other's march, till that day, which appears very ſtrange. But what is ſtill more ſurpriſing, is, that the king, to whom ſpeed was ſo neceſſary, had ſo little advanced in five days; ſince, leaving Kenelworth the 17th, he was on the 22d, but four miles north of Banbury, and that the earl of Eſſex, who departed the 15th from Worceſter, ſhould be only at Keinton the 22d, which is not above twenty miles. The king, who till then knew not where the earl of Eſſex was, lay incamped near a village called Edgcot, where he had intelligence the 22d in the night, that the enemies were at Keinton, about ſix miles diſtant. He found then it would be very difficult to execute his deſign upon London, whilſt he ſhould be ſo cloſely followed by the enemies. And therefore he reſolved to give them battle. To that end, he drew up his army on Edge-hill, from whence might be ſeen all Keinton-plain, where the parliament's army ſtood in battle array, the 23d in the morning. The fight began not however till three in the afternoon. It is not known what induced the king to defer it ſo long [l]: but for the earl of Eſſex, he had a very ſtrong reaſon not to be in haſte. For, not imagining himſelf ſo near a battle, he had left behind two thouſand foot, and five hundred horſe, with his artillery, and conſequently, delay could not but be advantageous to him.

Prince Rupert, who commanded the king's right wing of horſe [m], marching down the hill, and advancing to charge the enemies left wing, on a ſudden, ſir Faithful Forteſcue, who commanded a troop of the parliament's horſe, moving forward with his whole troop from the groſs of the cavalry, and joining prince Rupert, with his highneſs charged thoſe he had deſerted [n]. This unexpected accident inſpired the parliament's horſe with ſuch a terror, each man looking upon his companion as upon an enemy, that they were intirely routed, and purſued above two miles from the field of battle. By this unadviſed purſuit, the king was in danger of the ſame fate which his predeceſſor Henry III. had at the battle of Lewes. The parliament's right wing ſtood their ground no better than the left. They ran away full ſpeed, and were purſued with the ſame fury and imprudence. What was moreover fatal to the king was, that his reſerve of a regiment of horſe, thinking the victory unqueſtionable by the flight of the enemies cavalry, with ſpurs and looſe reins followed the chace, and could not be hindered by their commanders.

All this while, the foot of both armies were engaged without victory's inclining to either ſide. But at laſt, ſir William Balfour, to whom the earl of Eſſex had given the command of the reſerve, turned the ſcale. As ſoon as he ſaw the king's horſe employed in the purſuit of the flying troops, he went and charged the foot in the flank, and put them into ſuch diſorder, that the king with the two princes his ſons, were in danger of being made priſoners. The earl of Lindſey, the king's general, was taken, having been ſhot in the thigh, of which he died the next day; and the ſtandard, which was always near the king's perſon, was loſt by the death of the ſtandard-bearer ſir Edmund Verney, but it was recovered afterwards in ſome unknown manner [o].

The return of prince Rupert, with his horſe, prevented the king's intire defeat. For Balfour, who had only a ſmall body of reſerve, ſeeing the cavalry returning from the chace, ſuddenly quitted the fight, and ſecured himſelf near the earl of Eſſex's foot. Could the king and prince Rupert have perſuaded their horſe to charge the parliament's infantry,

[l] The lord Clarendon ſays, though the horſe were ready, the foot were quartered at ſuch a diſtance, that many regiments marched ſeven or eight miles to the rendezvous, ſo that it was one o'clock before the king's forces moved. Tom. II. p. 35.

[m] The left wing was commanded by commiſſary-general Wilmot, aſſiſted by ſir Arthur Aſton. The earl of Lindſey led the foot, and next to him was his ſon the lord Willoughby, with the king's regiment.—On the parliament's ſide: Their right wing, which conſiſted of three regiments of horſe, was commanded by ſir Philip Stapleton, ſir William Balfour, and the lord Fielding, ſir John Meldrum's brigade led the van, colonel Eſſex was in the middle, and colonel Ballard and Hollis, and the lord Brooke, in the rear. In the left wing were twenty-four troops of horſe, commanded by ſir James Ramſey. Clarendon, tom. II. p. 35. Ruſhworth, tom. V. p. 36.

[n] Sir Faithful Forteſcue was come from Ireland to haſten ſupplies, and had a troop of horſe raiſed for him for that ſervice, but his troops were diſpoſed into the parliament's army, and he was now major to ſir William Waller. Clarendon, tom. II. p. 36.

[o] It was reſcued by captain John Smith, lieutenant of the lord John Steward's troop, newly returned from the execution of the runaways. He was knighted for it, and made ſtandard-bearer. Whitelock's Memoirs, p. 64. Tom. I. p. 49.

who had ſcarce any cavalry to ſupport them, very probably they would have routed them, and obtained a complete victory. But the horſe that were returned from the purſuit in extreme diſorder, could never be brought to charge the enemies, who ſtood in good order, though they were in great danger. As ſoon as the earl of Eſſex ſaw the enemies cavalry returning, he had drawn off his infantry from the battle, and ranged them in the beſt manner he could, in order the better to ſupport the charge of the king's horſe, who in all appearance, would come and attack them. But it was not his buſineſs to renew the fight. It was ſufficient for him to keep his ground, as he did till night, which freed him from his uneaſineſs.

When the battle began, there remained not above two or three hours day, and as the king's horſe had ſpent ſome time in the purſuit of the run aways, and, after their return, could not be prevailed with to renew the fight, it was too late for the king to rally his infantry, who were in great diſorder, and whereof above two-thirds were miſſing. Both armies kept their poſts all night, and in the morning neither thought themſelves in condition to renew the battle. It is true, the forces left behind by the earl of Eſſex, arrived in the night with his artillery. However, as he had no other cavalry than the five hundred horſe that were newly come, and the ſmall body commanded by Balfour, he did not think he ought to hazard a ſecond battle againſt a body of cavalry that had been victorious the day before, and were ſtill facing his army. The king, on his ſide, finding himſelf without infantry, and conſidering that his troops had ſuffered very much by the cold, which was extremely ſharp that night, believed it ſufficient to let his enemies ſee he feared them not. In this diſpoſition, the two armies faced one another the whole day, without any deſire to engage. At laſt, the earl of Eſſex ordering his baggage to be drawn off, the king retired to the quarters he had taken the day before the battle, and the earl of Eſſex marched towards Warwick[p]. The number of the ſlain on the field of battle was about five thouſand. But what the earl of Clarendon ſays, that two days after, the king reviewing his army, found there were not above three hundred men loſt, is hardly credible, even according to his own deſcription of the battle. But without dwelling upon the particular circumſtances of the battle, which were extremely diſguiſed or exaggerated by both parties, who equally claimed the victory, the conſequences demonſtrate, that they might have more juſtly owned, that each had been worſted[q]. The king went from Shrewſbury with deſign to make an attempt upon London, but after the battle, he relinquiſhed that thought, though the road to London was open, and believed it more proper to retire to Oxford. On the other hand, the earl of Eſſex follows the king to obſtruct his going to London, but after the battle leaves the way open to him, and retiring to Warwick, puts it out of his power to prevent or ſtop him. I believe this ſuffices to ſhew, it was a drawn battle, which afforded no real matter of triumph either to the king or the parliament. Indeed, three or four days after the battle, the king took Banbury-caſtle, where was a garriſon of eight hundred foot and a troop of horſe. But if the circumſtances of taking this place be well conſidered, it will be found, that it was far from being a conſequence or effect of victory. For firſt, the king ſummoned the caſtle, contrary to the opinion of all his generals, who believed his army little able to undertake the ſiege. Secondly, he alleged for reaſon, that he could not determine what courſe to take, till he was informed of the intention of the enemies, and that if they deſigned to attack him, he could not fight in a more advantageous place. From hence it may be inferred, that he was not himſelf fully ſatisfied of the reality of his victory, ſince he imagined the earl of Eſſex in condition to attack him. In ſhort, Banbury-caſtle ſurrendered at the firſt ſhot, which leaves it uncertain, whether the king would have perſiſted in the ſiege in caſe of reſiſtance, and whether the earl of Eſſex would have ſuffered him to do it unmoleſted. The taking of Banbury determined the king to withdraw to Oxford, the only place in thoſe parts at his devotion by means of the univerſity, whoſe members were extremely attached to his intereſt.

Though the parliament challenged alſo the victory, they were very ſenſible they had no great reaſon to triumph. They were obliged however to make a parade of this pretended victory, as if it had been real, to contradict the king's friends who were trying to ſtrike terror into the Londoners, and induce them to ſue for peace, on account of the pretended ſucceſs of his majeſty's arms. The king had ſtill many friends in the city, there having been yet no meaſures taken to drive them away. Nay, in the parliament itſelf, there were not a few who ſtaid there on purpoſe to do the king ſervice, when occaſion ſhould offer, and who failed not to improve the preſent. The news concerning the battle of Edge-hill or Keinton, being very various at firſt, the king's friends at London, induſtriouſly manifeſted all the circumſtances which might give room to believe that the king was victorious, in order to diſpoſe the people to peace. For it muſt be obſerved, that ſince the breach, the king's grand aim had ever been to dazzle the people with the ſpecious term of peace, and he had never ceaſed to hope that the nation would oblige the parliament to come to an agreement, by leaving him in poſſeſſion of all his prerogatives. This was his favourite project, from which he never ſwerved, not even when his affairs were moſt proſperous. It will hereafter appear on ſundry occaſions, with what conſtancy he endeavoured to execute this ſcheme. The preſent occaſion was the firſt ſince the beginning of the war. When both houſes had perfect information of the ſucceſs of the late battle, what public demonſtrations ſoever they made, to cauſe the people to believe their army victorious, they were very ſenſible, ſuch victories were little capable to oblige the king to throw himſelf into their arms, though the people had been amuſed with ſuch hopes. Then the king's adherents who were ſtill in the houſe of commons, obſerving the conſternation expreſſed by moſt of the members, grew more bold, and ſcrupled not to propoſe a peace, as the only means to free themſelves from trouble. Very probably, this was done with the king's conſent, who at the ſame time was uſing his utmoſt endeavours to perſuade the public, that he had obtained at Edge-hill a complete victory.

The day before the battle, both houſes had publiſhed a declaration, of which I ſhall content myſelf with relating the ſubſtance: for having given ſo many of theſe papers, I am afraid I ſhall tire my readers if I inſert here at large thoſe that follow.

The two houſes proteſted in the firſt place, "That no private paſſion or reſpect, no evil intention to his majeſty's perſon, no deſign to the prejudice of his juſt honour and authority, engaged them to raiſe forces, and take up arms.

"That his majeſty had refuſed to receive an humble and dutiful petition, which they had directed to the earl of Eſſex to deliver to him.

"That they were fully convinced, that the king was ſo engaged to the popiſh party, that all hopes of peace were excluded.

"That great numbers of papiſts had in ſhew conformed themſelves to the proteſtant religion, in order to qualify themſelves for poſts in the king's army.

"That his majeſty endeavoured at firſt to keep off all jealouſies and ſuſpicions, by many fearful oaths and imprecations, concerning his purpoſe of maintaining the proteſtant religion, and the laws of the kingdom, cauſing ſome profeſſed papiſts to be diſcharged out of his army, and none to be received that would not come to church, receive the ſacrament, and take the oaths. But that afterwards his confidence in the prieſts did more clearly appear: perſons impriſoned for prieſts and jeſuits having been releaſed out of the goal of Lancaſter, and commiſſions granted to profeſſed papiſts.

[Here fourteen of them were named.]

"That the lord Herbert, ſon to the earl of Worceſter, a notorious papiſt, was made general of the king's troops in all South Wales.

[p] Some of the earl of Eſſex's friends adviſed him rather to purſue the king and to make a freſh attack upon him. But colonel Dalbier, and ſome others diſſuaded him from it. Whitelock, p. 64.

[q] In this battle were killed on the king's ſide, Robert Bartu, earl of Lindſey, the lord Stewart, the lord Aubigny, ſon to the duke of Lenox, ſir Edmund Verney, &c. On the parliament's ſide, periſhed the lord St. John of Bletzo, and colonel Charles Eſſex. The lord Willoughby was taken priſoner, in endeavouring to reſcue his father the earl of Lindſey. Upon the news of this battle (ſays Whitelock, p. 64.) all counties were alarmed and frightened, being a ſtrange thing in England. Clarendon, tom. II. p. 40. 41. T. May. Some ſay, there were but about a thouſand killed. See Manley, p. 48, &c.—With relation to this battle, Denzil lord Hollis tells a remarkable ſtory, from his own knowledge, concerning the famous Oliver Cromwell; and that ſhews (as he obſerves) "He was as arrant a coward, as he was notoriouſly perfidious, ambitious, and hypocritical. This was his baſe keeping out of the field at Keinton-battle; where he, with his troop of horſe came not in, impudently and ridiculouſly affirming, the day after, That he had been all that day ſeeking the army and place of fight, though his quarters were but at a village near hand, whence he could not find his way, nor be directed by his ear, when the ordnance was heard twenty or thirty miles off." Hollis's Mem. p. 17.

" That thoſe who raiſed forces for his majeſty in the North of England, did arm and employ papiſts.

" That men had been ſent to Hamburgh and Denmark to raiſe forces there, and to bring them over to join with the earl of Newcaſtle, and the army of papiſts which was intended to be raiſed in Newcaſtle.

" That the king had received in his court divers papiſts in Ireland: ſome of which were indicted of high-treaſon for their rebellion there; namely, the lord Taffe, &c.

" That divers Engliſh traitors were the chief counſellors and actors in this unnatural war, as the lord Digby, O'Neal, Wilmot, Pollard, Aſhburnham, &c.

" That divers jeſuits and prieſts, in foreign parts made great collections of money for the relief of the papiſts in Ireland, and the furthering of his majeſty's deſigns againſt the parliament.

" For all which reaſons they were reſolved to enter into a ſolemn oath and covenant, and expected that their brethren of Scotland would help and aſſiſt them, according to the act of pacification between the two kingdoms."

The king anſwered this declaration with two others, which were publiſhed after the battle of Edge-hill. In the firſt he ſaid:

" That notwithſtanding the ſolemn proteſtation of both houſes, of having no evil intention to his perſon, yet they had uſed their utmoſt power, by the ſtrength of their army, to have deſtroyed him.

" That if he refuſed to give admittance to the petition ſent by the earl of Eſſex, it was becauſe it was ſent by perſons whom he had particularly accuſed of high-treaſon. [Here he gave a long account of the whole matter.]

" He denies his ever having had any inclination to the papiſts, or that he had releaſed any prieſt or jeſuits out of the goal of Lancaſter.

" He ſays, that the papiſts ſuppoſed to have commiſſions were not ſo much as known to him, and that they had no command, to his knowledge, in his army.

[It muſt be obſerved, upon theſe two laſt articles, 1ſt, That the priſoners he had releaſed out of the goal of Lancaſter, had been impriſoned as papiſts, prieſts, and jeſuits, but had not been convicted as ſuch. And therefore the king thought he might deny he had releaſed any prieſts, &c.

2dly, The king, when he ſaid there was no popiſh officers in his army, meant by his army, that which he commanded in perſon, and the parliament underſtood that which was commanded by the earl of Newcaſtle. It might therefore be true, that the popiſh officers, commiſſioned by the earl of Newcaſtle, were not known to the king. But the army in the north was as much his army, as that commanded by himſelf.]

" He expreſly denied, that he ever ſent to raiſe forces in Hamburgh or Denmark.

" He affirmed, the parliament entertained ſeveral papiſts in their troops, and of this he ſpoke knowingly, as having taken ſeveral of them priſoners at the battle of Edge-hill[r]."

The ſecond declaration was intitled, " His majeſty's declaration to all his loving ſubjects, after his late victory againſt the rebels on Sunday the 23d of October, 1642." This title was prefixed on purpoſe to cheriſh the fears, the king's friends were endeavouring to infuſe into the people, an account of the pretended victory lately obtained by the king over the parliament's army.

The intent of this declaration was to vindicate the king upon three principal articles, namely, 1. That his majeſty favoured popery, and employed papiſts in his army. 2. That his deſign was to root out parliaments. 3. That it was his intention, by the commiſſion of array, to take away part of gentlemens eſtates from them. I ſhall ſpeak here of the firſt only, becauſe, after what has been ſeen, it would be needleſs to repeat what the king alleged in his vindication upon the two laſt. As to the firſt therefore he ſaid:

" That although he ſhould employ papiſts, no one would wonder, who conſidered the hardſhips and ſtraits he was driven to, and the little ſcruple the parliament made to employ popiſh officers and ſoldiers, who ſerved in great numbers in their army; the induſtry they uſed to corrupt their loyalty; the private promiſes they allured them with to their ſervice, even to the aſſuring them, that all the penal laws ſhould be repealed. That notwithſtanding the artifices of his enemies, and the weakneſs of his own condition, he could not prevail with himſelf to recal his proclamation, againſt receiving into his army ſuch as had not taken the oaths. He owned, however, that he had ſwerved from this general rule, in favour of ſome eminent abilities in command and conduct."

We ſhall find hereafter, that though this proclamation was not recalled, it was very far from being punctually obſerved.

Preſently after, both houſes returned an anſwer to this declaration, the ſubſtance whereof was as follows:

" That it was aſtoniſhing, the king, having affirmed ſo poſitively, that a far greater number of papiſts ſerved in their army than in his, ſhould not have been pleaſed to name a ſingle inſtance: that they ſhould have been glad of knowing their names, as it would have afforded means to remove thoſe of that religion, who under the profeſſion of proteſtants, might have crept into the army without their privity."

Then they pretended to ſhew, by ſeveral reaſons, the abſurdity of ſaying, that the parliament endeavoured to corrupt the loyalty of the papiſts with the promiſe of repealing the penal laws, and alleged divers inſtances of their ſeverity againſt them, during the ſitting of the preſent parliament.

But for a demonſtration, ſaid they, that the king acted not with ſincerity, when he alleged, in his vindication, that he had ordered no recuſant to be received into his troops, and that this order was a meer illuſion, they named ſeveral popiſh officers, who had commiſſions under the king's own hand, which commiſſions then remained in the houſe of commons. Moreover, they annexed to this declaration a petition, preſented to the king by the popiſh inhabitants of the county of Lancaſter, deſiring leave to provide themſelves with arms for his ſervice, and the king's anſwer granting their requeſt. This petition and his majeſty's anſwer, ſeem to me ſo deciſive upon the preſent caſe, which was ſo often repeated, that I think they ought to be inſerted in their own terms.

To the king's moſt excellent majeſty.

The humble petition of us the inhabitants of Lancaſhire, whoſe names are under-written, in behalf of ourſelves, and divers others, being recuſants,

Humbly ſheweth,

" THAT whereas we, and the reſt of this county, your majeſty's moſt loyal ſubjects, are diſarmed, and not ſufficiently provided for the defence of your royal perſon, and our own families; our moſt humble ſupplication to your majeſty is, That we may be received into your moſt gracious protection from violence, have our arms, taken from us, re-delivered in this time of actual war, and by your majeſty's ſpecial directions, be enabled further to furniſh ourſelves with competency of weapons, for the ſecurity of your royal perſon, (if we be thereto required) our countries and families, who now are, not only in danger of the common diſturbances, but alſo menaced by unruly people to be robbed: And when, by the Almighty's aſſiſtance, your majeſty's kingdom ſhall be ſettled, in caſe we be again diſarmed, that a full value of money in lieu thereof may be reſtored."

The king's anſwer.

To our truſty and well-beloved, ſir William Gerrard, baronet, ſir Cecil Trafford, knight, Thomas Clifton, Charles Townley, Chriſtopher Anderton, and John Clanſfield, and other of our ſubjects, eſquires, in the county of Lancaſter.

Charles R.

" TRUSTY and well beloved, we greet you well. Whereas by reaſon of the laws and ſtatutes of our realm, by which all recuſants convicted are to be without arms, your arms have been taken from you: ſo that now, in this time of imminent danger, wherein there are armies raiſed againſt our commands, and contrary to our proclamations, and are marching againſt us, and divers of our good ſubjects, for obeying our lawful commands, and oppoſing the rebellious proceedings of others ill affected, they are by a ſtrong hand ſeized upon and impriſoned, their houſes plundered, and their goods taken away; and the like is threatened to ourſelves, who, as all other our ſubjects, ought to have our protection againſt unlawful violence and force: And the laws made for diſarming recuſants, were made only for a proviſion to prevent a danger in time of peace, and were not intended to bar you from a neceſſary uſe of arms in time of actual war, for your own ſafety, or for the defence of our perſon againſt all rebels and enemies, which by your duty and allegiance you are bound unto; which is not, nor ever was, meant to be diſcharged, or taken away by any act: And

[r] Salmonet alſo owns, That there were ſome popiſh prieſts found among the perſons ſlain on the parliament's ſide. Tom. I. p. 165.

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whereas, the arms which were taken from you, ought by law to have been kept and preſerved, to have been made uſe of by you in ſuch time of open war, or by ſuch others as you ſhould provide, yet under the ſpecious pretence of diſarming recuſants, and perſons ill affected, your arms have been diſpoſed and diſperſed into the hands of ſeveral perſons ill-affected, and for the moſt part, fomenters and exciters of the commotions now raiſed in this kingdom; our will and command therefore is, and we charge and require you, upon your allegiance, and as you tender the ſafety of our perſon, and the peace and welfare of our kingdom, That you, with all poſſible ſpeed, provide ſufficient arms for yourſelves, your ſervants, and your tenants, which we authorize and require, during the time of open war raiſed againſt us, to keep and uſe for the defence of us, and of yourſelves, and of your country, againſt all forces and arms raiſed, or to be raiſed againſt us, or againſt our conſent, or contrary to our proclamations, by colour of any order, or ordinance, or authority whatſoever: And we ſhall (according as we are bound to all our ſubjects) uſe our utmoſt powers for the protection of you and yours, againſt all injuries and violence. And whenſoever theſe arms which you ſhall ſo provide (after it ſhall pleaſe God to put an end to theſe dangers and diſtractions) ſhall be taken away from your cuſtody, by reaſon of our laws now in force, we do hereby aſſure you, we will allow you for the ſame, ſo much as you ſhall have diſpenſed in proviſion thereof."

It is proper to obſerve, concerning theſe two papers, that the queſtion between the king and both houſes was not whether the king might lawfully or not, employ papiſts in his ſervice, but whether he did really employ them? Care therefore muſt be taken, not to confound the right with the fact, the laſt only being the point in queſtion. Now theſe two papers demonſtrate, that the king actually employed papiſts in his ſervice, even at the beginning of the war, and before any effuſion of blood: for this petition was preſented to him, whilſt he was yet at Shrewſbury [s].

For a greater conviction, both houſes annexed alſo to their declaration, a liſt of the names of twenty-eight officers, colonels, lieutenant-colonels, ſerjeants, majors, captains, and lieutenants, that were papiſts, and actually in the king's ſervice, in the earl of Newcaſtle's army.

The king and the parliament were in this ſtate of animoſity, when his majeſty's private friends in the houſe of commons moved to ſue for peace, under colour of the parliament's inability to continue the war, after their late loſs at Edge-hill. The king, on his part, to confirm the opinion his friends were ſtriving to infuſe into the people, that the parliament's army was entirely routed, and to encourage his well-wiſhers in London to join with thoſe in the parliament, ſent an offer of pardon to the cities of London and Weſtminſter; thereby inſinuating to the inhabitants, that ſuch an offer could not but proceed from the ſuperiority he had acquired by his victory. He practiſed the ſame thing with regard to ſome other towns. It is certain, there was then a great agitation in London, cauſed by the king's friends, who under pretence of dreading a war, which, according to them, was ſo unfortunately begun, uſed their utmoſt endeavours to induce the people openly to demand a peace. Againſt theſe ſecret practices, it was the buſineſs of the leading men in the parliament to provide. And as they were no leſs able than their adverſaries, they quickly found means to baffle this project. Inſtead of oppoſing the motion to ſue to the king for peace, they ſupported it with all their power. They ſaid, "That the parliament had not taken arms for the ſake of going to war, but only to procure a good peace, the moſt deſirable thing in the world: That both houſes ought not to be aſhamed to make the firſt advances, and humbly ſue for peace to their ſovereign, but withal, care was to be taken, that a too great zeal for peace might not be a means to leave them at the mercy of their enemies. That in order to make ſuch a peace as was neceſſary to the welfare of the kingdom, the king was to be told, that they were not yet reduced to the point, of being forced to accept of ſuch terms as he ſhould pleaſe to impoſe, and therefore, if they would have a peace wherein every man might find his ſafety, it was neceſſary to take good meaſures for the continuance of the war: That among all the means which could be uſed, they ſaw none more proper, than to invite their brethren of Scotland to their aſſiſtance, purſuant to the treaty between the two nations. Not that they actually wanted them, the parliament's affairs not being reduced to ſuch an extremity, that foreigners were to be haſtily introduced into the kingdom, but that the Scots would doubtleſs ſo anſwer their requeſt, as to convince the king, this refuge would not fail the two houſes in caſe of need: That thereby they ſhould become more formidable, and if the king was really deſirous of a peace, he would be forced to grant it upon reaſonable terms, which was all that ought to be expected."

As this advice was very plauſible, and beſides, propoſed by men in whom the majority had great confidence, it was approved by the houſe. Indeed, none could be ignorant, that by the peace which the king had hitherto offered, and which his friends moved to ſue for, could be meant only a peace that ſhould put him in poſſeſſion of all his prerogatives, and that his word ſhould be taken for ſecurity that he would abuſe them no more. But though the members of the parliament doubted not that the king would grant an act of oblivion, ſuch as they ſhould deſire, they did not believe, that ſuch a peace could be advantageous to the kingdom, becauſe they did not believe the king's word to be a ſufficient ſecurity. Beſides, the preſbyterians were no better pleaſed than they had been hitherto, with a peace which would of courſe reſtore epiſcopacy in all its former luſtre. Wherefore things not being yet brought to that ſtate, that the parliament ſhould be induced to wiſh for ſuch a peace, it was reſolved, 1. That his majeſty ſhould be addreſſed for ſettling the peace of the kingdom. 2. That the preparations of forces and other neceſſary means for defence ſhould be proſecuted with all vigour, if an honourable and ſafe peace might not be obtained. 3. That the Scots ſhould be applied to for aſſiſtance, if there ſhould be occaſion. Theſe reſolutions entirely broke all the meaſures of the king's friends, who had flattered themſelves, that the pretended victory of Edge-hill would produce ſome great effect.

Purſuant to theſe reſolutions, the parliament took care to recruit the earl of Eſſex's army, and to that aim it was ordained, that ſuch apprentices as ſhould be liſted for ſoldiers, ſhould reckon the time ſpent in the wars, as part of their apprenticeſhip. Whereupon great numbers of apprentices engaged in the parliament's ſervice.

After that, both houſes ſent a declaration into Scotland, wherein they did not demand indeed an immediate aid, but ſaid, "That they did not doubt but the Scots would aſſiſt them, if there ſhould be occaſion, according to the the treaty of amity and alliance between the two nations. That therefore they deſired them to raiſe ſuch forces, as they ſhould think ſufficient to ſecure their own borders againſt the attempts of the army of papiſts, levied by the earl of Newcaſtle in the North of England. To engage them the more to what they deſired, they ſaid, the enemies of the proteſtant religion were ſo prevalent with his majeſty, that he had rejected all the petitions preſented to him. That the preſent war was for the maintenance of religion, againſt the efforts of thoſe who had projected its deſtruction, and that in order to preſerve it more effectually, they had willingly embraced the invitation of the Scots, to a nearer degree of union in matters of religion and church-government, which they had accordingly reſolved to purſue."

It was now ſome months ſince the Scotch commiſſioners reſiding at London, had intimated in a memorial preſented to the parliament, that the Scots paſſionately deſired an union of the churches of England and Scotland in the ſame worſhip and diſcipline. As this propoſition was expreſſed by way of wiſh only, and beſides was worded in ſuch a manner, that it might be underſtood, either that the Scots deſired the Engliſh to embrace the worſhip and diſcipline of the church of Scotland, or that they themſelves were willing to conform to the church of England, the parliament had, in the ſame ambiguous terms, civilly anſwered, that they alſo wiſhed the ſame thing, and would heartily concur in accompliſhing the project. This anſwer was doubtleſs framed by the leading preſbyterians, to ſerve as a corner-ſtone, of which they hoped one day to make good uſe. But it was not yet time to declare their intention more openly, for fear of loſing all the church of England men that were againſt the king. Probably theſe men would have been alarmed, if they had clearly known, that the preſbyterians meant to eſtabliſh their worſhip and diſcipline upon the ruins of the church. For the ſame reaſons alſo, in the declaration above-mentioned, both houſes, or rather the directors, thought not proper to ſpeak more plainly; and in ſaying, that both houſes intended to purſue this union, the propoſition was left in all its ambiguity, though it was eaſy for the Scots to perceive, that in time they ſhould receive ſatisfaction. For it is not to be imagined, there were none but preſbyterians in the parliament's party, though this may

[s] The king's anſwer in Ruſhworth is dated September 27, at Cheſter. Tom. V. p. 50.

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be the notion ſome would give us of that party, their aim being to inſinuate, that the war between the king and the parliament was properly a religious war, and that the parliament's ſole view was to deſtroy the church of England, and eſtabliſh preſbyteraniſm in its room. As this deſign was unjuſt in itſelf, they would infer, that the war againſt the king was unjuſt. This reaſoning would be ſolid and convincing, were it true, that the oppoſite party to the king had propoſed to themſelves no other end. But as it is certain, the preſbyterians were not the only perſons that had cauſe to complain of the king, it is no leſs ſo, that the party of his enemies conſiſted not of preſbyterians alone, but alſo of a very great number of church-men, who ſaw, that under colour of deſtroying preſbyterianiſm, an arbitrary power was going to be eſtabliſhed. It is eaſy to conceive, that theſe men were ill-affected to the king, had joined with the parliament, and as yet were attached to their party. But it is inconceivable, that the preſbyterians, who at the beginning of the parliament made ſo inconſiderable a figure in both houſes, as well as in the kingdom, ſhould be grown ſo very numerous in the ſpace of two years, or that the members of the church of England, who complained of the king's former adminiſtration, ſhould have entirely renounced the church, and embraced preſbyterianiſm. It is certain therefore, though the preſbyterian party, conſidered as a religious party, had prevailed in the parliament, there were however in that ſame party, conſidered as enemies to the king, many church-men who had no other view than the reformation of the civil government, and the ſecurity, of the nation's liberties. Theſe were the men the parliament were to manage for fear of alarming them, till they could be engaged to turn preſbyterians, either by the ſuperiority the parliament ſhould acquire in the courſe of the war, or by the abſolute neceſſity they ſhould be under of relinquiſhing the people's liberties, or of recurring to the aſſiſtance of the Scots, which could not be obtained but by changing the government of the church. On the other hand, the church of England-men could not take it ill, that the parliament managed the Scots, ſince their aſſiſtance might happen to be abſolutely neceſſary. The ambiguous expreſſions therefore in the declaration, with reſpect to the union of the two churches, ſerved to manage all thoſe who were concerned for the parliament's affairs. The Scots were gladly ſuffered to think, that the propoſition was underſtood in the ſenſe they themſelves gave it, and the church of England-men were told, that the parliament was properly bound to nothing, in promiſing to endeavour an union, becauſe there was no more reaſon for the church of England to conform to that of Scotland, than for this to conform to that of England. That however great advantage would accrue from this pretended engagement, in that the king, from the apprehenſion of ſeeing the parliament cloſely united with Scotland, would be induced to make peace upon reaſonable terms.

Though on this occaſion, the king's enemies had gained ſome advantage in the parliament, his friends did not think themſelves vanquiſhed. They plainly ſaw, that ſo long as both houſes ſhould be able to act with freedom, the king's adverſaries would be always ſuperior, and that it was ſcarce poſſibly to take away this freedom, without an extraordinary aſſiſtance. Wherefore, whilſt men were ſtill in the agitation occaſioned by the battle of Edge-hill, they ſent the king word, that if he would appear before London with his army, they did not queſtion, ſuch commotions would be raiſed in the city, as would turn to his advantage, in which his friends would not fail to exert themſelves to the utmoſt of their power. This made him reſolve to march to London. To that end, he ordered a body of horſe to go forward, who advancing to Reading, the parliament's troops, quartered there, were ſeized with ſuch a terror, that they entirely abandoned the place, and the king came thither ſoon after with his army. Both houſes were alarmed when they heard the king was within thirty miles of London. So, whether for that reaſon, or with deſign to amuſe him, they ſent and deſired a ſafe-conduct for a committee of lords and commons to attend his majeſty with a petition for peace, purſuant to a reſolution taken ſome days before. The king granted a ſafe-conduct for the committee, excepting only ſir John Evelyn, becauſe he was proclaimed traitor[s]. In the mean time, both houſes had advice that the earl of Eſſex was marching towards London with the utmoſt ſpeed. For this cauſe they were in no haſte to ſend the committee to the king, on pretence of his ſcrupling to admit Evelyn. It is hard to conceive why the king, who could not be ignorant, that the execution of his project depended upon expedition, ſtayed long enough at Reading to give the earl of Eſſex time to come to London as ſoon as himſelf. However this be, he marched the 11th of November to Colebrook, fifteen miles from London. Mean while the earl of Eſſex's army arrived about the ſame time, in the neighbourhood of London. But whether it was not ready ſoon enough, or the parliament was alarmed, the committee was ſent to his majeſty the ſame day, with a very humble petition, to appoint a place for the treaty. The king returned a gracious anſwer to the petition, teſtifying, he wiſhed for nothing more than a peace, and to that end, was content to enter into a treaty. The committee returning to London with this anſwer, the parliament immediately ſent orders to their forces not to exerciſe any hoſtility. But preſently after the departure of the committee, the king began to march towards Brentford, which is but ſeven miles from London, and arriving there the 12th in the morning, attacked the town, where ſome of the parliament's troops were quartered, and became maſter of it, after ſome reſiſtance[t]. Immediately after he ſent a meſſage to both houſes to inform them, that ſince his anſwer to their petition laſt night, he had received advice, that the earl of Eſſex was drawing his forces out of London towards him, which had obliged him to march to Brentford: that however he was ſtill deſirous of peace, and expected their committee at Brentford that night, or early the next morning.

The earl of Eſſex's army was indeed arrived near London the 7th, and the earl himſelf was actually in the houſe of peers the 12th, during the aſſault of Brentford. Whereupon both houſes ordered the lord-mayor to ſend out the train-bands, to join with the earl of Eſſex's army, and by that it became much ſuperior to the king's[u]. The ſame day the general made the neceſſary preparations for battle; but the king not thinking fit to expect him, retired towards Kingſton.

The parliament complained, the king had deceived them under the falſe ſhew of deſiring to treat of a peace, ſince immediately after the departure of the committee, he marched to ſurprize Brentford. The king juſtified himſelf two ways. He ſaid firſt, that not only there was no truce agreed upon, but none ſo much as deſired. Secondly, that after the committee's departure, he received certain information, that the earl of Eſſex had ſent forces to Kingſton, Acton, and other places, to ſurround him, which had obliged him to advance to Brentford. The former of theſe reaſons was the beſt, for there being no ceſſation of arms, he might juſtly take all advantages as he thought proper. But he inſiſted the leaſt upon this, for being diſappointed, he would not have it appear that his deſign was to become maſter of London, or at leaſt to raiſe commotions there in his favour, for fear of expoſing his friends to a ſtrict inquiſition. The latter was not of the ſame force. For if he was afraid of being ſurrounded at Colebrook, he did not avoid that inconvenience, by advancing eight miles nearer London. He rather made it greater by that march, unleſs he advanced with deſign to attack the enemy, which did not appear by his conduct.

The king is furniſhed with another reaſon, not contained in a ſort of manifeſto, publiſhed by himſelf on this occaſion. Prince Rupert, it is ſaid, had advanced to Hounſlow with the horſe, without the king's order, and when there, was informed that the parliament had ſent forces to Kingſton, Acton, and other places: ſo, finding he was going to be ſurrounded, ſent to the king to deſire him to advance with his infantry to diſengage him. This reaſon to me ſeems ſo very weak, that I ſhould think it needleſs to refute it, if it did not come from the illuſtrious author of the hiſtory of thoſe times. I will not ſay, that it does not much redound to prince Rupert's honour to affirm, he had advanced without the king's order with his cavalry, which too is not very likely. But firſt, if the prince did think himſelf in danger, it was much eaſier for him to retire to the king, than for the king to march to his relief. Secondly, what probability was there, that the parliament's forces, which are ſuppoſed to have been detached to ſurround the prince, ſhould poſt themſelves between him and the king? Thirdly, the earl of Eſſex's army came near London but that very day,

[s] This committee conſiſted of Algernon Percy, earl of Northumberland, Philip Herbert, earl of Pembroke, the lord Wenman, Mr. Pierrepont, and ſir John Hippeſley. Ruſhworth, tom. V. p. 57.

[t] Part of colonel Hollis's regiment were quartered there, who made a vigorous defence, but would, in all probability, have been moſt of them cut off, if the lord Brook's and colonel Hampden's regiment had not come to their relief, and maintained a fierce and bloody fight till night, wherein many were ſlain, others driven into the river, and many taken priſoners. So that they quitted the town in the night, and the king poſſeſſed it. Ruſhworth, tom. V. p. 59. * Whitelock, p. 65.

[u] The whole army, of horſe and foot, conſiſted of about twenty-four thouſand men. Idem, p. 66.

and was not in condition to march ten or twelve miles farther to attack the prince.

It is therefore extremely probable, that the king, when he left Oxford, intended to ſurprize London, or hoped that his friends would ſo manage, that he ſhould be received there without oppoſition, before the earl of Eſſex could arrive. But he either loſt too much time at Reading, or was prevented by the earl's expedition. Nevertheleſs, ſince he was not ignorant that the parliament's forces were now very near London, one cannot well ſee what it ſignified to attack Brentford, unleſs it was to brave the parliament, or having firſt deſigned to give battle he had altered his mind upon hearing that the train-bands of London were ſent out to join the earl of Eſſex. Be this as it will, having miſſed his aim, he was forced to frame reaſons to colour his attack of Brentford, and to try to perſuade the people, it was done only in his own defence. After all, it is very likely, that when he ſent back the committee from Colebrook, he was determined to march to Brentford, and was not ſorry the parliament amuſed themſelves with the hopes of a treaty. At leaſt, the reaſons he alleged in his vindication did not prove the contrary.

The war continued all the winter in ſeveral parts of the kingdom, there being ſcarce a county free from it. My deſign is not to deſcend to the particulars of all the ſkirmiſhes and conflicts during the war. Such circumſtances may be agreeable to the Engliſh, who are acquainted with the ſituation of the places, or concerned for the honour of thoſe who ſignalized themſelves on theſe occaſions. But foreigners, for whom I write, being little concerned, I ſhall confine myſelf briefly to relate ſome of the principal actions.

In the beginning of December, the earl of Newcaſtle, who had levied an army for the king in the northern parts, began his march towards York. He was ſtopped at the paſſage of the river Tees, which parts the biſhopric of Durham from Yorkſhire, by young Hotham, who had with him a detachment of the little army commanded by the Lord Fairfax in that county for the parliament: but the earl forced the paſſage, and came to York, with about eight thouſand men.

There were likewiſe during the winter, in the ſame county, two pretty warm actions. The firſt at Tadcaſter, where the lord Fairfax was intrenched, and where he was attacked by the earl of Newcaſtle, who, after an obſtinate diſpute, was obliged at laſt to retreat. The ſecond was at Giſborough, where ſir Hugh Cholmley defeated ſix hundred of the king's party, commanded by colonel Slingſby, who was taken priſoner with a great number of his men.

Some days after, ſir Thomas Fairfax the general's ſon, attacked the town of Leeds, defended by ſir William Savil with fifteen hundred men, carried it by ſtorm, and took five hundred priſoners. Theſe were the moſt remarkable actions in the north, during the winter that followed the firſt campaign.

In the ſouth, ſir William Waller, commander for the parliament, blew up Farnham-caſtle, and made the garriſon priſoners of war. Shortly after he took Wincheſter, and then Chicheſter, after an eight days ſiege.

In the midland counties, ſeveral notable actions, though little deciſive, were alſo performed. The 5th of December, Wilmot commiſſary-general of the king's horſe, the lord Digby, and others, attacked the town of Marlborough, fortified by the parliament, where was a numerous garriſon. The town being carried by ſtorm, was plundered and burnt, and about a thouſand of the garriſon ſlain and taken priſoners.

February the ſecond, prince Rupert took Cirenceſter by ſtorm, and made twelve hundred priſoners [w].

March the firſt, the lord Brooke attacked ſome of the king's forces intrenched in the cloſe of the cathedral of Litchfield, and was there ſlain; but after his death his men carried the cloſe.

The 19th of the ſame month, a battle was fought at Saltheath near Stafford, which was maintained on both ſides four hours, till at laſt Spencer Compton earl of Northampton, who commanded the king's forces, being ſlain, the parliament's troops became victorious.

The ſame day ſir William Waller ſurprized the lord Herbert, who was beſieging Gloceſter, killed five hundred of his men, and took above a thouſand priſoners. After that, he took Chepſtow in Monmouthſhire, and then the town of Monmouth itſelf.

I proceed now to what paſſed in the weſtern counties from the beginning of the war to March the next year 1643. As the war was always very ſharp in thoſe parts, and as the ſuperiority was there obſtinately diſputed, it will be neceſſary, for the better underſtanding theſe events, to give a particular account of what paſſed in theſe counties.

From the time the king was at Beverly, after having failed in his attempt upon Hull, he ſent the marquis of Hertford into the weſt, to try to raiſe a party capable to give the parliament's forces a diverſion. He granted him a commiſſion to command all the weſtern parts, and the marquis made ſir Ralph Hopton his general of horſe. The marquis being come into Somerſetſhire, fixed his quarters at Bath, where he could raiſe but few men, by reaſon of the vigilance of the committee of the militia, who greatly obſtructed his levies. At laſt the earl of Bedford, who commanded in thoſe parts for the parliament, having drawn together much more numerous forces than were thoſe of the king, the marquis of Hertford was obliged to retire into Wales. He ſent however ſir Ralph Hopton with about one hundred and fifty horſe into Cornwall, to endeavour to gain that county to the king's intereſt. The earl of Bedford neglected to purſue this little troop, not doubting but the committee of the militia would be able to diſperſe them, and went and joined the earl of Eſſex. This paſſed before the battle of Edge-hill.

Hopton was well received in Cornwall, and ſeconded by ſir Bevil Greenvil, a Corniſh gentleman, who ſo ordered it that the county declared for the king. Then Hopton drew together three thouſand of the train-bands, and marched towards Lanceſton, from whence they chaſed the committee of the militia, who had aſſembled ſome troops. But endeavouring to lead theſe train-bands into Devonſhire, they refuſed to march out of their county. For which reaſon he diſmiſſed them, having firſt driven the committee from the little town of Saltaſh.

Mean while, with the aſſiſtance of the gentlemen of the county, he found means to levy fifteen hundred regular troops, with whom he became abſolute maſter of all Cornwall, and even made incurſions into Devonſhire.

The parliament having intelligence of Hopton's progreſs in Cornwall, ordered all their forces in Dorſet and Somerſet to join with thoſe of Devon, and gave the command of this army to Henry Grey earl of Stamford. The earl heading theſe troops, ſent Ruthen a Scotchman governor of Plymouth, with a detachment into Cornwall. He was no ſooner there, but was met by ſir Ralph Hopton, who put him to rout, killed many of his men, and took above twelve hundred priſoners. Ruthen, after his defeat, retired to Saltaſh, where he endeavoured to fortify himſelf, and the earl of Stamford threw himſelf into Taviſtock [x].

Hopton taking advantage of the terror he had ſtruck into the parliamentarians, divided his forces into two bodies; with one of which he marched towards Ruthen, and beat him out of Saltaſh, and thereby remained again maſter of Cornwall. The other body moved towards Taviſtock, which the earl of Stamford alſo quitted, and retiring to Plymouth, enabled Hopton with the more eaſe to fix quarters in Devonſhire. But ſhortly after, both parties having agreed to obſerve an exact neutrality in the two counties of Devon and Cornwall, in order to remove the war into other parts, Hopton retired with his forces into Cornwall.

Having related the principal military actions of the firſt campaign, and the following winter, it will be neceſſary to mention ſome other things, which indeed flowed from the war, but were not decided by arms.

Money being the ſinews of war, it is not ſtrange the king and the parliament ſhould do their utmoſt to raiſe all they could. But the wonder is, that they ſhould upbraid each other with the expedients uſed to that end. According to the laws of the land, the king cannot levy money upon the ſubject, without conſent of parliament; but it is no leſs certain, that the parliament cannot impoſe taxes without the royal aſſent. Taxes are laid by acts, to which the king and both houſes muſt neceſſarily give their approbation. But what is to be done when the king and parliament are at war with one another? Neither of them, according to the laws, muſt levy money upon the people, and then it

[w] Among whom were Warnford and Petty-place, (two gentlemen of good quality and fortune near that town) and Mr. George, who ſerved for that borough. Above two hundred were ſlain. Clarendon, tom. II. p. 97.

[x] This battle was fought on Bradocdown near Leſkard. The chief of the Corniſh gentlemen that helped ſir Ralph Hopton to raiſe his forces, were ſir Bevil Greenvil, ſir Nicholas Stanning, John Arundel, and John Trevanion, all four members of parliament. Clarendon, tom. II. p. 100, 102.

will be almoſt impoſſible to wage war, or elſe both muſt be left at liberty to raiſe it, without regarding each other's conſent. This was what the king and the parliament practiſed, and yet they reproached one another with breach of the laws. If we believe the authors who writ in favour of the king, his majeſty had no other money than what he was ſupplied with voluntarily by gift or loan[y]. If he ſometimes taxed the counties in his power, it was always with the conſent of the inhabitants. But this is a kind of artifice to deceive the reader. For it means nothing more, than that ſome of the leading men of the town or county were gained, by whom it was reſolved to give the king ſuch a ſum, after which it would have been in vain for the reſt to oppoſe it, or refuſe to pay their ſhare. The parliament proceeded in much the ſame manner. They demanded for the maintenance of the war contributions, which they termed voluntary, but which were very far from being ſo. This very clearly appeared in an ordinance of the 29th of November, for aſſembling ſuch as had not freely contributed. The king, conſidering this ordinance as an expreſs breach of the law, iſſued out a proclamation, enjoining all his ſubjects not to ſubmit to it. He publiſhed another of the ſame nature, to command all perſons not to execute the ordinance of parliament for paying tunnage and poundage to the two houſes. All this was found upon the laws, requiring the royal aſſent for the impoſition of taxes. But ſuch were the times, that a ſtrict obſervance of the laws was become impracticable. The parliament anſwered this laſt proclamation, not by acknowledging, the laws were violated by their ordinance, but by ſaying, that the ſtatute urged by the king, was made to hinder the king from impoſing any tax, without the conſent of both houſes, and not to diveſt the parliament of a right to impoſe what they thought proper. It is eaſy to perceive, that this was only a cavil, ſince the king's conſent was no leſs neceſſary for impoſing a tax, than that of both houſes. Or rather, they had no right, neither the one nor the other ſeparately, if the laws had been kept to. And yet the king, in the next February, publiſhed another proclamation, ordering that the cuſtoms upon goods imported, ſhould be paid him at Oxford, which, in all appearance was not performed. This ſubject ſo often returns, not only with reſpect to levies of money, but alſo with regard to every thing enjoined ſeparately by the king or both houſes, that it will not be amiſs to have ſome knowledge of the principles of both parties, in order to avoid paſſing a wrong judgment[z].

Ever ſince the beginning of this parliament, the king had conſtantly profeſſed a ſtrict adherence to the laws of the land. This he perpetually oppoſed to the conduct and pretenſions of the parliament. When the war was begun, he pretended in the like manner, that the laws were to be obſerved with the ſame ſtrictneſs as in full peace. It is very viſible, how advantageous to him this principle was. According to the law, the two houſes could raiſe neither men nor money, much leſs employ them againſt their ſovereign; for he always ſuppoſed the war was only defenſive on his part. He found therefore no better way to reſtore the public tranquility than to adhere to the laws, on the obſervance whereof depended the nation's happineſs. Nothing was truer than this principle, taken in general, and independently of the particular caſe the kingdom was in. But, as the king himſelf owned, the laws being only an empty name, if not kept, and the executive power being lodged in the king's hand, the point was to know, Whether the king could be relied upon for the diſcharge of this truſt, after what had paſſed the fifteen firſt years of his reign? There lay the difficulty of the queſtion between the king and the parliament; to ſolve which the king offered only his bare word, whereon the parliament could not, or would not, rely. It is therefore evident, that when the king urged the laws in his behalf, he ſaid nothing that in the leaſt prejudiced the parliament's claims. The thing was not to know, Whether the laws aſcribed ſuch or ſuch prerogatives to the ſovereign? The parliament did not deny it: but the queſtion was to know, Whether the king was to be truſted with the executive power, after what had paſſed? So the whole difficulty conſiſted in knowing, by what means the execution of theſe ſame laws, agreed to by both parties, might be ſecured. The king carefully avoided the examination of this point, whether the people had a right to demand ſecurity of him, and uſed his utmoſt endeavours to reduce the diſpute to this, "Whether this or that were enjoined by the laws?" This is the ruling principle in all his papers, without one exception.

On the other hand, the parliament were no leſs embarraſſed. It is true, they clearly ſhewed, the king had abuſed his prerogatives, whilſt he fully enjoyed them, and from thence inferred, it was neceſſary to reduce his power within certain bounds. But they ſuppoſed, that in order to reduce him within theſe bounds, there was no other way than to ſtrip him entirely of this ſame power, by depriving him of the command of the militia, and ſome other prerogatives. The queſtion in this reſpect was therefore, Whether it was poſſible to find expedients, which being added to the king's word and oath, might ſecure to the nation their liberties. But the two houſes induſtriouſly avoided to enter upon that queſtion. They were contented to ſuppoſe, without alleging any poſitive proof, that the king had taken up arms to deſtroy the privileges of the people and parliament, and conſequently the war was but defenſive on their part. By that they pretended to vindicate their daily manifeſt breaches of the laws, repreſenting them as abſolutely neceſſary to attain the end they propoſed to themſelves, of ſettling the peace of the kingdom. One can ſcarce help perceiving in this conduct, the aim of certain men, who laboured to render an accommodation impracticable, the better to execute the project of altering the government of the church, to which a peace would have brought inſuperable obſtacles. Could the king have prevailed with himſelf to conſent to that change, expedients would not have been wanted to adjuſt the other points. We ſhall be convinced of this hereafter, when we come to ſee the difficulties of the peace reduced, as I may ſay, to this ſingle article.

The king, as I ſaid, had ſent the earl of Newcaſtle into the north, to gain to his party the biſhopric of Durham, with the counties of Northumberland, Cumberland, and Weſtmoreland, and to levy an army. The earl happily executed the king's deſign. He ſo managed, that theſe four counties entered into aſſociation to furniſh him at the common expence, with men and money, ſo that he raiſed an army of eight thouſand men. But at the ſame time, he taught the king's enemies to form the like aſſociations, which perhaps they would never have thought of. As ſoon as the parliament was informed of this aſſociation, they ordered the like to be entered into by the counties that owned their authority, and appointed generals to command their forces. The lord Fairfax was made general of Yorkſhire, ſir William Brereton of Cheſhire, ſir William Waller of Hampſhire, the lord Grey of Lancaſhire, major-general Brown of Berkſhire, the earl of Denbigh of Shropſhire, [a] colonel Middleton of Wales, and the earl of Mancheſter of Eſſex, and the counties adjoining, called the eaſtern counties, namely, Eſſex, Cambridge, Iſle of Ely, Hertford, Norfolk, Suffolk, and the city of Norwich[b]. By means of theſe aſſociations, the parliament had forces always ready, who indeed were deſigned only for the defence of the aſſociated counties, but were however employed ſometimes in other ſervices. The king frequently tried to prevent theſe aſſociations in counties where he knew he had a great number of friends, as for inſtance, in Kent, and ſome others. But when both houſes perceived the king's practices were like to prevail in any of the counties where they were ſuperior, they obliged them to aſſociate with others, and furniſh their quota.

Beſides theſe aſſociates between the counties of the ſame party, there were alſo at the beginning of the war, private agreements between neighbouring counties of different parties, to obſerve, between them, an exact neutrality. Theſe agreements were founded on the common advantages of the contracting counties, as they removed the war from their own doors, and ſettled a mutual commerce between them, which they could not well be without. I have given an

[y] And by theſe means, ſays the lord Clarendon, the king was able to pay his foot, though it amounted to above 3000l. weekly. Tom. II. p. 67.

[z] According to ſome authors, the parliament raiſed in all upon the nation, during the courſe of the civil war and afterwards, above ninety-five millions, five hundred and twelve thouſand pounds. And, according to Mr. Walker, there was levied, from the year 1641 to 1647, above forty millions in money, and money-worth. See Hiſt. of Taxes p. 289, 297. In March 1642, they made an ordinance for raiſing thirty-four thouſand, one hundred and eight pounds, thirteen ſhillings per week. Ruſhworth, tom. V. p. 150.

[a] It is more likely that it was his ſon Baſil lord Fielding, for the earl his father was in arms for the king, and ſlain at Broxingham in April 1643, but Baſil was in arms for the parliament.

[b] Theſe were afterwards generally called the aſſociated counties. Whitelock, p. 66.

Ven,

inſtance in the counties of Devon and Cornwall. The like agreement was made between the two parties in Yorkſhire and Cheſhire. But the parliament refuſed to authoriſe theſe private agreements, becauſe they were too advantageous to the king, who in the end would have been able, by that means, to aſſemble all his forces in one place, whereas he was obliged to diſperſe them throughout the whole kingdom. Beſides, the king's party had ſo well managed his concerns, that theſe agreements were made only in places where it was for his advantage; as for example, in Yorkſhire, where the ſole view was to ſtop the inroads of the garriſon of Pontfret caſtle, which very much annoyed the city of York.

The king retiring to Oxford, after the Brentford affair, carried thither the priſoners taken at Brentford and Edgehill. Within a few days after his return, he granted to ſir Robert Heath a commiſſion of oyer and terminer, to try ſome of the priſoners, among whom was captain John Lilburn, who with ſome others, was condemned to die, for being taken in arms againſt the king. The parliament having notice of this ſentence before its execution, declared, that if any priſoner of war ſhould be put to death at Oxford or elſewhere, they would inflict the like puniſhment upon ſuch priſoners as were or ſhould be taken hereafter. This declaration ſaved the lives of the condemned, the king not thinking proper to expoſe his officers to the ſame fate.

[1642-3] Though the meaſures of the king's friends to oblige the parliament to make peace were broken, as I ſaid, they were not diſcouraged. As the king, after the buſineſs of Brentford, had fortified Reading, and left there a ſtrong garriſon, they pretended, the inhabitants of London had cauſe to be extremely alarmed at their neighbourhood. So under colour of preventing the danger, they drew a petition, to which they procured as many hands as poſſible, to deſire leave of both houſes to preſent to the king ſome propoſitions, which he might conſent to with honour. Many of the inhabitants of Weſtminſter, and of the pariſhes of St. Martin's and Covent-Garden, known to be the king's adherents, prepared alſo the like petition. It was a very uncommon thing, and of dangerous conſequence, for private perſons, without the interpoſition or approbation of the magiſtrates, to take upon them to make overtures of peace to the king. Accordingly, the parliament would not receive their petition, nay, ordered that the authors ſhould be brought to juſtice. Probably, they did not expect the parliament would uſe their mediation for a peace: but in publiſhing this petition, wherein they called themſelves the richeſt and moſt conſiderable inhabitants of London, their aim was to inſinuate to the people, that the honeſt part of the citizens wiſhed for peace upon more moderate terms than the parliament, but were reſtrained by the magiſtrates. The two houſes fully perceiving the motives of the petition, ordered it ſo that the mayor, aldermen, and common-council of London, ſent a very humble petition to the king, wherein they took care to clear themſelves from all diſloyalty, and expreſſed an earneſt deſire of peace. To that purpoſe, they beſought his majeſty to return to his parliament, accompanied with his royal, not martial, attendance; that whatſoever was amiſs in church and ſtate might be reformed by the advice of both houſes, and ſuch a peace obtained, as ſhould be for the honour of his majeſty, and the welfare of his ſubjects. This petition ſhewed, that the city of London deſired no other peace than what the parliament ſhould agree upon with the king. It had this advantage of the firſt, that it came from the mayor and common-council, whereas the other was ſubſcribed only by private hands.

The king was really perſuaded, that the Londoners deſired and would accept of ſuch a peace as he ſhould be pleaſed to grant, but that the magiſtrates, in concert with the parliament, did their utmoſt to prevent it. This petition being preſented to him the 10th of January 1642-3, he returned a very gracious anſwer, and gave it in writing to the committee of aldermen. He ſaid, "That he never entertained any miſapprehenſion of the loyalty of his city of London, or of the inhabitants in general: but could not ſay the ſame with regard to their magiſtrates, and particularly alderman Pennington, their pretended lord-mayor, and two or three more [c], who endeavoured, with all their power, to prevent the people, and excite them to rebellion. Then he enumerated all the outrages exerciſed at London upon himſelf and the laws, and aſſured, he was ready to return to them, when they ſhould be in a fit poſture to receive him with honour and ſafety, and had apprehended the diſturbers of the public peace, that they might be proceeded againſt by courſe of law, as guilty of high-treaſon." The king greatly flattered himſelf with reſpect to his papers, which he readily believed to be unanſwerable. But the wonderful effects he hoped from thence did not always anſwer his expectations. In this belief, when he delivered his anſwer in writing to the committee of aldermen, he told them, it was his deſire, that it ſhould be read publicly at a common-hall and before the people. The lord-mayor, with the conſent of both houſes, willingly gave his majeſty this ſatisfaction, and his anſwer was accordingly read in public. But the parliament had ſent a committee of lords and commons to be preſent at the reading, and afterwards to reject the king's anſwer. This did Mr. Pym, one of the committee, in a ſet ſpeech, the deſign whereof was to ſhew, that the king's whole anſwer was full of ſcandalous and injurious aſperſions upon the city and parliament. So the king had little reaſon to be ſatisfied with the ſucceſs of his anſwer, on which however he had much depended, imagining it would be capable of ſowing diſcord between the people of London and the magiſtrates.

Some days after, the king ſent to the ſheriffs of London a declaration, grievouſly complaining of Pym's ſpeech, and of the publication of a pamphlet in the city in his name, as if he retracted his former promiſes. He required alſo the maſter and wardens of the ſeveral companies of the city, to ſummon all their members, and read this declaration with his fore-mentioned anſwer, publicly in their ſeveral halls. He declared that Iſaac Pennington not being regularly elected according to their charter, or lawfully admitted, could not be looked upon as lord-mayor of London, and ordered the ſheriffs to commit him to ſafe cuſtody, with ſome other aldermen. But the parliament perceiving, the king's aim was to incite the people of London againſt their magiſtrates, commanded the ſheriffs not to execute the order.

As the king frequently ſent private agents to London, to correſpond with his friends there, and to be fully informed of what paſſed in the city and parliament, both houſes thought proper, in order to render this practice more difficult to declare, that all perſons coming from the king's quarters to London without a ſafe-conduct, ſhould be treated as ſpies.

During the winter before the opening of the ſecond campaign, the conteſt about the number of papiſts in the ſervice of the king and of the parliament was renewed, on occaſion of ſome papers publiſhed by the earl of Newcaſtle, and the lord Fairfax againſt each other. The earl of Newcaſtle, did not deny that he had papiſts in his army; but maintained, they were few in number, and beſides, it was lawful to employ them, ſince it was not becauſe of their religion, but for their loyalty. On the other hand, he affirmed, there were great numbers in the parliament's army, and appealed for the truth of what he ſaid to their muſter-rolls. I confeſs this proof to me ſeems of no weight. For beſides that theſe rolls were not publiſhed, and conſequently not eaſy to be examined, probably the religion of the officers and ſoldiers was not ſpecified [d]. However, the king and the earl of Newcaſtle openly aſſerted, there were many papiſts in the parliament's army. The earl of Clarendon has advanced the ſame thing: but in all their writings, there is not a ſingle catholic named; whereas the parliament produced liſts of popiſh officers in the king's ſervice, with their names, quality, and employs. Beſides, it is eaſy to ſee, that the king, according to his principles and behaviour to the papiſts, from the beginning of his reign, made no ſcruple to employ them, and that they themſelves could expect ſome advantage in ſerving him. But what intereſt the parliament could have to employ catholics, or what advantage could accrue to them from that ſervice, does not ſo clearly appear. Nevertheleſs, the imputation perpetually caſt upon him afterwards of having popiſh armies, becauſe he refuſed not the aſſiſtance of papiſts, and the conſequence drawn from thence, that his deſign was to deſtroy the proteſtant religion, muſt be deemed a very great aggravation, and a mere calumny to render the king odious.

Since the queen was in Holland, ſhe had not been idle. She laboured effectually to procure the king officers, arms, and ammunition, which was facilitated by the prince of Orange her ſon-in-law's credit. September 1642, both houſes ſent an agent, Walter Strickland, to the Hague, to complain to the ſtates-general of the preparations making in Holland for the king, and of the ſupplies that were ſent

[c] Ven, Foulk, and Manwaring, are named by the king.

[d] The earl ſays, in one of his papers, "That the parliament had had, for many months, great numbers under their pay, both Engliſh, French, and other nations, whom, at the time of their inrolment, and ever ſince, they did know to have been profeſſed papiſts: whereas, it was notoriouſly known, that before this courſe was taken on the other party, his majeſty and his miniſters did not admit to, nor continue any ſoldiers in pay, who were ſuſpected to be that way inclined, or did refuſe the oaths of allegiance and ſupremacy." Ruſhworth, tom. V. p. 80.

Six

him. But Strickland was received very coldly, by reaſon of the prince of Orange's credit in the aſſembly of the ſtates. Beſides, the ſtates-general did not conſider him as a public miniſter, becauſe hitherto the parliament had never ſent agents abroad in their own name. They were contented therefore to depute one of the members of their aſſembly, to know what he had to ſay. Strickland put into their hands a declaration from the parliament, to this effect:

"That the lords and commons underſtood by an intercepted letter of the lord Digby's, that he had addreſſed himſelf to the prince of Orange, and by his countenance and help made proviſion of great quantities of ordnance, powder, arms, and divers other ſorts of warlike proviſion: and the ſaid prince, the better to encourage divers commanders of Engliſh regiments in the ſervice of the ſtates, to reſort to the king's aid againſt the parliament, had promiſed to reſerve their places for them in their abſence.

"That they could not believe, this was done by any authority of the ſtates, conſidering the great help they had received from England, when they lay under the heavy oppreſſion of their princes. Neither could they think, that they would be forward to help to make thoſe ſlaves, who had been uſeful and aſſiſtant in making them freemen: or that they would forget, that the troubles and dangers of them both iſſued from the ſame fountain, and that thoſe who were ſet at work to undermine religion and liberty in England, were the ſame, which by open force had ſought to do the like in the low-countries.

"That it could not be unknown to them, that the jeſuitical faction had corrupted the king's counſels, and the conſcience of a great part of the clergy, plotted to deſtroy the parliament, raiſed a cruel rebellion in Ireland, endeavoured to divide the king from his parliament and people, and by falſe ſlanders incenſed his majeſty ſo, as that he had reſolved to ſet up his ſtandard, and draw his ſword for the deſtruction of his people, whom by the laws and conſtitution of the kingdom he is bound to preſerve and protect.

"That the queſtion was not, whether the king ſhould enjoy the ſame prerogative and power which belonged to former kings his predeceſſors; but whether that prerogative and power ſhould be employed to the defence or the ruin of the kingdom.

"That it could not be denied, but that it would be more honour and wealth, ſafety and greatneſs to his majeſty, in concurring with his parliament, than in the courſe he was in; but that his counſellors looked more upon the prevailing of their own party, than upon any of thoſe great advantages, which he might obtain by joining with his people.

"That both houſes had lately expreſſed ſo earneſt inclinations to a national love and amity with the United Provinces, that they had petitioned his majeſty, that they might be joined with them in a more near and ſtrait league and union: and they could not but expect ſome returns from them of the like expreſſions; therefore deſired, that they would be ſo far from blowing the fire which began to kindle amongſt them, that they would rather endeavour to quench it by ſtrengthening and encouraging them, who had no other deſign but not to be deſtroyed, and to preſerve their religion."

This declaration was long neglected, the ſtates-general not vouchſafing to return any anſwer. At length, Strickland having preſented it to the ſtates of Holland, they promiſed to obſerve a ſtrict neutrality, and ingaged the province of Zealand to take the ſame reſolution. They even arreſted ſome ſhips laden with ammunition and ſoldiers for the king. Then the ſtates-general could no longer help taking notice of the parliament's declaration, and returned in anſwer: "That they would expreſly forbid every body to tranſport any weapons or warlike ammunition into England, and would gladly employ their mediation for putting an end to the troubles."

But this could not hinder the indirect ſupplies that were ſent to the king, by reaſon of the prince of Orange's great credit. During the winter, general King, a Scotchman, brought his majeſty ordnance and ammunition [e], and general Goring brought over ſome Engliſh officers that were in the ſervice of the ſtates. It is true, that from time to time the Engliſh ſhips ſeized ſome of thoſe veſſels that were ſent to the king. Strickland made frequent complaints of the ſupplies: but the ſtates-general took no notice of them. Nay, they granted the queen, who was preparing to return to England, ſo large and general a paſſport, that by virtue thereof ſhe might tranſport into England troops, ordnance, arms, and ammunition, in what quantities ſhe pleaſed. Nevertheleſs the ſtates of Holland, whom it concerned to keep fair with the parliament, ſtopped one of the queen's veſſels laden with ammunition; whereupon ſhe delivered in a proteſtation. In all probability, they had a mind to manage both parties, the parliament by ſeizing one of the ſhips, and the queen, by ſtopping but one out of many. We ſhall ſee hereafter, that the ſupply brought to the king by the queen was very conſiderable. She arrived about the middle of February in Burlington-bay, and from thence went to York, where ſhe made ſome ſtay [f].

The king, as I ſaid, conſtantly inſiſted upon the laws of the land, and urged that they ought to be obſerved in time of war as in time of peace. The admitting of this principle would have turned greatly to his advantage, for the laws not ſuppoſing an actual diviſion between the king and the parliament, aſcribed to the king ſundry prerogatives which he could have uſed againſt his enemies. For inſtance, by virtue of the prerogative, he pretended to adjourn the courts of juſtice to Oxford during Hilary-term, but the parliament would not conſent to it.

On the other hand, the counties being divided between the two parties, the parliament addreſſed his majeſty, repreſenting the inconveniencies that would follow the holding of the aſſizes in the ſeveral counties, ſome whereof were for the king, and ſome for the parliament, beſought him to agree to their being deferred to a more convenient ſeaſon. But the king poſitively refuſed it under colour of the neceſſity of puniſhing malefactors at all times. Had he gained this point, he might have condemned as rebels all thoſe that had taken up arms againſt him, for the judges muſt have adminiſtered juſtice according to the law, which not ſuppoſing an open war between the king and the parliament, condemn, without diſtinction, all that are in arms againſt the king. But the caſe the kingdom was then in, being wholly extraordinary and unexpected, the parliament pretended, the laws could not be executed in that reſpect, without ſome reſtriction and explanation. For this reaſon, they deſired the aſſizes might be ſuſpended, till ſome means might be agreed upon, for the impartial rendering of juſtice. But finding, the king refuſed to conſent to it, they publiſhed an ordinance, forbidding the aſſizes to be held till further order.

Though the war was begun in April 1642, and a battle, with ſeveral ſkirmiſhes, had been fought, the king could hardly be perſuaded, that the very perſons who were in arms againſt him, could or dared refuſe the obedience that was due to him. Of this notion he gave an evident proof in March 1642-3, on the following occaſion. The city of Briſtol being in the hands of the parliament, the king had gained Mr. Robert Yeoman the laſt year ſheriff and one of the principal citizens, and ſent him a commiſſion to raiſe forces, and appoint what commanders he thought proper, Yeoman's deſign being to ſurrender the city to the king. To that purpoſe, he joined with one Bourchier another citizen, and they both formed a plot, into which many of the inhabitants entered, to ſeize the city for the king. The plot being diſcovered the very night it was to be executed, the conſpirators were impriſoned, and the parliament ſent down a commiſſion to colonel Nathaniel Fiennes the governor, to call a council of war, and proceed againſt the priſoners by martial law. The conſpirators being condemned to die, the king writ to the governor by general Ruthen, earl of Forth, that if he put theſe men to death, ſome priſoners in his hands ſhould undergo the ſame fate. Fiennes returned the general a civil anſwer: but in ſhewing him however, the difference between priſoners of war, and ſecret ſpies and conſpirators, he threatened, in his turn, there would be frequent opportunities in the courſe of the war for the parliament to uſe repriſals. Whereupon the king writ a thundering letter to the mayor and aldermen of Briſtol, commanding them, as well as all the inhabitants, to riſe againſt the governor and garriſon, and free the condemned priſoners. It was eaſy to foreſee the mayor would ill obey this order. Accordingly the priſoners Yeoman and Bourchier were executed, without the king's thinking proper to proceed in the like manner againſt the priſoners in his power.

Before I relate what paſſed in the ſecond campaign of the year 1643, I think it abſolutely neceſſary to ſhew the diſpoſition of the king and parliament to peace and war. Military actions depending upon many circumſtances of time, place, number, and bravery of the troops, conduct and abi-

[e] Six thouſand arms. Warwick's Mem. p. 237.

[f] The day after her majeſty's landing, four of the parliament ſhips came into the road, and firing upon the veſſels that were landing the ammunition, the balls reached the town, near the place where the queen was reſting herſelf after her voyage. Whereupon, ſhe was forced to remove to an obſcure lodging behind a hill. The marquis of Montroſe, and the lord Ogilby, with two troops of horſe, conducted her to the earl of Newcaſtle, who entertained her at York. Ruſhworth, tom. V. p. 156. Commons war, p. 24.

lities of the officers, theſe things indeed are ingredients of hiſtory, but not the chief. If in the recital of warlike exploits, the end of hiſtory was to teach the art of war, all the circumſtances of the ſieges, battles, ſkirmiſhes, would be eſſential: but there is another end more material to the generality of readers, namely, to know the cauſes and grounds of the beginning and continuance of wars, and conſequently the intereſts, motives, and artifices of the parties concerned, from whence military actions ſpring. This is the reaſon why I reſolved to be brief in the deſcription of battles, in order to be more large upon the fore-mentioned points which I look upon as what is moſt conſiderable. Nothing, in my opinion, is more proper to ſhew the real diſpoſitions of the king and the parliament, than the treaty at Oxford in March and April 1643, concerning a peace. And therefore I reſolved to give a particular account of that negotiation, and the rather as I ſhall thereby avoid the neceſſity of explaining afterwards many things, which otherwiſe might not be well underſtood.

Both houſes of parliament having conſidered that the king made ſome advantage of the inclination he had conſtantly ſhewn for peace, ſent and deſired a ſafe-conduct for commiſſioners they intended to ſend to him, which the king granting, the commiſſioners preſented to his majeſty certain propoſitions as proper to ſerve for foundation to a peace[g]. Ruſhworth has preſerved in his collection two ſpeeches made in council upon this occaſion, the earl of Briſtol's to perſuade the king to continue the war, and the earl of Dorſet's to demonſtrate the advantages and neceſſity of a peace. The ſubſtance of the earl of Briſtol's reaſons was as follows:

"1. That the parliament had declared divers of the greateſt and moſt eminent among the nobility delinquents in the higheſt nature; ſo that there could not be an accommodation, without the utter ruin of themſelves and their families.

"2. But granting that this article were removed, his majeſty could not condeſcend with his honour to beg peace of his ſubjects.

"3. That no mention could be found in the hiſtory of Spain of inteſtine and civil wars, becauſe they were truly ſubjects, and their ſovereign truly a ſovereign. But ſince in England the ſtate would neither be ſo to the king, nor ſuffer the king to be ſo to them, he thought they ſhould be compelled to it.

"4. That it was no diſhonour for ſubjects to condeſcend to their king, but it was an exceſſive diminution to his majeſty's royalty, to ſubmit himſelf to his ſubjects.

"5. His opinion therefore was, that his majeſty ſhould neither propound to the parliament, or receive from them any conditions for peace, but ſuch as ſhould abſolutely comply with the regal dignity and prerogative, and ſuch as might be no way prejudicial to his majeſty's ſervants and counſellors, or their eſtates.

"6. That there was an army on foot which could by force compel that, which fair words could not effect."

On the other ſide the earl of Dorſet repreſented:

"1. That peace, and a ſudden one, was abſolutely neceſſary, betwixt his majeſty and the parliament.

"2. That he would not adviſe them to embrace a peace that ſhould be more diſadvantageous than the war, a peace which would deſtroy the eſtates and families of the nobility. But it was to be conſidered, that the parliament declared that only againſt delinquents, ſuch as they conjectured had miſcounſelled his majeſty, and were the authors of the tumults in the common-wealth. But this declaration of theirs, except ſuch crimes could be proved againſt them, were of no validity; the parliament would do nothing unjuſtly, nor condemn the innocent; and certainly innocent men needed not fear to appear before any judges whatſoever. He who ſhould, for any cauſe, prefer his private good before the public utility, was but an ill ſon of the common-wealth.

"3. That the buſineſs of the kingdom was to ſtudy to reconcile all differences between his majeſty and his parliament, and ſo to reconcile them, that they ſhould no way prejudice his royal prerogative, of which the parliament being a loyal defender (knowing the ſubject's property dependent on it) would never endeavour to be an infringer; ſo that if doubts and jealouſies were taken away by a fair treaty between his majeſty and the parliament, no doubt a means might be deviſed to rectify differences.

"4. That in Spain, the ſubjects were ſcarcely removed a degree from ſlaves, nor the ſovereign from a tyrant. But in England the ſubjects had, by a long and received liberty, made their freedom reſult into a ſecond nature: neither was it ſafe for the kings to ſtrive to introduce the Spaniſh government upon this free-born nation, nor juſt for the people to ſuffer that government to be inforced upon them; which he was certain his majeſty's goodneſs never intended.

"5. Granting that his majeſty had an army of gallant and able men, yet he had infinite diſadvantages on his ſide, the parliament having double his number, and ſurely perſons of as much bravery, nay, and ſure to be daily ſupplied when any of their number failed, a benefit which his majeſty could not boaſt of, they having the moſt popular part of the kingdom at their devotion; all, or moſt of the cities, conſiderable towns, and ports, together with the maineſt pillar of the kingdom's ſafety, the ſea, at their command, and the navy; and, which was moſt material of all, an unexauſted indies of money to pay their ſoldiers, out of the liberal contributions of coin and plate, ſent by people of all conditions, who accounted the parliament's cauſe their own.

"6. All which things conſidered, he concluded it neceſſary, to beſeech his majeſty, to take ſome preſent order for a treaty of peace betwixt himſelf, and his high court of parliament."

It is not ſaid, what was the reſult of the council's deliberations; but it may be judged by what followed, that the king reliſhed the earl of Briſtol's reaſons better than the earl of Dorſet's. I return to the treaty at Oxford.

[1643] The parliament having to guard againſt the artifices of the king's friends, who were ſtrenuouſly endeavouring to perſuade the people, that the war was waging only for the ſake of ſome of their members, could not better contradict them, than by openly ſuing to the king for peace, and by publiſhing the terms on which they were ready to conclude it. They meant to ſhew by theſe terms, that it was not the private intereſt of ſome of their members that put them upon action, but ſolely the welfare and ſecurity of the nation: however, they knew at the ſame time the king would not accept them. His majeſty, on his part, was obliged to ſhew he wiſhed for peace, ſince he had always pretended to take up arms only in his own defence. But the truth is, he deſired it no more than the parliament, becauſe he ſaw, it was no favourable juncture to obtain ſuch a peace as he expected, with a full reſtoration of all his prerogatives. Thus, though neither the king nor the parliament had any intention ſincerely to endeavour a peace, they were however both indiſpenſibly obliged to expreſs their deſire of it, not to give the people occaſion to believe, they preferred their private intereſt to the good of the kingdom. For this reaſon the king continually inſiſted upon reſtoring the laws to the former vigour, and the parliament, upon ſecurity for the obſervance of the ſame laws, and thereby both render a peace impracticable. The ſubſtance of the propoſitions preſented to the king by the parliament was to this effect[h].

"I. That the armies on both ſides be diſbanded, and his majeſty be pleaſed to return to his parliament.

"II. That he leaves delinquents to a legal trial and judgment of parliament.

"III. That the papiſts be diſbanded and diſarmed.

"IV. That his majeſty be pleaſed to give the royal aſſent to the following bills:

"1. For taking away ſuperſtitious innovations.

"2. For the utter aboliſhing of all archbiſhops, biſhops, deans, &c.

"3. Againſt ſcandalous miniſters.

"4. Againſt pluralities.

"5. For conſultation with godly, religious, and learned divines. That his majeſty be pleaſed to promiſe to paſs ſuch other bills for ſettling of church-government, as upon conſultation with the aſſembly of the ſaid divines, ſhall be reſolved on by both houſes of parliament.

"V. That his majeſty be pleaſed to give his conſent,

[g] The commiſſioners on this occaſion, were Algernon Percy earl of Northumberland, Philip Herbert earl of Pembroke, William Cecil earl of Saliſbury, and Henry Rich earl of Holland; with the viſcounts Wenman and Dungarnon; and ſir John Holland, and ſir William Litton, knights; William Pierrepoint, Buliſtrade Whitelock, Edmund Waller, and Richard Winwood, eſquires. They had their firſt acceſs to the king in Chriſt-church garden, where he was walking with the prince, and divers of the lords attending him. All kiſſed his hand, and Waller approaching the laſt, his majeſty ſaid, "Though you are the laſt, yet you are not the worſt, nor the leaſt in my favour." The diſcovery of a plot then in hand in London to betray the parliament, wherein Waller was concerned, did manifeſt the king's courtſhip to Waller, to be for that ſervice. Whitelock, p. 67.

[h] The earl of Northumberland read the propoſitions to the king with a ſober and ſtout courage, and being interrupted by him, ſaid ſmartly, "Your majeſty will give me leave to proceed?" The king anſwered, "Ay, ay;" ſo the earl read them all through. Whitelock's Mem. p. 67. Ruſhworth, tom. V. p. 165.

Sir

That an oath may be eſtabliſhed by act of parliament to be adminiſtered in ſuch manner, as by both houſes ſhall be agreed on; wherein they ſhall abjure and renounce the pope's ſupremacy; the doctrine of tranſubſtantiation, purgatory, worſhipping of the conſecrated hoſt, crucifixes, and images; and that the refuſing the ſaid oath, being tendered in ſuch manner as ſhall be appointed by act of parliament, ſhall be a ſufficient conviction in law of recuſancy.

" And that his majeſty be pleaſed to conſent to.

" 1. A bill for the education of the children of papiſts by proteſtants.

" 2. To a bill for the true levying of the penalties againſt recuſants, in ſuch manner, as both houſes of parliament ſhall agree on.

" 3. To a bill whereby the practice of papiſts againſt the ſtate may be prevented.

" VI. That the earl of Briſtol and the lord Herbert may be moved from his majeſty's councils and court, and that they may not bear any office, or have any employments concerning the ſtate or common-wealth.

" VII. That the militia be ſettled in ſuch a manner as ſhall be agreed on by both houſes.

" VIII. That his majeſty be pleaſed to appoint for judges[1], ——— with the clauſe 'Quam diu ſe bene geſſerint.'

" IX. That all ſuch perſons as have been put out of the commiſſion of peace, &c. ſince the firſt day of April 1642, may again be put into them; and that ſuch perſons may be removed, as ſhall be excepted againſt by both houſes of parliament.

" X. That his majeſty be pleaſed to paſs the bill preſented to him to vindicate and ſecure the privileges of parliament, from the ill conſequences of the late precedent in the charge and proceeding againſt the lord Kimbolton, and the five members of the houſe of commons.

" XI. That his majeſty's royal aſſent may be given unto ſuch acts as ſhall be adviſed by both houſes of parliament, for the ſatisfying and paying the debts and damages wherein the two houſes of parliament have engaged the public faith of the kingdom.

" XII. That his majeſty be pleaſed to enter into a ſtrict alliance with the ſtates of the United-provinces, and other neighbouring princes and ſtates of the proteſtant religion.

" XIII. That in the general pardon which his majeſty hath been pleaſed to offer to his ſubjects, all offences and miſdemeanours committed before the 10th of January 1641, which have been, or ſhall be queſtioned in parliament before the 10th of January 1643, ſhall be accepted; which offences and miſdemeanours ſhall nevertheleſs be taken and adjudged to be fully diſcharged againſt all other inferior courts: that likewiſe there ſhall be an exception of offences committed by any perſons, which have had any hand in the rebellion of Ireland: and an exception of William earl of Newcaſtle, and George lord Digby.

" XIV. That his majeſty will be pleaſed to reſtore ſuch members of either houſe of parliament to their ſeveral places, out of which they have been put ſince the beginning of the parliament; that they may receive ſatisfaction and reparation for thoſe places; and that all others may be reſtored to their offices and employments, who have been put out of the ſame upon any diſpleaſure conceived againſt them, for any aſſiſtance given to both houſes of parliament, or obeying their commands, or forbearing to leave their attendance upon the parliament without licence, or for any other occaſion ariſing from the differences betwixt his majeſty and his parliament."

Theſe propoſitions plainly ſhewed, that though both houſes ſued for a treaty in order to a peace, they were however very far from it, ſince they inſiſted upon things which the king would ſcarce have granted, had his condition been much worſe that it was at that time. Nevertheleſs, as he had talked very much of his offer in Auguſt laſt, to treat of a peace, and of the refuſal of both houſes, he did not think it adviſeable abſolutely to reject theſe propoſitions. He conſented therefore, that they ſhould be diſcuſſed in a treaty; but gave ſix others on his part; namely.

" 1. That his majeſty's own revenue, magazines, towns, forts, and ſhips which have been taken or kept from him by force, be forthwith reſtored unto him.

" 2. That whatſoever had been done or publiſhed contrary to the laws of the land, or derogatory to his majeſty's power and rights be renounced and recalled.

" 3. That whatſoever illegal power hath been claimed and exerciſed by both or either houſe, over his ſubjects as impriſoning their perſons without law, ſtopping their habeas corpus's, and impoſing upon their eſtates without act of parliament be diſclaimed, and all ſuch perſons ſo committed forthwith diſcharged.

" 4. That a bill be framed for the better preſerving of the book of common prayer from the ſcorn and violence of Browniſts, Anabaptiſts, and other ſectaries, with proper clauſes for the eaſe of tender conſciences.

" 5. That all ſuch perſons, as, upon the treaty, ſhall be excepted out of the general pardon, ſhall be tried, 'per pares,' according to the uſual courſe and known law of the land.

" 6. And to the intent this treaty may not ſuffer interruption by any intervening accidents, that a ceſſation of arms and free trade for all his majeſty's ſubjects be firſt agreed upon."

Some days after, the king ſent a meſſage to both houſes, to deſire that his laſt propoſition might be firſt taken into conſideration, to the end that during the ceſſation of arms, the peace might be treated of with the greateſt tranquility, to which they conſented.

It was the 28th of February before both houſes ſent the terms to the king, on which they propoſed to conclude a ſuſpenſion of arms, during the treaty; namely,

" 1. That all manner of arms, ammunition, victuals, money, bullion, and all other commodities paſſing without ſuch a ſafe-conduct as may warrant their paſſage, may be ſtayed and ſeized on, as if no ſuch ceſſation were agreed on at all.

" 2. The ſame with regard to all manner of perſons paſſing without ſuch a ſafe-conduct.

" 3. That his majeſty's forces in Oxfordſhire ſhall advance no nearer to Windſor than Wheatly, and in Buckinghamſhire no nearer to Ayleſbury than Brill; and that in Berks the forces reſpectively ſhall not advance nearer the one to the other than now they are: and that the parliament-forces in Oxfordſhire ſhall advance no nearer to Oxford than Henley; and thoſe in Buckingham no nearer to Oxford than Ayleſbury; and that his majeſty's forces ſhall take no new quarters above twelve miles from Oxford any way; and that the parliament-forces ſhall take no new quarters above twelve miles from Windſor any way.

" 4. That no ſiege ſhall be begun or continued againſt Gloceſter, and that his majeſty's forces now employed in the ſiege ſhall return to Cirenceſter, and Malmſbury or to Oxford, as ſhall be moſt for their conveniency; and the parliament-forces which are in Gloceſterſhire, ſhall remain in the cities of Gloceſter, Briſtol, and the caſtle and town of Berkley, or retire nearer to Windſor, as they ſhall ſee cauſe; and that thoſe of Wales which are drawn to Gloceſter, ſhall return into their quarters, where they were before they drew down to Gloceſterſhire.

" 5. That in caſe it be pretended on either ſide, that the ceſſation is violated, no act of hoſtility is immediately to follow; but firſt, the party complaining is to acquaint the lord general on the other ſide, and to allow three days after notice given for ſatisfaction. And in caſe ſatisfaction be not given, or accepted, then five days notice to be given before hoſtility begin: and the like to be obſerved in the remoter armies by the commanders in chief.

" 6. Laſtly, That all the other forces in the kingdom of England and dominion of Wales, and not before-mentioned, ſhall remain in the ſame quarters and places as they are at the time of publiſhing this ceſſation, and under the ſame conditions as are mentioned in the articles before, and that this ceſſation ſhall not extend to reſtrain the ſetting forth, or employing of any ſhips for the defence of his majeſty's dominions."

The king replied to theſe propoſitions by a meſſage to both houſes, complaining, " That he had been left without an anſwer almoſt a month, from the 3d to the 28th of February. He conceived, that the articles of the ceſſation now preſented to him, were ſo ſtrict, that ſuch of his good ſubjects who were not of his army would receive no benefit by the ſuſpenſion, which he would ever inſiſt on: and therefore he had returned the articles with ſuch alterations as he doubt-

[1] Sir John Bramſton for chief-juſtice of the King's-bench, William Lenthal the ſpeaker, maſter of the Rolls, and to continue the chief-juſtice of the Common-pleas, and make ſerjeant Wilde chief baron of the Exchequer. And that Mr. juſtice Bacon be continued; and the ſerjeants, Rolls and Atkins made juſtices of the King's-bench; Reeves and Foſter continued; ſerjeant Pheaſant made one of the juſtices of the Common-pleas; ſerjeant Creſwel, Mr. Samuel Brown, and Mr. John Pulloſton, be made barons of the Exchequer. Ruſhworth, tom. V. p. 167.

ed not but both houſes would conſent to, ſince they ſufficiently manifeſted how ſolicitous he was for the good of his people, and how deſirous to prevent any more effuſion of his ſubjects blood. He deſired the ceſſation might begin the 12th of March, or ſooner, if the conditions ſhould be ſooner agreed on, and was willing the ſame ſhould continue for twenty days, in which time he hoped by the treaty a full peace might be eſtabliſhed throughout the kingdom.

It muſt be underſtood, that the king in this negociation propoſed to himſelf three advantages, as will hereafter evidently appear. 1. To gain time to make his preparations. 2. To ſet on foot, by means of a ceſſation of arms, a free commerce and correſpondence between the quarters of both armies, and particularly, between London and Oxford, which would help to provide himſelf of many things neceſſary for the enſuing campaign, by ſending for them from London or elſewhere. 3. To convey ſafely from York the forces and ammunition that were come from Holland. All this was concealed under the pretence of procuring the eaſe of his people by a free commerce throughout the kingdom. Theſe are the articles which he ſent to both houſes, with the alterations he mentioned.

" I. That all manner of arms, ammunition, money, bullion, and victuals paſſing for the uſe of either army, without a paſs or ſafe-conduct, from the generals of each army, may be ſtayed and ſeized on, as if no ceſſation were agreed on at all."

The king omitted here the words [and other commodities.]

" II. That all officers and ſoldiers of either army paſſing without licence or ſafe-conduct as aforeſaid, may be apprehended and detained, as if no ceſſation were agreed upon at all: and that all manner of perſons, his majeſty's ſubjects, of what quality or condition ſoever (except officers and ſoldiers of either army) ſhall paſs to and from the cities of Oxford and London, and back again at their pleaſure, during this ceſſation, as likewiſe to and from any other parts of his majeſty's dominions, without any ſearch, ſtay, or impriſonment of their perſons, or ſeizure and detention of their goods or eſtates: and that all manner of trade, traffic, and commerce, be free and open between his majeſty's ſubjects, excepting as aforeſaid, between the officers and ſoldiers of either army, or for arms, ammunition, money, bullion, or victuals, for the uſe of either army, without a paſs or ſafe-conduct, as aforeſaid, which may be a good beginning to renew the trade and correſpondence of the kingdom, and whereby his good ſubjects may be reſtored to that liberty and freedom they were born to and have ſo happily enjoyed, till theſe miſerable diſtractions, and which, even during this war, his majeſty hath to his utmoſt laboured to preſerve, opening the way by moſt ſtrict proclamations, to the paſſage of all commodities, even to the city of London itſelf.

III. The beginning of this article is the ſame as in the parliament's, but the end is different, viz.

" And that the forces of neither army ſhall advance the quarters nearer to each other, than they ſhall be upon the day agreed on for the ceſſation to begin; otherwiſe in paſſage and communication between their ſeveral quarters reſpectively, without any acts of hoſtility to each other, but may enlarge themſelves within their own quarters reſpectively, as they ſhall find convenient.

Hereby the king was at liberty to ſend for his forces from York to Oxford, without any oppoſition from the parliament's army.

" IV. That the forces of either army in Gloceſterſhire, Wiltſhire, and Wales, as likewiſe in the cities of Gloceſter, Briſtol, and the caſtle and town of Berkley, ſhall be guided by the rule expreſſed in the latter part of the precedent article.

V. This article is exactly the ſame with the parliament's.

" VI. That all other forces in the kingdom of England, and dominion of Wales, not before mentioned, ſhall remain in the ſame quarters and places, as they are at the time of publiſhing this ceſſation, otherwiſe than in paſſage and communication between their ſeveral quarters, as is mentioned in the latter part of the ſaid article; and that this ceſſation ſhall not extend to reſtrain the ſetting forth, or employing any ſhips for the defence of his majeſty's dominions, 'Provided that his majeſty be firſt acquainted with the particulars, and that ſuch ſhips as ſhall be ſet forth be commanded by ſuch perſons as his majeſty ſhall approve of.'

" VII. Laſtly, That during the ceſſation, none of his majeſty's ſubjects be impriſoned, otherwiſe than according to the known laws of the land; and that there ſhall be no plundering or violence offered to any of his majeſty's ſubjects. And his majeſty is very willing, if there be any ſcruples made concerning theſe propoſitions and circumſtances of the ceſſation, that the committee for the treaty nevertheleſs may immediately come hither, and ſo all matters concerning the ceſſation may be ſettled by them."

Though both houſes were by no means pleaſed with the king's alterations in their articles, yet as he offered to treat upon that ſubject, they deſired a ſafe-conduct for ſix commiſſioners, namely, the earl of Northumberland, the lord Say, and four commoners [k]. The king immediately granted it, excepting the lord Say, becauſe he was proclaimed traitor [l]. When he ſent the ſafe-conduct, he ſignified to them by a meſſage, that he was content his propoſition concerning the magazines, &c. and theirs for diſbanding the armies, ſhould be firſt treated of and agreed, and then the ſecond of his majeſty's, and the ſecond of theirs, and ſo in order: and that the time of the treaty might not exceed twenty days.

The parliament's five commiſſioners repairing to Oxford, preſented to the king freſh articles concerning the ceſſation of arms. But they were ſo little different from the firſt, that the king was not ſatisfied with them. And therefore he delivered to the commiſſioners the following objections againſt the laſt articles:

1. They are in effect the ſame his majeſty formerly excepted to, and there is not the leaſt mention of freedom of commerce between his ſubjects, and conſequently they have no eaſe or benefit by this ceſſation, though that is his majeſty's chief aim.

2. The putting the ſhips that may be employed under the command of perſons approved of by his majeſty, is not conſented to by theſe articles; and by that means the conveying of any number of forces from one place to another (which is an act of hoſtility) remains free to both houſes.

3. The army raiſed by the parliament is ſpoken of, as if his majeſty were no part of the parliament, or himſelf to have raiſed that army. Now in order to prevent any inconveniencies that might ariſe upon real differences or miſtakes, upon the latitude of expreſſions, and to avoid delays, his majeſty deſired the committee might have liberty to debate any ſuch differences and expreſſions, and yet no ſuch power is given in theſe articles, and the committee confeſſed to his majeſty they have no liberty, but are ſtrictly bound to the very words of the articles now ſent.

4. His majeſty's deſire, that during the ceſſation none of his ſubjects might be impriſoned otherwiſe than according to the laws of the land, is in no degree conſented to.

5. His majeſty's deſire againſt violence is not at all taken notice of, nor is his deſire againſt plundering any way ſatisfied; his majeſty not only meaning thereby the robbing of the ſubject by the unrulineſs of the uncommanded ſoldiers, but particularly the violence and plundering uſed to his ſubjects, for not ſubmitting to impoſitions required from them by ordinances of one or both houſes, which are contrary to the known laws of the land.

6. Beſides, as there is no conſent given to thoſe alterations offered by his majeſty, ſo where an abſolute conſent may be ſuppoſed, becauſe the very words of his majeſty's articles are wholly preſerved, yet by reaſon of the relation of ſomewhat going before that is varied by them, the ſenſe of thoſe words is wholly varied too. So that upon the matter, all the propoſitions made by his majeſty (which did not in terms agree with thoſe preſented to him) are utterly rejected. For theſe reaſons his majeſty deſires that the committee now ſent may ſpeedily have liberty to debate and agree upon the articles of ceſſation.

Both houſes perceiving, the king concealed under the little alterations he had made in their articles, more than appeared at firſt ſight, thought proper to tell him, they were not wholly ignorant what advantages he intended to draw from ſuch a ceſſation of arms as he propoſed. To that end, they ſent him their reaſons in writing why they were obliged to reject his additions to their articles. The ſubſtance of their reaſons was to this effect:

" 1. That if they ſhould grant ſuch a free trade as your majeſty deſireth to Oxford and other places, where your forces remain, it would be very difficult, if not impoſſible, to keep arms, ammunition, money and bullion, from paſſing into your

[k] Mr. Pierrepoint, ſir William Ermyn, ſir John Holland, and Mr. Whitelock. Whitelock, p. 68.

[l] But he told them, in caſe they thought fit to ſend any other in his room not liable to the ſame exception, he ſhould enjoy the benefit of the ſafe-conduct, as well as if particularly named. But they did not ſend any in his ſtead, ſo only five went. Ruſhworth, tom. V. p. 173.

your majesty's army, without very strict and frequent searches, which would make it so troublesome, chargeable, and dangerous to the subjects, that the question being but for twenty days for so few places, the mischiefs and inconveniences to the whole kingdom would be far greater than any advantage which that small number of your subjects (whom it concerns) can have by it.

"The case then is much otherwise than is expressed by your majesty's answer; for whereas they are charged not to give the least permission of this liberty and freedom of trade during the cessation, the truth is, That they do grant it as fully to the benefit of the subjects even in time of war; and that your majesty, in pressing this for the people's good, doth therein desire that which will be very little beneficial to the subject, but exceeding advantageous to your majesty, in supplying your army with many necessaries, and making your quarters a staple for such commodities as may be vented in the adjacent counties, and so draw money thither, whereby the inhabitants will be better enabled by loans and contributions to support your majesty's army. And as your majesty may receive much advantage, and the other army much danger, if such freedom should be granted to those places; so there is no probability that the army raised by the lords and commons, shall have any return of commodities and other supplies from thence, which may be useful for them: and they conceive, that in a treaty for a cessation, those demands cannot be thought reasonable which are not indifferent, that is equally advantageous to both parties.

"As they have given no interruption to the trade of the kingdom, but in relation to the supply of the contrary army, which the reason of war requires; so they beseech your majesty to consider, whether your soldiers have not robbed the carriers in several parts, where there hath been such reason; and your ships taken many ships, to the great damage, not only of particular merchants, but of the whole kingdom. And whether your majesty have not declared your own purpose, and endeavoured by your ministers of state, to embark the merchants goods in foreign parts, which hath been in some measure executed upon the Eastland merchants in Denmark, and is a course which will much diminish the wealth of the kingdom, violate the law of nations, make other princes arbiters of the difference betwixt your majesty and your people, break off the intercourse between this and other states, and like to bring us into quarrels and dissension with all the neighbouring nations.

"2. To demand the approving of the commanders of the ships, is to desire the strength of one party to the other, before the difference be ended, and against all rules of treaty; to make a cessation at sea, would leave the kingdom naked to those foreign forces, which they have great cause to believe have been solicited against them, and the ports open for such supplies of arms and ammunition as shall be brought from beyond the seas: but for conveying any number of forces by those means from one port to another, they shall observe the articles of the cessation by which that is restrained.

"3. As for the expressions of the army raised by the parliament, they are contented it should be altered thus (raised by both houses of parliament,) as not desiring to differ upon words; but to give any conclusive power in this case to the committee upon such differences as may arise, wherein the houses have given no express direction, is neither safe for the committee to undertake, nor fit for the two houses to grant; yet to debate, and to press the reason of their desires, whereby an agreement from your majesty may be procured, is granted to them; and although the two houses did think it most proper the cessation should be first agreed on, and that it was unfit to treat in blood, yet to satisfy the world of their earnest longing after peace, they have given power to the committee, to enter into the treaty upon the two first propositions, notwithstanding the cessation be not assented to; and those being agreed, they hope the foundation will be laid not only of a suspension, but a total abolition of all hostility in the kingdom.

"4. If the nature of war be duly considered, it must needs be acknowledged, that it is incompatible with the ordinary rules of a peaceable government: your majesty would have them commit none, but according to the known laws of the land, whereby they conceive your majesty understands, that it must be by the ordinary process of law; which being granted, it will follow, that no man must be committed by them for supplying your majesty with arms, powder, ammunition: for by the law of the land, the subject may carry such goods from London or any other place to Oxford, the soldiers must not be committed if they run from their colours, and refuse any duty in the army, 'No man shall be committed for not submitting to necessary supplies of money:' so that if this be yielded in your majesty's sense, they shall be disabled to restrain supplies from their enemies, and to govern or maintain their own soldiers. It cannot be thought reasonable, that under the disguise of a cessation, they should admit that which will necessarily produce the dissolving of the army, and the destruction of the cause.

"It seems not probable, that your majesty doth intend, that if any be taken with supplies for this army, or mutinying in your own, such persons shall not be committed, but according to the known laws of the land, that is, by process of law: but rather that your majesty will so interpret this limitation of known laws, that though it lays strict bonds upon both houses, yet it leaves your generals as much liberty as before: for it hath been denied by your majesty, that these known laws give any power to the two houses of parliament to raise arms, and so consequently their general cannot exercise any martial law in those cases; and it is not unlike, but that it will be affirmed, that the generals constituted by your majesty's commission, have that power by the same known laws; so that this article, under the specious shew of liberty and law, would altogether disable them to defend their liberties and laws, and would produce to your majesty an absolute victory and submission, under pretence of a cessation and treaty.

"5. Being, by necessity inevitable on their part, enforced to a defensive war in this unhappy breach between your majesty and them, and that they are therein warranted both by the laws of God and man, it must needs follow, that by the same laws they are enabled to raise means to support that war; and therefore, till it shall please God to incline your majesty to afford them such a peace as may secure them, they cannot relinquish the power of laying taxes upon those who ought to join with them in that defence, and the necessary ways of levying those taxes upon them, in case of refusal, for otherwise their army must needs be dissolved. But if your majesty shall consent to disband the armies, the cause of the war being taken away, the consequences will likewise be removed, and the subject restored to the benefit of those laws which the necessity of arms hath in such cases suspended.

"6. They deny any pretence of consenting to those alterations and additions offered by your majesty; only in the preamble they say, they have considered of those articles, with such alterations and additions; unto which articles they profess they were ready to agree, not as they were accompanied with those alterations and additions, but in such manner as they expressed. As for the clause left out in the third article, it implied a freedom of passage and communication of quarters, which is contrary to the nature of the cessation, whereby matters should be preserved in the state they are, and neither party have liberty so much to advantage himself, as it is evident your majesty might do, if your forces in the north and west might join with those at Oxford, and bring those supplies of treasure or arms thither, which were brought out of Holland; or at least it should be so indifferent, as to give a proportionable advantage to the other side, which this doth not. For the forces under the power of both houses are so disposed, that they have an easy passage from one to the other: but your majesty's forces are severed the one from the other, by many large counties, strong passes, and competent armies; and if they had admitted this clause, they had bereaved themselves of one of the greatest advantages, and freed your majesty's party of one of the greatest inconveniences which your majesty or they have in this war.

"For the reasons already alleged, they cannot agree to the alterations and enlargements of the cessation propounded, or to transfer any such power to the committees, of treating, debating, and agreeing upon those articles in any other manner than the houses have directed. But that a fair and speedy passage may be opened to a secure and happy peace. They have enabled their committees to treat and debate upon the two propositions concerning his majesty's own revenue, the delivery of his towns, castles, magazines, and ships, and the disbanding of the armies; which being agreed upon, a present peace and security will follow; and the treaty upon the other propositions be facilitated, without fear of interruption, by the confusion of war, or exasperation of either party by the bloody effects thereof."

The king failed not to reply to this paper. But as his answer was very long, I shall content myself with inserting the most material part of each article.

1. Concerning the freedom of trade:

His majeſty denies that he has any private benefit by it, and aſſures, that the good of the people is the only advantage he has in view. He ſlightly paſſes over the objection, that the ceſſation of arms not being to laſt but twenty days, the freedom of commerce could not be, for ſo ſhort a ſpace, of any great benefit to the nation.

His majeſty affirms, that no complaint concerning the robbing of carriers by his ſoldiers has been made to him, which he has not received to the relief and reparation of the ſufferers.

He owns, he is reſolved not to grant his protection to ſuch perſons abroad, who aſſiſt or conſent to actions of diſloyalty to him at home.

3. Concerning the ſhips.

He ſays, as the ſetting out of the preſent fleet is pretended to be for the defence of his dominions, it is moſt neceſſary for his majeſty to know both the deſigns, and to approve of the commanders. He cannot ſee how a ceſſation at ſea ſhould leave the kingdom naked to foreign forces; and is willing to concur in the reſiſtance of all ſuch, of what kind ſoever; and expects, that during the ceſſation, the conveying of all forces from one part to another by ſea, for the aſſiſtance of the earl of Eſſex, be reſtrained, which both houſes ſeem now to conſent to, though it be not at all expreſſed in their former articles.

3. Concerning the power of the committee.

His majeſty had, and hath great reaſon to deſire, that the committee may have liberty to debate and conclude any differences and expreſſions in the articles, in order to prevent loſs of time. Of this there is a clear evidence, in the conſent which his majeſty now underſtands to be given by both houſes, that no forces ſhall, during the ceſſation, be ſent by ſea, for the relief of any places held by them; which clauſe might in much leſs time have been agreed here, if there had been that liberty. And much time muſt ſtill be loſt, as the committee have not power to explain the meaning of both houſes concerning communication of quarters.

4. Concerning impriſonments.

It was no part of his majeſty's intention, that his article againſt impriſonment of his ſubjects, otherwiſe than according to the known laws of the land, ſhould extend to the deſtruction of the military diſcipline of either army. This is an inſtance of the neceſſity of enabling ſome perſons to conclude upon theſe articles, ſince a limitation of half a dozen words would have ſaved moſt of this fourth reaſon.

5. Concerning taxes.

His majeſty inſiſts very much, upon the two houſes not having a legal power to impoſe taxes without his conſent. And adds, he is very well pleaſed to find they have need of force and rapine to raiſe them. He ſays, he has reaſon to inſiſt, that no ſuch violence be uſed towards his ſubjects, for not ſubmitting to illegal impoſitions, being willing to be obliged from the like courſe, and to rely wholly upon the juſtice of his cauſe, and the affection of his people.

6. Concerning communication of quarters:

The king's anſwer upon this article was very general and obſcure. He ſays, it highly concerns him, that this and every other clauſe be ſo clear, that no after-differences may ariſe upon any diſputable point, ſince they, whoſe induſtry and malice could perſuade any of his people, that in the buſineſs of Brentford, he had broken a ceſſation before any was made or offered, would have a much eaſier work to lay the breach of a made ceſſation to his charge, if the ground of the breach would bear the leaſt diſpute. He agrees, that in a ceſſation the advantages ſhould be equal, but from this principle draws the inferences, That therefore ſir Ralph Hopton, and the earl of Newcaſtle, ought to have the ſame liberty to come to him, as the earl of Stamford, and the lord Fairfax, had to come to the earl of Eſſex. (1.)

Remark (1.) This advantage not accruing to both houſes by the ceſſation of arms, ſince they had it before, the king could not pretend to the ſame by virtue of the ſuſpenſion.

He concluded his anſwer with ſaying, "Notwithſtanding all this, his majeſty, to ſhew his abundant deſire of peace, is contented to admit a ceſſation upon the matter of their own articles, ſo that his majeſty may not be underſtood to conſent to any impoſing upon his ſubjects, or impriſoning them, to force them to contribute; ſo that there may not be a liberty for any rapine, plundering, or ſeizing upon his ſubjects by the parliament's ſoldiers; for not ſubmitting to ſuch illegal impoſitions; for otherwiſe both houſes may, during the ceſſation, impoſe new taxes, not only to the nineteenth part, but if they pleaſe, to the half of, or all their eſtates; and their army would then be at leiſure to be employed as collectors, as well of the old as the new impoſitions, and vaſt ſums would and might by this means be raiſed, to their own extraordinary advantage, and great diſadvantage of his majeſty, who can neither obtain his own conſent to take the like courſes, nor, in caſe he could, is he ſo quartered as to have within the power of his army, any ſuch city as London, or ſo many and rich counties as they have to retire to on ſuch an occaſion."

Both houſes having examined the king's anſwer, ſent their committee new inſtructions, wherein they ſaid, "His majeſty's expreſſions in his anſwer were ſo doubtful, that they did not think good to conſume any more time in debates upon the ceſſation, and the rather, as the remainder of the whole time for the treaty was but ſeven days, and if the ceſſation were preſently agreed, it would not yield any conſiderable advantage to the kingdom. Wherefore they ſhould deſire his majeſty, to give a ſpeedy and poſitive anſwer to their firſt propoſition concerning the diſbanding, that ſo the people might not have the ſhadow, but the ſubſtance of peace."

Theſe inſtructions being communicated to the king, he returned an anſwer, wherein he endeavoured to ſhew, it was not his fault that a ceſſation of arms was not concluded. He preſſed again, that whatever was thought doubtful in the articles might be expounded, whatever was excepted at might be debated, a ceſſation concluded, and power given to the committee to that end.

Theſe are all the tranſactions concerning the ſuſpenſion of arms propoſed by the king, and by which, probably, he had hoped to reap great advantages, had the two houſes been leſs upon their guard. As the conferences on the peace were not to commence till the 25th of March, whatever was done before that day concerning the ceſſation, is to be conſidered, rather as a preparative, than as part of the conferences, though the negociation concerning the ſuſpenſion was continued till 7th of April.

I muſt now ſpeak of the eſſential part of the treaty, relating to the terms offered on both ſides for a peace. As it was agreed to begin with the diſcuſſion of the two firſt reſpective propoſitions, his majeſty's firſt was immediately conſidered. The propoſitions was, That his revenue, magazines, towns, ſhips, and forts, ſhould be reſtored. I ſhall relate the principal things urged upon each of theſe heads.

Concerning the revenue.

March the 26th, the commiſſioners preſented to the king a memorial, containing,

"That the two houſes of parliament had not made uſe of his majeſty's own revenue, but in a very ſmall proportion, which for a good part had been employed in the maintenance of his majeſty's children, according to the allowance eſtabliſhed by himſelf: that they would ſatisfy what ſhould remain due to his majeſty, of thoſe ſums received out of his own revenue; and would leave the ſame to his majeſty for the time to come. But they likewiſe propoſed, That he would reſtore what had been taken for his uſe, upon any of the bills aſſigned to other purpoſes, by ſeveral acts of parliament, or out of the proviſion made for the war of Ireland."

The king's anſwer.

"That he was well contented to allow whatſoever had been employed in the maintenance of his children, and to receive the arrears due to himſelf, and to be ſure of his own for the future.

"That he was willing to reſtore all monies taken for his uſe by any authority from him, upon any bills aſſigned to other purpoſes, being aſſured he had received very little or nothing that way.

"But he expected ſatisfaction for all thoſe ſeveral ſums received and diverted to other purpoſes, by orders of one or both houſes, which ought to have been paid upon the act of pacification with Scotland, or employed for the diſcharge of the debts of the kingdom, and by other acts of parliament for the relief of his proteſtant ſubjects of Ireland."

The next day, the commiſſioners deſired to know of his majeſty, if he would not account his own revenue to be ſure for the future, if both houſes of parliament did leave it in the ſame way as it was before the troubles begun.

The

The king anſwered, "That by thoſe words (of being ſure of his own for the future) he meant that no reſtraints or interruption ſhould be made by one or both houſes, in and upon his majeſty's revenue, but that it ſhould be left in the ſame way it was before the troubles begun."

It is eaſy to ſee, there was no difficulties upon this article capable of preventing a peace.

Concerning the magazine.

The parliament's commiſſioners offered in writing, "That all the arms and ammunition taken out of his majeſty's magazines, ſhould be delivered into his ſtores, and whatſoever ſhould be wanting, they would in convenient time ſupply in kind. But they likewiſe propoſed, That the perſons to whoſe charge thoſe public magazines ſhould be committed, being nominated by his majeſty, might be ſuch as the two houſes of parliament could confide in. And that he would reſtore all ſuch arms and ammunition, as had been taken for his uſe from the ſeveral counties, cities, and towns."

The king's anſwer.

"The magazines ſhall be committed to, and continued in the cuſtody of, the ſworn officers, to whoſe places the ſame belong. And if any the ſaid officers ſhall forfeit that truſt by any miſdemeanours, his majeſty will by no means defend them from the juſtice of the law.

"His majeſty will reſtore again, and recompence out of his own ſtores, ſuch arms and ammunition as have been taken for his uſe out of the ſeveral counties, &c.

"He expects, that the arms and ammunition which have been taken from the ſeveral counties and cities, for the uſe of the armies under the command of the earl of Eſſex, be likewiſe reſtored to them."

Without entering into a more particular diſcuſſion of this article, it ſuffices to ſay, that the whole difficulty lay in both houſes reſerving to themſelves the power of approving ſuch as ſhould be entruſted with the cuſtody of the magazines, and in the king's pretending, that the legal oath of ſuch perſons was a ſufficient ſecurity. And this rendered the concluſion of it impracticable.

Concerning the reſtitution of the towns and forts.

The ſame difficulty occurred upon this article. The two houſes offered to reſtore the towns and forts, but pretended that they ſhould be delivered into the hands of ſuch perſons as both houſes could confide in, which the king would not agree too. As the commiſſioners urged the neceſſity of giving ſatisfaction to the people, with reſpect to their fears and jealouſies, the king anſwered, That he rather expected, their reaſons ſhould have had ſome foundation in the law of the land, than that they ſhould only have inſiſted upon fears and jealouſies, of which as he did not know the ground, ſo was he ignorant of the cure.

Concerning the ſhips.

It was the ſame with this as with the two forgoing articles. Both houſes required, that the lord high-admiral and all commanders of ſhips ſhould take a particular oath, to uſe their utmoſt power to preſerve the true proteſtant religion, and the peace of the kingdom, againſt all foreign forces, and all other forces raiſed without his majeſty's authority and conſent of the two houſes of parliament. But the king would not conſent to it, alleging, the oaths which all thoſe officers were by law already obliged to take, were very ſufficient. Only he ſaid, if any thing ſhould be made appear to him neceſſary to be added, when there ſhould be a full and peaceable convention of parliament, he would readily conſent to an act for ſuch addition.

If it is conſidered, what was the occaſion of the war, it will eaſily be perceived, that the execution and not the injunction of the laws was the queſtion. Wherefore the king, in pretending that every thing ſhould be ſettled by the laws, did not meddle in the leaſt with the queſtion to be decided in his diſpute with the parliament.

The king's firſt propoſition having been thus debated in vain, they proceeded to the firſt of the parliament's, which contained two articles; namely, that both armies ſhould be diſbanded, and his majeſty return to his parliament.

The king's anſwer to the firſt was, "That he was willing all armies ſhould be diſbanded, and conceived the beſt way to it to be a ſpeedy concluſion of the treaty, and for that purpoſe he deſired, that the time given to the committee of both houſes to treat might be enlarged."

As to the ſecond, "He would repair to his parliament, as ſoon as he could poſſibly do it with his honour and ſafety."

As the king's anſwer was too general and doubtful, the commiſſioners in writing deſired to know, "If by the words (a ſpeedy concluſion of the treaty) he intended a concluſion of the treaty on his firſt propoſition, and their propoſition for diſbanding the armies, or a concluſion of the treaty on all the propoſitions of both parts."

The king anſwered, "That by 'a ſpeedy concluſion of the treaty,' he intended ſuch a concluſion of the treaty, as there might be a clear evidence to himſelf and his ſubjects of a future peace, and no ground left for the continuance and growth of the preſent bloody diſſenſions; which, he doubted not, might be obtained, if both houſes ſhould conſent, that the treaty might proceed without further interruption or limitation of days."

This anſwer being no leſs ambiguous than the former, the commiſſioners inſiſted upon an explanation of what they had already deſired; as alſo that he would be pleaſed to let them know, what he intended ſhould be a clear evidence to him and his ſubjects of a future peace.

The king anſwered, "That if the concluſion of the treaty on his firſt propoſition, and the propoſition of both houſes, ſhould be ſo full and perfectly made, that the law of the land might have a full, free, and uninterrupted courſe, for the defence and preſervation of the rights of his majeſty, both houſes, and his ſubjects there would thence be a clear evidence of a future peace: and this would be ſuch a concluſion as he intended. He never meant, that both armies ſhould remain undiſbanded until all the propoſitions of both ſides were fully concluded. But he was very ſorry, that in that point of the propoſition of both houſes, viz. his return to the parliament, they had yet no manner of power or inſtructions ſo much as to treat with him."

The king uſed ſuch general expreſſions, that it was eaſy to ſee, he ſought only to prolong the conferences, or to make ſome advantage of the commiſſioners anſwers. In all appearance, he would alſo have found a freſh occaſion of delay, in the debate of that part of the propoſition concerning his return to the parliament.

April the 10th, the commiſſioners preſented another paper to his majeſty, wherein they ſaid, "That by new inſtructions they were commanded to inſiſt upon the diſbanding of the two armies, and that both houſes conceived his anſwer to be in effect a denial, unleſs they departed from all thoſe cautions and limitations contained in their reply to his firſt propoſition: that if they had not inſerted their deſire of his majeſty's return in their committee's inſtructions, it was becauſe they conceived the diſbanding the armies would facilitate his reſolution therein."

During the courſe of the negociation, the king had frequent conferences in private with the commiſſioners. Whitelock relates in his memorials, that in one of theſe conferences, the commiſſioners (of whom he was one) having been with the king till midnight, and preſſed him with their reaſons upon a very material point, his majeſty was prevailed with to give a ſatisfactory anſwer, which would have much conduced to a happy ſucceſs of the treaty, and told them, "He was fully ſatisfied, and promiſed to let them have his anſwer in writing according to their deſire;" but becauſe it was then too late to draw it up, he ordered them to wait on him the next morning at ſuch an hour. Accordingly they came, but inſtead of that anſwer, which they expected, the king gave them a paper quite contrary to what was concluded the night before, and very much tending to the breach of the treaty. Whitelock ſays, he was informed by ſome of the king's own friends, that after the commiſſioners were gone from his majeſty, and his council alſo withdrawn, ſome of his bed-chamber (and they went higher) hearing from himſelf what anſwer he had promiſed, and doubting it would tend to ſuch an iſſue as they did not wiſh, they being rather for the continuance of the war, never left perſuading the king, till they prevailed with him to change his former reſolutions, and give order for his anſwer to be drawn directly contrary to what he had promiſed; it being that prince's misfortune to prefer always the opinion of others to his own. Which is an obſervation confirmed alſo by the lord Clarendon in his character of king Charles I. [m]. Indeed

[m] Whitelock obſerves farther upon this treaty, that their inſtructions were very ſtrict, and tied them up to treat with none but the king himſelf, who he ſays, manifeſted on this occaſion, his great parts and abilities, ſtrength of reaſon, and quickneſs of apprehenſion, with much patience in hearing what was objected againſt him, wherein he allowed all freedom, and would himſelf ſum up the arguments, and give a moſt clear judgment upon them. He ſays alſo concerning the commiſſioners, the earl of Northumberland demeaned himſelf with much courage and wiſdom. Mr. Pierrepoint acted his

Whitelock does not ſay, that the king's anſwer he mentions, was the ſame with the following meſſage; but in all likelihood it was ſo, ſince it was the cauſe of breaking off the conferences. However this be, on the 12th of April the king ſent this meſſage to both houſes, notwithſtanding the endeavours of the commiſſioners to diſſuade him from it.

Subſtance of the king's meſſage to both houſes, April 12, 1643.

"AS ſoon as his majeſty is ſatisfied concerning his own revenue, magazines, ſhips, and ports, to which he deſires nothing but that the juſt, known, legal rights of his majeſty (devolved to him from his progenitors) and of the perſons truſted by him, which have violently been taken from both, be reſtored unto him, and unto them.

"As ſoon as all the members of both houſes ſhall be reſtored to the ſame capacity of ſitting and voting in parliament as they had upon the 1ſt of January 1641, the ſame right of belonging unto them by their birth-rights, and the free elections of thoſe that ſent them, and having been voted from them, for adhering to his majeſty in theſe diſtractions; his majeſty not intending that this ſhould extend either to the biſhops, whoſe votes have been taken away by bill; or to ſuch, in whoſe places upon new writs, new elections have been made.

"As ſoon as his majeſty and both houſes may be ſecured from ſuch tumultuous aſſemblies, as to the great breach of the privileges, and the high diſhonour of parliaments having formerly aſſembled about both houſes, and awed the members of the ſame, and occaſioned two ſeveral complaints from the houſe of lords, and two ſeveral deſires of that houſe to the houſe of commons, to join in a declaration againſt them; the complying with which deſire might have prevented all theſe miſerable diſtractions which have enſued. Which ſecurity, his majeſty conceives, can be only ſettled by adjourning the parliament to ſome other place, at the leaſt twenty miles from London, the choice of which his majeſty leaves to both houſes.

"His majeſty will then moſt chearfully and readily conſent, that both armies be immediately diſbanded, and give a preſent meeting to both his houſes of parliament at the ſame time and place, at, and to which, the parliament ſhall agree to be adjourned.

"His majeſty being confident, that the law will then recover the due credit and eſtimation, and that upon a free debate, in a full and peaceable convention of parliament, ſuch proviſions will be made againſt ſeditious preaching and printing againſt his majeſty, and the eſtabliſhed laws, which hath been one of the chief cauſes of the preſent diſtractions; and ſuch care will be taken concerning the legal and known rights of his majeſty, and the property and liberty of his ſubjects, that whatſoever hath been publiſhed or done, in or by colour of any illegal declarations, ordinances, or order of one or both houſes, or any committee of either of them, and particularly the power to raiſe arms without his majeſty's conſent, will be in ſuch manner recalled, diſclaimed, and provided againſt, that no ſeed will remain for the like to ſpring out of for the future, to diſturb the peace of the kingdom, and to endanger the very being of it."

There was no need of much penetration, to perceive by this meſſage, that the king not only intended to break off the conferences, but alſo was not much inclined to peace. It was indeed very needleſs to enter into treaty, ſince neither king nor parliament would recede from their pretenſions. The ſhorteſt way would have been to diſcuſs the general queſtion, whether there was juſt reaſon to confide in the king, and reſtore him to his rights; for every one of the propoſitions offered by both parties neceſſarily led to that queſtion, ſo that none could be decided without this being previouſly determined. If the reſt of the propoſitions had been diſcuſſed, the difficulties would have been ſtill greater, ſince the two parties built upon quite oppoſite principles. But, in all appearance, the king and the parliament had foreſeen what came to paſs, and agreed to the negociation only to make the people believe they were diſpoſed to a peace. This was equally neceſſary for them, becauſe in the people conſiſted the ſtrength of both ſides.

As ſoon as both houſes received this meſſage, they ſent their commiſſioners poſitive orders to return, and the conferences ceaſed.

It was not without reaſon that the king deſired a ceſſation of arms on the terms by him propoſed, though for never ſo ſhort a ſpace, and that he inſiſted upon communication of quarters. He found himſelf at Oxford unprovided of ammunition, and the queen, who was at York, had brought him a good quantity; but the difficulty was to convey them to Oxford with a ſtrong guard. If therefore the ceſſation of arms had been concluded with the clauſe of communication of quarters, nothing would have hindered the king from ſending for his ammunition from York, without the parliament's being able to complain. For though in the firſt article of the propoſed ceſſation, it was allowed to ſtop all perſons carrying ammunition, it was not ſaid however, that ſuch a conveying was a breach of the ſuſpenſion. Since therefore by the article of communication of quarters, the king might have drawn as many of his troops as he pleaſed from York to Oxford, he might likewiſe, if this article had been granted, have ſent for his ammunition with a guard, which the parliament's forces could not have attacked without breaking the truce, when the guard ſhould have paſſed into their quarters.

It evidently appears, the king intended to reap this advantage by the ceſſation of arms, which, according to him, was to be only for the eaſe of the people, ſince from the beginning of April, when the treaty was negociating at Oxford, he detached prince Rupert with twelve hundred horſe and ſeven or eight hundred foot, to eſtabliſh a communication between York and Oxford, by ſecuring certain places between theſe two cities. The prince marched by Birmingham, a town of the parliament's, garriſoned with a company of foot [n], and taking it by ſtorm, made the inhabitants pay a large fine, as a puniſhment for aſſiſting the garriſon to repulſe him [o].

After this little conqueſt, the prince marched directly to Litchfield, where he entered without difficulty, the town being open in ſeveral places. But the cathedral, with the cloſe, was a ſort of fortreſs, which he was obliged to beſiege in form, it being ſtrongly garriſoned. At laſt, he drained the moat, and ſprung two mines, one whereof taking effect, he furiouſly ſtormed the place, which was bravely defended by the garriſon: but the dread of not being able to ſtand a ſecond aſſault, cauſed them to deſire to capitulate. The prince granted them an honourable capitulation, being very glad to be freed from the trouble of continuing the ſiege, which had laſted ten days. He intended to puſh his conqueſts farther to the north, in order to make a line of communication between York and Oxford: but the king recalled him from Litchfield, wanting him to raiſe the ſiege of Reading.

The treaty at Oxford being broken off the 15th of April, the earl of Eſſex marched that day from Windſor, and on the next, appeared before Reading. His army conſiſted of ſixteen thouſand foot, and three thouſand horſe; and the garriſon of three hundred horſe, and three thouſand foot. The king was ſo poſſeſſed with the notion, that the parliament's ſoldiers ſerved them unwillingly and by conſtraint, that he iſſued out a proclamation, offering pardon to ſuch as were in the earl of Eſſex's army, a precaution intirely fruitleſs. At the beginning of the ſiege, the governor, ſir Arthur Aſton, being wounded in the head, and forced to keep his chamber, the command was devolved to colonel Richard Fielding, the eldeſt colonel in the garriſon.

The king no ſooner heard of the ſiege of Reading, but he ſent away a detachment of horſe, under the command of commiſſary Wilmot, who found means to throw into the town five hundred men and ſome powder. But this ſupply not appearing ſufficient to colonel Fielding, he demanded to capitulate, and a truce was agreed on, during which the beſiegers and the beſieged, mutually gave hoſtages.

At the ſame time the king coming with his army within a few miles of Reading, detached Ruthen his general, lately made earl of Forth, who with a thouſand muſqueteers, vigorouſly attacked a poſt [p], by which the king was neceſſarily to paſs, in order to relieve Reading. The earl of Forth was in hopes, that whilſt he attacked this poſt, the garriſon would ſally out upon the beſiegers. But as without knowing it he had made his attack juſt as the truce was agreed on, there was no ſally from the town. So not being able to force the paſs, he retreated to the king.

Mean while, Fielding having negotiated a capitulation with the earl of Eſſex, found means, before it was entirely conclud-

his part with deep foreſight and prudence. Sir William Ermyn was a gentleman of good underſtanding and converſation, and would give his opinion upon good reaſon. Sir John Holland, a gentleman of excellent parts as well as perſon, ſhewed a very good judgment and teſtimony of his abilities. Mr. Whitelock (that is, himſelf) was put upon very much labour, being employed in drawing up all the papers to the king, which were tranſcribed afterwards by the ſecretaries. Whitelock, p. 68, 69.

[n] The lord Clarendon ſays, the town had in it a troop of horſe belonging to the garriſon of Litchfield. Tom. II. p. 181.

[o] In the too eager purſuit of the troop of horſe, William Fielding, earl of Denbigh, who from the beginning of the war had been a volunteer in prince Rupert's troop, was wounded, ſo that he died within two or three days. Ibid.

[p] Caveſham bridge, defended by the lord Roberts and Berkley's regiments.

For

ed, to go in the night to the king, and tell him, he hoped to have liberty to march away with all their arms and baggage. The king approved of the capitulation, which was ſigned the next day, and the town ſurrendered to the beſiegers. But by one of the articles, which probably Fielding did not tell the king, and which perhaps was not yet agreed on, the earl of Eſſex excepted the deſerters, who could not obtain liberty to march away with the reſt of the garriſon. When the king's troops came out of the town, and were paſſing through the enemies guards, the ſoldiers were inſulted, and ſome waggons plundered, contrary to the articles of the capitulation.

The king was very well pleaſed with ſaving the garriſon of Reading, and indeed that was his principal view in permitting Fielding to capitulate. But when the garriſon came to Oxford, ſeveral officers complained, that Fielding was too haſty in ſurrendering a place which could have held out much longer. Nay, ſome accuſed him openly of betraying the king. Whereupon he deſired to be tried by a council of war, which was granted him. The king, who perhaps had too readily conſented to the capitulation, and was incenſed at him, when he underſtood that the place was capable of making a longer defence, could not however find fault with his capitulating, ſince it was done with his approbation. But his admitting the article, whereby the deſerters were excepted, was charged to him as a crime, and the king publiſhed a declaration, proteſting he had not conſented to that exception, being very far from refuſing protection to any who ſhould leave the enemy, and betake themſelves to his ſervice. Fielding was likewiſe accuſed of not paying punctual obedience to the king's orders: but what theſe orders were I have not been able to find [q]. However this be, Fielding was ſentenced by the council of war to loſe his head: which ſentence, after long interceſſion, was remitted by the king; but his regiment was given to another. Probably, he was too haſty to conclude the capitulation, and had not fully declared to the king, the true ſtate of the place. But as he could not be condemned for that, ſince he had the king's conſent to capitulate, other pretences were ſought. This ſentence occaſioned great diſſention in the king's army, ſome endeavouring to vindicate it, whilſt others paſſionately repreſented it as the moſt unjuſt that ever was given in the like caſe.

The earl of Clarendon ſays, the king having received wrong intelligence, that the earl of Eſſex, after the taking of Reading, was marching directly to Oxford, reſolved to retire into the north to join the earl of Newcaſtle. But it was only a falſe alarm. The earl of Eſſex was ſo little able to beſiege Oxford, that he was forced on the contrary to remain above ſix weeks at Reading, without being able to act, by reaſon of the ſickneſs which infeſted his army.

Whilſt the treaty for peace was negociating at Oxford, ſir William Waller continued his conqueſts along the Severn, where having defeated lord Herbert of Ragland, ſon to the marquis of Worceſter, he became maſter of Hereford. But in aſſaulting Worceſter he was repulſed, after which he went and joined the earl of Eſſex before Reading.

As the war was ſpread in all parts of the kingdom, the military actions of this ſecond campaign, cannot, without confuſion, be ſpoken of according to the order of time. And therefore I chuſe rather to follow the order of the places, and ſpeak firſt of what paſſed in the middle of the kingdom, where the two principal armies lay. I ſhall relate next the chief events that happened in the weſt; and laſtly, ſhall proceed to what paſſed in the north, and on the borders of the eaſtern counties. Theſe being aſſociated by the parliament, and well provided with troops, the king had not many opportunities to carry the war thither. As for the ſouthern counties, nothing conſiderable was acted there this campaign. After that, I ſhall reſume what paſſed of any moment, with regard to civil affairs, during the courſe of the year 1643. This method has alſo its inconveniencies: but I ſhall endeavour to avoid them in part, by marking the exact time of every event, that the cauſes and motives as well of the civil as military actions may be more eaſily known.

The taking of Reading ſeemed to be a good omen to the parliament for the reſt of the campaign. But, as I ſaid, the great mortality among the earl of Eſſex's ſoldiers, ſuffered him not to improve that advantage. After the ſurrender of Reading, both houſes thought of no leſs than beſieging Oxford, where the king was in great diſtreſs for want of warlike ſtores. In all appearance, the intelligence he had received, that the earl of Eſſex was going to march thither, came from ſome friends at London, who knowing it was the parliament's deſign, did not queſtion, it would be put in execution. Mean while, the king received ſome ammunition in May, and as his enemies were not in condition to make any attempt, he remained quiet at Oxford.

At length, after a ſix weeks ſtay at Reading, the earl of Eſſex marched towards Oxford, rather out of condeſcenſion to the parliament, than in expectation of making any progreſs, by reaſon of the ill ſtate of the army. He advanced however to Thame, within ten miles of Oxford, where he ſtopped [r]. There was in his army a Scotch colonel named Hurry, who had ſerved in Germany with the earl of Forth, the king's general, with whom he kept a ſecret correſpondence. As ſoon as the earl of Eſſex approached Oxford, Hurry quitted the parliament's ſervice, and went over to the king, who received him very graciouſly. After that, he informed prince Rupert of the ſituation of the quarters of the parliament's army, and perſuaded him to make an attempt, upon the enemy. So the prince going from Oxford in the evening with a body of horſe, took a long circuit, and at break of day came to Wickham, where beating up the quarters of two regiments, one of horſe, the other of foot, he cut them in pieces. Then he attacked another quarter with the ſame ſucceſs, after which he reſolved to retire by a bridge, where he had left a guard. But the earl of Eſſex having now taken the alarm, had detached ſome troops to intercept the prince, who was to croſs Chaldgrave field, and enter a lane, which led to the bridge. The earl of Eſſex's horſe not giving the prince time to reach the bridge, he choſe rather to expect them in an open field, than enter the lane with the enemy in his rear. He charged therefore theſe horſe with ſuch bravery, that he put them to flight towards a body of foot, which the earl of Eſſex was leading himſelf. Whilſt the horſe were flying, the prince paſſed the lane and bridge, and entered Oxford in triumph [s]. Upon the firſt alarm at the head-quarters, Mr. Hampden, colonel of foot mounted his horſe, and rode as a volunteer in the regiment ordered to intercept the prince. He was ſhot in the ſhoulder in this action, and within a few days died of the wound. He was a perſon very eminent in his party, both for his courage as an officer in the army, and for his wiſdom and capacity as a member of parliament. He had given a good proof of his firmneſs in his famous trial concerning ſhip-money.

After this loſs, the earl of Eſſex, whoſe army was in a very ill ſtate, thought not proper to remain longer at Thame. He put his troops into quarters of refreſhment at St. Alban's, Uxbridge, and the neighbouring parts, till they ſhould be recruited and furniſhed with many things they wanted, which the parliament did not ſeem much to regard, either from inability, or for ſome other reaſon.

From that time, the king's military affairs began to flouriſh, and the parliament was extremely embarraſſed. The queen joined the king the 13th of July, and brought him two thouſand foot, a thouſand horſe, a hundred waggons laden with ammunition of all ſorts, ſix pieces of cannon, and two mortars. On the other ſide, ſir William Waller, ſent into the weſt by the parliament, had the ill fortune to be defeated, and his army was ſo diſperſed, that it was no longer ſerviceable [t]. In this juncture it was that the king reſolved to beſiege Briſtol by prince Rupert, with whom was joined the Corniſh army that had vanquiſhed ſir William Waller.

The 22d of July, prince Rupert incamped before Briſtol, and the ſame day, with the aſſiſtance of ſome ſailors, who had been gained, he ſeized the ſhips in Kingroad, laden with goods of great value, which the inhabitants of Briſtol had thought to ſecure there.

On the morrow, the prince holding a council of war, it was reſolved to proceed by aſſault, and not by approach. The walls muſt have been very weak, otherwiſe, it can hardly be conceived, that the beſiegers ſhould reſolve to ſtorm two days after their arrival, eſpecially as there was a numerous garriſon in the place [u]. However this be, the next day both armies attacked the city, each at three ſeveral places, ſo that the garriſon were forced to divide themſelves into ſix bodies to defend the walls. The Corniſh army was repulſed with great ſlaughter in their three aſſaults.

[q] For ſome ſuch he had received in this agitation, ſays the lord Clarendon, which he had not preciſely obſerved. Tom. II. p. 187.

[r] The lord Clarendon ſays, That the deſign of his marching thither, was rather to ſecure Buckinghamſhire, which was now infeſted by the king's horſe, than to diſquiet Oxford. Tom. II. p. 201.

[s] With near two hundred priſoners, ſeven cornets of horſe, and four enſigns of foot. Among other perſons of note, colonel Gunter was ſlain. Clarendon, tom. II. p. 203, 204.

[t] He loſt two battles. The battle of Lanſdown, July 5, wherein ſir Bevil Greenvil was ſlain; and the battle of Roundway-down, July 13, as will be ſeen hereafter. Ruſhworth, tom. V. p. 227.

[u] The garriſon conſiſted of two thouſand five hundred foot, and a regiment of horſe and dragoons. Clarendon, tom. II. p. 227.

The two diviſions of prince Rupert's were likewiſe repulſed: but the third commanded by colonel Waſhington had better ſucceſs, the colonel finding means to make a breach in the wall large enough for the prince to enter with his horſe. But this advantage only put him in poſſeſſion of the ſuburbs, beyond which was the city wall, much ſtronger than what he had paſſed. However, he marched up the ſtreet to Frome-gate, where he was forced to halt, and where he loſt many of his men, who were ſhot by the inhabitants from the walls and windows[w].

What the prince had gained was ſo inconſiderable, that probably, the ſiege would ſtill have coſt much time, and many lives, if the governor had not loſt his preſence of mind, and ordered a parley to be beaten. The governor was colonel Nathaniel Fiennes, who at the beginning of this parliament, had made in the houſe of commons ſeveral fine ſpeeches againſt the king, but who, in all appearance, was not very ſkilful in the art of war. The prince immediately granted the deſired capitulation, thinking himſelf very happy to gain a place of that importance in ſo ſhort a time. The capitulation was ill obſerved by the king's ſoldiers, who ſtripped thoſe of the garriſon, and made themſelves more than amends for the breach of the capitulation at Reading, whether it was done with or without the connivance of the generals. Fiennes was impriſoned for his cowardly ſurrender of Briſtol, and ſome months after condemned to die by a council of war. But he was reprieved by the earl of Eſſex, and paſſed the reſidue of his days beyond ſea.

The taking of Briſtol infuſing freſh hopes into the king, he was willing to improve the preſent opportunity, whilſt the parliament had no army ready to oppoſe his progreſs. He reſolved therefore to beſiege Gloceſter, the poſſeſſion whereof would have been of great conſequence to him. By it he would have been maſter of all the Severn, from Briſtol to Shrewſbury, and of the whole country between that river and Wales, where there would have been only Hereford, which probably would have quickly ſurrendered. By that means, he would not only have extended his quarters into a very good country, but alſo ſecured a communication from Cornwall to the northern counties. For as the parliament had no army in the weſt, ſince Waller's defeat, the communication of the weſtern-counties with Briſtol could not be interrupted. The taking of Gloceſter would have opened a communication from Briſtol to Shrewſbury, and from thence to the north, by means of Lancaſhire, which was more for him than for the parliament. Beſides that, the taking of Gloceſter would have ſecured him the poſſeſſion of Wales, where the parliament would have had no entrance but by ſea. If therefore even ſome of his friends have blamed him for undertaking this ſiege, it may be affirmed, the ill ſucceſs was the beſt foundation of their opinion. For my part, I believe, he had all the reaſon in the world to undertake it, at a time when there was no likelihood that the earl of Eſſex's army could be ready ſoon enough to hinder that conqueſt. The lord Clarendon pretends to diſcover a ſecret which confirmed the king in his reſolution. He ſays, the king having ſent a meſſenger to colonel Maſſy governor of Gloceſter, to perſuade him to deliver the place, Maſſy in public anſwered in a high ſtile, but in private bid the meſſenger tell the king, "That if he came himſelf to beſiege the town, he would not hold it againſt him, for it would not ſtand with his conſcience to fight againſt the perſon of the king[x]." But the ſequel ſhewed, either that Maſſy had altered his mind, or the king had taken a mere compliment for a poſitive promiſe, ſince in the defence of the place Maſſy was very far from expreſſing the leaſt inclination to favour the king. This prince was ever poſſeſſed with the notion, that thoſe who bore arms againſt him acted contrary to the dictates of their conſcience, and readily believed, they only wanted an opportunity to ſerve him, wherein he was frequently miſtaken.

Nothing ſhews more clearly how advantageous to the king the taking of Gloceſter would have been, than the parliament's alarm when they heard the firſt news of his marching to form the ſiege. Whereas before the earl of Eſſex's army was ſuffered to decay, all endeavours were uſed to recruit it the moment the king's intention was known. Care was taken to complete the regiments by freſh levies of ſoldiers, raiſed in London with all poſſible expedition. And to facilitate theſe levies, the parliament ordered the ſhops to be ſhut up till Gloceſter ſhould be relieved, and moreover, the earl of Eſſex's army was ſtrengthened with a numerous body of the city train-bands. Theſe things were done with that diligence, that in fifteen days the earl of Eſſex was ready to march to the relief of the beſieged.

The king came before Gloceſter the 10th of Auguſt, with about eight thouſand horſe and foot, and immediately ordered the approaches to be begun, which however were not ſo vigorouſly puſhed as was expected, by reaſon of the frequent ſallies of the beſieged. Beſides, the king was obliged to go to Oxford, which made him loſe ſome days. The earl of Eſſex beginning to march the 26th of Auguſt, arrived in a few days near Gloceſter, and advancing to Preſbury-hills, drew up his whole army in view of the city, expecting the king would come and give him battle. But the king not thinking fit to run any hazard, raiſed the ſiege, which could not be done without great diſorder[y]. The earl of Eſſex marching into Gloceſter, found the beſieged reduced to a ſingle barrel of powder, and no better provided with other ſtores[z]. After ſtaying there three days[a], he departed towards London, paſſing through Tewkeſbury in his way. He marched two days before the king knew he was gone, and ſurprized the town of Cirenceſter, where lay two regiments[b]. After that he croſſed north Wiltſhire a deep and incloſed country, which obliged him to make very ſhort marches.

As ſoon as the king had notice of the enemies march and rout, he departed alſo in order to follow them, ſending prince Rupert before with all his cavalry, conſiſting of five thouſand horſe. It is likely, his intention was that the prince ſhould poſt himſelf between London and the parliament's army, whilſt he followed and put the army between him and his cavalry. Be this as it will, for it is not eaſy to gueſs the king's deſign, prince Rupert came up with the earl of Eſſex, as he was marching over Auborn-chace, intending to have reached Newbury that night. There inſued in this place a ſharp conflict, prince Rupert having charged the earl's rear, who were put into ſome diſorder. The marquis of La Vieuville a Frenchman[c], who ſerved the king as a volunteer, was killed in this action. This conflict obliged the earl of Eſſex to quarter at Hungerford. The next day he continued his march towards Newbury, but found that the king had prevented him by two hours, and poſted himſelf near the town. Prince Rupert, after the action of the foregoing day, went and joined the king.

The two armies, being too near each other to part without blows, prepared for battle, and the fight begun[d]. Prince Rupert, as uſual, performed wonders with his horſe. He quickly made the parliament's cavalry give way: but took care not to commit the ſame fault he had done at Edge-hill, by purſuing the runaways too far. After he had routed the enemies horſe, he charged their infantry, who, though deſtitute of the aſſiſtance of the cavalry, received, him with ſuch intrepidity, that he could make no impreſſion on their ſtand of pikes, but was forced to wheel about. It was fought all the reſt of the day with pretty equal ſucceſs. But in the night the king retired with his army, and left the way open to the earl of Eſſex to proceed to Newbury, where he

[w] Sir Nicholas Slanning, colonel Trevannion, the lord Grandiſon, major Kendal were ſlain; and about five hundred men beſides. Clarendon, tom. II. p. 232.

[x] The lord Clarendon does not ſay, the king ſent a meſſenger, but that colonel Leg, under whom Maſſy had ſerved in the king's army, ſent him a letter of kindneſs and overture, as was proper in ſuch a caſe from one friend to another. To which letter Maſſy returned an anſwer in a high ſtile, but told the meſſenger in private as above. Tom. II. p. 242.

[y] Whitelock has a particular not mentioned by the lord Clarendon, viz. his majeſty underſtanding that Eſſex advanced apace to the relief of Gloceſter, ſent a trumpet to him with ſome propoſitions to be treated on. But Eſſex, much acquainted with ſuch ſmall deſigns to hinder his march, returned a ſpeedy anſwer, "That he had no commiſſion to treat, but to relieve Gloceſter, which he was reſolved to do, or to loſe his life there." And his ſoldiers hearing of a trumpeter come with propoſitions to treat, cried out for a long time together, with loud acclamations, "No propoſitions, no propoſitions." So their trumpeter was diſmiſſed. Whitelock, p. 72.

[z] Their whole ſtrength of ſoldiers, horſe, foot, and dragoons, together with the train-bands, did not at firſt conſiſt of above fourteen hundred; forty, or at the moſt, fifty barrels of powder was all their ſtore, and a mean and ſlender artillery. Ruſhworth, tom. V. p. 287.

[a] And in that time ſays the lord Clarendon, which was as wonderful as any part of the ſtory, cauſed all neceſſary proviſions to be brought in to them, out of thoſe very quarters in which the king's army had been ſuſtained, and which they conceived to be entirely ſpent: ſo ſolicitous were the people to conceal what they had, and to reſerve it for them. Tom. II. p. 265.

[b] And took forty loads of proviſions, ſix ſtandards, three hundred common ſoldiers, and four hundred horſes, the ſaid forces being deſigned for Kent, to raiſe an army there for the king, and ſir Nicholas Criſp to command them. Ruſhworth, tom. V. p. 292. Rapin, by miſtake, ſays Chicheſter, inſtead of Cirenceſter.

[c] He had attended the queen out of Holland. Clarendon, tom. II. p. 266.

[d] Eſſex had been forced to lodge in the field all night. Idem. p. 267.

Being

intended to lodge the night before. Next day the earl of Eſſex ſeeing the coaſt clear, purſued his march, and paſſing through Newbury, arrived at Reading as he had before reſolved. Prince Rupert, who followed him, ſeeing him entered into the narrow lanes, attacked his rear, put them in diſorder, and took ſome priſoners: but prevented not the earl from continuing his march. He remained two days at Reading to refreſh his troops, and without leaving a garriſon in the place, which was poſſeſſed by the king's forces after his departure, returned to his old quarters. The king loſt in this battle above twenty officers of note, and among others Henry Spencer earl of Sunderland, Robert Dormer earl of Caernarvan, and Lucius Carey Lord Falkland ſecretary of ſtate, who would be preſent at the fight, though he had no call, not being a military officer [e].

I have taken the deſcription of this battle from the lord Clarendon, which by many omiſſions is rendered obſcure. Among others, it does not appear what the king did with his infantry. This gives occaſion to preſume, that his foot were routed when prince Rupert charged the parliament's. For otherwiſe, it cannot be conceived, how theſe laſt could have reſiſted, had they been attacked by the king's infantry and cavalry at once. Neither is it ſeen in this deſcription, why the king left the field of battle in the night, ſince it does not appear that he had received any conſiderable loſs. Nevertheleſs, the lord Clarendon endeavours to prove, though by weak arguments, that the king gained the victory. I believe it would be very eaſy to confute his reaſons, were there any occaſion. I ſhall content myſelf with ſaying in general, that the earl of Eſſex's deſign at his departure from Gloceſter, was to return to his former quarters about London, and that the battle of Newbury hindered him not from executing it, whereas the king's intention was probably to intercept the earl of Eſſex's paſſage, which he could not effect [f].

After the battle, the king retiring to Oxford, and the earl of Eſſex to Windſor, neither had much ſhare in the actions of the reſt of the campaign. I ſhall proceed therefore to other parts of the kingdom, where the war was continued, and particularly in the weſt, where it was very ſharp.

I have already ſaid in ſpeaking of the affairs of thoſe parts, that the parliament did not think proper to conſent to the neutrality entered into by the counties of Devon and Cornwall. On the contrary, they reſolved to carry the war into Cornwall, which had declared for the king. To that end, about the beginning of May, whilſt the king's troops were at Lanceſton, few in number, and very ſhort of proviſions, Henry Grey earl of Stamford, the parliament's general in the weſt, entered Cornwall with an army of ſeven thouſand men. He poſted himſelf on the top of the hill near Stratton, from whence he ſent a party of twelve hundred horſe, under the command of ſir George Chudleigh, to Bodmin, a town in the middle of the county, in order to keep it in awe and hinder the militia from joining the king's forces as they had once done before. Sir Ralph Hopton, who commanded for the king at Lanceſton, and had but three thouſand men, eaſily ſaw he ſhould be driven out of the county, unleſs he found means to avoid it by ſome notable action. This made him reſolve to march to the enemies, though they were much ſuperior in number, and advantageouſly poſted. The earl of Stamford thought himſelf ſo ſecure from any attack, that though he had frequent notice of the enemies approach he could not believe it. Indeed, it would have been raſh in ſir Ralph Hopton, to attack him with ſo great diſadvantage, had there been any other way to ſave the county for the king. However that be, the 16th of May, approaching the hill on which the earl of Stamford was incamped, he ordered him to be attacked at four ſeveral places [g]. As the aſſailants were reſolved to conquer or die, they gained, though with great difficulty, the top of the hill, which their enemies were at length forced to relinquiſh, after ſuſtaining the charge many hours. In this action the earl of Stamford had only three hundred men killed, but left ſeventeen hundred in the hands of the enemy. Among theſe priſoners was major general Chudleigh, who being carried to Oxford, turned to the king. The earl of Stamford, whether to excuſe his defeat, or upon ſome grounds, openly complained, that Chudleigh had betrayed him, and in the heat of the battle turning againſt him, charged him with the body under his command. The earl of Clarendon pretends it was a ſcandal: but I imagine few now are concerned to know the truth [h].

After this battle the earl of Stamford throwing himſelf into Exeter, his army being diſperſed, and the party of horſe ſent to Bodmin, thinking proper to retire to Plymouth, Hopton remained maſter of Cornwall. Shortly after he was informed by a meſſenger from Oxford, that the parliament had reſolved to ſend ſir William Waller into the weſt, with forces to join the remains of the earl of Stamford's army and ſome levies that were to be raiſed in that country, and that the king on his part was ſending thither the marquis of Hertford and prince Maurice with a body of troops, who were now upon their march. This made him think, it would be very proper for his little Corniſh army (ſo it was now called) to join the marquis's forces. He marched therefore into Devonſhire, leaving a party at Saltaſh to defend Cornwall from any incurſions of Plymouth, and advanced to Tiverton, where he expected orders from the marquis. Preſently, after, hearing the marquis of Hertford was come to Chaud, a town in Somerſetſhire, on the edge of Devonſhire, with ſeventeen hundred horſe and one thouſand foot, he went and joined him, and the two bodies together formed an army of ſeven thouſand men. Taunton, a large town in Somerſetſhire, was the firſt the marquis of Hertford reſolved to attack: but the garriſon ſaved him the labour, by retiring to Bridgewater, on account of a ſedition raiſed by the inhabitants. On the morrow, the parliament's troops quitted alſo Bridgewater, and in a few days Dunſtarcaſtle was ſurrendered to the king [i].

The marquis of Hertford having ſtaid about Taunton ſome days, heard at laſt that ſir William Waller was within two days march of him, drawing troops together with the utmoſt diligence, and expecting more from London and Briſtol. Whereupon he reſolved to attack him, without giving him time to ſtrengthen his army any more. Whilſt he was preparing to execute his deſign, the committee of the militia, who were levying forces [k] in thoſe parts to join them with Waller's, perceiving a favourable opportunity, beat up one of the marquis's quarters, who was now advanced to Somerton, and gave ſo briſk an alarm to the king's troops, that the marquis was forced to draw out the whole army. Then the parliament's forces retired to Wells but ſeeing they were purſued, quitted Wells, and poſted themſelves on the top of Mendip-hill, which overlooks the city. The marquis of Hertford being come to Wells, ſtayed there, the day being far ſpent. But prince Maurice, ſir Ralph Hopton, and the earl of Caernarvan, taking the enemies retreat for a flight, went out with two regiments of horſe to purſue them, and marched directly to them. Whereupon the parliament's forces being moſtly foot, and few in number, retired in order to join a detachment of horſe ſent by Waller to ſupport them. But the earl of

[e] Being diſſuaded by his friends to go into the fight, he ſaid, "He was weary of the times, and foreſaw much miſery to his country, and did believe he ſhould be out of it ere night." His death, ſays Whitelock, was lamented by all that knew or heard of him, being a gentleman of great parts ingenuity, and honour; courteous to all, and a paſſionate promoter of all endeavours of peace betwixt the king and parliament. He was ſlain in the 34th year of his age. Whitelock, p. 73.

[f] Whitelock's account of Newbury fight is briefly this: Eſſex finding his ſoldiers full of mettle, and reſolved to force their way, he led them in perſon, and firſt charged the enemy with his own regiment and the lord Robert's brigade of horſe; the fight began about ſix o'clock in the morning, Sept. 20, and held with very hot ſervice till ten or eleven at night. The parliament's forces beat the enemy from all their advantages, got the hill from them on which they were poſted, purſued them to Newbury, and out of the town again, but the night coming on, they could purſue them no further; and though the king's forces (eſpecially the horſe conſiſting moſt of gentlemen) made a gallant reſiſtance, yet this place not being proper for their fight, their foot were thus beaten, and in the night marched away, leaving Eſſex maſter of the field, whoſe ſoldiers had the pillage of the dead bodies. Whitelock, p. 73.—This battle laſted from ſeven o'clock in the morning, till ſeven or eight at night. Ruſhworth, tom. V. p. 295.

[g] The four diviſions of the little army were led on, the firſt by the lord Mohun and ſir Ralph Hopton; the ſecond by ſir John Berkley and ſir Bevil Greenvil; the third by ſir Nicholas Slanning and colonel Trevannion; the fourth by colonel Baſſet and colonel William Godolphin. In memory of this battle, ſir Ralph Hopton was afterwards created lord Hopton of Stratton. As for the twelve hundred horſe ſent to Bodmin, under the command of ſir George Chudleigh, father to the major-general, upon the news of the defeat, ſir George, with as many as he could keep together, got into Plymouth. Clarendon, tom. II. p. 208.

[h] Ruſhworth ſays, that by letters afterwards intercepted to his father ſir George, it appears to have been a deſigned thing: whereupon his father, to prevent any ſuſpicion on himſelf, ſurrendered his commiſſion; and ſhortly after, publiſhed a ſort of declaration, which is to be ſeen in Ruſhworth, tom. V. p. 272.

[i] By Mr. Lutterel the owner, who thereupon was made governor of it by the marquis. Sir John Stawel was made governor of Taunton, and Edmund Windham of Bridgewater. Clarendon, tom. II. p. 213

[k] Theſe forces conſiſted not only of new raiſed men, but alſo the remains of thoſe horſe and dragoons that eſcaped out of Cornwall, after the battle of Stratton, and the ſoldiers that fled from Taunton, &c. Clarendon, tom. II. p. 215.

Caernarvan, who was fartheſt advanced, gave them not time to retreat in good order. As they were obliged to paſs through a lane, he entered after them, and purſued them beyond, till we met with Waller's horſe, who ſtopped his career, and compelled him to retire in his turn with great precipitation. Prince Maurice coming to his relief, a warm action enſued, wherein the prince received two cuts in his head, and was beaten off his horſe, but was fortunately relieved. Night obliged both parties to retire, the king's to Wells, and the parliament's to Bath.

Some days after, the marquis of Hertford, knowing Waller's army daily increaſed, marched towards Bath to try to draw him to an engagement. But Waller having his reaſons to defer it, becauſe he ſtill expected freſh ſupplies, the marquis advanced to Mangasfield, five miles beyond Bath towards Oxford. Whereupon Waller, whoſe chief buſineſs was to hinder him from joining with the king, marched out of Bath, and drew up his army on Lanſdown, expecting the enemies, who failed not to move towards him. As the marquis of Hertford was in a country ſo diſaffected to the king, that only force could procure him any ſupply or relief; and as beſides, he was advanced beyond Bath on purpoſe to engage them to fight, he was unwilling to loſe the opportunity. In this action, which was called the battle of Lanſdown, of his two thouſand horſe the marquis of Hertford loſt above fifteen hundred. But on the other hand, he drove Waller from his poſt, and compelled him to give way about demy-culvering ſhot. The next day, Waller retired to Bath, and the marquis entirely remained maſter of the field [l].

But this inconſiderable advantage, gained with the loſs of almoſt all his horſe, threw him into a very ill ſituation. He had been ſent into the weſt to drive ſir William Waller from thence, and yet, after the battle, Waller was between the king's army and the weſtern counties, where the marquis could penetrate but by a ſecond battle, which he was not in a condition to hazard, as being without horſe. This made him reſolve to march to the Devizes, leave there his infantry under the command of ſir Ralph Hopton [m], and break through to Oxford, with the prince and the remainder of the horſe, in expectation of returning from thence with a body of cavalry ſtrong enough to bring off the foot he ſhould leave at the Devizes, which was but thirty miles from Oxford. This reſolution was purſued. But as ſoon as he had quitted his infantry at the Devizes, Waller came before the town with his whole army, and inveſted theſe troops, who were in a very ill ſtate by reaſon of the ſcarcity of proviſions. As he was ſenſible, the beſieged could not remain long in ſuch a ſtate, he made them an overture of capitulating with him, which Hopton gladly embraced, in the uncertainty whether any ſupplies would come from Oxford, or would arrive ſoon enough. He entered therefore into treaty with Waller, but with intention to prolong it as much as poſſible, and not yield to the laſt extremity, as expecting every moment to be relieved from Oxford. Waller was ſo confident that they were at his mercy, that he had ſent the parliament word, "That their buſineſs was done, and by the next poſt he would ſend the number and quality of his priſoners."

Mean while, the marquis of Hertford and prince Maurice being come to Oxford, and having repreſented to the king the diſtreſs of his troops at the Devizes, his majeſty immediately ſent the lord Wilmot with fifteen hundred horſe, who came within two miles of the Devizes before the capitulation between Hopton and Waller was ſigned.

Waller was no ſooner informed of the enemies approach, but he drew up, without drum or trumpet, his whole army on Roundway Down, over which the king's troops were neceſſarily to paſs in order to join thoſe in the town. Wilmot, finding he could not execute his deſign without fighting, drew up within muſket-ſhot of Waller's army. But perhaps he would have thought of it more than once, before he attacked with fifteen hundred horſe an army ſo ſuperior in number, had not Waller begun the fight, by charging the enemy with a regiment of cuiraſſiers lately ſent from London, and which till now had been deemed invincible [n]. This regiment was vigorouſly repulſed, and retreating in diſorder, infuſed ſuch a terror into Waller's troops, that they made but a faint reſiſtance. Mean while Hopton ſeeing from the town the diſorder of the enemies, came out with his foot, and bravely ſeconding Wilmot, who for his part did not give the enemies time to recover themſelves, they quickly put the whole army to rout, killed five or ſix thouſand men, and took nine hundred priſoners. Waller, after his defeat, eſcaped to Briſtol. He complained very much of the earl of Eſſex, who, lying then at Thame, had ſuffered Wilmot to paſs without ſending a party after him, or giving the alarm to Oxford, which would have cauſed Wilmot to be recalled. The earl of Eſſex on the other hand, who was no friend to Waller, could not forbear ſaying ſome reproachful things on his defeat. This bred ſuch enmity betwixt them, that it might have been very prejudicial to their party, had not the parliament taken care to reconcile them.

After ſo complete a victory, the lord Wilmot returned in triumph to Oxford, and the marquis of Hertford, taking the command of the army, appeared before the city of Bath, the gates whereof were opened at the firſt ſummons. Preſently after, the king, having reſolved to beſiege Briſtol, as was before related, ordered the Corniſh army to join prince Rupert at the ſiege. As ſoon as he was maſter of Briſtol, he reſolved to ſend an army into the weſt, under the command of prince Maurice, and to keep the marquis of Hertford near his perſon. To that end, he gave orders to Robert Dormer earl of Caernarvan, who was to ſerve under prince Maurice, to advance towards the weſt with a party of horſe, while the prince ſhould follow with the infantry, of which the Corniſh army made the beſt part. The earl of Caernarvan marched firſt into Dorſetſhire, which declared for the parliament, and took Weymouth, Dorcheſter, and Portland-caſtle. Here prince Maurice came and joined his cavalry. When he was at the head of the army, he ſuffered his troops to uſe ſuch licence, and ſo ill obſerved the articles made upon the ſurrender of the towns, that the earl of Caernarvan, out of indignation, being a perſon full of honour and juſtice upon all contracts, quitted his command in this army, and returned to the king before Gloceſter. Mean while prince Maurice, after ſtaying ſome time in Dorſetſhire, entered Devonſhire, and laid ſiege to Exeter, which was ſurrendered by capitulation by the earl of Stamford.

After the taking of Exeter, the prince applied himſelf chiefly to increaſe the number of his forces by freſh levies, whilſt the parliament had no army in that country able to withſtand him. In a ſhort ſpace he aſſembled ſeven thouſand foot, with horſe in proportion, beſides three thouſand men commanded by colonel John Digby before Plymouth, the blockade of which place he had formed, till the prince ſhould come and beſiege it. There had lately been diſcovered at Plymouth a plot framed by Sir Alexander Carew, knight of the ſhire for Cornwall, and governor of the fort and iſland of St. Nicholas, on which depended the ſecurity of the town, to deliver the iſland and fort to the king. Carew was apprehended and ſent to London, where ſome time after he was condemned to die by a court-martial [o].

When prince Maurice had compleated his levies, inſtead of going to Plymouth, he laid ſiege to Dartmouth, which employed him more than a month. During that time, the inhabitants of Plymouth, whom the diſcovery of Carew's plot had thrown into a great conſternation, recovered themſelves, and reſolved upon an obſtinate defence. This reſolution was confirmed by a ſupply of five hundred men ſent by the parliament by ſea, with a Scotch governor an experienced warrior. So, prince Maurice, when he came before the place, found the conqueſt of it much more difficult than he had expected. He continued however the ſiege, notwithſtanding the winter, which was now begun. Here I ſhall leave the affairs of the weſt, till I have farther occaſion to ſpeak of them, and proceed to the recital of what paſſed in the north during this campaign.

Since the earl of Newcaſtle's arrival at York with his army levied in the north, the lord Fairfax had been obliged to keep at ſome diſtance from that city, to avoid being attacked by an army much more numerous than his own. All the northern parts from York to the borders of Scotland were for the king. The ſouthern part of Yorkſhire was for the parliament, and the war was waging in the middle parts of the county to the right and left. But little elſe was tranſacted, beſides the taking of ſmall towns, which ſerved only to enlarge the quarters of one or other army.

[l] In this battle, as was before obſerved, fell ſir Bevil Greenvil. This was the firſt time the king's horſe had turned from an enemy, occaſioned, it ſeems, by a regiment of cuiraſſiers commanded by ſir Arthur Haſlerig, which were ſo compleatly armed, that they were called the regiment of lobſters. Juſt after the battle, ſir Ralph Hopton was miſerably hurt by the accidental blowing up of ſome powder. Clarendon, tom. II. p. 220.

[m] Who was now paſt danger, and could hear and ſpeak, though he could not ſee or ſtir; with him were left the earl of Marlborough, general of the artillery, and the lord Mohun. Idem, p. 221.

[n] This was the regiment of lobſters before mentioned, which according to Ruſhworth, raſhly led on by ſir Arthur Haſlerig, leaving the foot, charged the king's forces very diſadvantageouſly, and ſo were preſently routed. Whitelock ſays, Waller's horſe, upon a panic fear, fled, and left the foot to the mercy of the enemy. Ruſhworth, tom. V. p. 285. Whitelock, p. 70.

[o] He was beheaded on Tower-hill, December 23, 1644.

With

At the high Ct of J
Steuart kings of G

Whereas Charles Steuart kings of England is an
and other high Crymes And sentence uppon Saturday
sorrowe of his head from his body Of wch sentence exe
require you to see the said sentence executed In the op
this instants month of January betweene the houres of
day wth full effect And for soe doing this shall be yo
and other the good people of this Nation of England to b

Seales

To Collonell ffrancis Lascelles Colonell Hewitt
and Lieutenant Colonell Phayre and to every
of them.

Har: Waller
John Blakiston
Hutchinson
Willi Goffe
Thomas
De Temple
Harrison
Hewson

Jo. Bradshawe
Tho. Grey
Cromwell
Edw Whalley

Rainsey
John Okey
Dauers
Jo Bourchier
Greston
Tho Maulsuerer

Hen Smy
per
Ri
Robert
Daniel
Owen
Wllm
Jo So
James

London publish'd by J. Harrison

Justice for the tryinge and indyinge of Charles
England January xxx^th Anno Dm 1648. /

nd standeth conducted attaynted and condemned of High Treason
y last was pronounced against him by this Court to be putt to death by the
xecution yet remayneth to be done. These are therefore to will and ~ ~
pon Streets before Whitehall vppon the morrow being the Thirtieth -- day of
oft Clock in the morninge and ffive in the afternoone of the same ~
y^r suffitient warrant And these are to require All Officers and Souldiers
to be assistinge vnto you in this service Given vnder o^r hands and

Harland
Edm Ludlowe
Henry Marten
Vinct Potter
Wm Constable
Rich Ingoldesby
Will Cawley
Jo Barkestead
Waa Ewer
John Dixwell
Valentine Wauton

Symon Mayne
Tho Horton
J Jones
John Berne
Gilbt Millington
C Fleetwood
J Hutchinson
Robt Wilbume
Will Say
Anth Stapley
Ge Norton
Tho Challoner

Tho Morgan
John Denn
Gregory Clement
Jo Downes
Tho Wayte
Tho. Scot
Jo: Carew
Miles Corbet

Engd by E. Sudlow N^o 191. Strand.

115. Newgate Street as the Act directs Dec^r 15^th 1786.

In May 1643, the earl of Newcaſtle took two or three of theſe places. In the ſame month, the lord Fairfax having detached fifteen hundred men, under the command of his ſon ſir Thomas Fairfax, ordered Wakefield to be attacked, where lay three thouſand men of the king's party. This aſſault was made about four in the morning, with ſuch vigour and conduct, that the king's troops were driven from the town, and many taken and ſlain. Amongſt the priſoners was general Goring the commander [p].

Preſently after, the earl of Newcaſtle had his revenge. Having taken Howley-houſe [q], he marched from thence towards Bradford, and in the way was met on Atherton-moor by the lord Fairfax, whom he entirely routed. Fairfax, with the remains of his army, threw himſelf into Hull, where ſir John Hotham had been lately apprehended by order of parliament, and the lord Fairfax was made governor of that important place.

In June, Gainſborough, a town in Lincolnſhire, was taken by the lord Willoughby of Parham, commander for the parliament in thoſe parts, who there made Robert Pierpoint earl of Kingſton priſoner. But being informed that the earl of Newcaſtle was preparing to recover Gainſborough, he ſent his priſoner in a pinnace to Hull. The earl was unfortunately ſhot by ſome of his own party, who would have ſtopped the pinnace. Mean while, the earl of Newcaſtle began indeed his march to beſiege Gainſborough, and at his approach, detached a party of horſe to inveſt the town. Oliver Cromwell arriving at the ſame time, with deſign to ſupply the town with proviſions, defeated this detachment, purſuing them even in ſight of their main body, which he did not think to be ſo near. As he was not in condition to face that army, he retreated in good order, and after throwing ſupplies into the town, retired at a greater diſtance. Shortly after, the earl of Newcaſtle retook Gainſborough, and poſſeſſed himſelf of Lincoln, where he put a ſtrong garriſon; after which, he beſieged Hull, whilſt the king was before Gloceſter.

The lord Fairfax, aſſiſted by ſir John Meldrum, a Scotchman, defended the town of Hull with great bravery and conduct for five weeks, though he was vigorouſly attacked. At laſt, October the 11th, the beſieged made a grand ſally, and after a very obſtinate fight, which was ſeveral times renewed, drove the beſiegers from their trenches, and ſeized their cannon. This obliged the earl of Newcaſtle, now created marquis, to raiſe the ſiege.

The ſame day this famous ſally was made at Hull, a groſs body of horſe, part of the earl of Newcaſtle's army, commanded by the lord Widrington, were routed at Horn-caſtle, by Edward Montague earl of Mancheſter, who had with him ſir Thomas Fairfax, and Cromwell.

The reſt of the military actions during the winter after this campaign, having a neceſſary connexion with the affairs of Scotland and Ireland, I am indiſpenſably obliged to ſpeak of what paſſed in theſe two kingdoms in the courſe of this year. I ſhall begin with Scotland.

The parliament of England, when they replied to the Scots propoſition of uniting the two national churches, made their anſwer, which was no leſs ambiguous than the demand, a toothing, which they might uſe or not, as occaſion required. It is certain, there was a ſtrict correſpondence between ſome of the leading members and the Scots. Theſe members eaſily foreſaw, that to eſtabliſh preſbyterianiſm in England, they ſhould in the end want the Scots, who, on their part, were ready to aſſiſt them when a favourable opportunity ſhould offer. Since the king, in his laſt journey to Scotland, had been forced to grant the Scots whatever they deſired, the leaders of the contrary party had taken ſuch juſt meaſures, that all the offices of the kingdom were in the hands of their friends, whilſt thoſe that were ſuſpected of inclining to the king, were removed from all ſorts of employments. By this means, the friends of the parliament of England were in a capacity to ſecond them at a proper time, in eſtabliſhing the preſbyterian government in the church of England. It was not ſolely out of zeal for religion, but alſo out of policy, that the directors of the Scotiſh affairs wiſhed the Engliſh would receive that form of government. They believed, they could never promiſe themſelves a perfect tranquility, if it ſhould happen to be in the king's power to be revenged of them, and that he would be inceſſantly prompted thereto if the biſhops were reſtored in England. Whether this belief was well-grounded, or only a prejudice, it is certain they looked upon the reſtoration of epiſcopacy in England, as the firſt ſtep to their ruin. For this reaſon, they always continued a very ſtrict correſpondence with both houſes, by means of their commiſſioners reſiding in London, in order to act in concert with them, for leſſening the king's power, and deſtroying epiſcopacy. This plainly appeared in the courſe of this year 1643.

The affairs of the parliament not being in a ſituation to afford a proſpect of any great advantages upon the king this campaign, the Scots began to prepare to aſſiſt them, in caſe there ſhould be occaſion. To that purpoſe, about the beginning of May, it was moved by ſome of the leading men, that there might be a joint meeting of the council, the conſervators of the peace, and the commiſſioners for public burthens. In the hands of all theſe was lodged the authority of the kingdom, when there was no parliament. This motion was readily complied with, all the public offices and poſts being, as I ſaid, filled with men of that party. In this aſſembly it was propoſed, that, conſidering the danger the kingdom was in, by reaſon of armies levying in the north of England, Scotland ſhould be put in a poſture of defence. As this could not be done without a parliament, or a convention of eſtates, it was urged, that there was an abſolute neceſſity of immediately ſummoning ſuch a convention. The marquis of Hamilton, and ſeveral others, ſtrongly oppoſed it, alleging, that for them to appoint a convention without the king's order, was an encroachment upon the royal prerogative in the higheſt degree: that his majeſty had promiſed to call a parliament in the year 1644, and therefore to hold a convention of eſtates before that time, without his privity, was directly contrary to the laws of the land. But their arguments were in vain. It was carried by the majority, that the lord chancellor ſhould ſummon a convention of eſtates, againſt the 22d of June. They make a diſtinction in Scotland between a convention of eſtates, and a parliament. The convention of eſtates is a court conſiſting of all the members of parliament; but as they are called, and ſit without the ſtate or formalities uſed in parliament, ſo their power extends only to raiſe money or forces, but not to make or repeal laws.

The king having notice of what was projecting in Scotland, immediately ſent thither the earls of Roxborough, Kinnoul, and Lanerick, with inſtructions concerning what they were to do for his ſervice. Theſe three lords arrived at Edinburgh the 15th of May, and brought the marquis of Hamilton a patent, creating him a duke. Beſides this, they preſented to the council a declaration from the king, wherein he endeavoured to diſplay the juſtice of his cauſe againſt the parliament of England. He vindicated his innocence with regard to all the aſperſions caſt upon him, particularly concerning religion, and repreſented very pathetically, the wrongs and injuſtices done him. As we have ſeen more than once what the king alleged in his vindication, I think it unneceſſary to inſert the declaration. I ſhall only obſerve, that he concluded with ſaying, "God ſo deal with us, and our poſterity, as we ſhall inviolably obſerve the laws and ſtatutes of that our native kingdom, and the proteſtant religion, the laws of the land, the juſt privileges and freedom of parliament."

Shortly after, the king hearing that a convention of eſtates was ſummoned without his order or privity, eaſily perceived, this ſtep was not taken without an intention to ſupport it. He choſe therefore to permit them to aſſemble, but with expreſs order to limit their conſultations to the beſt ways and means of ſupplying the Scotiſh army in Ireland, and to relieving public burthens by preſſing a ſpeedy payment of the brotherly aſſiſtance due from England. But the convention was by no means inclined to be thus reſtrained. When the eſtates met, the firſt thing in debate was the limitation in the king's letter of licenſe. The duke of Hamilton, with the king's other friends [r], voted it no convention but as regulated by his majeſty's letter; but all the reſt voted it a free convention [s]. The king pretended afterwards, the duke of Hamilton and his brother the earl of Lanerick had not ſerved him with ſincerity, and if they had pleaſed they might have hindered the convention from meeting. Some time after, theſe two lords repairing to Oxford, he ordered them to be apprehended, but the earl of Lanerick found means to eſcape, and his brother the duke was ſent down to be impriſoned in the caſtle of St. Michael's Mount in Cornwall. The earl of Clarendon in his hiſtory ſupports to the utmoſt of his power the king's ſuſpicion of theſe two brothers, whilſt, on the other hand, there is, in the Memoirs of the dukes of Hamilton, a large vindication upon this article.

[p] With about fifteen hundred men, and twenty-ſeven colours of foot. Ruſhworth, tom. V, p. 269, 271.

[q] And therein ſir John Savil the owner.

[r] Eighteen lords and one knight. Ruſhworth, tom. V. p. 466.

[s] Whereupon Hamilton and his party withdrew, and would ſit in the convention no more. Ibid.

The convention of eſtates met the 22d of June, and the general aſſembly of the kirk, the 2d of Auguſt. It is obſervable, it was in June that an ordinance of the parliament of England, was publiſhed for calling an aſſembly of divines and others, to be conſulted by both houſes, for ſettling the government and liturgy of the church of England, and that this aſſembly held their firſt ſeſſion the 1ſt of July, a few days after the meeting of the convention of eſtates in Scotland. The ſequel ſhewed with what deſign this aſſembly was appointed.

The precaution taken by the Scots was not ineffectual. They ſeem to have foreſeen what happened ſoon after. For in the interval between the propoſing a convention of eſtates, and the time of their meeting, the earl of Eſſex's army was ſeized with ſickneſs after the taking of Reading; the city of Briſtol fell into the king's hands; and ſir William Waller's forces were routed at Roundway-down. If the king's ſucceſſes had not received a check by the raiſing of the ſiege of Gloceſter and the battle of Newbury, it is very viſible, the parliament's affairs were in a very ill ſituation about the end of July and the beginning of Auguſt, that is, at the time the convention of eſtates, and the general aſſembly met in Scotland. Accordingly, both houſes failed not to improve the precaution taken by the Scots, and which, in all appearance, had been ſuggeſted to them. As they ſaw, their affairs were declining, they applied, without farther conſideration, to the convention of Scotland for aſſiſtance, and ſent commiſſioners, with full power to treat. Theſe commiſſioners, who came to Edinburgh whilſt the king was approaching Gloceſter, found the eſtates of Scotland as well diſpoſed as they could wiſh[t].

Both houſes had foreſeen, that the eſtates of Scotland would demand, in return for their aſſiſtance, a poſitive engagement to eſtabliſh in the church of England a preſbyterian government, like that in the kirk of Scotland. It is ſcarce to be doubted, that ſome of the directors of the parliament's affairs had made ſuch a private agreement with them, though it cannot be proved by any public acts. Nay, very likely, the earl of Eſſex's army had been ſuffered to decay, on purpoſe to reduce things to ſuch a ſtate, that the aſſiſtance of the Scots ſhould be abſolutely neceſſary. At leaſt, it is hard to diſcover any other reaſon, that could have induced the parliament to ſuffer that army to remain unſerviceable from the taking of Reading to the ſiege of Gloceſter. It appeared that this proceeded not entirely from inability, ſince, when the danger grew more imminent, means were found to enable the earl of Eſſex to relieve Gloceſter. Now it was preciſely whilſt the earl of Eſſex's army was thus neglected, that the parliament reſolved to deſire the aſſiſtance of Scotland. Be this as it will, both houſes ſent, with their commiſſioners, two declarations, one directed to the convention, the other to the general aſſembly. The firſt was, only to deſire the ſpeedy aſſiſtance of the eſtates, and to inform them, that their commiſſioners had inſtructions to treat with them, not only concerning the ſatisfaction to be made for the deſired aid, but alſo about ſettling the accounts between the two kingdoms. In the ſecond, both houſes acknowledged the great zeal and love, manifeſted by the general aſſembly of the churches of Scotland, in their endeavours for the preſervation of the true proteſtant religion from the attempts of the popiſh and prelatical party, to the neceſſary reformation of church-government in England, and the more near union of both churches. And therefore they exhorted the aſſembly to ſend into England ſome of their body, for the furtherance of that work in conjunction with the aſſembly of divines now ſitting at Weſtminſter. They declared alſo, that beſides their inſtructions in the civil matters of both kingdoms, the commiſſioners had received directions to reſort to and conſult with the general aſſembly of the kirk of Scotland, in every thing relating to the reformation of the church of England; and to that end, Mr. Marſhal and Mr. Nye, miniſters of God's word, were appointed to aſſiſt the commiſſioners with their advice.

With theſe declarations the commiſſioners found no difficulty in their negociation. On the contrary, the general aſſembly addreſſed to the eſtates a declaration, containing the reaſons which ought to induce them to aſſiſt the parliament of England. The reaſons were to this effect:

"1. The controverſy now in England being betwixt the Lord Jeſus and Anti-chriſt with his followers, if we would not come under the curſe of Meroz, we ſhould come out and help the Lord againſt the mighty.

"2. There was an act paſſed by the convention of eſtates, anno 1585, wherein the eſtates found it neceſſary to enter into a league and chriſtian confederation, with all proteſtant princes and eſtates, againſt the bloody league at Trent. Conformed to which there followed a league betwixt the two crowns of Scotland and England, ſubſcribed at Berwick 1586, againſt whatſoever foreign and inteſtine powers of papiſts ſhould arrive or riſe. And therefore the cauſe being the ſame, as well as the parties, and the danger, we are bound to perform now, what we promiſed then.

"3. We ſtand obliged to England for old kindneſs to us, being in the ſame poſture then that they are in now; for in the year 1556 and 1557, the eſtates of this land, finding the reformation of religion oppoſed by their own princes with arms and violence, and themſelves oppreſſed by the popiſh army, ſought and obtained the aſſiſtance of an army from England, whereby they expelled the French army, made the pacification at Leith, held the parliament of 1560, eſtabliſhed the religion. Therefore they got new aſſiſtance from England to ſuppreſs the general popiſh faction, whereby they took in the caſtle of Edinburgh from the Laird of Grange; and in that public printed prayer, prefixt to the Pſalm-book, we ſolemnly promiſed never to forget their kindneſs againſt the French; and if we call to mind the manifeſtation of the lawfulneſs of the expedition into England, we ſtand obliged to them for their late kindneſs; for they not only refuſed to levy arms againſt us in the laſt troubles in 1639, but alſo did mediate for a treaty, did welcome and kindly entertain our army for a year, did freely beſtow upon us their brotherly aſſiſtance of thirty thouſand pounds; whereupon we acknowledged our thankfulneſs, not to conſiſt in affection and words at that time, but in the mutual kindneſs, and real declaration to be expected from the whole kingdom of Scotland, in all time to come; beſides ſolemn promiſes and vows repeated in our late declaration and information publiſhed to the world, wherein we aſſure them of our help in their need, as in 'the remonſtrance of the ſtates of Scotland, 1639, page 28. Remonſtrance of the parliament of England, 1640, page 15, 16. Intentions of the army of Scotland,' near the end.

"4. The common danger imminent to both kirks and kingdoms, do invite us to help them; for we and they ſail in one bottom, dwell in one houſe, are members of one body, that according to their own principles, if either of the two nations or kirks be ruinated, the other cannot long ſubſiſt. We have the ſame friends and foes, and many years experience hath taught us, what influence popery and prelacy in England may have upon Scotland; for from thence came the prelates, the ceremonies, the book of Common-prayers, Service-book, and upon our refuſal, the bloody ſword came from thence; therefore we are to take England's condition to heart, as a common cauſe, to put forth our helping hand, if we tender religion, laws, and liberties.

"5. The common advantage redounding to both kirk and kingdom, to perſuade help; for hereby we have a fair opportunity to advance uniformity in diſcipline and worſhip, which will prove the ſureſt bond of union, and bulwark to both.

"6. If we forſake England, we forſake our deareſt friends, who can beſt help us in caſe we be reduced to the like ſtraits hereafter by the common adverſary.

"7. If we ſuffer the parliament of England to be cut off, we have loſt our peace with England. If the popiſh and prelatical faction do over-rule the parliament, we may expect war both from king and parliament, whereunto they will not want pretences. And we have reaſon to fear, that, ſeeing ſome of the malignants at home are reported to have vented, that the king was not tied to keep what he had granted to us, becauſe by calling and keeping our convention, we have firſt broken to him.

"8. If we ſhould deſert them at this time, yet as Mordecai ſaid to Eſther, 'Deliverance ſhall ariſe to them from elſewhere; but we and our father's houſe may look for deſtruction;' and who knoweth, but we are reſtored to our religion and liberties, to a free convention at this time, and made a mirror of God's mercy to all nations and kirks, that we may help our brethren of England?

"9. That the only means for the procuring of a happy

[t] The commiſſioners appointed were, John Mannors, earl of Rutland, (who, upon indiſpoſition of health, procured a releaſe,) and the lord Grey of Wark, (who refuſing to go on account of his inability to bear ſo long a journey, was ſent to the Tower, but ſoon after releaſed) for the lords; and for the commons, ſir William Armyne, ſir Henry Vane the younger, Mr. Hatcher, and Mr. Darley, with two divines, Marſhal and Nye, to attend them. Ruſhworth, tom. V. p. 466. Clarendon, tom. II. p. 232.

The

agreement betwixt the king and the parliament, is by putting up of the ſword, and ſaving chriſtian blood from being ſhed, ſuppreſſing of papiſts, and eſtabliſhing religion in his dominions; for humble ſupplications and remonſtrances, reached out with naked hands, will not prevail with our adverſaries, who have invironed our king, and cloſed his ears to the cry of his ſubjects.

"But it will be objected, ſeeing our religion and liberties are eſtabliſhed according to our own deſires; and ſeeing his majeſty's declaration to the whole kingdom, and letter to every nobleman and borough, to give aſſurance for preſervation of the ſame without altering, we have no intereſt nor hazard, however buſineſs go in England; but ſhould keep ourſelves in peace and quiet.

"1. Anſwer. In all the proceedings of this buſineſs we have from time to time declared, That neither verbal promiſes, nor fair declarations for maintaining religion and liberty could ſecure us, becauſe we have ſo often found 'facta verbis contraria.' As for example, the treaty of Dunce, when we confided to verbal gracious expreſſions of his majeſty's; yet afterwards they were denied, and burnt by the hands of the hangman, and an army levied againſt us. It was the counſel of Monſieur de Thou to the queen-regent of Scotland at St. Andrews, for reverſing our firſt reformation, to grant our predeceſſors in fair promiſes and declarations all that they craved, and when thereby they ſhould be divided, to interpret theſe by herſelf, and to take order with the heads of the opponers; and this policy was uſed by Charles IX. king of France, for the ſubverting of the proteſtant religion in France, as witneſſeth Monſieur de Thou, L. 71. p. 463.

"2. As we have found by former experience, that the eſtabliſhment of our firſt reformation by an act of aſſembly and parliament, could not ſecure us from the violent preſſing of innovations againſt both; and in the new remonſtrance of 1640, page 16. we have fully expreſſed, that no aſſembly or parliament, whereunto we faſtened our hopes, can be any ſafety for us, ſo long as our enemies ſit at the helm, and govern the king's council, and make his majeſty interpret laws contrary to the advice of judicators of kirk and ſtate. And of late our mediation betwixt him and his parliament was rejected, and our commiſſioners ſtopt from going to London, contrary to his own ſafe-conduct.

"3. If the parliament of England that now is, be deſtroyed, who ſhall undertake for our ſafety? As the king's declarations cannot exceed his perſon, or ſecure us at the hands of his ſucceſſors, ſo we may perceive in the late diſcovery of the plots of the Scots, Engliſh, and Iriſh papiſts, that theſe declarations can be no ſufficient ſecurity againſt the ſurpriſing of papiſts and malignants, if they be permitted to carry arms within any of the kingdoms.

"Secondly, It is objected, that we are a poor people, not fit for ſuch an undertaking. To which we anſwer,

"1. The repreſentative body of the kingdom now convened, can beſt ſatisfy this objection.

"2. When God calls his people, and makes them willing, he gives them alſo ſtrength, that through him they may do valiantly.

"3. God hath helped us in all enterprizes for his cauſe, and he will yet provide for us. We hope the wiſe convention of ſtates will ſee to the conditions, that the kingdoms received as little detriment as may be.

"Thirdly, It is objected, they will not embrace a preſbyterian-government in the kirk, and ſo no hope of uniformity.

"Anſwer 1. They have already put out epiſcopal government, root and branch, neither will they, nor do the proteſtant kirks know of any other but the preſbyterial.

"2. If any zealous man amongſt them have their ſcruples againſt preſbyterial government, we truſt the Lord will reveal the truth unto them.

"They have in many declarations expreſſed their reſolutions and deſires for uniformity."

The aſſembly and convention having reſpectively appointed committees to treat with the Engliſh commiſſioners, it was agreed at the firſt conferences, that the beſt and ſpeedieſt means for accompliſhing the union and aſſiſtance deſired, was that both nations ſhould enter into a mutual covenant or league. This covenant was prepared in a very ſhort time, ſo that Auguſt the 17th, it was preſented to the eſtates and the general-aſſembly, and approved by both the ſame day. On the morrow, being the 18th, it was ſent to England by the lord Maitland, afterwards duke Lauderdale. He was accompanied with Mr. Alexander Henderſon, moderator of the general aſſembly, and Mr. Gilleſpy, both miniſters, as commiſſioners from the aſſembly to treat with the aſſembly of divines at Weſtminſter, about the union of the two churches.

If the Scots were diſpoſed to enter into a league with the Engliſh, theſe were no leſs deſirous of it. Auguſt the 28th, ten days after the departure of the Scotch commiſſioners, the parliament of England, conſented to the covenant. Immediately after, the aſſembly of divines were ordered by both houſes to frame an exhortation to the taking of the covenant, to be read publicly in all the churches. That done, the covenant was ordered to be printed and publiſhed, and appointed to be taken the 22d of September by all the members of parliament, and the aſſembly of divines, which was done with great ſolemnity [r]. The covenant was as follows:

A ſolemn league and covenant for reformation and defence of religion, the honour and happineſs of the king, and the peace and ſafety of the three kingdoms of England, Scotland, and Ireland.

"WE noblemen, barons, knights, gentlemen, citizens, burgeſſes, miniſters, of the goſpel, and commons of all ſorts in the kingdoms of England, Scotland, and Ireland, by the providence of God living under one king, and being of one reformed religion, having before our eyes the Glory of God, and the advancement of the kingdom of our Lord and Saviour Jeſus Chriſt, the honour and happineſs of the king's majeſty and his poſterity, and the true public liberty, ſafety and peace of the kingdoms, wherein every one's private condition is included; and calling to mind the treacherous and bloody plots, conſpiracies, attempts, and practices of the enemies of God againſt the true religion and profeſſors thereof in all places, eſpecially in theſe three kingdoms, ever ſince the reformation of religion, and how much their rage, power, and preſumption are of late, and at this time, increaſed and exerciſed, whereof the deplorable eſtate of the church and kingdom of Ireland, the diſtreſſed eſtate of the church and kingdom of England, and the dangerous eſtate of the church and kingdom of Scotland, are preſent and public teſtimonies; we have (now at laſt) after other means of ſupplication, remonſtrance, proteſtations and ſufferings, for the preſervation of ourſelves and our religion from utter ruin and deſtruction, according to the commendable practice of theſe kingdoms in former times, and the example of God's people in other nations, after mature deliberation, reſolved and determined to enter into a mutual and ſolemn league and covenant, wherein we all ſubſcribe, and each one of us for himſelf, with our hands lifted up to the moſt high God, do ſwear:

"I. That we ſhall ſincerely, really and conſtantly, through the grace of God, endeavour, in our ſeveral places and callings, the preſervation of the reformed religion in the church of Scotland, in doctrine, worſhip, diſcipline and government, againſt our common enemies, the reformation of religion in the kingdoms of England and Ireland, in doctrine, worſhip, diſcipline and government, according to the word of God, and the example of the beſt reformed churches; and we ſhall endeavour to bring the churches of God in the three kingdoms to the neareſt conjunction and uniformity in religion, confeſſing of faith, form of church-government, directory for worſhip and catechiſing, that we, and our poſterity after us, may, as brethren, live in faith and love, and the Lord may delight to dwell in the midſt of us.

"II. That we ſhall in like manner, without reſpect of perſons, endeavour the extirpation of popery, prelacy, (that is, church-government by archbiſhops, biſhops, their chancellors and commiſſaries, deans, deans and chapters, archdeacons, and all other eccleſiaſtical officers depending on that hierarchy) ſuperſtition, hereſy, ſchiſm, profaneneſs, and whatſoever ſhall be found to be contrary to ſound doctrine, and the power of godlineſs, leſt we partake in other men's ſins, and thereby be in danger to receive of their plagues, and that the Lord may be one, and his name one in the three kingdoms.

"III. We ſhall with the ſame ſincerity, reality and conſtancy, in our ſeveral vocations, endeavour with our eſtates and lives, mutually to preſerve the rights and privileges

[r] The manner of taking it was thus: The covenant was read, and then notice was given that each perſon ſhould immediately, by ſwearing thereunto, worſhip the great name of God, and teſtify ſo much outwardly, by lifting up their hands; and then they went up into the chancel [of St. Margaret's Weſtminſter,] and there ſubſcribed their names in a roll of parchment, in which this covenant was fairly written. It was taken that day by two hundred and twenty-two members of parliament, whoſe names ſee in Ruſhworth, tom. V. p. 480.

of

of the parliaments, and the liberties of the kingdoms, and to preſerve and defend the king's majeſty's perſon and authority, in the preſervation and defence of the true religion and liberties of the kingdoms, that the world may bear witneſs with our conſciences of our loyalty, and that we have no thoughts or intentions to diminiſh his majeſty's juſt power and greatneſs.

"IV. We ſhall alſo with all faithfulneſs endeavour the diſcovery of all ſuch as have been or ſhall be incendiaries, malignants, or evil inſtruments, by hindering the reformation of religion, dividing the king from his people, or one of the kingdoms from another, or making any faction or parties among the people, contrary to this league and covenant, that they may be brought to public trial, and receive condign puniſhment, as the degree of their offences ſhall require or deſerve, or the ſupreme judicatories of both kingdoms reſpectively, or others having power from them for that effect, ſhall judge convenient.

"V. And whereas the happineſs of a bleſſed peace between theſe kingdoms, denied in former times to our progenitors, is, by the good providence of God granted unto us, and hath been lately concluded and ſettled by both parliaments, we ſhall, each one of us, according to our place and intereſt, endeavour, that they may remain conjoined in a firm peace and union to all poſterity, and that juſtice may be done upon the wilful oppoſers thereof, in manner expreſſed in the precedent articles.

"VI. We ſhall alſo, according to our places and callings, in this common cauſe of religion, liberty, and peace of the kingdoms, aſſiſt and defend all thoſe that enter into this league and covenant, in the maintaining and purſuing thereof, and ſhall not ſuffer ourſelves directly or indirectly, by whatſoever combination, perſuaſion, or terror, to be divided and withdrawn from this bleſſed union and conjunction, whether to make defection to the contrary part, or to give ourſelves to a deteſtable indifferency or neutrality in this cauſe, which ſo much concerneth the glory of God, the good of the kingdoms, and the honour of the king, but ſhall all the days of our lives zealouſly and conſtantly continue therein, againſt all oppoſition, and promote the ſame according to our power, againſt all letts and impediments whatſoever; and what we are not able ourſelves to ſuppreſs or overcome, we ſhall reveal and make known, that it may be timely prevented or removed; all which we ſhall do as in the ſight of God.

"And becauſe theſe kingdoms are guilty of many ſins and provocations againſt God, and his ſon Jeſus Chriſt, as is too manifeſt by our preſent diſtreſſes and dangers, the fruits thereof: We profeſs and declare before God, and the world, our unfeigned deſire to be humbled for our ſins, and for the ſins of theſe kingdoms, eſpecially that we have not, as we ought, valued the ineſtimable benefit of the goſpel; that we have not laboured for the purity and power thereof; and that we have not endeavoured to receive Chriſt in our hearts, nor to walk worthy of him in our lives, which are the cauſes of other ſins and tranſgreſſions, ſo much abounding amongſt us. And our true and unfeigned purpoſe, deſire, and endeavour, for ourſelves, and all others under our power and charge, both in public and in private, in all duties we owe to God and man, to amend our lives, and each one to go before another in the example of a real reformation; that the Lord may turn away his wrath and heavy indignation, and eſtabliſh theſe churches and kingdoms in truth and peace. And this covenant we make in the preſence of Almighty God, the ſearcher of all hearts, with a true intention to perform the ſame, as we ſhall anſwer at that great day, when the ſecrets of all hearts ſhall be diſcloſed; moſt humbly beſeeching the Lord to ſtrengthen us by his Holy Spirit for this end, and to bleſs our deſires and proceedings with ſuch ſucceſs, as may be deliverance and ſafety to his people, and encouragement to other chriſtian churches, groaning under, or in danger of, the yoke of anti-chriſtian tyranny, to join in the ſame, or like aſſociation and covenant. To the glory of God, the enlargement of the kingdom of Jeſus Chriſt, and the peace and tranquility of chriſtian kingdoms, and common-wealths."

I have often ſaid, that the preſbyterian party prevailed in the parliament of England. This party impatiently waited for an opportunity to eſtabliſh the preſbyterian government in the church, and this ſeemed to them ſo favourable, that they reſolved not to loſe it. The affairs of the parliament were in an ill way. The king was become maſter of Briſtol. The earl of Eſſex's army was unſerviceable, and Waller's entirely diſperſed by the loſs of the battle of Roundway-down. Prince Maurice was with a good army in the weſt, where he met with no oppoſition. The marquis of Newcaſtle was maſter of all the north, and ſuperior in number of troops to the lord Fairfax in the county of York. In ſhort, the king was now beſieging Gloceſter, when the parliament's commiſſioners came to Edinburgh. Had he taken that place, the parliament would have had reaſon to fear a general defection, conſidering the advantages the king would have thereby received. The two houſes had therefore, if I may ſo call it, no other refuge than the aſſiſtance of the Scots, an aſſiſtance which could not be procured, but by yielding them the article of uniformity, ſo paſſionately deſired by them, being, in their opinion, the ſole means of ſecuring the enjoyment of their liberties. So, thoſe of the parliament's party that were moſt attached to the church of England, clearly perceived they muſt conſent to a change of church-government, or be expoſed to the hazard of loſing the fruit of all their labours, in caſe the king ſhould be reſtored by force of arms. Things ſtanding thus, they could not think it ſtrange, that the parliament ſhould conſent to an uniformity, in order to ſatisfy the Scots for their ſo neceſſary aſſiſtance. For this reaſon the covenant was taken without murmuring, and it was not perceived, that this proceeding would increaſe the number of the king's friends, as the parliament had ever dreaded, becauſe it was done at a juncture, when the neceſſity of it ſeemed unavoidable.

Shortly after, the king iſſued out a proclamation to forbid the taking of the covenant, but it produced no great effect. On the contrary, the committee of eſtates did, by their printed act of the 22d of October, ordain it to be ſworn and ſubſcribed by all the ſubjects, under pain of having their goods and rents confiſcated. After that, they ſummoned all the lords of the council to come and ſign it before them. The duke of Hamilton, and ſome others, refuſing to ſubſcribe it, the committee, by another act, of the 17th of November, ordered all their lands to be ſeized, and their perſons to be apprehended, with permiſſion to kill ſuch as reſiſted. Notwithſtanding all this, the king, at the duke's coming to Oxford, cauſed him, as I ſaid, to be arreſted.

After both kingdoms had agreed upon the covenant, the eſtates of Scotland appointed commiſſioners to treat with the Engliſh, concerning the aid deſired. The ſubſtance of the treaty, ſigned November the 29th, is as follows:

"1. That the covenant be ſworn and ſubſcribed by both kingdoms.

"2. That an army ſhall be forthwith levied in Scotland, conſiſting of eighteen thouſand foot effective, and two thouſand horſe, and one thouſand dragoons effective, with a ſuitable train of artillery, to be ready at ſome general rendezvous near the borders of England, to march into England with all convenient ſpeed, the ſaid foot and horſe to be well and compleatly armed, and provided with victuals and pay for forty days.

"3. That the army be commanded by a general, appointed by the eſtates of Scotland, and ſubject to ſuch reſolutions and directions as ſhall be agreed and concluded mutually between the two kingdoms, or by committees appointed by them in that behalf.

"4. That the charge of levying, arming, and bringing the ſaid forces together, as alſo the fitting the train of artillery, be computed and ſet down according to the ſame rates, as if the kingdom of Scotland were to raiſe the ſaid army for themſelves; all which for the preſent is to be done by the kingdom of Scotland upon accompt, and the accompt to be delivered to the commiſſioners of the kingdom of England; and when the peace of the two kingdoms is ſettled, the ſame to be repaid or ſatisfied to the kingdom of Scotland.

"5. That this army be likewiſe paid, as if the kingdom of Scotland were to employ the ſame for their own occaſion; and towards the defraying thereof, ſhall be monthly allowed and paid the ſum of 30,000l. ſterling by the parliament of England; out of the eſtates and revenues of the papiſts, prelates, malignants, and their adherents, or otherwiſe; and in caſe the ſaid 30,000l. monthly, or any part thereof, be not paid at the time when it ſhall become due, the kingdom of England ſhall give the public faith for the paying of the remainder unpaid with all poſſible ſpeed, allowing the rate of 8l. per cent. for the time of the performance thereof; and in caſe that notwithſtanding the ſaid monthly ſum of 30,000l. paid as aforeſaid, the ſtates and kingdom of Scotland ſhall have juſt cauſe to demand farther ſatisfaction of their brethren of England, when the peace of both kingdoms is ſettled, for the pains, hazard, and charges they have undergone in the ſame, they ſhall by way of brotherly aſſiſtance have due recompence made to them by the kingdom of England, and that out of ſuch lands and eſtates of the papiſts, prelates, malignants

malignants and their adherents; and for the aſſurance thereof, the public faith of the kingdom of England ſhall be given them.

" 6. And to the end the ſaid army may be enabled and prepared to march, the kingdom of England is to pay in ready money to their brethren of Scotland, the ſum of 100,000l. ſterling at Leith or Edinburgh, by way of advance beforehand, which is to be diſcounted back again to the kingdom of England by the kingdom of Scotland, upon the firſt monthly allowance which ſhall grow due to the Scotiſh army, from the time they ſhall make their firſt entrance into the kingdom of England.

" 7. That the public faith of the kingdom of Scotland will be given to be jointly made uſe of with the public faith of the kingdom of England, for the preſent taking up 200,000l. ſterling in the kingdom of England, or elſewhere, for the ſpeedy procuring of the ſaid 100,000l. ſterling as aforeſaid; as alſo a conſiderable ſum for the ſatisfying in good proportion the arrears of the Scotiſh army in Ireland.

" 8. That no ceſſation, nor any pacification or agreement of peace whatſoever ſhall be made without the mutual advice and conſent of both kingdoms.

" 9. That the public faith of the kingdom of Scotland, ſhall be given to their brethren of England, that neither their entrance into, nor their continuance in, the kingdom of England, ſhall be made uſe of to any other ends than are expreſſed in the covenant, and in the articles of this treaty: and that all matters of difference that ſhall happen to ariſe between the ſubjects of the two nations, ſhall be reſolved and determined by the mutual advice and conſent of both kingdoms, or by ſuch committees as for this purpoſe ſhall be by them appointed.

" 10. That the kingdom of England do oblige themſelves to aid and aſſiſt the kingdom of Scotland, in the ſame or like caſes of ſtraits and extremities.

" 11. That during the time that the Scotiſh army ſhall be employed as aforeſaid, for the defence of the kingdom of Scotland, there ſhall be fitted out, as men of war, eight ſhips, whereof ſix ſhall be of burden betwixt one hundred and twenty and two hundred tun; the other between three and four hundred tun; all which ſhall be maintained at the charge of the kingdom of England, to be employed for the defence of the coaſt of Scotland, under ſuch commanders as the earl of Warwick, for the time of his being admiral, ſhall nominate, with the approbation of the committees of both kingdoms; which commanders ſhall receive from the ſaid earl general inſtructions, that they do from time to time obſerve the directions of the committees of both kingdoms."

Though this treaty was not ſigned till the 29th of November, the eſtates of Scotland were ſo ſecure, there would be no objections to the terms, that the troops of the moſt diſtant counties were now marching to the general rendezvous, whilſt the treaty was in hand. The very day the covenant was ſent to England, namely, the 18th of Auguſt, a proclamation was publiſhed in the king's name according to the uſual ſtile, commanding all the ſubjects of Scotland, from ſixteen to ſixty years old, to provide themſelves with ammunition, arms, and forty days proviſions, and to be ready to march for the defence of the kingdom. The king could not bear, that an order ſhould be publiſhed in his name to his ſubjects of Scotland, to arm themſelves againſt himſelf. He writ a vehement letter to the council, commanding them expreſly to call in the proclamation, but it was to no purpoſe. The king ſeems not to have known, that in Scotland as well as in England, in all ſtate affairs, the king is never conſidered as ſeparated from the people, and that it is the uſual practice to publiſh all public orders in the king's name, though they are prejudicial to his private intereſts. Hiſtory furniſhes us with numberleſs inſtances, and the king had found, by too frequent experience for ſome time in England, that in making war upon him, it was pretended to be for his honour and true intereſt. He himſelf pretended, that he waged war with both houſes in defence of the liberties of parliament. This is an effect of the conſtitution of the government, whereby the king as the head, and the people as the body, are deemed inſeparable. If they happen to be divided, it is not ſtrange, that each pretends to act for the good of the whole, ſince this pretenſion is made the ſole cauſe of their diviſion.

Upon this foundation it was, that the eſtates of Scotland publiſhed two manifeſtoes, wherein, ſuppoſing the king to have been, and ſtill to be guided by pernicious counſels, they pretended not only, that they might juſtly aſſiſt the two houſes againſt him, but were bound in conſcience to make war upon him. They maintained, they had no other view, than to reſcue him from the dangers he willingly expoſed himſelf to, and to labour for his happineſs and glory. After all, this maxim is not wholly peculiar to England and Scotland; it has been followed in other ſtates during civil wars. All that can be ſaid, is, that many times the welfare of the king and ſtate, is only a cloke to ambition, revenge, and other criminal paſſions. But it is not impoſſible, that what is frequently a pretence only, may ſometimes be a very ſolid reaſon. It is the part of the wiſe and unbiaſſed, who ſeek only the truth, to diſtinguiſh the real motives which engage ſubjects to take up arms againſt their ſovereigns, in ſtates where an abſolute and unlimitted power cannot with reaſon be aſcribed to the prince, as in England and Scotland.

The king made a long anſwer to theſe manifeſtoes, but it was upon quite contrary ſuppoſitions. He pretended, both houſes of parliament had forced him to take up arms in his own defence: that his conſent to the acts of the parliament of Scotland, was more than ſufficient to ſecure their religion and liberties: that his ſubjects of Scotland could not, without being guilty of treaſon, make war upon him on any pretence whatſoever, and other the like ſuppoſitions, which the Scots did not grant, as he did not thoſe made by them in ſupport of their pretended right. There is one among others, which frequently occurs in the authors who have writ on this ſubject, and which is admitted, or rejected, according as they lean to either party. And this obliges me juſt to mention it, in order to arm the reader againſt the prejudices of both.

In the treaty of peace concluded at London 1641, there was this clauſe: " That the kingdom of Scotland ſhall not denounce nor make war againſt the kingdoms of England, or Ireland, without conſent of the parliament of Scotland; nor, on the other hand, the kingdom of England make war againſt Scotland, without conſent of the parliament of England. And in caſe any of the ſubjects of any of the kingdoms ſhall riſe in arms, or make war againſt any other of the kingdoms and ſubjects thereof, without conſent of the parliament of that kingdom whereof they are ſubjects, or upon which they do depend, that they ſhall be held as traitors to the ſtates whereof they are ſubjects. And that both the kingdoms, in the caſes aforeſaid, be bound to concur in the repreſſing of thoſe that ſhall happen to riſe in arms, or make war without conſent of their own parliament."

The king ſuppoſing, that the Scots, in aiding the parliament againſt him, intended to make war upon England, inferred from this clauſe, that they were guilty of treaſon. This inference was founded not only upon the ſuppoſition above mentioned, but alſo upon the convention of eſtates not being a true parliament, and moreover upon his having given them licence to meet, but with ſuch limitations as had not been obſerved. The Scots ſuppoſed on the contrary, that, far from intending to make war againſt England, their deſign was to aid and defend that kingdom againſt the popiſh and prelatical party, and reſcue the king out of their hands.

Thus, what the king called invading England, the oppoſite party called aſſiſting it. This muſt be always remembered when we read the hiſtory of thoſe days.

The Scotch army entered England January 15, 1643-4. But it is not yet time to relate what they did there. It will be neceſſary firſt to ſpeak of what paſſed concerning Ireland, and of ſome other important occurrences of the year 1643.

As to Ireland, the ſucceſs of the firſt campaign had been ſo equal on both ſides, that neither could boaſt of having gained any great advantage. The point was to continue the war, each rightly judging, peace would be always very remote, ſo long as things remained in a ſtate of equality. And therefore the king and the parliament thought of ſtrengthening themſelves againſt the enſuing campaign. The treaty of Oxford not ſucceeding, as was eaſy to foreſee, the king thought of means to employ at home the Engliſh troops that ſerved in Ireland, and to that purpoſe, of making a truce with the rebels. As this notable project could not but be odious to the Engliſh, and render ſuſpicious all the king's proteſtations with reſpect to the Iriſh rebellion, he ſaw himſelf obliged to uſe more caution, to procure an excuſe to conclude this ceſſation. This he did by engaging the lords-juſtices of Ireland, and the council of Dublin to countenance his project. But as I may be accuſed of aſcribing to the king motives he never had, I think it incumbent on me to allege here the unqueſtionable teſtimony of the lord Clarendon. The reader will find it in vol. II. p. 318. fol. edit.

"The king was not all this while without a due ſenſe of the dangers that threatened him, in the growths and improvement of the power and ſtrength of the enemy, and how impoſſible it would be for him, without ſome more extraordinary aſſiſtance, to reſiſt that torrent, which he foreſaw by the next ſpring would be ready to overwhelm him, if he made not proviſion accordingly. And finding by degrees, that it was not in his power to compoſe the diſturbances of England, or to prevent thoſe of Scotland, and abhorring the thought of introducing a foreign nation to ſubdue his own ſubjects, he begun to think of expedients which might allay the diſtempers in Ireland; that ſo, having one of his kingdoms in peace, he might apply the power of that towards the procuring it in his other dominions. He was not ignorant, how tender an argument that buſineſs of Ireland was, and how prepared men were to pervert whatſoever he ſaid, or did in it; and therefore he reſolved to proceed with that caution, that whatſoever was done in it, ſhould be by the council of that ſtate, who were underſtood to be moſt ſkilful in thoſe affairs."

Hence it is evident, that the king's deſign in making a truce with the Iriſh rebels, was to employ the Engliſh forces which ſerved in that kingdom, to ſubdue the parliament, and that, to avoid the approaches which might be caſt on him for it, he reſolved ſo to manage, that it ſhould appear to be done by the council of Ireland, that is, by the lords-juſtices and the reſt of the council. In the paſſage I have quoted, the lord Clarendon inſinuates, that the king came not to this reſolution till about the end of the year 1643, that is, when he was ſure the Scots were to ſend an army into England. For, after relating what had paſſed during the campaign of 1643, the parliament's negociations in Scotland, the covenant of both kingdoms, the reſolution taken in Scotland to aid the two houſes, the calling of the Oxford parliament, which was not done till December the ſame year; he comes at laſt to ſpeak of the king's reſolution, to make uſe of the Engliſh troops that were in Ireland. "The king, (ſays he) was not all this while without a due ſenſe of the dangers that threatened him, and how impoſſible it would be for him to reſiſt that torrent, which he foreſaw by the next ſpring would be ready to overwhelm him.---He began therefore to think of expedients which might allay the diſtempers of Ireland." It is however certain, the king reſolved to make a truce in Ireland, long before the parliament's negociation with Scotland, and before the Scots reſolution to levy an army. And what invincibly proves that the king was determined, before the engagement of the Scots, is, that the Iriſh truce was ſigned the 15th of September 1643, after a long negociacion. Thus, the lord Clarendon's inſinuation, that the king did reſolve to employ the Engliſh forces of Ireland, only to ſecure himſelf againſt the torrent that was ready to overwhelm him, being very ill-grounded, confirms what will be ſeen hereafter, that he was not induced by neceſſity to make a truce with the Iriſh rebels, but by the hopes of ſubduing the parliament with theſe additional forces.

To have a pretence to conclude this truce, the king believed, the beſt way was to perſuade the public, it would be extremely advantageous, or rather was abſolutely neceſſary, to the Engliſh in Ireland, and their only refuge, to preſerve what they ſtill poſſeſſed in that country. He had complained ſeveral times, that the parliament neglected the Iriſh war, and would have had a numerous army ſent thither. But, as I ſaid before, the parliament ſuſpecting, the king's aim was only to weaken them by that diverſion, were contented with ſending from time to time a few ſupplies to continue the war, beſides the Scotch troops which made a great diverſion in the north. Theſe ſupplies, though inconſiderable, had however produced this good effect, that the rebels, inſtead of making greater progreſs, had on the contrary loſt much ground after ſeveral defeats. They were however ſtill much ſuperior to the Engliſh, and though the Engliſh and Scotch forces were able to curb them a little, they were not ſtrong enough to hope to reduce them to obedience. Nay, it was to be feared, they would in the end be overpowered with numbers, eſpecially as the parliament, engaged in a war with the king, could not ſend a powerful aid into Ireland for fear of leaving England unprovided. This was the pretence uſed by the king to conclude a truce with the rebels.

In the ſituation of affairs ſince war had been declared between the king and the parliament, and the lords-juſtices who governed Ireland were greatly embarraſſed. They had been commiſſioned by the king, and conſequently from him they were to receive their orders. But on the other hand, the parliament having taken upon them to pay the charges of the Iriſh war, they could not openly declare for the king, without forfeiting the aſſiſtance of the parliament, the king not being in condition to ſupply them. A perfect neutrality was not poſſible, becauſe the king and the parliament's intereſts being oppoſite, they could not implicitly obey the one, without being ſuſpected by the other. They choſe therefore to try to content both, as far as was poſſible, and the rather, as the king and the parliament expreſſed an equal deſire to end the Iriſh war. But they could not remain long in this ſituation. Such was their caſe at laſt, that it was not poſſible for them to pleaſe both. The parliament having ſent in October 1642 a committee to Dublin to aſſiſt the council, and ſettle with the lords-juſtices what related to the continuance of the war[s], theſe commiſſioners were at firſt received with reſpect, but in February 1643, by the king's expreſs order, were ſent back to England. The king was well pleaſed, the parliament ſhould ſupply what was neceſſary for continuing the war, but unwilling they ſhould have any ſhare in the government of Ireland, or their commiſſioners a place in the council of ſtate. Shortly after, he removed ſome of the lords-juſtices and counſellors[t]. Probably, he was then forming the project of a truce with the rebels, and wanted for that purpoſe, that the lords-juſtices and all the counſellors ſhould be diſpoſed to act only by his orders. Beſides, on this ſuppoſition, the parliament's commiſſioners could not but be a great impediment, had they continued to aſſiſt at the council of ſtate. From that time alſo, the inſtances of the lords-juſtices to the king and parliament for aid, became mere preſſing and frequent. They repreſented the ſtate of the Engliſh in Ireland as entirely deſperate, without a ſpeedy ſupply of men, money, and ammunition. They ſaid, the officers were very importunate for leave to return to England. In a word, they omitted nothing, that was apt to create a belief, there was no remedy. On the other hand, ſome officers of the Engliſh army preſented a remonſtrance to the lords-juſtices, April the 4th, 1643, declaring, they were reduced to deſpair for want of money to ſubſiſt, and that it ought not to be thought ſtrange, if in their caſe they ſhould have recourſe to the firſt and primary law of nature, namely, the law of ſelf-preſervation. If to theſe ſo earneſt complaints be added, what the lord Clarendon ſays, that the king reſolved ſo to proceed, that every thing ſhould appear to be done by the council of Ireland, the ſending back of the parliament's commiſſioners, and the changes made among the lords-juſtices, and members of the council, one can ſcarce help ſuſpecting theſe complaints to be all begged, on purpoſe to ſerve for pretence to the ceſſation. This ſuſpicion ſeems the more probable, as at that time the affairs of the Engliſh in Ireland were upon a very good foot, and as the marquis of Ormond had juſt gained at Roſs a ſignal victory over the rebels. Accordingly the lords-juſtices, as well as the officers, took care not to make the progreſs of the rebels the grounds of their complaints, but only the want of money, proviſions, and ammunition.

However this be, the remonſtrance of the officers being ſent to the king, he took occaſion from thence to ſend to the marquis of Ormond a commiſſion, impowering him to treat with the rebels, and agree with them upon a ceſſation of arms for one year. He gave notice of it to the lords-juſtices, in a letter of April the 23d, 1643, commanding them to aſſiſt the marquis in the execution of his commiſſion to the utmoſt of their power. The date of this commiſſion is remarkable, for it evidently ſhews, that the Scots reſolution to aſſiſt the parliament, which was not taken till the following Auguſt, was not the cauſe of the Iriſh truce.

May the 3d, the king renewed his orders to the marquis of Ormond concerning the truce. But before the marquis had received theſe freſh orders, the lords-juſtices had writ to the king, the 11th of the ſame month, a very expreſſive letter, repreſenting the miſerable condition of Ireland, in ſuch terms as ſhewed, that every one was reduced to deſpair for want of money, and proviſions, though till then the Engliſh forces had been crowned with ſucceſs againſt the rebels[u].

[s] They carried with them 20,000 l. in ready money, three huudred barrels of powder, ten tun of match, and other ammunition. Ruſhworth, tom. V. p. 530.

[t] See the declaration hereafter of both houſes, concerning the affairs of Ireland. Rapin.

[u] They complained, that they had no victuals, clothes, or other proviſions requiſite towards their ſuſtenance; no money to provide them of any thing they wanted; no arms, and not above forty barrels of powder in his majeſty's ſtores. Ruſhworth, tom. V. p. 538.

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The king, who meant to take advantage of this letter, to demonſtrate to the public, the neceſſity of the ceſſation he intended to conclude, ſent it to both houſes[w], who immediately took the affair into conſideration. A committee was appointed, with orders to think of ways to raiſe money for Ireland. Upon the report of the committee, the parliament reſolved to raiſe money by voluntary contributions, and offered very advantageous terms to ſuch as ſhould advance the ſums required[x]. But notwithſtanding this, the king, July the 2d, diſpatched freſh orders to the lords juſtices and the marquis of Ormond, to conclude a truce for one year, which they were already endeavouring. From the 20th of June, the general council of the Iriſh, aſſembled at Kilkenny, had granted a commiſſion to treat[y].

September the 7th, the king repeated his orders to the marquis of Ormond, to conclude the truce as ſoon as poſſible. At the ſame time he ordered him to ſend into England, all the Engliſh forces that could be ſpared after the concluſion of the truce. His reaſon was, and he could juſtly ſay it then, that an army was preparing in Scotland to invade England. But there was no mention of that article in the foregoing orders.

At length, the ceſſation was ſigned the 15th of September, on the condition that both parties ſhould remain in poſſeſſion of what they held. The king founded the neceſſity of it, firſt, upon a remonſtrance preſented to him December the 1ſt, 1642, by four colonels, as well in their own, as in the names of many other officers, who ſerved in the army of Ireland, wherein they told him it was impoſſible for them to ſubſiſt any longer, if means were not found to ſupply their preſſing wants. Secondly, upon the repeated letters ſent from the lords juſtices to the king and the parliament, ſince January 1642-3, wherein they ſaid, the army was going to periſh in few days, for want of aſſiſtance. Thirdly, upon the forementioned remonſtrance of the officers of the 4th of April, wherein they pretended a few hours delay to aſſiſt them, would be too long[z]. Nevertheleſs this army, which was reduced to extremity the 1ſt of December 1642, found means to ſubſiſt till the 15th of September 1643, though the lords juſtices complained, they had received no ſupplies ſince November. This is a clear evidence, that all theſe complaints were very much aggravated by the private direction of the king, who meant to uſe them for pretence to the truce. This is what the parliament repreſented in a declaration publiſhed on account of the Iriſh ceſſation, before they had notice of its being concluded: they complained very ſtrongly, that they were never acquainted by the ſtates of Ireland with the treaty of a ceſſation, much leſs was their advice demanded, notwithſtanding that by act of parliament, and by his majeſty's commiſſion under the great ſeal, both houſes were "to adviſe, order, and diſpoſe of all things concerning the government and defence of that kingdom." They ſaid, that to accompliſh the more eaſily this diſhonourable ceſſation, thoſe of the ſtate in Dublin, who were ſo honeſt and religious as to diſſuade it, were firſt diſcountenanced, and at laſt put out of their places, and reſtrained to priſon, as ſir William Parſons one of the lords juſtices, ſir John Temple maſter of the rolls, ſir Adam Loftus vice treaſurer of Ireland, and ſir Robert Meredith, one alſo of the council-table. That it was made only with a view to diſcourage thoſe who had ſubſcribed to advance money upon the parliament's propoſals, in order to render impoſſible the maintenance of the army in Ireland, and to employ it in England to the deſtruction of the parliament. For theſe and many other reaſons, which I omit, not to be tedious, both houſes declared the intended ceſſation void, promiſing to indemnify thoſe who ſhould refuſe to ſubmit to it[a].

Mean while, the king who was aſſured of the concurrence of the lords juſtices, the council of ſtate, and the marquis of Ormond general of the army, ſo ordered it, that after the concluſion of the truce all the Engliſh troops that could be ſpared were ſent to him. Theſe forces landed at Moſtyn in Flintſhire, and their firſt attempt was upon Hawarden-caſtle, which was ſurrendered to them the 4th of December. Then they took ſome other ſmall places in Cheſhire[b]; after which the lord Byron[c], who commanded for the king in thoſe parts, beſieged Nantwich, January the 15th 1643-4. Three days after, making a ſudden and violent ſtorm upon five ſeveral places of the town at once, he was every where repulſed with the loſs of many of his men. At laſt, the 21ſt of the ſame month, the lord Fairfax, who advanced to relieve the town, entirely routed the Iriſh army, conſiſting of three thouſand foot, (who were almoſt all ſlain or taken priſoners) and of eighteen hundred horſe, moſt of whom eſcaped by flight, but were ſo diſperſed that they could be of no farther ſervice to the king. Colonel George Monk was taken in this action, and ſent priſoner to the Tower of London, where he remained ſome time, till at laſt he took up arms under the parliament[d]. Thus the king received no advantage by theſe troops, nay, they rather did him great prejudice, in that by all his proceedings to procure them he confirmed the miſtruſt entertained by many people, of his being concerned in the Iriſh rebellion.

Not to interrupt the thread of the military actions, and of what paſſed in Scotland and Ireland, I have been forced to paſs over ſeveral important events of this year 1643, of which it will be neceſſary to ſpeak, though withour any connection, as they are of a different nature. The reader will eaſily by obſerving the dates, perceive their relation to the general affairs. I ſhall begin with certain projects framed at London, to compel the parliament to make peace, whilſt the armies were in the field.

The king was ever ſtrongly poſſeſſed with the notion, that fear alone held moſt of the people attached to the parliament, and that if he procured them a good opportunity to hold up their heads, he ſhould oblige both houſes to make a ſpeedy peace, without demanding the ſecurities, which made the principal obſtacle. This was his favourite ſcheme, as well as of his miniſters, his council, his friends, and adherents in London and elſewhere; and this was the ſpring of ſeveral projects to force the parliment to a peace. It would indeed be very ſtrange, that ſo many able men ſhould be of this opinion, without any manner of foundation. But on the other hand, one knows not what to think, when it is conſidered, that of ſo many projects, built upon this ſuppoſition, not one ſucceeded, which ſeems to argue that the majority of the people were not for the king. However, it is certain, the king had many friends in London, and in the parliament itſelf, who ſerved him artfully by pretending to dread that the war would be deſtructive to the parliament, and thereby they endeavoured to infuſe a real terror into the people, and incline them by degrees to wiſh and ſue for peace. Theſe men inceſſantly plotted to ſow diſcord between the parliament and the people. As it was neceſſary for them to hold private correſpondence with the court, in order to act according to directions, his majeſty ſent frequent meſſengers to London, ſometimes ſecretly, ſometimes openly, under colour of bringing meſſages to the parliament, in order to convey his inſtructions to his friends, and be exactly informed of what paſſed in both houſes and the city. With this view, in December 1642, he publiſhed for the ſake, as was pretended, of the inhabitants of London, a proclamation, for the free and ſafe paſſage of all goods, wares, and merchandizes to the city. But the commons ſuſpecting ſome hidden myſtery under this condeſcenſion, paſſed the next month two orders, the one, That no carriers or waggoners ſhould be permitted to go to Oxford or elſewhere, without ſpecial licence from the parliament: The other, that any agent or ſervant to any perſon that was in arms againſt the parliament, who ſhould preſume to come to Weſtminſter, or reſide about London, ſhould be forthwith apprehended as a ſpy. The 10th of April following, theſe orders were renewed, and even extended to all perſons that ſhould come from the king's quarters to London without a ſafe-conduct, and the ſame was printed and publiſhed.

In all appearance, the king, who had ſo many correſpondents in London, was not ignorant of this order. Neverthe-

[w] The houſe refuſed to receive the letter, becauſe not directed as uſual, but referred it to a committee to open it, and report the contents. Whitelock.

[x] The adventurers were to have ſuch and ſuch towns with ſo many acres of land for ſecurity, upon advancing ſuch a ſum upon each town. The ſum propoſed to be raiſed, was 200,000l. Ruſhworth, tom. V. p. 540, 542.

[y] The commiſſioners appointed by the catholic party to treat with the marquis of Ormond, were Dannough Viſcount Muſkerry, ſir Lucas Dillon, Nicholas Plunket, ſir Robert Talbot, ſir Richard Barnwell, Torlogh O'Neal, Geoffery Brown, Ever-Mac Gennis, and John Walſh. Ruſhworth, tom. V. p. 548.

[z] There are no ſuch words in the remonſtrance; they ſay indeed, "They are brought to ſo great exigency, that they are ready to rob and ſpoil one another." Ruſhworth, tom. V. p. 537.

[a] Whitelock ſays twenty thouſand Engliſh and Scots in the north of Ireland, vowed, "To live and die together in oppoſition to the ceſſation." Mem.

[b] Namely, Beeſton caſtle, Northwich, Crew-houſe, Dedington-houſe, and Acton-church. Ruſhworth, tom. V. p. 300, 301.

[c] Sir John Byron was made lord Byron of Rochdale, the 24th of October, 19 Car. I. and his brother Richard, lord Vaughan of Emlyn the day following. Dugdale's Baron. Tom II. p. 469.

[d] Among the priſoners were taken a hundred and twenty Iriſh women with long knives, wherewith they were ſaid to have done miſchief. This fight was reported to be as ſharp for the time, as any that had happened before in thoſe wars. Ruſhworth, tom. V. p. 302.

This

leſs, on pretence it was not ſignified to him in form, he ſent a meſſage to the parliament, with an offer of peace in general terms, without demanding a ſafe-conduct for the bearer. But the commons, reſolving to ſtop the courſe of theſe artifices, which ſerved to carry on the king's private correſpondence in London, ordered the meſſenger to be ſent to priſon, for coming without a ſafe-conduct. Three days after, to ſhew the people, the king vainly amuſed them with hopes of a peace, they impeached the queen of high-treaſon, and ſent up the impeachment to the lords by Mr. Pym. The king, full of indignation at this extraordinary proceeding, publiſhed a proclamation, to forbid obedience to the orders of both houſes, declaring, he acknowledged them no longer for houſes of parliament.

Affairs were in this ſituation, when both houſes diſcovered a conſpiracy formed in London, ever under colour of procuring peace refuſed by the parliament. I ſhall give the particulars of this conſpiracy, as they were communicated to the lords by Mr. Pym, at a conference between the two houſes. He told them.

"I. That the conſpiracy was formed of a mixture and conjunction of perſons of ſeveral qualities, ſome whereof were of both houſes of parliament, others of the city, and others belonging to the court, who in their reſpective places and employments were to form and perfect the work, raiſed out of the aſhes of the late petition of London for peace.

"II. The chief actors were Mr. Waller, a member of the houſe of commons, who pretended, and gave out to the reſt, that many others of that houſe, and of the lords, were privy to and concerned therein; Mr. Tompkins, a gentleman living in Holborn, brother-in-law to the ſaid Mr. Waller, and a ſervant to the queen, as being ſecretary to the commiſſioners for her majeſty's revenue; Mr. Challoner, an eminent citizen; one Mr. Blinkark, Mr. Alexander Hampden, who brought the laſt meſſage from the king; Mr. Haſſel, one of his majeſty's meſſengers, &c.

"III. The method was, for ſeveral perſons in the city to diſpoſe of themſelves into a committee, to hold intelligence with both armies, the court, and the parliament, to take a general ſurvey of the affections of all the inhabitants within the weekly bills of mortality, which was to be done under theſe three ranks, 'right men,' (or of the king's party) 'averſe men,' (or the well affected to the parliament) and 'moderate men,' (or neutrals;) to conſider of arms, ammunition, and all proviſions of war, to appoint out of themſelves ſelect perſons to treat with Mr. Waller and Mr. Tompkins in relation to the city, court, and parliament; as alſo with ſir Nicholas Criſp, ſir George Binion, captain Royden, and others at Oxford.

"IV. Mr. Waller's part was to engage a conſiderable part of the lords and commons, and to be a means of conveying counſels, reſolutions, and intelligence between them and the ſaid city committee. Mr. Tompkins was not only an aſſiſtant to Mr. Waller therein, but an inſtrument to convey by Haſſel and others their proceedings to the court, principally to the lord Falkland, and to receive thence directions, powers, and commands.

"V. For preventing diſcovery, proteſtations of ſecrecy were taken, as they were chriſtians not to diſcloſe it, and no man in the city was to endeavour the engaging above two, whereby no one man could impeach many.

"VI. From the court, Mr. Heron and Mr. Alexander Hampden, and others employed upon meſſages from the king to the parliament, were to convey directions, encouragements, and advice to thoſe in London, and authority was to be given under the great ſeal, and warrants under the king's hand, for ſettling a council of war, naming of generals and other officers, execution of martial law, raiſing of money, and providing arms; and to facilitate the whole, part of the king's forces to be in readineſs to aſſiſt the party here, as there ſhould be occaſion.

"VII. The particulars of the deſign itſelf were, to ſeize the king's children, to ſecure ſeveral members of parliament, particularly the lord Say, the lord Wharton, Mr. Pym, ſir Philip Stapleton, colonel Hampden, and colonel Strode, as alſo the lord-mayor and committee of the militia, under pretence of bringing them to a legal trial; to ſeize upon the outworks, forts, magazines, gates, and other places of importance in the city and the Tower, and let in the king's forces, and in the mean time to reſiſt and obſtruct all payments, impoſed by authority of the two houſes for ſupport of their armies.

"VIII. For their authority they had the following commiſſion brought up by the lady Aubigney, (who was under cuſtody) the ſaid commiſſion being found hid under ground in Mr. Tompkins's cellar.

"IX. In purſuance of this commiſſion, they had often conſulted of a general, and treated with ſir Hugh Pollard, priſoner in the Compter (once a member of the houſe of commons, but expelled, being accuſed of having an hand in the deſign to bring up the northern army againſt the parliament,) about it. And a declaration was ready drawn, ſetting forth the cauſe of their taking up arms to be in purſuance of their late proteſtation, to maintain the true reformed proteſtant religion againſt all papiſts and ſectaries, to oppoſe illegal aſſeſſments, &c. which was to be diſtributed to their friends, and on the night of their riſing, ſet upon the poſts round about London. Concerning which time of their riſing they had alſo conſulted, (of which preciſe notice was to be ſent to Oxford, as to the day and hour) and ſome moved to have it done on Wedneſday the laſt of May (being the faſt day, and the very next day after the firſt intimation was given towards a diſcovery) but it had been put off, and not fully concluded, it being ſaid, 'it ſhould be left to the lords to determine,' whom Waller pretended ſhould ſide with them. Mr. Haſſel lay cloſe to Beaconsfield, and had word ſent, 'The great ſhip was come in the Downs,' by which he was to underſtand, that the deſign was near ripe; and he acquainted the lord Falkland at Oxford therewith, and received anſwer, that they ſhould haſten it with all ſpeed, and when they were ready, three thouſand of the king's forces were to advance from Oxford within fifteen miles of London, to be ready upon notice to fall into the works, and aſſiſt; and white ribbons or tape was agreed to be worn by all concerned in this action to diſtinguiſh them."

The lord Clarendon, who is very large upon this conſpiracy, denies neither the plot itſelf, nor the king's commiſſion, brought to London by the lady Aubigney [e], but urges, that the parliament confounded in one ſingle plot, two different projects, the firſt formed by Waller, Tompkins, and Challoner, who were at London, and the other by ſir Nicholas Criſp, who being recorder of London [f], had been impriſoned, and making his eſcape, had retired to Oxford. But however, whether there were two plots or one, it is no leſs apparent, that the king's deſign was to compel the parliament to a peace, and that his frequent meſſages to both houſes with offers of peace, were often but artifices to carry on his correſpondence in London.

This diſcovery cauſed both houſes to reſolve to unite themſelves ſtill more ſtrictly together, by a new covenant or oath, tendered to all the members, and afterwards to the army, and ſuch of the people as were willing to take it. Tompkins, Challoner, and two other conſpirators were hanged [g]. But Waller ſaved his life, paying a fine of ten thouſand pounds, and was baniſhed the kingdom. Hampden died in priſon before his ſentence, and Haſſel died likewiſe the night before his trial. The ill ſucceſs of this plot prevented not the like from being contrived the next Auguſt.

Since the miſcarriage of Waller's conſpiracy, the king had a train of ſucceſſes, which revived the courage of his friends at London, who began to be diſmayed. The lord Fairfax was defeated at Atherton in Yorkſhire. The queen was come to his majeſty with a conſiderable ſupply. Waller was intirely routed at Roundway-down; and the king, now maſter of Briſtol, was preparing to beſiege Gloceſter. Thus crowned with ſucceſs, he thought it a favourable opportunity to force the parliament to a peace, and all his London friends began to uſe their endeavours. Whether this project came from the court, or the king had only approve of it, he believed it requiſite to prepare the minds of the people by a public declaration, to this effect:

"As the grievances and loſſes of no particular perſons could be compared to the damage he himſelf ſuſtained; ſo a peace could not be ſo welcome to any man as to him. God Almighty knew, with what unwillingneſs, and anguiſh of ſoul, he ſubmitted to the neceſſity of taking up defenſive

[e] This lady, with the conſent of both houſes, went to Oxford, to tranſact her own affairs with the king, upon the death of her huſband, who was killed at Edge-hill, and having done her buſineſs, and being ready to return, ſhe was deſired by the king to carry a ſmall box (in which was put the commiſſion) to London, and deliver it to one that ſhould come for it with ſuch a token, which ſhe did accordingly, not knowing what ſhe carried. Clarendon, tom. II. p. 195. Ludlow ſays, ſhe brought the commiſſion made up in the hair of her head. Tom. I. p. 82.

[f] This does not appear. He is ſaid only to be a popular citizen, and had been an officer in the train-bands. Clarendon, ibid. p. 194.

[g] Tompkins was hanged at the end of Fetter-lane in Holborn, and Challoner over againſt the Royal-exchange, July 5. Ruſhworth, tom. V. p. 528. T. May ſays, that none but them two were executed. B. 3. p. 45.

adding

arms. And the world knew, with what juſtice and bounty he had repaired his ſubjects for all the preſſures they had borne, by ſuch excellent laws, as would for ever have prevented the like; and with what earneſtneſs he deſired to add any thing, for the eſtabliſhment of the religion, laws, and liberty of the kingdom; all which had been evidently invaded by thoſe who had ſacrificed the public good to their own ends. He well remembered the proteſtation made by him, at the head of his army, 'To defend and maintain the true reformed proteſtant religion, and if it ſhould pleaſe God to bleſs his arms with ſucceſs, he would maintain the juſt privileges and freedom of parliament, and govern by the known laws of the land, for whoſe defence that army was only raiſed. And there could not be a more ſeaſonable time to renew that proteſtation than now, when God had vouchſafed him ſo many victories, which would hinder him from falling under the ſcandalous imputation, that his meſſages of peace proceeded from the weakneſs of his power, not love of his people. He declared therefore to all the world, in the preſence of God, that he was ſo far from intending any alteration of the religion eſtabliſhed, in which he was born and bread, and would reſolutely die, or from the leaſt thought of invading the liberty and property of the ſubject, or violating the juſt privileges of parliament; that the preſervation of the eſtabliſhed religion, the laws, the liberties of the people, and the juſt privileges of parliament ſhould be equally his care, as the maintenance of his own rights. Whether thoſe that were enemies to the eſtabliſhed eccleſiaſtical government, who perſecuted the learned, orthodox miniſters, and put into their places, ignorant, ſeditious, and ſchiſmatical preachers who villified the book of Common-prayer, and profaned God's worſhip were like to advance religion: whether thoſe who, without the leaſt ſhadow of law, impoſed exorbitant taxes upon their fellow ſubjects, impriſoned, tormented, and murdered them, were like to preſerve the liberty and property of the ſubject, and whether thoſe who had invaded the juſt rights of the crown, denied the king his negative voice, awed and terrified the members of both houſes, were like to vindicate the privileges of parliament, all the world may judge." In ſhort, after ſeveral invectives againſt the two houſes, he concluded with ſaying: "Whoſoever have been miſled, by thoſe whoſe hearts from the beginning have deſigned all this miſchief, and ſhall redeem their paſt crimes, by their preſent ſervice and loyalty, in the apprehending or oppoſing ſuch who ſhall continue to bear arms againſt us, and ſhall uſe their utmoſt endeavours to reduce thoſe men to their due obedience, and to reſtore the kingdom to its wonted peace, ſhall have cauſe to magnify our mercy, and to repent the treſpaſſes committed againſt ſo juſt and gracious a ſovereign[h]."

It is not difficult to perceive, that by this declaration, and eſpecially by the latter part of it, the king's aim was to excite and authorize an inſurrection in London, againſt both houſes, and what happened preſently after puts it intirely out of doubt. This declaration was therefore a preparative for the execution of a plot, to compel the parliament to a peace. Undoubtedly, the king was really deſirous of a peace. But it muſt be always remembered, what peace it was he ſo earneſtly wiſhed. It was a peace that ſhould re-inveſt him with all his prerogatives, after which he promiſed to govern according to the known laws of the land. But in this promiſe lay the whole difficulty of the peace, the parliament pretending it could not be relied on, and the king offering no other ſecurity than his word, tacitly ſuppoſing it to be a crime to doubt his ſincerity.

This declaration was no ſooner publiſhed than the king's friends began their uſual artifices in London. They affected an extraordinary terror, cauſed by the proſperous ſucceſs of the king's arms, and inſinuated, that the conſequences ſhould be prevented by a peace. But as the examples of Tompkins and Challoner had effectually terrified the king's moſt devoted friends, not one dared openly to expoſe himſelf to the ſame danger. It was therefore reſolved among them, that the houſe of lords ſhould firſt break the ice, and propoſe a peace to the commons, which ſhould be ſeconded by the king's friends in London. The upper-houſe conſiſted but of a few peers, ſome of whom were either openly or privately for the king. Others were his enemies, and ſome were ready to follow the ſtream which way ſoever it carried them. Theſe were the men the king's party ſtrove to gain by various means, in order to be ſuperior in the houſe of lords, ſome by promiſes, others by threats, and ſome again by way of perſuaſion, intimating to them the abſolute neceſſity of a peace. In ſhort, they ſecured a majority of voices in the upper-houſe: not that all they prevailed with, abſolutely promiſed to be devoted to the king: (that was not the point;) but only to agree that a peace ſhould be propoſed by their houſe, which could not be conſidered but as a very innocent thing. The managers of this contrivance took care, not to propoſe a peace without terms, ſuch as the king deſired. That alone had been ſufficient to make them loſe ſome of thoſe they had gained. They had only to engage the commons to enter into negociation, after which, they hoped the ſuperiority the king then had, ſupported with the endeavours of his party, would be capable to remove in his favour the difficulties that might occur in the principal articles. This reſolution being taken, the lords ſent and deſired a conference with the commons, where they declared, that they had reſolved to ſend propoſitions of peace to the king, and hoped the commons would concur with them. The propoſitions were:

"1. That both armies may be preſently diſbanded, and his majeſty be intreated to return to his parliament, upon ſuch ſecurity as ſhould give him ſatisfaction.

"2. That religion might be ſettled with the advice of a ſynod of divines, in ſuch a manner as his majeſty, with the conſent of both houſes of parliament, ſhould appoint.

"3. That the militia, both by ſea and land, might be ſettled by a bill; and the militia, forts, and ſhips of the kingdom, put into ſuch hands as the king ſhould appoint, with the approbation of both houſes of parliament: and his majeſty's revenue to be abſolutely and wholly reſtored unto him; only deducting ſuch part as has been of neceſſity expended for the maintenance of his children, and not otherwiſe.

"4. That all the members of both houſes, who had been expelled only for abſenting themſelves, or mere compliance with his majeſty, and no other matter of fact againſt them, might be reſtored to their places.

"5. That all delinquents, from before the 10th day of January 1641, ſhould be delivered up to the juſtice of parliament, and a general pardon for all others on both ſides.

"6. And laſtly, that there might be an act of oblivion for all by-gone deeds, and acts of hoſtility."

Probably, thoſe who had cauſed theſe propoſitions to be paſſed in the houſe of peers, did not themſelves believe, a peace could be made upon theſe foundations. The difficulties which occurred in the three firſt propoſitions, had been very often debated, both before and ſince the beginning of the war, without the poſſibility of coming to any concluſion. It was therefore unlikely, that the king, in his proſperity, would grant what he had denied when his affairs were not in ſo good a ſituation. But, as I ſaid, the intention of the managers of this contrivance was only to procure a negociation, perſuaded as they were, that by their intereſt and cabals, or by an inſurrection of the people, they ſhould cauſe theſe points to be decided in favour of the king. For that reaſon, the principal propoſition, namely, the third concerning the militia, which the parliament had always carefully explained, was expreſſed in a very general and ambiguous manner, in theſe terms, "That the militia might be ſettled by a bill."

The commons plainly ſaw what was the aim of the authors of theſe propoſitions, and were terrified at it. The houſe was apprehenſive, that they were but too powerfully ſupported, otherwiſe, it was not likely they ſhould have taken ſuch a ſtep, at a time when a committee was already gone to deſire aſſiſtance of the Scots. Wherefore, after a long debate, it was reſolved, by a majority of votes, that the propoſitions ſhould be ſent to the king. It is extremely probable, this reſolution was taken only to amuſe the king's friends, and to gain time, in order to break their meaſures the more eaſily. For the next day the lord-mayor of London, attended with a crowd of people, came to the houſe of commons, of which he was a member, and delivered, from the common-council, a petition, wherein the houſe was intreated to perſiſt in their former reſolutions, and reject the propoſitions of the peers. The lord-mayor affirmed alſo, that the people of London were ready to exert their utmoſt for the vigorous proſecution of the war. Whereupon, the houſe took courage again, and reverſed the reſolution of the foregoing day. Thus, the king's friends were in their turn greatly embarraſſed, and under a neceſſity of

[h] Adding, "We deſire all our good ſubjects, who have really wiſhed us well, now God has done ſuch wonderful things for us, vigorouſly to endeavour to put an end to all theſe miſeries, by bringing in men, money, plate, horſes, or arms, to our aid, that ſo we being not wanting to ourſelves, may with confidence expect the continuance of God's favour, to reſtore us all to that bleſſed harmony of affection, which may eſtabliſh a firm peace."

taking new meaſures. The expedient they deviſed was to cauſe the women to riſe, in hopes that ſuch an inſurrection might breed a greater, and occaſion ſome revolution.

Auguſt the 9th, a petition for peace was preſented to the commons by two or three thouſand women, with white ſilk ribbons in their hats. The conditions propoſed by them were exactly the ſame as the king had always offered. A general anſwer being ſent to them, they were not ſatisfied, and their number by noon increaſing to five thouſand, they came to the door of the houſe, crying, "Peace, peace; give us thoſe traitors that are againſt peace, that we may tear them to pieces; give us that dog Pym." Part of the train-bands (that uſually ſtood centinel there) firing upon them with powder only, to frighten them away, they laughed at it, and finding a heap of brickbats in the yard, threw them at the centinels, and drove them away. At laſt, ſome troops were forced to be ſent for, who, after uſing fair means in vain, drew their ſwords, and cut them over their hands and faces. A ballad-ſinger was killed upon the ſpot [i], and another woman loſt her noſe, whereof it was ſaid ſhe afterwards died. At length, they were diſperſed. The lord Clarendon, (who ſays many were killed and wounded,) affirms, they were the wives of ſubſtantial citizens; which is hardly credible [k]. Thus ended the grand project of forcing the parliament to a peace, a project wherein means was found to engage ſeveral lords and many commoners under colour that a peace was neceſſary to the ſtate. Nothing could be truer, but care was taken not to diſcover to them, that on pretence of labouring for the public, the king's advantage alone was really ſought.

The earl of Eſſex was one of thoſe who were moſt deſirous of peace, but not in the ſame manner as the king's friends. Theſe were for a peace, and uſed their utmoſt endeavours to procure it: but it was ſuch a peace as the king offered, that is, a peace founded only upon his word. The earl of Eſſex did not think it impracticable, in concluding a peace, to find neceſſary ſecurities for the nations liberties: as appears in his letter of the 9th of July to the ſpeaker, wherein, after the deſcription of Chaldgrave-field, he ſays, "If it were thought fit to ſend to his majeſty to have peace, with the ſettling of religion, the laws and liberties of the ſubject, and to bring unto juſt trial thoſe chief delinquents that have brought all this miſchief to both kingdoms: and (as my lord of Briſtol ſpoke once in parliament) how we may be ſecured to have theſe things performed hereafter; or elſe, if his majeſty ſhall pleaſe to abſent himſelf, there may be a day ſet down to give a period to all theſe unhappy diſtractions by a battle, which, when and where they ſhall chuſe, that may be thought any way indifferent, I ſhall be ready to perform that duty I owe you; and the propoſitions to be agreed upon between his majeſty and the parliament, may be ſent to ſuch an indifferent place, that both armies may be drawn near the one to the other; that if peace be not concluded, it may be ended by the ſword."

It is evident, this is not the language of a man propoſing a peace to gratify the king, and ſolely with intent to procure a negociation from which the king might reap ſome advantage; but of one that heartily wiſhed for ſuch a peace, as might put a happy period to the diſtractions of the kingdom; or if that could not be by means of a peace, to end them at leaſt by a battle. He was, doubtleſs, of opinion, that the nation would run leſs hazard by venturing a deciſion by arms, than by the continuance of the war. Nothing better demonſtrates the uprightneſs of his intentions. But there were few in thoſe days of the ſame diſpoſition. The king paſſionately wiſhed for peace; but it was on condition he ſhould be no loſer by it, that he ſhould be reſtored to all his rights, and his word relied on for the future. As to religion, all he would yield was, that the preſbyterians ſhould not be compelled by penal laws to conform to the church of England. Hitherto he had advanced nothing that might make them hope for a public toleration of their religion. The parliament for their part wiſhed likewiſe for peace, provided by the peace the king was reſtrained from returning to his former courſes, that is, was ſo humbled that he ſhould be able to do nothing without the conſent of both houſes, and enjoy only the empty name of a king, with the external badges of royalty. As to religion, there were very many, as well members as others, who preferred the continuation of the war, let what would be the event, to ſeeing the biſhops reſtored to their power. This muſt be always remembered, when either of the two parties is heard to ſpeak of peace. The like diſpoſition to the earl of Eſſex was doubtleſs the cauſe that ſome were dazzled with the bare ſound of peace, and the limitations inſerted in the propoſitions to be ſent to the king at the time of the late plot. But it may be affirmed, that the chief authors of the artifice were far from having the nation's welfare in view, and thought only of ſerving the king. I do not queſtion, but ſome others were perſuaded to conſent to the propoſitions by reaſon of the end propoſed by the preſbyterian party and now publicly known, as they perceived, that the advantages the parliament might gain upon the king in the continuation of the war, would only ſerve to ruin the church of England with the greater eaſe.

The earl of Eſſex's integrity made him experience what uſually happens to honeſt men in civil diſſenſions, where the moderate paſs for indifferent, and coldly affected to their party. The king, who was informed of this lord's moderation, imagined, he deſired a peace only becauſe he was diſpleaſed with the parliament, and convinced of the injuſtice of the cauſe he had eſpouſed. In this belief, he unſucceſsfully uſed all means to gain him. On the other hand, the moſt violent of his party grew jealous of the earl of Eſſex, perceiving he was no proper inſtrument for their deſigns. Wherefore they no longer confided in him, or at leaſt, feigned not to truſt him, in order to have, by his removal, another general, more compliant and manageable. They caſt their eyes on Edward Montague earl of Mancheſter, known formerly by the name of the lord Kimbolton, and began with advancing him to the command of the forces of the eaſtern aſſociated counties, to which Lincolnſhire was lately added, to go and oppoſe the earl of Newcaſtle; and an ordinance was paſſed, to raiſe new levies by preſſing, to reinforce that army.

If the earl of Eſſex had joined with the parliament only out of paſſion, humour, or intereſt, the mortifications he met with, would have been apt to make him turn to the king, to be revenged of the two houſes. But that was not his character. Though he had complained ſeveral times of the diſregard ſhewn him, in leaving his army without recruits and cloaths, and though ſeveral lords of the king's party took this occaſion to try to perſuade him to change ſides, he ever remained firm to his principles. How ſtrong ſoever their ſolicitations might be, he never gave the leaſt reaſon to believe, he was capable of betraying the parliament, who had truſted him with the command of their forces. Both houſes being informed of the inſtances made to their general, aſſured him of their eſteem and acknowledgement for his great ſervices, and promiſed to recruit and cloath his army, before thoſe of ſir William Waller, and the earl of Mancheſter, which was accordingly done. This ſatisfaction was more than ſufficient, to make him forget all the occaſions of complaint before given him. A famous hiſtorian has been pleaſed to aſcribe the earl of Eſſex's conſtant attachment to the parliament, to his not having ſteaddineſs enough to engage in ſo hazardous an enterprize, as that of forcing the parliament to a peace. I am perſuaded, this was owing to the king, and all his party's prepoſſeſſion that there was not a ſingle man for the parliament, that was ſatisfied of the juſtice of his cauſe. This prejudice was never relinquiſhed.

The project of thoſe who had undertaken to gain the earl of Eſſex, was, that as ſoon as he ſhould give the word, the lords and commoners who were in the ſecret, ſhould retire to the army, and under the ſecurity thereof, proteſt againſt the violence that was offered, the breach of their privileges, by the common-council's taking notice of their debates and over ruling their concluſions, by hindering the ſending of their propoſitions to the king. They did not doubt, but by their example great numbers would take the ſame courſe, by which means they hoped to be ſtrong enough to conſtrain the parliament to make peace. And in caſe the parliament ſhould remain obſtinate, their deſign was to enter upon a ſeparate treaty with the king, as men undeceived, who having been ſeduced by the parliament, were at length ſenſible of the injuſtice of their cauſe. They imagined, the whole kingdom would do the ſame, and the parliament be intirely forſaken. For the king and his party always fanſied, that among the parliament's adherents, not one was ſo, through perſuaſion, honour, and conſcience, but through ſeduction, fear, and ignorance. This cauſed them to take ſo many wrong ſteps, to compel the parliament to a peace by the people's means, ſteps that proved extremely prejudicial to the king. That with regard to the earl of Eſſex, was no leſs ſo than the reſt. The lords and commoners who were concerned in this ſtratagem, as well as in Waller's plot, fearing

[i] Ruſhworth ſays, ſhe was ſhot by the centinels, who, upon the brickbats flying about their ears, were forced to fire ball. Tom. V. p. 358.

[k] Ruſhworth ſays, they were generally of the meaner ſort. It is a little ſtrange, Whitelock ſhould ſay nothing of this tumult, who is ſo particular in every thing relating to the houſe of commons.

Jerom

the earl of Eſſex might diſcover them, thought proper to avoid being called to an account, by retiring to the king. Of this number were the earl of Portland [l], and the lord Conway, who had been impriſoned for Waller's affair, and afterwards releaſed, the lord Lovelace, who had only ſtaid with the parliament by the king's leave, the earls of Clare, Bedford [m], and Holland. The earl of Northumberland, diſſatisfied with his not having in the parliament the ſame credit as formerly, feigning an indiſpoſition, obtained the parliament's leave to retire for his health to his houſe at Petworth in Suſſex. As this place was liable to be infeſted from ſome of the king's quarters, it was generally believed, he had aſſurances of not being moleſted. The flight of all theſe peers turned greatly to the king's diſadvantage, as it deprived him of ſo many friends in the parliament, who were always ready to ſerve him and were wont to direct his adherents in London. Moreover, by the abſence of theſe lords, the king's enemies were more at their eaſe, and found fewer obſtacles to their deſigns than before. For ſhortly after, the earl of Eſſex's army was enabled to relieve Gloceſter, and the parliament approved of the covenant made with Scotland, in which doubtleſs they would have been oppoſed by thoſe that were lately withdrawn. I muſt now proceed to other matters.

I juſt mentioned, that ſir John Hotham, governor of Hull, was apprehended by order of parliament: it is now time to ſpeak of the cauſe of his diſgrace. The king had been ſo incenſed with him, that there was little probability for his ever pardoning the indignity he had received from him, or of Hotham's delivering himſelf into his hands. And yet, the deſire of becoming maſter of Hull in the one, and the thirſt of revenge in the other, made them forget all that was paſt. Hotham, as he could not bear that, after the ſervice he had done the parliament in keeping Hull for them without dreading to expoſe himſelf to the king's indignation, the lord Fairfax ſhould be made commander in chief of all the forces in the north, an honour, which doubtleſs he thought himſelf more worthy of, reſolved to be revenged for this pretended injuſtice by delivering the place to the king [n]. The preciſe time of his applying himſelf to the earl of Newcaſtle is not known; but it is certain, he writ ſeveral letters to him, which were communicated to the queen whilſt ſhe was in the north. He had drawn his ſon, captain Hotham, into the plot, and it was agreed between them, to deliver Hull to the queen, when on her march with her troops to the king. Mean while, young Hotham having given ſome occaſion to ſuſpect him, was ſeized by ſir John Meldrum, and ſent priſoner to Nottingham-caſtle. Hotham found means to eſcape, and going to Lincoln, writ from thence to the parliament, complaining of the injury done him, and affirming he was ready to anſwer whatever ſhould be laid to his charge. But as the queen was now upon her march, and it was time to execute the deſign, he returned to Hull, to contrive the means with his father. The queen thought herſelf ſo ſecure of having Hull very ſoon in her power, that ſhe ſaid in her letter of the 27th of June to the king, "She ſtayed at Newark but for one thing, to have Hull and Lincoln, for which ſhe hoped he would pardon two days ſtop." At the ſame time that the order was ſent to ſeize young Hotham, the mayor of Hull was told to have an eye upon the father, examine his conduct, and take care to preſerve the town. The ſon's return to Hull after his eſcape from Nottingham, the ſuſpicions he already lay under, and the notice received from Mr. Moyer, captain of a man of war then in the road, that Hull was going, that night or the next, to be delivered to the king, made ſir Matthew Boynton the mayor, though brother-in-law to the governor, reſolve to prevent it. That very night, whilſt the Hothams were in bed, all the townſmen, officers, and ſoldiers of known affection to the parliament, were aſſembled without noiſe, and all the ports of the town ſeized, without one drop of blood, or ſo much as a muſket diſcharged. Mean while, I know not for what reaſon, they had neglected to ſecure the two Hotham's [o], who found means to get out of the town: but at their coming to Beverley, they were both ſeized and brought to London, where, after a long impriſonment, they were condemned and executed [p].

There were two things which did the king great injury, with regard to the people, and from which he omitted no opportunity to juſtify himſelf, knowing how detrimental ſuch prejudices might be to him. The firſt was, that he countenanced popery; the ſecond, that he had excited the Iriſh rebellion, or at leaſt connived at it. Theſe two articles both houſes made no ſcruple to inſinuate, and even to maintain openly in their papers. Not that they had poſitive proof of what they advanced; but they drew from his actions and divers paſt events, inferences, to ſome of which, it muſt be owned, the king anſwered but weakly, or in generals, or, according to his cuſtom, by ambiguous expreſſions, capable of a double meaning.

As to the firſt charge, he took occaſion to make the following proteſtation, juſt as he was going to receive the ſacrament from the hands of archbiſhop Uſher.

My Lord,

"I eſpy many reſolved proteſtants, who may declare to the world the reſolution I do now make. I have, to the utmoſt of my power, prepared my ſoul to become a worthy receiver; and may I ſo receive comfort by the bleſſed ſacrament, as I do intend the eſtabliſhment of the true reformed proteſtant religion, as it ſtood in its beauty, in the happy days of queen Elizabeth, without any connivance at popery. I bleſs God, that in the midſt of theſe public diſtractions, I have ſtill liberty to communicate; and may this ſacrament be my damnation, if my heart do not join with my lips in this proteſtation.

Charles I. was undoubtedly very zealous for the proteſtant religion, as profeſſed in the church of England. But it is no leſs certain, he never ſcrupled to favour the papiſts, either out of complaiſance to the queen, or from a belief, that the ſtrict obſervance of the penal laws made againſt them, was not neceſſary to the welfare of the proteſtant religion. It is therefore very difficult to explain what he meant by theſe words, "without any connivance at popery." It cannot be thought that his intention was to ſwear he would never grant the papiſts any toleration, ſince at this very time he was negociating the Iriſh ceſſation, whereby toleration was granted to the catholics of Ireland; and it will hereafter appear, that, in treating of a peace with the rebels, he ſcrupled not to grant them that article. Much leſs ſtill may we venture to affirm, that by the word Connivance, he underſtood all manner of condeſcenſion for the papiſts. This ſenſe would be repugnant to his principles and uſual practice. It ſeems therefore moſt reaſonable to think, that he made a diſtinction between popery and papiſts; and that when he promiſed to eſtabliſh religion in its beauty, his meaning was, that he would ſuffer no popiſh tenets to be mixt with the doctrines of the church of England. But if this was his meaning, it was not to the purpoſe, ſince this was not properly the thing he was charged with. As he was very artful in chuſing expreſſions, to which it was difficult to give a fixed and determinate ſenſe, it is certain, his moſt ſolemn proteſtations produced not the intended effect.

As to the ſecond charge, relating to the Iriſh rebellion, I do not think I can give a clearer knowledge of the matter, than by inſerting the ſubſtance of a declaration publiſhed on this occaſion by both houſes, the 25th of July, 1643. They ſhewed,

"That in the ſecond year of his majeſty's reign, a deſign was formed in Ireland, to bring in a public toleration of the popiſh religion in that kingdom, and to ſuſpend all proceedings againſt papiſts, for a ſum of money to be paid to his majeſty. That the then biſhops of Ireland made a proteſtation againſt it, ſetting forth, how grievous a ſin it was to conſent to ſuch a toleration, and of what dangerous conſequence it might be. And the houſe of commons, in a remonſtrance made in the third year of his majeſty's reign, informed, that even then the popiſh religion was profeſſed in every part of that kingdom, and that monaſteries and nunneries were then newly erected, and repleniſhed with men and women of ſeveral orders, beſeeching his majeſty, that ſome ſpeedy courſe might be taken for redreſs therein; yet in the beginning of the fourth year of his majeſty's reign, all this was granted and confirmed by his majeſty, in conſideration of one hundred and twenty thouſand pounds, to be levied in three years upon the kingdom in general, as well upon the proteſtants as upon the papiſts.

"That many potent and notorious papiſts had been created peers by his majeſty.

"That when, by direction of the lord chancellor Loftus, and the earl of Corke, then lords juſtices, proceedings were begun againſt the papiſts upon the ſtatute of 2 Elizabeth, for not coming to church, and the judges in their circuits gave

[l] Jerom Weſton, ſon to the lord treaſurer Weſton, who was created earl of Portland, 8. Car. I.

[m] Rapin, by miſtake, ſays Dortſet. The names of theſe three earls, were John Holles, William Ruſſel, and Henry Rich.

[n] Whitelock obſerves, that Hotham was as high and moroſe, as Fairfax was meek and courteous, p. 70.

[o] The ſon was ſecured, but the father, upon the firſt notice of what was doing, got out at Beverley-gate, there having been no orders to ſtop him. Ruſhworth, tom. V. p. 276.

[p] The ſon was beheaded on Tower-hill, January 1, and the father January 2, 1644, both denying they ever intended to deliver up Hull. Idem. p. 749.

that

that ſtatute in charge, and indictments were framed thereupon, directions were ſent from England, to ſuſpend and ſtay all proceedings upon that ſtatute, when by taking the penalty impoſed by that ſtatute, being nine-pence, for abſenting from church, Sundays and Holidays, the poor proteſtants there might have been eaſed of many heavy payments and taxes, which were after impoſed upon them.

"That the late earl of Strafford, being the king's lieutenant there, did by his great favourite ſir George Ratcliff, one of his majeſty's privy-council of that kingdom, hold correſpondency with the popiſh clergy, and particularly with Paul Harris, a known prieſt, who had both public and private acceſs to ſir George Ratcliff at all times, as well by night as by day.

"That in March 1639, the earl of Strafford carried with him into Ireland, ſir Toby Matthews, a notorious pernicious, Engliſh jeſuited prieſt (baniſhed at the beginning of this parliament, upon the importunity of both houſes) lodged this prieſt over againſt the caſtle of Dublin, the houſe where the earl did himſelf reſide, and from whence this prieſt daily rode to the public maſs-houſes in Dublin and negociated the engaging of the papiſts of Ireland in the war againſt Scotland.

"When the late lord chancellor Loftus and the earl of Corke were lords juſtices, they endeavoured to ſuppreſs the maſs-houſes in Dublin, and to convert them to pious uſes; one, which was in the ſtreet called the Back-lane, they diſpoſed of to the univerſity of Dublin who placed a rector and ſcholars in it, and maintained a weekly lecture there: but after the earl of Strafford came to the government, the lecture was put down, the ſcholars diſplaced, and the houſe became a maſs-houſe, as formerly it had been.

"That divers monaſteries and nunneries were newly erected, immediately before the rebellion broke forth in divers parts of that kingdom: That at the Naas, where the earl of Strafford had his chief ſeat and reſort, convents of friars, namely, Auguſtines, Franciſcans, Dominicans, were not only permitted, but alſo an houſe built there by the ſaid earl, for another purpoſe (as he pretended) ſoon after the building was converted to a friary, by the connivance of the ſaid earl.

"That the Iriſh popiſh army was kept on foot there for a long time after the beginning of this parliament; to the great furtherance of this rebellion, by teaching thoſe barbarous villains the knowledge of arms, under the notion of fighting againſt Scotland, but now made uſe of to extirpate both Engliſh and Scotch from the kingdom of Ireland.

"And that lead might not be wanting to the compleating of this intended rebellion, the ſilver mines of that kingdom, which afforded great ſtore of lead, and therefore fit only to be in the hands of proteſtants of known integrity, were farmed out by his majeſty to moſt pernicious papiſts, namely, ſir George Hamilton, ſir Baſil Brook, and the like; and upon the diſcovery of the plot for the ſurprizing of the city and caſtle of Dublin, divers barrels of muſket bullets were found (upon ſearch) in the houſe of the ſaid ſir George Hamilton in Dublin.

"That the earl of Strafford had, by a violent endeavour, entitled his majeſty by office to the whole counties of Roſcommon, Mayo, Slego, Galloway, and Clare, and to a great part of the counties of Limerick and Tipperary; by which means a door was opened, not only to increaſe his majeſty's revenue, but therewith to ſettle a plantation of proteſtants; and yet when the lords-juſtices and council of Ireland did by their letters exceedingly importune his majeſty that he would not part with thoſe counties, and that the plantation of Engliſh proteſtants might proceed as was formerly intended; his majeſty, notwithſtanding, did in the queen's preſence, by a clandeſtine agreement, give away, at a papiſt's requeſt, thoſe five whole counties, for a rent of 2000 l. or thereabouts.

"That archdeacon Maxwell teſtifies in his examinations taken in Ireland, that he heard Tirligh Oge O'Neale, brother to ſir Phelim O'Neale, the arch-rebel of Ulſter, confeſs, that the rebellion was communicated by the Iriſh popiſh committee to the papiſts in England, who promiſed their aſſiſtance. And Mac Mahoun, who was to join with the lord Mac Guire, for the ſuppriſing the caſtle of Dublin, being taken and examined, at the rack confeſſed, that the original of that rebellion was brought to them out of England, by the Iriſh committee employed to his majeſty for redreſs of grievances.

"That the earl of Caſtlehaven, a peer of England, and a notorious rebel in Ireland, Mr. Porter who declared himſelf a papiſt in Ireland, ſir Baſil Brooke, a popiſh treaſurer for the monies raiſed by the queen's ſolicitation for the war againſt the Scots; Mr. Andrew Brown a lawyer in Lincoln's-inn, heretofore expelled thence for being a known papiſt, with divers other dangerous Engliſh papiſts went out of England into Ireland, the ſummer before the rebellion broke forth, and were very active there.

"That the rebels in all parts of Ireland profeſſed, that the cauſe of their riſing was to preſerve his majeſty and the queen, from being oppreſſed by the puritan parliament, and that it was by their conſent, for they had good warrant in black and white for what they did. They called the Engliſh army, parliament-rogues, and traitors to the queen; and told them at the beginning of the rebellion, that e're long they ſhould ſee England as much in blood as Ireland then was: That they had their party in England and Scotland, which ſhould keep both kingdoms ſo buſy at home, that they ſhould not ſend any aid againſt them, with a multitude of ſuch-like expreſſions from the Iriſh of the beſt quality; as may appear by the examinations of colonel Audley Mervin, William Steuart, eſq; Henry Steuart, gent. herewith printed, and by divers other proofs.

"In the ſame month of October, wherein the rebellion of Ireland broke forth, the lord Dillon of Coſtelough (now in arms againſt the parliament and kingdom of England) went out of Scotland from his majeſty into Ireland, bringing his majeſty's letters, obtained by mediation of the queen, to be preſently ſworn a privy-counſellor of Ireland; who when he had taken the oath of a privy-counſellor, preſents to the lords-juſtices and council, from many of the inhabitants of the county of Longford, a letter in the nature of a remonſtrance, full of unreaſonable demands: as namely, to have freedom of religion, a repeal of all laws made to the contrary, and the like.

"In December after the rebellion, the ſame lord Dillon, together with his brother-in-law, the now lord Taaffe, a notorious papiſt, repaired into England, bringing with them ſeveral papers and inſtructions from many lords and gentlemen of the Pale, all now in rebellion, to negociate for them to his majeſty, and as they ſolicit with his majeſty here on the behalf of the rebels, ſo do they ſolicit the rebls from hence in the name of his majeſty, to perſiſt in their rebellion, as appears by the teſtimony of Mr. Jephſon, a member of the houſe of commons, lately delivered at a conference before both houſes in theſe words, viz.

'At my late being at Oxford, finding my lord Dillon and the lord Taaffe in favour at court, I acquainted the lord Faulkland, his majeſty's ſecretary, that there were two lords about the king, who, to his majeſty's great diſhonour, and the great diſcouragement of his good ſubjects, did make uſe of his majeſty's name to encourage the rebels: to make this appear, I informed, that I had ſeen two letters ſent by the lord Dillon and the lord Taaffe to the lord of Muſkerie, the chief man in rebellion in Munſter, and one of the Iriſh committee ſent into England, intimating, that though he did not ſtand with the conveniency of his majeſty's affairs to give him public countenance, yet that his majeſty was well pleaſed with what he did, and would in time give him thanks for it; (or near to that purpoſe.) That theſe letters were ſeen by the lord Inchiquine, the chief commander of the Engliſh forces in Munſter, and by his ſecretary, who had kept copies of them; and that I was ready to juſtify as much. Whereupon the lord Faulkland was pleaſed to ſay, that they deſerved to be hanged. But though I ſtayed there at Oxford about a week after this diſcovery made, I never was called to any farther account, nor any prejudice done to theſe two lords, but they had the ſame freedom in court as before, for ought I could obſerve or hear to the contrary.'

"That ſince this diſcovery made to the lord Faulkland, the ſame lord Taaffe, one Roche, and William Brent a lawyer, an active papiſts, with letters from his majeſty, went from Oxford to Dublin: and upon Thurſday before Whitſuntide 1643, in the evening, taking with them one colonel Barry, a profeſt papiſt, and pretending for Connaught, ſlipt away to Kilkenny, where the Tueſday following was a general aſſembly of all the chief rebels. When they had done their errand, Barry was left lieger at Kilkenny among the rebels; the lord Taaffe returned to Dublin; and upon Friday the 9th of June 1643, the lord Taaffe, with divers of the privy-council of Ireland, that favoured the rebels, met at the marquis of Ormond's houſe, where the propoſitions which the lord Taaffe brought from the rebels were debated. The lord Taaffe is ſince gone into Connaught, Brent is come back to Oxford to give an account of this employment.

"By this every man may conſtrue, what was meant by his majeſty's not conſenting that the parliament ſhould ſend a committee into Ireland the laſt year, to endeavour the carrying on the war againſt the rebels, upon pretence that the earl of Leiceſter was preſently to go over thither, who is yet remaining

remaining at Oxford. That when that committee had prevailed with the lords-juſtices and council, and with many of the prime commanders, and other officers of the army in Leinſter, to ſubſcribe by way of adventure for land in Ireland, to be ſettled by a new bill, very conſiderable ſums which were to be deducted out of their reſpective entertainments; then to render this endeavour fruitleſs, one captain Yarner did confidently affirm, that thoſe which had or ſhould ſubſcribe, were enemies to the king, a thing ſo incredible, that few could believe it, till the ſame man went to Oxford; and upon his return to Dublin, aſſured the lord marquis of Ormond and the officers, that he had diſcourſed with his majeſty about this way of ſubſcription, and that his majeſty did not approve of the ſame: whereupon thoſe who had ſubſcribed did withdraw their hands, and the reſt were wholly diſcouraged.

"That, about this time, a commiſſion was ſent over to meet with the rebels, and to hear what they could ſay, or propound for themſelves: which commiſſion was directed to the lord marquis of Ormond, and to ſome other commiſſioners; among whom Thomas Bourk, that had an hand in contriving this rebellion, was one, and who brought the ſaid commiſſion into Ireland, and confidently delivered the ſame at the council-table, to the amazement of all the council then preſent, that were not acquainted with the plot.

"That the lords and commons, to whoſe direction the war was committed, thought it expedient to ſend into Ireland a committee for that purpoſe, conſiſting of members of the houſe of commons, but authoriſed from both houſes; who carried with them above twenty thouſand pounds in ready money, beſides great ſtore of powder, match, and other ammunition: but when thoſe who favoured the rebels, ſaw, that during the abode of the committee there, parties were continually ſent forth to deſtroy the enemy; and that the committee engaged their own particular credits, to take up monies for the relief and ſetting forth of the army; a letter was ſent from his majeſty, and brought over by the marquis of Ormond's own ſecretary, wherein his majeſty did require, the lords-juſtices and council, not to admit the committee any more at their debates. And it is obſervable, that this letter was only ſigned with his majeſty's hand, without any ſecretary's hand to avow the ſame.

"The commons cannot conceive what is meant, that the juſtices and council are ſtraitly charged in that letter, upon their allegiance, not to ſuffer the committee to ſow ſedition among his majeſty's good ſubjects; unleſs to ſtir up and excite the Engliſh ſoldiers to the pay of the parliament, to proceed vigorouſly againſt the Iriſh rebels, be conſtrued as the ſowing of ſedition among his majeſty's good ſubjects.

"That, according to the teſtimony of ſir William Brereton, knight of the ſhire for the county of Cheſter, there landed, in June 1643, many Iriſh rebels in Werrel in Cheſhire, ſome whereof acknowledged, that they had waſhed their hands in the blood of ſeveral Engliſh and Scotch in Ireland, and now hoped to waſh their hands in the blood of Engliſhmen in England: the country where theſe rebels firſt arrived, did all riſe with their beſt weapons, and apprehended ſeveral of them; but they were reſcued out of their hands by a troop of horſe, which came from the commiſſioners of array, who alſo ſeized about twenty-eight of the honeſt countrymen priſoners.

"And that the councils now predominant at Oxford, and the ſupreme council of rebels at Kilkenny, are concurring and aiding one another, as well by ſea as by land, is apparent by that which follows: the commiſſioners authorized to command the king's forces in the weſt, by an authority derived unto them under the great ſeal of England, do grant commiſſions or letters of mart, for the apprehending and taking, for his majeſty's ſervice, all ſhips and veſſels belonging to the cities and towns that have declared for the parliament; and on the other ſide, the rebels of Ireland grant the like commiſſions. And as the ſhips in his majeſty's ſervice do gratify the rebels of Ireland, in ſeizing the ſhips that bring proviſion for the relief of the Engliſh army in Ireland; ſo the rebels of Ireland do in like manner gratify his majeſty, by commanding the ſhips ſet forth by them to examine all Engliſh ſhips at ſea, whether they be for the king or parliament; and if they be for the king, to let them go; but if for the parliament, to take and pillage them. All which is proved by the depoſitions herewith annexed.

"The earl of Antrim, a notorious rebel, was taken by the Scots army in Ulſter, and impriſoned there, upon ſuſpicion of high-treaſon: to avoid his trial, he broke priſon, and fled into the north parts of England, and hath been with the queen at York a long time; from whence he was ſent to the rebels of Ulſter, with ſecret inſtructions, and had ammunition aſſigned him by the queen's directions: and what care was taken of his ammunition appears by a letter here annexed, dated at York the 8th of May 1643, written by ſerjeant-major Roſſe, at the deſire of Mr. Jermin.

"Since this care taken of the ammunition of the earl of Antrim, the earl of Antrim is taken the ſecond time by general major Monroe, as he was returning from the queen, to the rebels of Ulſter, with divers letters, inſtructions, and papers: and by the confeſſion and depoſition of the earl of Antrim's own ſervant, who was taken with his maſter, and ſince condemned and executed, it is evident, that there was, and doubtleſs yet is, a deſign on foot to reconcile the Engliſh and Iriſh in Ireland; and that by their joint power having expelled the Scots, the Iriſh forces that might be ſent againſt the parliament of England. The earl of Antrim, the lord of Aboyn, and the earl of Niddiſdale, were three principal agents employed in this plot. This clearly appears, in that the lord of Aboyn, in a letter taken in the earl of Antrim's pockets, writes in theſe words:

My Lord,

'BEING certainly informed by Niddiſdale's ſervant, That there is a new order ſince we parted, for ſtopping of the ammunition, I have taken occaſion to intreat your lordſhip by this bearer, that I may know the particulars of it. I muſt confeſs it ſurprizeth me, that any diſtance ſhould alter ſo ſeaſonable a concluſion: and certainly, I ſhall never deſerve to be made the inſtrument of fruſtrating the hopes of thoſe parts, which ſhould have been enabled by this ſupply: I am perſuaded there is ſcarce another mean to make our fidelity uſeleſs for her majeſty's ſervice.'

"And that it might appear to the rebels of Ireland, that the earl of Antrim was accounted his majeſty's good ſubject, and had his majeſty's approbation for what he was to act there, he was furniſhed with a paſs from the earl of Newcaſtle.

[The paſs is here inſerted at length in the declaration. The reſt of the article tends to ſhew by the earl of Antrim's confeſſion, and that of Stuart, one of his ſervants, that the earl was employed by the queen to make peace with the rebels.]

"The houſe of commons, among a numerous company of proofs of this kind, concluded with the teſtimony of John Dod, late miniſter at Anneghliffe in the county of Cavan, who was examined at the bar of the houſe of commons, and teſtifieth,

'That after he had ſuffered many miſeries in this rebellion of Ireland, he repaired into this kingdom, and ſome occaſion carrying him to Oxford, he ſtaid there ſeven weeks, and came out of Oxford the 13th of June 1643. That during his ſtay there, he ſaw a great number of Iriſh rebels, whom he very well knew to have had a hand in the moſt barbarous actions of that rebellion; as the daſhing of ſmall infants in pieces, the ripping up of women with child, and the like, among whom was one Thomas Brady, who, at Turbet in in Ireland, within ſeven miles where the ſaid Dod lived; as thirty-ſix old men, women, and children, not able to flee, were paſſing over a bridge, cauſed them all to be thrown into the water, where they were all drowned; that this Brady is now at Oxford in great favour, and ſerjeant-major to colonel Percy's regiment: that he ſaw there three Franciſcan friers, namely;———and three jeſuits, namely;———who were all very earneſt for the cauſe, and daily encouraging the ſoldiers to fight againſt the round-heads, and for that purpoſe have liſted themſelves in the lord Dillon's troop, and are called cornets: that there are daily and public meetings at maſs, in almoſt every ſtreet there; and verily believes in his conſcience, that for one ſermon preached, that there are four maſſes ſaid now at Oxford: that he ſaw ſir John Dungan there, a man accuſed of high-treaſon in Ireland, for being in rebellion, and fled into England, who hath a commiſſion for a troop of horſe: the lord Barnewall of Trimbleſtown, and his ſon, who hath a commiſſion for a troop of horſe, and is now gone into Wales to raiſe them: a ſon of the lord Newterfield, who hath gotten a commiſſion likewiſe: that, as near as he can poſſibly compute, there was then at Oxford above three thouſand rebels; and that moſt of the king's life-guard are Iriſh."

The two houſes concluded in the following manner: "Upon the whole matter, no man can think, that this rebellion in Ireland, ſo barbarous and bloody, that one hundred and fifty-four thouſand proteſtants, men, women, and children, Engliſh and Scotch, were maſſacred in that kingdom, between the 23d of October, when the rebellion broke forth, and the 1ſt of March following, by the computation

of the prieſts themſelves that were preſent, and were directed by ſome chief rebels of Ireland to take this computation, leſt they ſhould be reported to be more bloody than in truth there was cauſe: no man can believe, that this horrid and unparalleled rebellion ſhould be the undertaking of the rebels alone, being ſet on foot when a parliament was ſitting in England, that could not diſſolve without its own conſent, when all nations profeſſing the Romiſh religion, were at peace with England, and ſo engaged at home, that the rebels, in reaſon, could not expect any conſiderable aſſiſtance from them, nor could think themſelves able to encounter England or Scotland either, much leſs both together: ſo that to imagine the nobility, gentry, and in a manner the whole kingdom of Ireland, ſhould thus deſperately engage their lives and eſtates in ſo raſh an enterprize, without being encouraged, incited, nay, commanded from England, with aſſurance both of connivance and aſſiſtance too, were to deny them to be reaſonable creatures.

"And therefore the houſe of commons, abundantly ſatisfied in their own conſciences and judgments of the truth thereof, cannot but declare to the world, that by all theſe concurring circumſtances, and convincing proofs, they are perſuaded, that this unheard of, and monſtrous rebellion of Ireland, was projected, incited, and aſſiſted by thoſe councils now only prevalent with his majeſty: that the queen, with her Romiſh prieſts, the papiſts of all his majeſty's three kingdoms, have been principal actors and ſticklers herein: that, now theſe bloody rebels have in a manner rooted out the proteſtant religion in Ireland, there is a deſign to pardon them, and bring them into England to do the like: that no earthly power is likely, in human reaſon, to withſtand this damnable plot, but the power of the parliament in England, which is now declared by a late proclamation, to be no free parliament, to be null, and of none effect; and all poſſible endeavours uſed, by ſtrength and ſtratagem, to deſtroy the ſame. So that the houſe of commons do conceive it impoſſible, that ſo many of thoſe which would be thought the honeſt and moderate Engliſh proteſtants, ſhould any longer be blinded and led on, to join with German, French, Walloon, Engliſh, Scotch, and Iriſh papiſts; and thereby to ſurrender up at once the proteſtant religion, the parliament, liberties, and laws of England, into the hands of papiſts and ſtrangers; that ſo this renowned kingdom may be no more a nation."

As the charge againſt the king of exciting the Iriſh rebellion, or at leaſt of conniving at it, made a great noiſe in thoſe days, and as all the hiſtories are full of it, I thought it neceſſary to ſhew the grounds or pretences of it, by giving the ſubſtance of this declaration. For it is not likely, the parliament ſhould have omitted any thing capable of proving their aſſertion, though it be true, that the king afterwards took certain ſteps which could have very much ſwelled this manifeſto. I ſhould be glad, according to my uſual method, to give here the king's particular anſwer to theſe articles. But I have not been able to find any, or ſo much as to know, whether he ever returned an anſwer. Indeed he uſed his utmoſt endeavours to clear himſelf from the accuſation; but it was only by generals and proteſtations, without replying to any particular article, no not even in his Eikon Baſiliké, where he undertakes to vindicate his whole conduct.

I cannot therefore but obſerve, concerning this declaration, that there are ſome articles which ſeem very much aggravated; and others, from whence may be drawn conſequences not ſo odious as thoſe here inſinuated. But then it cannot be denied, that there are ſome, to which it were to be wiſhed, for the king's honour, he had returned diſtinct and particular anſwers.

It appears by this manifeſto, that the parliament had little regard for the king. But beſides the animoſity and revenge, which might enter into the deſign of blackening his reputation, it is certain, policy had no ſmall ſhare in it. The king, in all his public papers, repreſented himſelf as being perfectly innocent of all that was laid to his charge, and as having undertaken the war only in defence of the laws and liberties of the nation. He deſcribed the two houſes as a company of robbers, who for their own private ends, had put the kingdom in a flame, refuſed the obedience due to him, and, without any cauſe, trampled upon all the known laws of the land. The gratifying the paſſion of revenge was not the king's ſole motive; there was another much more dangerous to the parliament; and that was, to draw the people of London to his ſide, by means of theſe papers (which his friends took care to diſperſe in the city) and thereby to force both houſes to conclude ſuch a peace as he deſired, that is, a peace which ſhould reſtore him to all his rights. If therefore the two houſes, out of reſpect to the king, had neglected to defend themſelves, their ſilence might have been very prejudicial to them, ſince people are apt to believe, if an accuſation be not anſwered, it is becauſe there is no good anſwer to be given. It was therefore the parliament's buſineſs to try, as far as poſſible, to inlighten the people, whom the king, as they pretended, had a mind to impoſe upon by general proteſtations, to which they laboured to ſhew his actions did not correſpond. This was the great end of the declaration, wherein they endeavoured to demonſtrate the king's inſincerity, in that, whilſt he called heaven and earth to witneſs, that he had no other intention than to maintain the proteſtant religion, "without conniving at popery," he was labouring to make a peace with the Iriſh rebels; a peace, which in the conjuncture of affairs could not be concluded, but by granting things inconſiſtent with the ſafety of the proteſtant religion.

On the other hand, as the king by his papers and emiſſaries in London, was continually endeavouring to convince the public of the ſincerity of his zeal for religion, for the laws and the liberties of the people, without ever mentioning what paſſed the fifteen firſt years of his reign, the two houſes were concerned to renew the remembrance of thoſe times, leſt the occaſion of their fears and jealouſies ſhould in the end be forgot. And therefore they did two things very proper to produce this effect. The firſt was, to order king James's book for tolerating ſports on Sundays, which Charles I. had cauſed to be publiſhed again in the churches, to be burnt by the common hangman. This book being almoſt forgot, could not produce any great effects at the time I am ſpeaking of. But in all appearance, both houſes meant thereby to inſinuate to the people, what was to be expected from the king's great zeal for religion, in caſe he came to be reſtored to his former power. The ſecond was, to proceed to judgment againſt judge Berkley, whom the lords condemned in the exorbitant fine of twenty thouſand pounds, and to ſtand committed to the Tower till he ſhould be tried upon the other articles alleged againſt him. For this ſentence concerned only that part of his charge relating to his extrajudicial opinions in the caſe of ſhip-money. Berkley was one of the king's moſt zealous inſtruments to eſtabliſh an arbitrary power. Nevertheleſs, he had now lain three years in priſon, without being thought of. But this year the parliament believed it proper to bring him to judgment, as well to revive the memory of a time, the king was endeavouring to bury in oblivion, as to reap the benefit of his fine[q]. This laſt motive makes the lord Clarendon ſay, that the parliament in appropriating the fine to themſelves, which by the laws was due to the king alone, were thought by many to be guilty of a greater crime than that for which Berkley was ſentenced. This ſuppoſes, that even when the king and parliament were making war upon one another, the parliament ſhould do the king juſtice, and ſend him the money ariſing by fines and confiſcations. But the two houſes were ſo far from allowing this maxim, that, on the contrary, the ſame month they paſſed an ordinance for ſeizing the king, queen, and prince's revenues, for the public uſe[r], that is, to be employed in the war againſt the king. Four days after, the king on his part publiſhed a proclamation, forbidding all tenants or debtors to pay any rents or debts to ſuch perſons as were in open rebellion againſt him. But theſe orders, as well from the king as the parliament, were executed only in places where they were ſupported with power.

Moſt of the lords, who had withdrawn from the parliament and retired to the king, meeting with a very cold reception at Oxford, thought fit once more to change ſides, and return to London. The earl of Holland led the way[s]. He was at firſt put under confinement, but ſome days after, had leave to live upon his own eſtate, without any employ. Probably he had expected a better reception, ſince after his return he publiſhed a declaration very injurious to the king, wherein he ſaid, that retiring to Oxford, in hopes by his credit to procure a peace, he had been labouring it to the utmoſt of his power, but (added he) without ſucceſs, the king

[q] The half of his fine was abated, and upon payment of the other half, he had his liberty. Clarendon, tom. II. p. 290.

[r] Or rather as they word it, "for the good of his majeſty, and the common-wealth." See Ruſhworth, tom. V. p. 362.

[s] The lord Clarendon ſays, he expected to be reſtored to his places of lord-chamberlain and privy-counſellor; of which he had aſſurance, before he came, from the queen; at leaſt, from Mr. Jermyn, who, no doubt exceeded his commiſſion. This diſappointment was the occaſion of his return. Clarendon, tom. II. p. 279.

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and his council being entirely averſe to all accommodation, becauſe every thing at court was managed by the papiſts [t]. The earl of Northumberland, who was retired to Petworth, being informed how ill the earl of Holland was received at Oxford, thought proper to return to the parliament, where he was received with reſpect, both houſes being willing to ſuppoſe, he had never intended to leave them, though many ſuſpected he had withdrawn to his own eſtate, on purpoſe to ſee what reception the other lords would meet with at Oxford. The earls of Bedford and Clare took alſo the ſame courſe, and came off with being debarred for a time from ſitting in parliament [u].

One of the principal tranſactions of the year 1643, was the reſolution of both houſes to make a new great-ſeal. It had been propoſed by the commons in July: but, whether through ſcruple, as ſome pretended, or becauſe the king's ſecret party were yet very numerous in the houſe of peers, the lords refuſed their conſent, or rather delayed their anſwer. But in the November following, their ſcruples vaniſhed. The commons repreſented to them in a conference, the miſchiefs occaſioned by the conveying away, and through the want, of the great-ſeal [w].

I. It was ſecretly and unlawfully carried away by the lord-keeper, Littleton, who ought not to have departed without leave of both houſes. Nor would have been ſuffered to do ſo, if his intentions had been diſcovered.

II. It hath been ſince taken away from him, and put into the hands of ill-affected perſons, ſo as the lord-keeper being ſent to by the parliament for the ſealing ſome writs, anſwered, "He could not ſeal the ſame, becauſe he had not the ſeal in his keeping."

III. That thoſe who have had the managing thereof, have employed it to the hurt and deſtruction of the kingdom; as by making new ſheriffs, to be as ſo many commanders of forces againſt the parliament; by iſſuing out illegal commiſſions of array; by ſending forth proclamations againſt both houſes of parliament, proclaiming them traitors.

And through the want of the great-ſeal, 1. The terms have been adjourned, the courſe of juſtice obſtructed. 2. No original writs can be ſued for without going to Oxford, which none that holds with the parliament can do, without peril of life or liberty. 3. Proclamations in parliament cannot iſſue out for bringing in delinquents impeached of high-treaſon, or other crimes, under pain of forfeiting their eſtates. 4. No writs of error can be brought in parliament to reverſe erroneous judgments, nor writs of election iſſued out for chuſing new members upon death or removal of any, whereby by the number of members is continually leſſening. 5. Every other court of juſtice has a peculiar ſeal, and the parliament, the ſupreme court, has no other ſeal but the great-ſeal, and ſo now no ſeal at all. 6. The great-ſeal is the Clavis Regni, and therefore ought to be reſident with the parliament (the repreſentative of the whole kingdom) whilſt it continues ſitting; the king, as well as the kingdom, being always legally preſent in it during its ſeſſion.

The next day the lords declared their conſent to the making a new great-ſeal. Accordingly a great-ſeal was made exactly like that in the king's hands [x], and, by an ordinance of both houſes, it was declared, that all letters patent and grants, which had paſſed under the great-ſeal ſince the 22d of May, 1642 [y], were void, and of no effect. That the new great-ſeal ſhould be of like force, power, and validity, as any great-ſeal of England had ever been, and be put into the cuſtody of the perſons hereby ordained commiſſioners for that purpoſe, who ſhould have the ſame power and authority as any lord-chancellor or lord-keeper had uſed to have. On the laſt of November, the new great-ſeal was carried by the ſpeaker of the commons, attended with the whole houſe, to the lords, and delivered to the lord Grey of Werk their ſpeaker, who in the preſence of both houſes gave it to the commiſſioners [z]. The firſt thing ſealed with it, was a patent to the earl of Warwick, or lord high-admiral of England, the earl of Northumberland not being in that favour with both houſes as formerly.

The king and his friends made a great noiſe upon this incroachment of the parliament, and urged the ſtatute of the 25th of Edward III, by which the counterfeiting the great-ſeal, is in expreſs terms declared to be high-treaſon. But it is eaſy to perceive, this ſtatute concerned only private perſons and not both houſes of parliament, and that it was not poſſible, when the ſtatute was made, to foreſee the king and the parliament would be one day divided. Beſides, it cannot be ſaid, that private perſons have any right to diſpoſe of the great-ſeal. But it is not the ſame with both houſes of parliament, who are the repreſentatives of the nation. For the great-ſeal is not the king's ſeal in particular, but the kingdom's, and the kingdom is a body compoſed of the king, who is the head, and the people, who are the members. If the king has the diſpoſal of the great-ſeal, it is only as he is the moſt noble of the members of this body, conſidered as being united with, and not as being ſeparated from, the other members [a]. If therefore ſuch a ſeparation happens, as was at the time I am ſpeaking of, it is hard to conceive, by what title the king or people, ſeparately, may claim the diſpoſal of the great-ſeal, which is the ſeal of their joint, not ſeparate, authority. In ſhort, I doubt, that they who moſt ſtrenuouſly affirm, that in ſuch a ſeparation, the king ought to have the ſole diſpoſal of the great-ſeal, are willing to admit all the conſequences flowing from that principle. The great-ſeal ſtamps an inviolable authority upon all the acts to which it is applied. If therefore, in caſe of an open war between king and parliament, the king could, by means of the great-ſeal, communicate ſuch an authority to all his particular acts, where would be the bounds of his power, which by the conſtitution of the government, is limited by the laws? He would need only to declare by proclamation under the great-ſeal, as Charles had really done, that according to the laws, the members of parliament are traitors and rebels, and then the point would be decided by the ſole poſſeſſion of the great-ſeal, and the king might aſſume an unlimited power by this authority. But how would the caſe be, if the parliament was in poſſeſſion of the great-ſeal, and by the like proclamation ſhould declare the king traitor and rebel; would the application of the ſeal give ſuch an act an inviolable authority?

It will doubtleſs be ſaid, that the great-ſeal gives an inviolable authority to ſuch acts only as are agreeable to the laws, and that the laws expreſly declare thoſe who take up arms againſt the king, guilty of high-treaſon. But it is manifeſt, the laws, as they neither could, nor ought to, foreſee an actual ſeparation between the king and the people repreſented in parliament, have conſidered the king only as the head, inſeparably united with the body, and not as the head divided from the other members. Elſe it might be ſaid, the laws have aſcribed to the king an unlimited power, which is directly contrary to the conſtitution of the Engliſh government. Certainly the laws have conſidered the king but as head of the ſtate, and the crime of taking up arms againſt him relates, not more to his perſon in particular, than to the reſt of the ſtate. The parliament therefore ſeems to have had no leſs right to make a new great-ſeal, than the king would have had, if the common-ſeal had been in the hands of the parliament, ſince the ſeal was not the property of either, but belonged to both, conſidered as being inſeparably united together.

About this time, count Harcourt, a prince of the houſe of Lorrain, was ſent from France into England. He came directly to London, where he was received with great ceremony as embaſſador extraordinary, though he had not preſented his credentials to the parliament. But it was ſup-

[t] Whitelock ſays, the earl of Holland being examined by the parliament, ſaid, that "after he heard of the ceſſation in Ireland, his conſcience would not give him leave to ſtay any longer with him at Oxford." The young earl of Caernarvan came alſo from Oxford to the parliament, and was committed to the care of his grandfather the earl of Pembroke. Whitelock. p. 77.—The lord Clarendon obſerves, upon this occaſion, that the ill reception of theſe lords, made the king, and all about him, looked upon as implacable; and ſo diverted all men from any thoughts of returning to their duty, and chuſe rather to ſtay where they were, than expoſe themſelves by unſeaſonable and unwelcome addreſſes. Tom. II. p. 283.

[u] It was ſaid in drollery, that theſe three earls had much confirmed others to continue with the parliament, for they having tried both parties, found it by experience, that this was the beſt to be in, and adhere to. Whitelock. p. 71.

[w] The author having confounded theſe two reaſons for making a new great-ſeal, they are placed in order in the tranſlation.

[x] There was engraven on one ſide the picture of the houſe of commons, with the members ſitting; and on the other, the arms of England and Ireland. Whitelock, p. 70.

[y] The day the lord-keeper Littleton left the houſe, and went with the ſeal to the king at York.

[z] Two lords and four commoners, who thereupon took the oaths for the due execution of their places; the ſpeaker of the peers ſwearing the lords, and Mr. Brown, the clerk of the lords houſe, the four commoners. The ſeal was ordered to remain at the ſaid Mr. Brown's houſe, in an iron cheſt, with three different locks, and not to be removed thence, but in the preſence of three commiſſioners. The two lords were firſt, the earls of Rutland and Bullingbrook, but the earl of Rutland alleging himſelf not qualified for ſuch a charge, the earl of Kent was nominated in his room. (Whitelock ſays, the lords were Mancheſter and Bullingbrook, p. 71.) The four commoners were, St. John's, Wilde, Brown, and Prideaux, all lawyers. Ruſhworth, tom. V. p. 342.

[a] And as the executive power is lodged in his hands.

Whilſt

poſed, he was not without them, and intended to addreſs himſelf firſt to the king. After ſome days ſtay in London, without any application to both houſes, he went to Oxford, where he had ſeveral conferences with the king. After that, he writ to the earl of Northumberland, that having propoſed to his majeſty from the king of France and the queen-regent, the making of a peace with his ſubjects, he found him wholly inclined to enter into negociation, and that if both houſes would inform him wherein conſiſted the differences between the king and them, he would gladly uſe his intereſt to adjuſt them. Both houſes thought it very ſtrange, that this prince ſhould offer his mediation, without producing his credentials. They told him therefore by the earl of Northumberland, that they received with all due reſpect, the offers of the king and queen-regent of France, and that as ſoon as he ſhould ſhew, he was authorized of ſuch a mediation, they would not fail to appoint a committee to treat with him. But he had no credentials for the two houſes, the queen-regent not judging proper to own them for a parliament, ſince the king of England refuſed them that title. So, this pretended mediation was not only fruitleſs, but was alſo a clear indication, that the French court had ſent this embaſſy only as an outward teſtimony of their concerning themſelves in the king's affairs, though in all appearance, they did not much deſire to ſee an end put to the troubles of the kingdom [b].

Sir Edward Deering, who had made himſelf ſo famous in the beginning of this parliament, by his zeal for his country, and by ſeveral noble ſpeeches upon grievances, was grown extremely verſe to the proceedings of both houſes, ſince he found, the aim of ſome of the leading-men was to eſtabliſh preſbyterianiſm in the church of England. For that cauſe, after the war was begun, he forſook the parliament, and turned to the king. But, in all appearance, he was no better pleaſed with the court than he had been with the parliament, ſince he followed at laſt the example of the lords above-mentioned. He came to London in February 1643-4, and preſenting a petition to the houſe of commons, whereof he was member, he obtained leave to ſpend the reſidue of his days at his houſe near Canterbury, where he died within a few months [c].

Mr. Pym, one of the pillars of the parliament, and a chief director of the affairs of the houſe, died December the 18th, 1643. The king's adherents ſpeak of him as of a very wicked man, and thoſe on the ſide of the parliament repreſent him as the greateſt patriot than in England. Opinions ſo oppoſite about the ſame perſon are not uncommon. It is not ſtrange, that from oppoſite principles ſhould be drawn contrary conſequences. Thus much is certain, Mr. Pym's death was a very great loſs to the parliament, he being one of the moſt able members of the houſe [d].

The commons, as was ſaid, impriſoned in May this year, 1643, a perſon ſent by the king with the offer of peace, and ſhortly after he was diſcovered to be one of thoſe employed by the king to keep a correſpondence in London. The king could not be ignorant, the commons had twice declared, they would treat as ſpies ſuch as ſhould come from the king's quarters to London, without a ſafe-conduct. Beſides that he had good correſpondents in London and the parliament, he had no occaſion to be informed of the particular reſolutions, to know it is not allowable for men, without a ſafe-conduct, to come into the enemy's quarters ſince it is a maxim received, wherever a war is declared. But there was ſomething in the preſent caſe ſtill more particular. For, upon the houſe arreſting this meſſenger, his majeſty, by advice of his council, had deemed it inconſiſtent with his honour to hold any farther correſpondence with the parliament. Moreover, the 18th of October, both houſes had publiſhed an ordinance, declaring, any perſon coming to London from the king's quarters ſhould be looked upon as a ſpy. And yet twelve days after, on the 30th of October, the king ſent privately to London, Daniel Kniveton, a ſtate meſſenger, with three proclamations, one againſt "Taking of a ſolemn league and covenant;" another, againſt "the obſervation of the monthly faſt," enjoined by the parliament; a third for "removing the ſeals of the green-wax offices belonging to the Exchequer, King's-bench, and Common-pleas, to Oxford." This man was taken up, and committed to priſon. Nevertheleſs, the 19th of November following, Carpenter, another meſſenger, was privately ſent by the king, with an order to the judges to adjourn the term to Oxford [e]. Carpenter was alſo apprehended, and they were both tried and condemned to die. Kniveton was the leſs excuſable, as he had before been taken and detained at Windſor for the ſame reaſon, and diſcharged by the general. All the defence he made was, that being the king's ſworn meſſenger, he was obliged to obey him; that beſides, not taking London for a garriſon, he thought he might have come without drum, trumpet or paſs. But this defence not being capable of ſaving his life, he was executed. Carpenter, though under the ſame condemnation, was reprieved and committed to Bridewell [f]. The lord Clarendon ſpeaks of the ſentence paſſed upon theſe men as of a great injuſtice, for two reaſons; that they were obliged to obey the king, being his meſſengers; and that the parliament had not cauſed their ordinance to be notified to the king. I doubt, all will not be induced by theſe reaſons to condemn the proceedings of both houſes. The king at leaſt ſeems not to have blamed them, ſince he did not uſe repriſals, neither does it appear that he ever complained of it in form.

In proportion as the war was continued, the animoſity between the king and the parliament was inflamed, who no longer regarded each other. The king refuſed to own the two houſes for parliament, and they omitted nothing, as appears in their declaration concerning the Iriſh rebellion, to blacken the king's reputation. Theſe proceedings were not confined to England, where they might be in ſome meaſure neceſſary, becauſe the point was to gain the people, but care was taken alſo to convey papers abroad, tending to vindicate one of the parties, and blacken the other. Both houſes being informed, or it may be ſuppoſing, that the king had emiſſaries abroad, who were uſing their utmoſt endeavours to repreſent the civil wars in England as a horrible rebellion againſt the ſovereign, ordered the aſſembly of divines then ſitting at Weſtminſter [g], to write letters to the churches of Zealand, Holland, France, and Switzerland, to warn them againſt the artifices of the king's agents, by giving them a clear relation of the affairs of England. They charged them to inſiſt chiefly upon the king's employing Iriſh rebels, and other papiſt, to be governors, commanders, and ſoldiers; to lay before them the proofs of the intention of the king's counſellors to introduce popery, and hinder the reformation deſigned by the parliament: laſtly, to inform them of the diſadvantageous opinion of the king's party concerning the proteſtant churches abroad, becauſe not governed by biſhops. The aſſembly failed not to ſend to theſe churches a circular letter, which was properly a manifeſto for the parliament againſt the king, with copies of the ſolemn league and covenant, and of the declaration of England and Scotland on that ſubject.

Some time after, the king, on his part publiſhed a manifeſto, addreſſed to all the proteſtant churches, to efface the

[b] Whilſt count Harcourt was in England, he had two affronts put upon him. 1. He had not been landed four and twenty hours, before Walter Montague, one of his train, was apprehended and committed to the Tower. This man was an agent of the king's in the court of France, and thought, by diſguiſing himſelf, to get a ſafe paſſage to Oxford, in the embaſſador's retinue. 2. As count Harcourt was going from London to Oxford, his coach was ſearched for letters, though he had a ſafe-conduct. For both which indignities he could get no redreſs. Clarendon, tom. II. p. 307, 308.

[c] He died June 23, 1644. Beſides his former papers, he left behind him a learned diſcourſe (publiſhed about a week before his death) concerning the Proper Sacrifice, wherein he ſolidly and eloquently confutes popiſh tranſubſtantiation. Ruſhworth, tom. V. p. 384.

[d] The lord Clarendon will have it, that he died of the 'morbus pediculoſus,' or 'lowſy diſtemper. Tom. II. p. 353. And the ſame is affirmed in Mercurius Ruſticus. Whereas, Ruſhworth ſays, there was ſuch a report, but the ſame was not true; and for public ſatisfaction, his body was viewed by many hundreds of people; the true natural cauſe of his death ſeeming to be the great pains he took, joined with a competent old age, and at laſt, but an ill-ſeated conſtitution. Whitelock ſays the ſame thing, but makes him die in May, p. 69. Some time before his death, he cauſed to be printed a vindication of himſelf, which the reader may ſee in Ruſhworth, tom. V. p. 256. He is ſaid to be the beſt verſed in parliamentary affairs of any man then in England. See Lud. tom. I. p. 80.

[e] The king had publiſhed ſeveral proclamations for the adjournment of the term to Oxford, which had been fruitleſs, for want of neceſſary legal form of having the writs read in court. So Carpenter was to deliver theſe writs of adjournment into the hands of either of the ſworn judges then remaining at Weſtminſter, who were Bacon in the King's-bench, Reeve in the Common-pleas, and Trevor in the Exchequer. Accordingly, he delivered the writs to Reeve and Trevor, who immediately cauſed him to be apprehended. Clarendon, tom. II. p. 313.

[f] From whence he eſcaped ſome time after, and returned to Oxford. Idem, p. 314.

[g] Divers members of both houſes, to a great number, ſat in this aſſembly and had the ſame liberty with the hundred and twenty divines, to debate and give their votes in any matter. Selden, who was a member, ſpoke admirably (ſays Whitelock, who was alſo a member, p. 71.) in theſe debates and ſometimes, when the divines had cited a text to prove their aſſertion, he would tell them, "Perhaps in your little pocket bibles with gilt leaves (which they would often pull out and read) the tranſlation may be thus, but the Greek and Hebrew ſignifies thus and thus," and ſo confuting them in their own learning. Not but there were many famous divines among them, as Twiſſe their Prolocutor, Edward Reynolds, afterwards biſhop of Norwich, Arrowſmith, Lightfoot, Gataker, &c. Their firſt meeting, purſuant to the ordinance of both houſes, was the 1ſt of July 1643, in Henry VII's chapel. Ruſhworth, tom. V. p. 339.

The

impreſſions which the parliament's circular letter might have cauſed. This manifeſto, which was very ſhort, contained only a proteſtation that he had never intended to conſent to the public exerciſe of the catholic religion in his dominions, but was firmly reſolved to adhere, to his laſt breath, to the church of England, wherein he was born, baptized, and educated; and to the liturgy of that church, approved by ſo many convocations and parliaments, by all the proteſtant churches, and the ſynod of Dort.

Mean while, the king was very much perplexed how to maintain the war the enſuing campaign, knowing the parliament were preparing to exert themſelves powerfully. He had been openly charged, before this parliament, with arbitrarily exacting money of his ſubjects, without conſent of parliament. He had himſelf owned, he had exceeded his power, ſince he had not only redreſſed that grievance, but alſo proteſted ſeveral times, he had redreſſed it freely and willingly. Since the war was begun he had never ceaſed to accuſe both houſes of the ſame arbitrary actions, which he himſelf had been ſo often upbraided with, in that they impoſed taxes upon the ſubjects without their conſent, directly contrary to the known laws whereon he perpetually inſiſted. By demonſtrating that both houſes violated the laws, he pretended to gain the people to his ſide. Mean while money was neceſſarily to be raiſed, not only to maintain the forces already on foot, but alſo to levy others, in order to reſiſt the Scots, who were upon the point of entering England. If, for the maintenance of theſe forces, he had impoſed taxes by his ſole authority, he could not have reproached both houſes for the ſame thing, and perhaps would have diſobliged his own party by acting againſt the laws. Money, however, was to be found at any rate, otherwiſe he would not be able to continue the war. Hitherto he had uſed ſeveral ways to raiſe money without giving any advantage againſt him, whether by ſelling or mortgaging the crown-lands, or by the voluntary contributions of his well-wiſhers. But the means he had already uſed were too uncertain to be ſafely relied on. He thought therefore, and found an expedient to free himſelf from this ſtrait. He aſſembled at Oxford all the members that according to him, had been driven from the parliament; preceding, theſe members were the true parliament, and the more, as he had publicly declared, he no longer looked upon both houſes at Weſtminſter as ſuch. He did not expect this new parliament would increaſe the number of his friends; but he could reaſonably hope it would grant him an aid of money, and that being anthoriſed by ſuch an act, he might openly and by way of authority levy what money was neceſſary. This happened accordingly, and was properly the king's aim in calling this parliament, which met at Oxford the 22d of January 1643-4[h].

As it was not proper the king ſhould immediately diſcover his ſole end in calling this extraordinary parliament, he only told them in the firſt ſpeech, that he had aſſembled them to receive their advice, and conſult with them how to appeaſe the troubles of the kingdom.

The firſt ſtep taken by this parliament, was to try to convince the public of their intention to labour for peace. I have already explained the conſtant ambiguity of the word peace, and the different ſenſes given it by the two parties, and therefore think it needleſs to repeat it. There is no queſtion, the king heartily wiſhed for a peace, but it was on condition it ſhould be made after his manner, and in his ſenſe of the word, elſe he was very averſe to it. To be convinced of what I advance, a man needs only conſider what the lord Clarendon ſays, ſpeaking of the motion made in the council to ſummon the Oxford parliament, which the king ſcrupled a little. "The king was at firſt in ſome apprehenſion, ſays that illuſtrious hiſtorian, that ſuch a conflux of perſons together of the parliament, who would look to enjoy the privileges of it in their debates, might, inſtead of doing him ſervice, do many things contrary to it, and exceedingly apprehended, that they would immediately enter upon ſome treaty of peace, which would have no effect; yet whilſt it was in ſuſpenſe, would hinder his preparation for war, and though no body more deſired peace, yet he had no mind that a multitude ſhould be conſulted upon the conditions of it: imagining, that things of the greateſt importance, as the giving up perſons, and other particulars of honour, would not ſeem to them of moment enough to continue a war in the kingdom." Hence appears what ſort of peace was deſired by the king. It was not ſuch a peace as the Oxford parliament might think reaſonable, but a peace whereby he ſhould not be obliged to make any conceſſions.

But his council quickly freed him from theſe apprehenſions, by the ſame method uſed on the like occaſion in the beginning of the war. It was intimated to him, that there was no probability, the two houſes at Weſtminſter would ever treat with the members that ſhould meet at Oxford, becauſe they would not look upon them under any notion, but as private perſons and deſerters of the parliament. Whereupon the king's ſcruples vaniſhed. As the Oxford parliament was intirely directed by the king, and as his majeſty agreed to the propoſing a peace to thoſe at Weſtminſter, it may eaſily be gueſſed, that in ſo doing, his intention was not to conclude it, unleſs both houſes at Weſtminſter would have ſubmitted to his terms. But the two houſes at Oxford had another view in this proceeding, namely, to lay a ſnare for the parliament at Weſtminſter, and ingage them, if poſſible, to treat with them, which would have been owning them for a parliament. However, they expected to reap ſome advantage from their refuſal.

To this end, a letter was ſent to the earl of Eſſex, ſigned by the prince of Wales, the duke of York, forty-three lords, and a hundred and eighteen members of the houſe of commons. In this letter it was ſaid, "That his majeſty having ſummoned them to attend him at Oxford, they were aſſembled in obedience to his commands: that his majeſty was pleaſed to invite them in the proclamation of ſummons, by graciouſly ſaying, 'His ſubjects ſhould ſee how willing he was, as far as in him lay, to reſtore the peace of the kingdom:' that this invitation had not only been made good to them, but ſeconded by ſuch unqueſtionable demonſtrations of his majeſty's deep ſenſe of the miſeries and calamities of his poor ſubjects in this unnatural war, and of his moſt entire and paſſionate affections to redeem them from that ſad and deplorable condition, by all ways poſſible conſiſtent with his honour, or the future ſafety of the kingdom: 'That as it were impiety to queſtion the ſincerity of them, ſo it were great want of duty and faithfulneſs in us, (his majeſty having vouchſafed to declare that he did call us, to be witneſſes of his actions and privy to his intentions) ſhould we not ſatisfy and witneſs to all the world the aſſurance we have of the piety and ſincerity of both.' Adding—That being ſatisfied of this truth, they had yet hopes to be the happy inſtruments of their country's redemption from the miſeries of war, and reſtitution to the bleſſings of peace; and were deſirous to believe, that his lordſhip, howſoever engaged, would co-operate with them in the bleſſed work, by truly repreſenting to, and induſtriouſly promoting with, 'thoſe by whom he was truſted[i],' their moſt earneſt deſire, that ſome perſons be appointed on either part, to treat of ſuch a peace as may yet redeem their country from the brink of deſtruction."

The earl of Eſſex returned this ſhort anſwer, "That the letter he had received, not being addreſſed to the two houſes of parliament, nor any acknowledgement of them being therein, he could not communicate it to them: that the maintenance of the parliament of England, and the privileges thereof, was that for which himſelf and his whole party were reſolved to ſpend their blood, as being the foundation whereon all the laws and liberties of the nation were built[k]."

Though the earl of Eſſex ſaid, he could not communicate the letter to the parliament, it was known however that his anſwer had been concerted with a committee of both houſes, called the committee of ſtate. Wherefore the king, knowing the intention of both houſes, believed he ſhould run no great hazard by ſending them a meſſage in a letter to the earl of Eſſex, directed to 'the lords and commons of parliament aſſembled at Weſtminſter.' This meſſage contained the uſual offers to treat of a peace, and appoint commiſſioners, if they would do the like on their part. The king added, he took this ſtep by the advice of 'the lords and

[h] The ſame day the parliament at Weſtminſter, called the houſes, and there appeared two hundred and eighty of their members, beſides a hundred more in the ſervice of the parliament, in the ſeveral counties; and now they expelled by vote forty members, who had deſerted the parliament. Whitelock, p. 80. In the houſe of peers, remained only the earls of Northumberland, Pembroke, Eſſex, Kent, Lincoln, Rutland, Saliſbury, Suffolk, Warwick, Mancheſter, Mulgrave, Denbigh, Stamford, Bullingbrooke. The lords Say, Dacres, Wharton, Grey of Werk, Willoughby of Parham, Howard of Eſerick, Rochfort, and Roberts. Clarendon, tom. II. p. 340.——The lords at Oxford, in a letter (ſubſcribed by fifty-two of them,) ſays, There were not above twenty-five peers at Weſtminſter; and the earls of Arundel and Thanet, the lords Stafford, Stanhope, Coventry, Goring, and Craven, were beyond the ſeas; and the earls of Cheſterfield. Weſtmoreland, and the lord Montague of Boughton, under reſtraint at London. They add, the houſe of peers conſiſted in all of above an hundred, beſides minors and recuſant lords. Ruſhworth, tom. V. p. 561.

[i] Not calling or allowing them to be the parliament.

[k] This letter was directed to the earl of Forth the king's general. With this letter he ſent a copy of the covenant, and the declaration of both kingdoms. Ruſhworth, tom. V. p. 567.

commons of parliament aſſembled at Oxford.' Both houſes eaſily perceived the king was laying a ſnare for them, by putting them under a neceſſity, either of accepting his offer, in which caſe they ſhould indirectly own the lords and commons aſſembled at Oxford for a parliament, or of rejecting it, and ſo furniſhing them with a reaſon to upbraid them for refuſing to labour for a peace. But they little regarded this artifice, and for anſwer declared, they would never own the members who had deſerted both houſes for a parliament. "And hereupon, added they, we think ourſelves bound to let your majeſty know, that ſeeing the countenance of this parliament is ſettled by a law, (which, as other laws of your kingdoms, your majeſty hath ſworn to maintain, as we are ſworn to our allegiance to your majeſty, theſe obligations being reciprocal) we muſt in duty, and accordingly are reſolved, with our lives and fortunes, to defend and preſerve the juſt rights and full power of this parliament; and do beſeech your majeſty to be aſſured, that your majeſty's royal and hearty concurrence with us herein, will be the moſt effectual and ready means of procuring a firm and laſting peace in all your majeſty's dominions, and of begetting a perfect underſtanding between your majeſty and your people, without which your majeſty's moſt earneſt profeſſions, and our moſt real intentions concerning the ſame muſt neceſſarily be fruſtrated."

I have before ſhewn, with what thoughts the king propoſed a peace to both houſes at Weſtminſter, namely, that this general offer would not be accepted as was eaſy to foreſee. Upon this refuſal it was to both houſes at Oxford exulted as if the bare propoſal of a peace had been a clear and evident demonſtration of their ſincere deſire to make a reaſonable peace. They publiſhed upon this occaſion a long declaration, ſo like thoſe publiſhed by the king on the ſame occaſion, that it was not difficult to perceive it flowed from the ſame fountain. They publiſhed alſo, ſome time after, another pretending to ſhew, that the members aſſembled at Oxford had been forced from the parliament by the threats and outrages of the leading men. In this declaration were repeated all the outrages and artifices uſed by the chief of the party, to intimidate ſuch as would not conform to their ſentiments, and this it was pretended, was the ſole reaſon of their being obliged to retire. This was really the king's ſcheme, but it may be ſaid to be ill grounded. For the members who had deſerted the parliament, had not, for the moſt part, abſented themſelves, till long after theſe pretended outrages, ſome by the king's own expreſs order, others for fear of being puniſhed for endeavouring to raiſe commotions againſt the parliament. But care was taken not to mention this in the declaration. After all, ſuppoſing ſome had withdrawn themſelves purely out of fear, it is certain their number came far ſhort of thoſe who retired with the ſole view of ſerving the king. However, they were all confounded in the ſame claſs, as having been expreſly driven from the parliament.

Some time after, both houſes at Weſtminſter publiſhed alſo a manifeſto, wherein they pretended to ſhew, that under the ſpecious colour of propoſing peace, a ſnare was laid to engage them tacitely to own that they were not the parliament, but that the true parliament was aſſembled at Oxford. They drew their proofs from ſeveral letters written from Oxford to the earl of Eſſex, from the expreſſions in the king's late meſſage, but eſpecially from an intercepted letter from the lord Digby, where he ſaid: "A point which his majeſty may not ſuffer them to gain, without ſubverting the grounds and maxims of all his late proceedings againſt them, and that which he now goes upon by the advice of all his nobility here, as you will perceive by this incloſed proclamation[l], upon the effects whereof all the eyes of the kingdom are fixed. God ſend them to be as good actuated, as they are in ſpeculation, for I am confident, that in reaſon it carries probability of the ſureſt and readieſt way to a re-eſtabliſhment of his majeſty in his juſt rights and powers of any courſe that hath been yet attempted."

The day before the two houſes at Oxford writ to the earl of Eſſex, to propoſe a peace, they voted, That the Scots having entered the kingdom in an hoſtile manner, had thereby denounced war againſt England, and that all the Engliſh who ſhould aſſiſt them, ſhould be deemed as traitors and enemies to the ſtate.

March the 12th, the ſame houſes at Oxford voted, "That the lords and commons now remaining at Weſtminſter, are guilty of high-treaſon, for raiſing of forces under the command of the earl of Eſſex, for conſenting, and being aſſiſting to the preſent coming in of the Scots into England, and for counterfeiting the great-ſeal." But as votes did no hurt to the parliament at Weſtminſter, ſo neither were they of much advantage to the king. He found a more real benefit from them, with regard to the affair for which the Oxford parliament was ſummoned, I mean, the aid of money he expected for the ſupport of the war.

This parliament was however greatly embarraſſed, how to give the king an effectual aſſiſtance, for that was the principal affair. If, as the only and true parliament, they had laid a general tax, the king would have run the hazard of meeting great oppoſition in levying the money, all the inhabitants of the counties on his ſide, not being ſatisfied that ſuch a parliament had a lawful authority. In that caſe, he would have been obliged to uſe force to compel thoſe that ſhould refuſe to pay, which did not ſuit with his preſent circumſtances. Another method was therefore taken, which doubtleſs was ſuggeſted by the court. This was, to adviſe the king to borrow one hundred thouſand pounds of the richeſt men of his party. To that purpoſe, the commons went into their reſpective counties, to take the number of thoſe who were reckoned monied men, and make a liſt, wherein were ſet down the quality and ability of each. The commons being returned to Oxford with the liſts, the taxes were proportioned; after which, the king writ circular letters to every particular perſon, to borrow of one, a hundred pounds, of another, two hundred, promiſing to repay the ſame as ſoon as he was able, and not forgetting to ſay in theſe letters that this loan was by advice of his parliament[m]. Thus, though this parliament did not think themſelves ſufficiently authorized to impoſe a general tax, the particular perſons who are rated, were no leſs obliged to furniſh what was laid on them, ſince theſe loans were made with the advice of both houſes. The king would have found leſs advantage in a general tax, for it was much eaſier to raiſe a hundred thouſand pounds upon particular rich men, than upon the whole nation. Now the point was to procure the king, certainly and ſpeedily the money he wanted. Accordingly it was ſeen ſhortly after, that this was the ſole motive of chuſing that method; for the Oxford parliament hearing that both houſes at Weſtminſter had laid a duty upon wine, beer, ale, and other commodities, which they called an Exciſe, a word before unheard of in England[n], made no ſcruple to join the like in the counties where the king's authority was acknowledged.

From that time, nothing remarkable paſſed in this parliament, which ſitting till the 16th of April, was prorogued to October, and never met again. It ſerved only to procure the king money, for which it was ſolely deſigned, and to exhibit a ſpectacle never before ſeen in England, namely, two parliaments at once, holding their ſeſſions at the ſame time.

Three days before the opening of this parliament, the Scotiſh army entered England, notwithſtanding the ſeaſon, which it ſeemed ſhould have hindered their march[o]. The marquis of Newcaſtle who commanded in the north for the king, hearing that the bad weather prevented not this army's advancing towards the borders, began to march alſo with his troops, and came to Newcaſtle the 2d of February[p]. The Scotch army approaching the town, the general ordered it to be ſummoned; but the ſummons had no effect. He ſtayed in thoſe parts all the reſt of February, waiting for his artillery, which was coming by ſea. The 28th of the ſame month he paſſed the Tyne at ſome diſtance from Newcaſtle[q], having left on the north ſide of the town, ſix regiments of foot and ſome horſe, to keep the garriſon in awe. The marquis being too weak to venture a battle, contented himſelf with haraſſing the Scots by frequent ſkir-

[l] The proclamation to ſummon the members to meet at Oxford.

[m] Theſe letters were ſubſcribed thus: "By the advice of the members of both houſes aſſembled at Oxford; Edward Littleton, Samuel Eure, ſpeakers."

[n] The parliament's ordinance for the exciſe, bears date July 22, 1643. It was laid upon liquors, grocery-wares, ſilks, linens, cloths, furs, and almoſt all other ſorts of commodities, imported. That the reader may have a notion of it, it will be proper to mention ſome of the particulars. Every pound of tobacco, not of the Engliſh plantation, was to pay, over and above all cuſtoms, 4s. and that of Engliſh plantation 2s. Every tun of wine retailed, 6l. and for private uſe 3l. Malaga raiſins, one farthing per pound. Currants, 1d. Loaf-ſugar, 4d. per pound. Cloth of gold and ſilver 8s. and tiſſue 10s. a yard. Damaſk table-linen, 1s. a yard, &c. It is ſomewhat ſtrange, that Ruſhworth has not inſerted this curious ordinance in his collections.

[o] This army conſiſted of eighteen thouſand foot, three thouſand horſe, and between five and ſix hundred dragoons. Alexander Leſley, earl of Leven, was general; John Bailey, lieutenant-general of the foot; and David Leſley, major-general of the horſe. Ruſhworth, tom. V. p. 603, 604.

[p] The day before the approach of the Scots. Idem, p. 613.

[q] At the three ſeveral fords of Ovingham, Bydwell, and Altringham. Idem, p. 614.

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miſhes in order to retard their march; but at laſt he thought proper to retire to Durham, where the Scotch general followed him, though with great inconveniency, as he wanted forage for his horſe.

When the marquis of Newcaſtle marched out of York to oppoſe the Scots, he left the command of the city with a good body of troops to colonel John Ballaſis [r]. As ſoon as the lord Fairfax was informed, that the marquis had taken the northern rout, he reſolved to march towards York, and to that end, ordered his ſon ſir Thomas Fairfax to meet him at a certain place, with the party he commanded, that they might act in conjunction. But Ballaſis having notice of this deſign, departed from York with moſt of the garriſon to hinder their junction, and poſted himſelf at Selby. A few days after, the lord Fairfax having taken a great circuit, to deceive the vigilance of the enemy, and joining his ſon, ſuddenly attacked Selby with about four thouſand men, where Bellaſis lay with fifteen hundred horſe and eighteen hundred foot, forced the town, took the colonel priſoner, with ſixteen hundred of his men, and killed a great number.

The marquis of Newcaſtle heard this ſad news at Durham, the Scots being then within two miles of the place. He immediately feared, that the lord Fairfax, after his victory, would attack York, or at leaſt, march directly towards Durham, to put him between the two armies. For this reaſon, he ſuddenly reſolved to retire to York, as well to ſecure himſelf as that city, which otherwiſe would have been in great danger.

[1644] It ſoon appeared that the marquis had taken this reſolution very ſeaſonably, for, the 20th of April, that is, nine days after the Selby-fight [s], the lord Fairfax joined the Scots at Tadcaſter, whence the two generals reſolved to go and beſiege York. But as that city was too large to be inveſted on all ſides by the two armies, particularly towards the river, over which the marquis had made a bridge of boats [t], they deſired the earl of Mancheſter, general of the forces of the eaſtern aſſociated counties, to advance to this ſiege. Till the arrival of the earl of Mancheſter, the two generals held the city blocked up to the ſouthward of the river Ouſe. I ſhall interrupt for a moment, the account of the ſiege of York, to ſpeak of the ill ſucceſs of the parliament's arms at Newark.

Whilſt the marquis of Newcaſtle was in the north obſerving the Scotch army, the lord Willoughby of Parham, and ſir John Meldrum, with above five thouſand men of the parliament's forces, beſieged Newark, a conſiderable town in Nottinghamſhire, where the king had placed a garriſon. As ſoon as the king knew it, he ſent orders to prince Rupert to endeavour to relieve the place. The prince being then at Cheſter, put himſelf immediately upon the march, and being joined by other troops, made a body of ſeven thouſand men, with which he advanced towards Newark. Meldrum, who commanded alone at the ſiege, the lord Willoughby being gone elſewhere, reſolved to fight the prince, and to that purpoſe drew up his forces at a little diſtance from the town. The 21ſt of March there was a ſharp conflict, particularly at a bridge, by which Meldrum had reſolved to retreat in caſe of need. The bridge was vigorouſly attacked, and as bravely defended. Mean while, after the fight was over, Meldrum finding himſelf too weak to renew it the next day, reſolved to retreat over the bridge in the night. But he found the guard he had left there had deſerted, and the bridge in the poſſeſſion of the enemies [u]. So, not being able to retreat, and perceiving himſelf ſurrounded with the king's forces, Meldrum ſent a trumpet to the prince for a parley. It was agreed, that the foot ſhould march away with their ſwords, colours, and drums; all the officers with their arms, horſes, and baggage; and the troopers and dragoons, with their ſwords, horſes, and colours. But he was forced to deliver all his ordnance and ammunition with about three thouſand muſkets.

The prince, after this expedition, which gained him great honour, returned into Shropſhire, and from thence into Lancaſhire, to relieve the counteſs of Derby, who for the ſpace of eighteen weeks was beſieged in Latham-houſe, and made a gallant defence againſt a body of two thouſand men [w]. In his way to Latham, the prince took by ſtorm Stopworth, a ſmall town in Cheſhire. Whilſt he was advancing towards Latham, the beſiegers raiſed the ſiege, and part of them under the command of colonel Rigby, went and reinforced the garriſon of Bolton in Lancaſhire, which was in great danger. The prince purſued them, and without giving them time to come to themſelves, took the town by ſtorm [x].

After that, he attacked Liverpool, a ſea-port town on the edge of Cheſhire, where thoſe who paſs into Ireland generally embark. The governor, colonel More, after ſome reſiſtance, conveyed on board the ſhips in the Pool moſt part of his ſoldiers [y], and the richeſt goods in the town, and then the prince entered with little oppoſition. Here he received a letter from the king, ordering him to march with all ſpeed to the relief of York, which was now beſieged. The king ſaid to him in his letter, "That his affairs were in ſo very ill a ſtate, that it would not be enough, though his highneſs raiſed the ſiege of York, if he had not likewiſe beaten the Scotch army;" which words induced the prince to fight a battle that proved very fatal to the king.

I left York blocked up by the Engliſh and Scotch armies, commanded by the lord Fairfax and the earl of Leven, till the earl of Mancheſter ſhould join them. The earl of Mancheſter was general of the ſeven eaſtern aſſociated counties, who had raiſed an army of fourteen thouſand horſe, foot, and dragoons. With this army the earl of Mancheſter had already done the parliament great ſervice. In the laſt campaign he had taken the town of Lynn, and in the beginning of this, had poſſeſſed himſelf of Lincoln. As ſeveral of the leading members of parliament thought of putting him in the earl of Eſſex's place, occaſion was taken from the ſervices he had performed, to make a conſtant proviſion for his army. To that end, by an ordinance of both houſes, May the 15th, 1644, each of the ſeven aſſociated counties were charged and rated at a weekly ſum for the maintenance of his army [z]; after which, he received orders to join the two other armies, to beſiege York together. The parliament had alſo taken care for the ſubſiſtence of the earl of Eſſex's [a], and ſir William Waller's armies; ſo that in May they had five armies on foot, beſides the troops diſperſed in ſeveral counties, and in garriſon.

Before the marquis of Newcaſtle was blocked up in York, he had ſent general Goring with four thouſand horſe, to ravage the parts in ſubjection to the parliament. Wherefore, the earl of Mancheſter detached likewiſe three thouſand horſe, which were joined by two thouſand, ſent from the Scots before York, to wait the motions of Goring. The earl of Mancheſter therefore joined the two armies only with his foot, and ſome few horſe [b], and preſently after the junction, the ſiege of York was begun. The marquis of Newcaſtle had ſent the king word, that he hoped to hold out ſix weeks or two months, and beſought him to think in the mean time how to relieve him. To retard, as much as poſſible, the progreſs of the ſiege, he made overtures for a treaty, but on ſuch conditions as he knew would not be granted. Nevertheleſs he gained ſeven or eight days by this artifice, ſo that the ceſſation he had obtained, did not expire till the 15th of June. On the 24th he ſallied out, and furiouſly attacked the earl of Mancheſter, but, after a ſharp conflict, was repulſed with loſs.

On Sunday the 30th of June the beſiegers had certain notice, that prince Rupert was advancing at the head of an army, of near twenty thouſand men, which had greatly increaſed in

[r] Son to the lord Falconbridge.

[s] Rapin is miſtaken here in the time, but the error is corrected in the tranſlation. Ruſhworth, tom. V. p. 618, 620.

[t] The caſe was this: The marquis having a great ſtrength of horſe, and the advantage of a bridge over the river, could eaſily tranſport them to either ſide in a ſhort time: ſo that if the beſiegers divided their forces, the river being betwixt them, he might fall on the weaker, and the reſt would not be able to relieve them. The river Ouſe runs north and ſouth quite through the city, divided into two parts, which are joined by a ſtone-bridge. Idem, p. 620.

[u] Rapin has confounded here two bridges. The bridge that was attacked was a bridge of boats, over which Meldrum's horſe were drawn by his order into the iſland. This bridge prince Rupert endeavoured to recover, but was repulſed. The other was Muſcome-bridge, over which he deſigned to retreat, but the guard deſerting broke it down. Idem, p. 307.

[w] In a ſally, May 6, the beſieged ſlew near three hundred of the beſiegers. Mercur. Ruſtic.

[x] Ruſhworth ſays, the prince's ſoldiers (conſiſting of ten thouſand, or upwards) ruſhed into the town, and put great numbers to the ſword, (twelve hundred by their own confeſſion) deſtroying for ſome miles round, and ſpoiling all they met, denying quarters, (as the townſmen alleged afterwards) and uſed other violences, beſides totally plundering the town, and ſlaying four miniſters. Colonel Rigby eſcaped to Bradford. Ruſhworth, tom. V. p. 623.

[y] With his beſt ordnance, arms, and ammunition. Idem, p. 624.

[z] On Eſſex, the weekly ſum of 1687l. 10s. on Suffolk, 1875l. on Norfolk, and the city of Norwich, 1875l. on Hertfordſhire, 675l. on Cambridgeſhire, 562l. 10s. on Huntingtonſhire, 330l. on Lincolnſhire, 1218l. 15s. on the Iſle of Ely, 221l. 5s. Rapin, by miſtake, calls it a monthly ſum. Idem, p. 621.

[a] His army, by ordinance, was to conſiſt of ſeven regiments of foot, each of a thouſand ſoldiers, divided into eight companies; and the general's own regiment of fifteen hundred, divided into twelve companies; and of ſix regiments of horſe, each of five hundred and fifty troopers, divided into ſix troops. Whitel. p. 85. Ruſhworth, tom. V. p. 653. The maintaining of this army coſt, in the year 1644, above a million of money; and the charge of the navy had been, 240,000l. the year paſt. Dugdale's View, p. 123.

[b] With about ſix hundred foot, a hundred horſe, and twelve field-pieces. Ruſhworth, tom. V. p. 622.

Ludlow

their march, as well by the troops drawn from ſeveral garriſons, as by Goring's horſe, who had joined them, ſo that the army was not inferior to the three armies employed in the ſiege. The three generals, after a ſhort conſultation, thought it adviſeable to raiſe the ſiege, and join their armies, whether, as ſome affirm, with deſign to give battle, or to avoid it, as others pretend. Be this as it will, they poſted themſelves on Marſton-moor, about five miles from York. But though indeed prince Rupert muſt have paſſed that way to come at them with his army, they left however two ſides of York open, that proviſions and ammunition, and even troops, by ſmall parties, might be conveyed in. If the prince's deſign had been only to relieve York, he had already effected it, and had only to remain in his poſt, and keep the enemies at a bay, till all neceſſaries had been ſent into the city [c]. But that ſame day, coming to York with a guard of two hundred horſe, he conferred with the marquis of Newcaſtle, or rather ſignified to him, that he intended to fight, according to his majeſty's expreſs orders. As the prince was extremely haughty, he made not the leaſt compliment to the marquis, upon the authority he aſſumed in reſolving to give battle, contrary to the marquis's opinion, who maintained, it was by no means requiſite in the preſent juncture, and the rather, as he expected five thouſand men, who were coming from the north to his aſſiſtance. Moreover, the prince made no ſcruple to command, without ſaying any thing to the marquis, the forces in York to be ready to join him the next morning in order to engage. And yet, theſe forces had been levied by the marquis, and commanded by him with great reputation. Beſides, the marquis's birth and merit ſeemed to require a greater regard from the prince. Perhaps it never came into the marquis's thoughts to deſire a fight of the king's expreſs order, or elſe he believed it to be an affront to the prince, to ſhew the leaſt doubt of ſuch an order. However this be, he told him, he was ready to obey his highneſs in all things, who might diſpoſe of his troops as he pleaſed, and for his own part, he would be contented to charge in the battle as volunteer. His diſſatisfaction was farther increaſed, when having aſked the prince, what ſervice he would be pleaſed to command him, the prince anſwered him, he would begin no action upon the enemy till early the next morning, and deſired him to repoſe himſelf till then. Thus the prince had the ſole management of the intended battle, without conſulting the marquis any more. Though he had ordered his forces in York to come and join his army, it does not appear that he had aſſigned any command or poſt to the marquis of Newcaſtle, perhaps, becauſe he ſaid, he would be in the battle as a volunteer. It cannot be denied, this behaviour was very ſevere to a lord, who had always ſhewn for the king a zeal and affection not to be ſurpaſſed, nor perhaps equalled.

In the night, the three parliament generals having conſidered that the place was relieved, and thinking prince Rupert had no farther deſign than to lay in proviſions, reſolved to march to Tadcaſter, Cawood, and Selby, as well to preſerve the Eaſt-riding, as to hinder the furniſhing of York with proviſions from thence. Accordingly they began their march early in the morning, the Scots leading the van. But about nine o'clock they had intelligence, that the prince was approaching with his army, and indeed he was advanced with five thouſand horſe, near their rear. Whereupon they were obliged to draw up ſpeedily, and call back their van, which made all poſſible haſte to rejoin them. Fortunately for them, the foot which the prince had drawn out of York, could not come up with his army till noon, and this gave the Scots time to rejoin the reſt of their army, which they had left in the morning. The armies were both drawn up about two in the afternoon: but there was between them a deep and large ditch, which neither cared to paſs, for fear of giving the enemy too great an advantage. For this reaſon, they ſtood looking upon one another above two hours, each expecting the other to begin the charge.

Prince Rupert himſelf headed the left wing [d], conſiſting of five thouſand horſe. The right wing was commanded by ſir Charles Lucas, with colonel Hurry, and the main body by general Goring. It does not appear, that the marquis of Newcaſtle had any command in the action. The parliament's right wing, oppoſite to prince Rupert, was led by ſir Thomas Fairfax, the left by the earl of Mancheſter, aſſiſted by his lieutenant-general Oliver Cromwell. In the center, towards the right, was the lord Fairfax, and general Leven towards the left. At laſt, between ſix and ſeven in the evening, the parliament generals gave the ſignal, and marched to the enemies. I ſhall not undertake to deſcribe this battle, becauſe, in all the accounts I have ſeen, I meet with ſo little order and clearneſs, that I cannot expect to give a ſatisfactory idea of it to ſuch of my readers as underſtand theſe matters. I ſhall content myſelf with relating one remarkable circumſtance, beſides the ſucceſs in general. The left wing of the king's army, commanded by prince Rupert, was entirely routed by the parliament's right wing, whilſt the king's right wing had the ſame advantage over the left of the parliament. The two victorious wings, after chaſing their enemies, returned to the field of battle, and, I know not by what accident, met face to face, ſo that each ſtood on the ſame ground that the enemy poſſeſſed at the beginning of the battle. Here the fight was renewed, and maintained on both ſides with great warmth and vigour, till at laſt night approaching, the king's horſe were put to flight, and purſued as long as day would permit. It was probably at this time that the prince's foot were alſo routed. I ſay, probably, becauſe in the deſcription of this battle, it does not appear what the foot did. But this is not the only time that we are left in the dark, when we read in hiſtories the deſcriptions of battles. They are generally made by perſons who have not the leaſt tincture of the art of war, and who by dwelling upon ſome frivolous circumſtances, paſs over thoſe that might give the intelligent reader clear ideas. It ſuffices therefore to ſay, that the prince's army was purſued within a mile of York, where they retired in the night. The countrymen who were commanded to bury the dead, gave out that they interred four thouſand one hundred and fifty bodies. It was reported that three thouſand of the prince's men were killed. But the conquerors affirmed, they loſt not above three hundred [e].

Though prince Rupert had always been victorious where he had commanded in chief, it is not very ſurprizing that he ſhould once be defeated; this is a misfortune incident to the greateſt generals. But this reſolution to retire the next day with his army, muſt needs appear very ſtrange. His horſe had not ſuffered much, becauſe they had taken to flight betimes, at leaſt thoſe of the left wing, commanded by himſelf, and his foot were alſo in good condition, the greateſt ſtorm having fallen on the marquis of Newcaſtle's. He might therefore have defended York, and waited the king's orders upon this fatal accident. So, this extraordinary reſolution can ſcarce be imputed but an exceſſive ſhame and indignation, which hindered him from conſidering how prejudicial it would be to the king his uncle's affairs. He ſent the marquis of Newcaſtle notice of his deſign, juſt as the marquis was ſending him word, that he was inſtantly going to quit the kingdom. They both put their reſolutions in practice. The marquis repaired that very day to Scarborough, and embarked for Hamburgh [f], and the prince left York, and marched towards Cheſter with the remains of his army. It is eaſy to gueſs why the marquis of Newcaſtle quitted the king's ſervice, after having been ſo unworthily treated by prince Rupert. He believed doubtleſs, he could not with honour reſume his former command, having been deemed incapable to ſerve the king on ſo important an occaſion. Nay, very probably, he imagined the prince would not have behaved to him in ſo haughty and rude a manner, if he had not thought he ſhould be avowed. Nevertheleſs, the prince

[c] Ludlow obſerves, That if the prince could have been contented with relieving York, and retreate, as he might have done, without fighting, the reputation he had gained, would have cauſed his army to increaſe like the rolling of a ſnow-ball. Tom. I. p. 123.

[d] Ruſhworth ſays, the prince led the right wing, and ſir Charles Lucas the left; and the earl of Mancheſter and Cromwell commanded the left of the enemy. The king's forces conſiſted of fourteen thouſand foot, nine thouſand horſe, and about twenty-five pieces of ordnance. The parliament's army did not exceed that number. Oliver Cromwell was hard preſſed by the prince's horſe, and wounded above the ſhoulders, but at length he broke through. Ruſhworth, tom. V. p. 633, 634. The lord Holles affirms that Oliver behaved in this battle in a very cowardly manner; and that thoſe who did them moſt ſervice, where the major-generals Leſley and Crawford, and ſir Thomas Fairfax. Mem. p. 15.

[e] Sir Charles Lucas, major-general Porter, major-general Tilyard, and the lord Goring's ſon, were among the priſoners. There were about a hundred other officers taken and fifteen hundred ſoldiers, twenty-five pieces of ordnance, a hundred and thirty barrels of powder, ſeveral thouſands of arms, and about a hundred colours. Whitelock, p. 94. Others ſay, there were about four thouſand taken priſoners, and as many ſlain on the king's party; the whole of both armies amounted to near nine thouſand men. Commons War, p. 50. Among the colours were prince Rupert's ſtandard, with the arms of the Palitinate, and a red croſs in the middle; a yellow coronet, in the middle of a lion couchant, and behind him a maſtiff, ſeeming to ſnatch at him, and in a label from his mouth, written Kimbolton; at his feet little beagles, and before their mouths written, Pym, Pym, Pym; and out of the lion's mouth theſe words proceeded—"Quouſque tandem abutere patientia noſtra?" Ruſhworth, tom. V. p. 635.

[f] With him went his two ſons, Charles viſcount Mansfield, and Henry lord Cavendiſh; his brother ſir Charles Cavendiſh; Dr. Bramhal biſhop of Londonderry; the lord Falconbridge; the lord Withrington; the earl of Elthyne; the lord Cornwarth; and ſir William Carnaby. On the 8th of July they arrived at Hamburgh. The marquis came no more to England till after the reſtoration of Charles II. Idem. p. 637.

This

could afterwards produce in his vindication only the king's letter above-mentioned, which he underſtood in a ſenſe the king himſelf had never thought of[g]. It may therefore be affirmed, that his committing ſo many errors one after another, was entirely owing to his exceſſive haughtineſs.

The parliament-generals improved their victory, and the diſſention of their enemies. They returned to their poſts before York, which was left to the diſcretion of ſir Thomas Glemham the governor, who ſeeing himſelf unable long to reſiſt, ſurrendered that important place upon honourable terms. They were no ſooner in poſſeſſion of York, but the three armies ſeparated. The lord Fairfax with his forces remained at York, as governor. The earl of Mancheſter marched towards Lincoln, not to be remote, without neceſſity, from the aſſociated counties, whoſe troops he commanded. The earl of Leven, with the Scotch army, marched northward to join the earl of Calendar, who was advancing with a ſtrong reinforcement from Scotland. When theſe forces were joined, he laid ſiege to Newcaſtle, which ſurrendered at diſcretion about the end of October[h]. Thus the battle of Marſton-moor loſt the king all the north, which hitherto had given the parliament-forces a powerful diverſion. But this was not all the miſchief the king had to fear. There was danger of the three victorious armies joining in the heart of the kingdom thoſe of the earl of Eſſex and ſir William Waller, and of their taking at once all the places which were ſtill in his power. This was the more to be feared, as when he heard of the defeat of his army at Marſton-moor, he was himſelf marching to the relief of the weſt, where the earl of Eſſex then was with an army, which the king's forces in thoſe parts were not able to withſtand. This is what I muſt now explain, and withal ſpeak of what paſſed at Oxford, whilſt the northern armies were in action.

The parliament ſeem, by their extraordinary preparations in the beginning of the year 1644, to have intended to put a ſpeedy concluſion to the war. Beſides the armies of the lord Fairfax and Scotland, and that of the earl of Mancheſter, which was paid by the eaſtern counties, a new regulation was made the latter end of March, for the maintenance of ſeven thouſand five hundred foot, and three thouſand horſe, to be commanded by the earl of Eſſex. At the ſame time, by another ordinance, the four ſouthern aſſociated counties, namely, Kent, Suſſex, Surry, and Hampſhire, were to maintain an army of three thouſand ſix hundred foot, twelve hundred horſe, and five hundred dragoons, under the command of ſir William Waller. Theſe were not new armies, they ſubſiſted before the regulation; but the point was to recruit them, compleat the number fixed by the parliament, and ſettle the neceſſary weekly payment of their ſubſiſtance[i].

Though ſir William Waller was worſted at the battle of Roundway-down, the two houſes, far from loſing their eſteem for him, reſolved to ſend him into the weſt, with an army capable of withſtanding prince Maurice, who found no farther oppoſition in thoſe parts. The king having notice of this deſign, reſolved not only to hinder Waller's march into the weſt, but alſo to break the aſſociation of the four ſouthern counties, where he had many friends, and even hoped to procure an aſſociation of theſe counties in his favour. To that purpoſe, he gave the lord Hopton[k] an army conſiſting of troops drawn out of ſeveral garriſons, and of two regiments of foot lately arrived at Briſtol from Ireland[l]. As ſoon as theſe forces were aſſembled, the lord Hopton poſted himſelf at Wincheſter, where ſir John Berkley brought him two regiments newly raiſed by him in Devonſhire, and the king ſent him a detachment of a thouſand men commanded by ſir Jacob Aſhley. All theſe forces together made an army of four thouſand foot, and fifteen hundred horſe[m], with which he reſolved to march into Suſſex. Waller, who was then quartered about Farnham, aſſembled his troops and faced the enemy: but after ſome ſlight ſkirmiſhes, he retired into Farnham caſtle, from whence he took a journey to London, to repreſent to the parliament his want of ſupplies, without which it would not be poſſible to perform what had been enjoined him.

Immediately after Waller's departure for London, the lord Hopton marched with part of his army to attack Arundel caſtle, which was ſurrendered upon terms. But hearing a few days after, that Waller was returned to Farnham with a ſtrong reinforcement, he rejoined the reſt of his army.

Waller's journey to London anſwered his expectations. Beſides a brigade of Londoners under major-general Brown, he procured an order of parliament to the earl of Eſſex, to ſend him from his army a thouſand horſe under the command of ſir William Balfour. He was no ſooner returned to Farnham with theſe ſupplies, but he marched all night, and at break of day beat up one of the lord Hopton's quarters at Alton, and carried away priſoners colonel Boles's regiment of foot[n]; a troop or two of horſe, which were in the ſame quarters, having betimes taken to flight. Then he marched directly to Arundel caſtle, and made the garriſon priſoners. Here the learned Chillingworth was taken, and died within a few days.

The king hearing of the ſupplies given to Waller, ſent a reinforcement to the lord Hopton. The earl of Forth, the king's general[o], would go himſelf, but refuſed the command which the lord Hopton offered to reſign to him. The lord Hopton having then an army of about eight thouſand men, reſolved to give Waller battle, and begun his march with that intent, at the very time Waller was advancing towards him with the ſame reſolution. The two armies met between Farnham and Wincheſter on Cheriton-down near Alresford, where the battle was fought the 29th of March. The lord Hopton was defeated and forced to retire to Reading, and afterwards to Oxford[p]. Waller marched to Wincheſter, and became maſter of the city, but did not think proper to beſiege the caſtle, which was his own inheritance, becauſe he had elſewhere more important affairs, as will be ſeen preſently. The lord Clarendon pretends, the loſs ſuſtained by Waller at Alresford hindered him from improving his advantage, and marching into the weſt, as he had reſolved. But it may be affirmed, this was not the thing that prevented his taking the weſtern rout. It was rather owing to the parliament's reſolution, by whom he was recalled to London, after having diſmiſſed the auxiliary regiments of that city, and Kent, which were alſo come to join him.

Both houſes perceiving, that by the king's late loſs at Alresford, his army was diſcouraged and conſiderably leſſened; that moreover, they had ſufficient forces in the north to have nothing to fear from the marquis of Newcaſtle, who was ſhut up in York, reſolved to beſiege Oxford, where the king was with his army. So, having relinquiſhed, or ſuſpended the deſign of ſending Waller into the weſt, they laboured with all poſſible diligence, to put the two armies of Eſſex and Waller upon the foot ſettled by their ordinance, that they might act together againſt Oxford.

The king had ever imagined, that Waller's deſign was to march towards the weſtern parts. For which reaſon he had aſſembled his forces at Marlborough, and afterwards poſted himſelf at Newbury, where he had remained ſome time, till he could better diſcover the deſigns of his enemies. But having at length found, the parliament had altered their meaſures, he came to Reading, and cauſed the fortifications to be demoliſhed, in order to ſtrengthen his army with the garriſon, conſiſting of two thouſand five hundred men. He alſo ordered prince Rupert to come and join him: but afterwards permitted him to relieve Latham houſe, where the counteſs of Derby was beſieged. With the Reading garriſon, his army was increaſed to eight thouſand five hundred foot, and four thouſand horſe. But being ſtill ignorant of the deſigns of his enemies, he thought proper to retire to Oxford with his whole army.

Mean while, the parliament, who had for ſome time found means to take their reſolutions with more ſecrecy than formerly, perceiving the two armies of Eſſex and Waller ready to march, ſent to each a ſupply of four thouſand two hundred of the train-bands of London. So, the earl of Eſſex's army conſiſted of twelve thouſand foot, and three thouſand horſe; and Waller's of ſeven thouſand foot, and fifteen hun-

[g] This letter was produced only to his friends, and after the king's death. Clarendon, tom. 2. p. 390.

[h] It was taken by ſtorm, October 19. Ruſhworth, tom. V. p. 650.—The earl of Mancheſter took alſo Sheffield caſtle, and ſome other places. Idem, p. 642.

[i] For the maintenance of this army, and a ſuitable train of artillery, with other incident charges, there was to be monthly raiſed and paid out of the exciſe, the ſum of thirty thouſand, five hundred and four pounds. And, beſides the money ariſing from the forfeited eſtates in Hampſhire and Suſſex, the weekly ſum of 2638l. was to be levied in the four aſſociated counties for Waller's army. Ruſhworth, tom. V. p. 653.

[k] Sir Ralph Hopton was created lord Hopton of Stratton, September 4, 1643, at Oxford, though, by miſtake, Rapin ſtill calls him chevalier Hopton.

[l] Under the command of ſir Charles Vavaſor, and ſir John Pawlet. Clarendon, tom, II. p. 361

[m] Ruſhworth ſays, that he and the earl of Forth had drawn together an army of thirteen or fourteen thouſand men, tom, V. p. 654.

[n] The colonel had retired with his men into the church, but had not time to barricade the doors. So the enemy entering with him, his ſoldiers threw down their arms, and aſked quarter, which was alſo offered to the colonel, who refuſing it, was killed. Clarendon, tom. II. p. 365.

[o] Lately made earl of Brentford.

[p] In this battle, on the king's ſide fell the lord John Stewart, brother to the duke of Richmond, and ſir John Smith a papiſt, brother to the lord Carrington. Clarendon, tom. II. p. 367.

dred horſe and dragoons. Theſe two generals had orders to march ſeparately, and beſiege Oxford, if the king remained there; but if he went from thence, the earl of Eſſex was ordered to follow him with his army, and Waller to march into the weſt, according to the firſt project. They departed from London, the 14th and 15th of May, to put themſelves at the head of their reſpective armies, and immediately marched towards Oxford.

The king had poſted almoſt all his infantry at Abington, in order to ſtop the enemies, and have time to conſider what meaſures he ſhould take, in caſe they really intended to beſiege Oxford, which he ſtill queſtioned. As Abington could not be eaſily defended but on the eaſt-ſide, and he was unwilling to run any unneceſſary hazard, he had ordered general Wilmot to make a vigorous defence, if attacked on that ſide, but if on the weſt from Wantage and Farrington, to relinquiſh the place. But whether the order was not clear and full, or for ſome other reaſon, Wilmot, at the enemies, approach on the eaſt-ſide immediately retired to Oxford, and the earl of Eſſex inſtantly entered Abington. The king perceiving the ſiege of Oxford was reſolved, had but one way to hinder it, which was to defend the paſſes of the rivers Iſis and Cherwell, which run on the weſt and eaſt-ſides of the city, and to that end he quartered his horſe near the Iſis, and his foot towards the Cherwell. As the motions of the parliament-armies entirely proceed from the ſituation of Oxford and the adjacent country; and as, without this knowledge, ſcarce any thing would be intelligible, I ſhall paſs over the particulars which to me ſeem not abſolutely neceſſary, and content myſelf with ſaying, that Waller found means at laſt to gain the paſs at Newbridge over the Iſis, which enabled him to fall upon the rear of the king's foot that were defending the Cherwell [q]. Whereupon the king drew all his forces into Oxford and to the north of the city, with thoughts at the ſame time of providing for the ſafety of his perſon, not judging it proper to ſuffer himſelf to be ſhut up. There was no time to loſe, for the king's troops were hardly retired, when the earl of Eſſex paſſed the Cherwell at Goſworth bridge with his army. So the king giving orders to his horſe, and a ſmall body of foot, to wait for him at ſuch a place, left Oxford the 3d of June about nine o'clock at night, and ſafely paſſed between the two parliament-armies [r]. He was out of all danger of purſuit before the news of his retreat reached the enemies, and came at length, on June 6, to Worceſter, after having endured a great fatigue.

The two generals were extremely ſurprized, when they heard the king had eſcaped them. But it was too late to hope to overtake him. Mean while, the city of Oxford being well ſtored with proviſions and ammunition, and the king having left there almoſt all his foot, they did not think fit to beſiege it, and the rather, as they had no orders to do it, unleſs the king remained there. The parliament's intention was, that in caſe the king quitted Oxford, the earl of Eſſex ſhould follow him with his army; and Waller with his take care of the affairs of the weſt. But the earl of Eſſex, for ſome unknown reaſon, reverſed his order, and would himſelf march into the weſt. And when Waller urged the parliament's orders, the earl of Eſſex poſitively commanded him, as his general, to obey, to which the other could make no reply. So, the earl immediately began his march to the weſt. The parliament were very much offended with the earl of Eſſex's diſobedience, and ſent him an order, which reached him at Saliſbury, to return, follow the king, and leave to Waller the weſtern expedition. But the earl, inſtead of complying, ſent a letter to the committee of war [s], with the reaſons of his conduct, ſubſcribing his letter, "Your innocent, though ſuſpected ſervant, Eſſex." Whether both houſes were ſatisfied with the earl's reaſons, or believed it proper not to incenſe him in ſuch a juncture, they ſuffered him to purſue his march, which he did in a ſlow and eaſy manner, till he came into Devonſhire.

The queen had been ever ſince April at Exeter, the capital of that county, where ſhe was delivered of the princeſs Henrietta, about a fortnight or three weeks before the earl of Eſſex's approach. As ſoon as ſhe heard of his entering Devonſhire, ſhe ſent and deſired a ſafe conduct to retire to Briſtol [t]. The earl of Eſſex anſwered, if her majeſty would pleaſe to go to London, he would have the honour to wait upon her thither; but could not give her a ſafe-conduct to Briſtol, without the expreſs order of both houſes. Whereupon the queen withdrew into Cornwall, and ſome time after into France, with a convoy of men of war, ſent her by the prince of Orange.

Prince Maurice had been, ſince the 20th of April, before the little town of Lyme, which made a more obſtinate defence than was expected. This place, and Plymouth, were almoſt the only towns in the weſt that were for the parliament. It was therefore very neceſſary for the parliament, to have in thoſe parts, forces capable of reviving the courage of their friends, who had received no aſſiſtance ſince prince Maurice's arrival. At the earl of Eſſex's approach, who was now advanced to Dorcheſter, the prince raiſed the ſiege of Lyme, and retired to Exeter. The ſame day, the earl of Eſſex poſſeſſed himſelf of Dorcheſter. Then, he detached ſir William Balfour, who took Weymouth, whither the earl of Eſſex inſtantly repaired. He had ſome thoughts of beſieging Exeter, and indeed marched that way; but conſidering that prince Maurice was there with his whole army, he was afraid of loſing too much time in the ſiege, and ſtopped at Chard, where he remained ſome time, and from thence marched to Tiverton. Whereupon, prince Maurice ſent a detachment from Exeter, with orders to ſecure Barnſtable; but the inhabitants ſhut the gates againſt them, and immediately ſent to the earl of Eſſex, to come and take poſſeſſion of the town, which was done accordingly by the lord Roberts. Here was taken captain Howard, who having been formerly lieutenant to captain Pym, had deſerted, with nineteen troopers, to the king's party; for which being now tried by a council of war, he was condemned and executed. Upon this, prince Maurice cauſed to be hanged Turpin, a ſea-captain, taken priſoner in attempting to relieve Exeter, when the earl of Stamford was beſieged in it. He being indicted for levying arms againſt the king, was by the judges, Heath, Forſter, Banks, and ſerjeant Glanvil, condemned, but hitherto reprieved, by reaſon of the conſequences. The parliament was very much incenſed at this repriſal, conſidering the difference between a priſoner of war, and deſerter. Wherefore having ſerjeant Glanvil in their cuſtody, who had lately quitted the king's party, and returned to London, they ordered him to be impeached of high-treaſon. Soon after, the king's party cauſed fourteen clothiers to be hanged at Woodhouſe in Wiltſhire [u], and the parliament ordered eight Iriſhmen to be executed, who had been taken priſoners in ſome action. Theſe are the ſad effects of civil wars. Theſe executions gave occaſion to the parliament, in Auguſt following, to erect a court-martial, to which were given very ſevere inſtructions, chiefly with reſpect to deſerters. About the middle of July, Taunton-Dean was taken for the parliament, by a party of the garriſon of Lyme [w].

I am obliged for a time, to break off the narrative of the affairs of the weſt, to relate what the king did after his eſcape from Oxford.

He arrived the 6th of June at Worceſter with his little army; but ſtaid there only a few days, hearing Waller was marching that way. When he quitted Worceſter, he made ſeveral marches and counter-marches [x], to deceive the vigilance of his enemy, not being ſtrong enough to venture to expect him. At laſt, having made a ſhew of marching towards Shrewſbury, Waller doubted not but his deſign was to join prince Rupert, who was ſtill in thoſe parts. For this was before the battle of Marſton-moor. He thought it therefore very important to march before, and poſt himſelf between the king and Shrewſbury, in order to hinder his joining with the prince. The king was very glad to have deceived Waller. As ſoon as he knew Waller expected him upon that rout, he feigned to take it indeed, but ſuddenly turning about, inſtead of continuing his march towards Sqrewſbury, took the road to Oxford, and left Waller in his poſt, without any poſſibility of overtaking him. When he came near Oxford, he was joined by the reſt of his army, which he had left there when he quitted that city. Then,

[q] The lord Clarendon ſays, he might have brought over all his army, and fallen upon the king's rear; not, that he did. Tom. II. p. 376.

[r] He went that night to Mr. Parret's at Northlye, where next morning he drew up his army, and went that afternoon to Burton on the water, where he lodged at Dr. Temple's the prince's chaplain. On the 5th he marched to Eveſham, and on Thurſday the 6th to the city of Worceſter. Ruſhworth, tom. V. p. 671.

[s] There was a committee of both kingdoms reſiding at London, for the carrying on the war. There was uſually a committee of the parliament in the armies likewiſe.

[t] She deſired at firſt a ſafe conduct, to go to Bath for her health. Ruſhworth, tom. V. p. 684.

[u] One of the clothiers breaking his halter, deſired, that what he had ſuffered might be accepted, or elſe, that he might fight againſt any two for his life. But he was hanged up again. Ludlow, tom. I. p. 120.

[w] They were led on by ſir Robert Pye, and colonel Blake. Ruſhworth, tom. V. p. 685.

[x] June 12, he marched from Worceſter to Bewdley; the 15th he advanced along the Severn towards Bridgenorth, but returned the ſame day to Worceſter; the 16th, he marched through Eveſham to Broadway; and the next day came to Burford. Idem, p. 674, 675.

On

no longer fearing Waller, ſince he was ſtronger than he, he went and quartered in Buckinghamſhire, without any other deſign than to give the enemy battle, if there was occaſion.

Waller having been thus circumvented, approached the king however, and at length the two armies were in ſight, with the river Cherwell between them. Waller drew up on a very advantageous ground, imagining the king would paſs the river to attack him, and thereby furniſh him with an opportunity to fight with advantage. But the king, to draw him from his poſt, feigned to march northward, and accordingly advanced into Northamptonſhire, leaving a ſtrong guard at Cropedy-bridge, to hinder the enemies from paſſing and following him in the rear. Whilſt he was marching, he had intelligence, there was a body of three hundred horſe going to join Waller, within two miles of the van of his army, and was told they might be eaſily cut off, if the army moved faſter. Whereupon orders were ſent to the van, and main body, to advance faſter. As ſoon as Waller perceived there was a great diſtance between the king's rear, and the reſt of his army, he detached a thouſand horſe, to paſs the river at a ford, a mile below, and himſelf, with fifteen hundred horſe, one thouſand foot, and eleven pieces of cannon, attacked Cropedy-bridge, took it, and paſſed his troops. Which done, he fell upon the king's rear, but was repulſed, with loſs of many of his men and part of his cannon. This is all that can be gathered with any clearneſs, from the accounts of this battle [y]. The detachment, which I ſaid, paſſed the ford, had much the ſame ſucceſs. Waller being thus repulſed, and forced to repaſs the river, drew up his men on a hill, and there waited the king's motions. As it was yet but three in the afternoon, the king, believing the enemies were diſcouraged with their ill ſucceſs, ordered Cropedy-bridge and the ford to be attacked by two great detachments. The firſt was repulſed at the bridge, with great loſs on the king's ſide. The other gained the ford; but all that could be done, was to maintain it, expecting in vain, till night, that the firſt detachment would recover the bridge. Night coming on, both ſides retired, Waller remaining maſter of the two paſſes.

The king was ſo prepoſſeſſed with the notion, that the enemies army was entirely diſcouraged, that he reſolved to ſend them an offer of pardon by a herald, imagining it would be immediately accepted, and Waller deſerted. In this belief, he ſent a trumpeter to Waller, to deſire a ſafe conduct for a gentleman to deliver a gracious meſſage from his majeſty. Waller anſwered, he had no power to receive any meſſage without permiſſion from the parliament, to whom his majeſty was to make application. The two armies faced each other for the ſpace of two days, ſtanding in the ſame poſture, after which they both drew off, each taking a different rout [z]. In all appearance, Waller after this loſs, did not think himſelf in condition to go any more in queſt of the king, who was ſuperior to him in number. As it was about this time, that the report of prince Rupert's defeat at Marſton-moor was ſpread, Waller thought, doubtleſs, there was no great neceſſity to hazard a ſecond battle, ſince the king would probably be very much diſtreſſed. When he knew afterwards, the king was marching towards the weſt, he gave himſelf ſtill leſs trouble about what the king might attempt, ſince it belonged to the earl of Eſſex to get off as he could. There was not a ſufficient union between them, for Waller to be much concerned at what might happen to the earl. Perhaps too, his not being able to follow the king, who was marching againſt the earl of Eſſex, was the reaſon why he diſmiſſed the regiments of the London auxiliaries, which, added to his loſs at Cropedy, diſabled him to act till he had freſh troops.

The king, who in the beginning of this campaign was in a ſad ſtrait, found himſelf, a month after, much at eaſe. Of the two armies by which he had been attacked, one was unable to hurt him, and the other was gone into the weſt, where he himſelf was very ſtrong. In the firſt place, he was maſter of all the fortified towns, Plymouth excepted. Secondly, he had at Briſtol a large garriſon, part whereof might be drawn out upon occaſion. In the third place, almoſt all the gentry of the weſtern counties were well affected to him. There were only the meaner ſort of people, who were divided between him and the parliament, but who however were always ready ro join with the ſtrongeſt. Laſtly, prince Maurice had at Exeter, and in the neighbourhood, four thouſand men, which could be eaſily brought to him by the north of Devonſhire, and the earl of Eſſex not be able to prevent it. All theſe conſiderations determined him to march weſtward, to give the earl of Eſſex battle, if an opportunity offered. He had ſcarce begun his march, when he received the ill news of what paſſed at York, which confirmed him in his reſolution. He perceived, that if he remained in the middle of the kingdom, where he had few friends or fortified towns, the three parliament-armies, which were now ſeparated, would not fail to rejoin, and then he ſhould be too weak to withſtand them.

As ſoon as the king had taken this reſolution, he informed prince Maurice of it, that he might be ready to join him, and by the ſame expreſs ſent orders to the lord Hopton, to draw what men he could out of Wales and lead them to Briſtol, that he might meet him on the way with thoſe troops, and as many more as could poſſibly be ſpared from that garriſon. So, the king making eaſy marches, in order to give the Welſh troops time to join him, came the 15th of July to Bath, from whence, after two days, he departed, and at length arrived at Exeter. When all the forces, he had ſent for, had joined him, he ſaw himſelf at the head of an army much more numerous than the earl of Eſſex's.

Five days after the fight at Cropedy-bridge, the king being at Eveſham, cauſed to be drawn up a meſſage for peace to both houſes, a copy whereof was ſent to the earl of Eſſex by the marquis of Hertford, to be communicated to the parliament, it being intimated that the French agent had the original to deliver if required. This meſſage directed To the lords and commons of parliament aſſembled at Weſtminſter, contained a general offer to treat of peace, and if commiſſioners ſhould be ſent to him, he would grant them a ſafe conduct. The two houſes, ever jealous of the king, thought there was ſome artifice concealed in ſending them only a copy of the meſſage, and that his aim was to engage them to demand the original of the French agent. Beſides, they did not conceive themſelves to be owned by the direction of this meſſage as the two houſes of parliament, and therefore imagined, the king had a mind to reſerve to himſelf the power of ſaying, that he did not acknowledge them for the true parliament of England [a], and indeed he ought not, according to his principles, ſince he had publiſhed the fore-mentioned declaration againſt them. Wherefore they reſolved to take no notice of the meſſage, nor return any anſwer.

Whilſt the king ſtayed at Bath, he had aſſembled the inhabitants of Somerſetſhire at Kingſmoor, and made a ſpeech to them, exhorting them to take up arms for him, and furniſh him with money. He told them, "That victory was the only means left to reſtore peace to the nation, that bleſſed peace which he had ſo often ſought for from them at Weſtminſter, and which they had ſo ſcornfully rejected. But, continued he, when I mention peace, I would be underſtood to intend that peace, which is built upon ſuch foundations as are moſt likely to render it firm and ſtable; wherein God's true religion may be beſt ſecured from the danger of popery, ſectaries, and innovations; the crown may poſſeſs thoſe juſt prerogatives which may enable me to protect and govern my people according to law; and the ſubjects be confirmed in thoſe rights which they have derived from their forefathers, and which I have granted them in parliament; to which I ſhall always be ready to add ſuch new graces, as I ſhall find moſt to conduce to their happineſs; this is the peace which I labour for, wherein I may juſtly expect your beſt aſſiſtance with your hearts, and hands, and purſes."

For the clear underſtanding of the king's meaning not only on this, but on all other the like occaſions without exception, it muſt be conſidered, the parliament did not deny, that a king of England ought according to the laws of the land, to enjoy ſuch prerogatives as his majeſty demanded; but they affirmed, it ought to be for the welfare, and not for the deſtruction of the people. They pretended, that Charles I. had abuſed theſe prerogatives to deſtroy the rights of the ſubject, and from thence drew this inference, that it was abſolutely neceſſary to put it out of his power to abuſe them for the future, which could be done only by depriving him of part of the prerogatives he had abuſed. They maintained, only the king's bare word could not be relied on, and there was need of a ſtronger fence to ſecure the laws. The king, on his part, did not deny he had made ill

[y] On the king's ſide were ſlain ſir William Boteler, and ſir William Clark, two Kentiſh knights; and the lord Wilmot was wounded. Ruſhworth, tom. V. p. 676. Whitelock ſays, colonel Middleton being diſmounted, the royaliſts taking him to be one of their commanders, mounted him again, wiſhing him to make haſte and kill a round-head, by which means he eſcaped. Mem. p. 93.

[z] Ruſhworth and Whitelock both ſay the king drew off firſt, and then Waller marched over Cropedy-bridge. Rapin follows the lord Clarendon's account.

[a] The author being obſcure in this place, and having miſtaken the direction of the meſſage as in Ruſhworth, the tranſlation is according to Ruſhworth.

So

uſe of his power. But he had repaired the miſchief he had done, and proteſted his intention was to govern for the future, according to the laws of the land. What therefore was the ground of the war? Why, the parliament would not truſt to the king's word, and the king refuſed to give other ſecurity. When therefore the king ſo frequently offered peace, on condition he ſhould be reſtored to all his prerogatives, excepting thoſe he had departed from in this parliament, far from ſhewing by theſe offers, that he was ſincerely deſirous of peace, he rather demonſtrated, that nothing could ſatisfy him but an entire victory, whether by arms or treaty. On the other hand, when the parliament ſeemed to wiſh for peace, but on condition that the king ſhould be diveſted of his prerogatives, was not this in reality to wiſh for war, ſince it was deſiring to ſecure by a treaty an advantage, which their arms had hitherto rendered very uncertain? We muſt not therefore be miſled by the ſound of the word peace, which was, as appears, a very ambiguous term, and of which both ſides, eſpecially the king, made a parade to dazzle the people. I am in hopes this remark will be of uſe to explain many the like paſſages of this reign.

When the earl of Eſſex heard of the king's approach, he called a council of war, to debate what was to be done in this emergency. His own opinion was, to return, and hinder the king from penetrating farther into the Country, and to give him battle if a favourable opportunity offered. He repreſented, that in Devonſhire or Somerſetſhire, as he ſhould not be ſtraitened in room or proviſions, he might either fight, or avoid it as he ſhould think fit. But the the lord Roberts of Truro [b], field-marſhal in this expedition, whoſe eſtate lay all in Cornwall, poſitively affirmed, that as ſoon as the army ſhould enter that county, the people would all declare for the parliament: that then it would be impoſſible for the king to come there, and the army might eaſily ſubſiſt, and be reinforced with a great number of troops. Upon this aſſurance which afterwards proved very falſe, the lord Roberts, rather by a ſort of violence, than the ſtrength of his reaſons, cauſed it to be reſolved, that the army ſhould march into Cornwall.

Purſuant to this reſolution, the earl of Eſſex entered that county the 26th of July, after forcing the paſſage at New bridge, which was bravely defended [by ſir Richard Grenvil.] The ſame day the king came to Exeter [c], and after a general muſter of his army, followed the earl of Eſſex, who did not find in Cornwall what the lord Roberts had made him expect. He advanced however to Lanceſton, and from thence to Bodmin, where he writ to the parliament, that he did not doubt, the king's deſign was to ſtraiten him for proviſions, and therefore earneſtly deſired, that an army might be ſent into the weſt to lie upon the king's rear, and hinder him from executing his project. But as ſir William Waller was not ready to march, being then in London, ſoliciting ſupplies for his army, all that could be done was to detach colonel Middleton with two thouſand five hundred horſe and dragoons [d], with orders to march weſtwards.

The king ſeeing the Earl of Eſſex intangled in a Country where he wanted proviſions for the ſubſiſtence of his army, thought it a fair opportunity to try to gain him. Wherefore he ſent him a letter under his own hand, perſuading him to free himſelf from his preſent ſtraits, by reſtoring peace to the kingdom, that is, by declaring for ſuch a peace as the king deſired. The earl of Eſſex returning no anſwer to this letter, prince Maurice, and the earl of Forth lately made earl of Brentford, the king's general, writ to him two days after; and the next day he received another letter on the ſame ſubject, ſigned by [the lord Hopton and] many general officers of the king's army. At laſt, he returned a brief anſwer to the earl of Brentford, that he had no commiſſion to treat.

About this time, the lord Wilmot, lieutenant-general of the king's horſe, was arreſted (and ſent priſoner to Exeter) by his majeſty's order, he having taken the liberty to ſend the earl of Eſſex word, that if he would enter into treaty, the officers of the king's army were ſo deſirous of peace, they would conſtrain his majeſty to conclude it upon reaſonable terms. Wilmot's diſgrace bred ſome murmurs amongſt the officers of horſe, by whom he was very much beloved. Nay, they preſented a petition to the king, to pray him to let them know what crime that lord was accuſed of. The king in ſuch a juncture, was very ready to give them this ſatisfaction. Nevertheleſs the lord Wilmot was deprived of his poſt, which was given to the lord Goring, after which, he had leave to retire beyond ſea [e]. It was generally believed in the army, that Wilmot's diſgrace was owing to ſome intrigue of the court, and the king's private hatred of him on account of the part he had acted againſt the earl of Strafford.

The earl of Eſſex perceived too late the vanity of the lord Roberts's promiſes. So far were the people of Cornwall from riſing in his favour, that on the contrary they ran in crowds to join the king's army. The earl could have proviſions but by ſea, and in ſmall quantities, by means of a river which afforded him a communication by ſea with Plymouth [f]. At laſt ſir Richard Greenvil having brought the king a ſupply of troops, it was reſolved in a council of war, to make uſe of the ſuperiority of the number, not to compel the earl of Eſſex to fight, but to cut off his proviſions entirely. This was happily effected, by means of a fort run up on the bank of the river, by which the enemies received their proviſions. Thus the earl of Eſſex being reduced to the laſt extremity, after having kept his poſt almoſt a month, reſolved to abandon his army, to avoid falling into the king's hands. But before he executed that deſign, he ordered ſir William Balfour to endeavour to ſave the horſe, which he performed very fortunately in a dark miſty night, by paſſing unobſerved through the king's quarters [g]. As ſoon as the earl of Eſſex knew the horſe were out of danger, he ſent to the king and demanded a parley, but before the anſwer was returned, took ſhip with ſome officers and retired to Plymouth, leaving major-general Skippon to ſee to procure the beſt terms he could for the foot.

The king having granted the parley deſired by the earl of Eſſex before his departure, a conference was held between ſome officers of both armies, where the following articles were agreed on [h].

I. That on the morrow, being the 2d of September, all the officers and ſoldiers under the command of the earl of Eſſex, ſhall deliver up all their cannons and train of artillery, with all carriages, neceſſaries, and materials thereunto belonging; and likewiſe all arms offenſive and defenſive, with all ammunition whatſoever, except only the ſwords and piſtols of all officers above the degree of corporals.

II. That immediately after, all officers and ſoldiers ſhall march out of their quarters to Leſtwithiel with their colours, trumpets and drums; and that all officers above the degree of ſerjeants, ſhall take with them ſuch horſes and ſervants as properly belong to them, with all their bag and baggage, and waggons with their teams.

III. That they ſhall have a ſafe convoy of one hundred horſe, from their quarters, to Leſtwithiel, and thence in their march to Pool and Wareham.

IV. That in caſe they ſhall march from Pool to any other

[b] So made in 14 Jac. I. The duke of Buckingham (as is ſaid in the 9th article of the impeachment againſt him) knowing him to be rich, forced him to take the honour, and pay him 10,000l. for it.—The lord Clarendon ſays, he was a man of an impetuous diſpoſition, full of contradiction in his temper, and of parts ſo much ſuperior to any in the company, that he could too well maintain and juſtify all thoſe contradictions, Tom. II. p. 395. Ludlow adds, he perſuaded the earl to march into Cornwall, that he might have an opportunity to collect his rents in thoſe parts. Tom. I. p. 126.

[c] Where he found his young daughter under the care of the lady Dalkeith. Clarendon, tom. II. p. 396.

[d] Whitelock ſays, that he was ſent with three thouſand horſe; and four thouſand were ordered to be ſent ſpeedily after him, p. 98.

[e] The lord Goring was juſt come from prince Rupert, with letters to the king, requeſting that Goring might be made general of the Horſe in his room. So that Rapin is miſtaken, in ſaying, he had Wilmot's poſt given him. For his majeſty, the day after his arreſting him, told the officers of horſe he had juſtly reſtrained Wilmot for the preſent, but had not taken away from him his command in the army. However, Wilmot, when he ſaw his mortal enemy Goring put in the command over him, thought himſelf incapable of reparation, or full vindication, ſo deſired leave to retire into France, and had a paſs ſent him for that purpoſe. It ſeems, the earl of Brentford being grown old, the king deſigned to make prince Rupert general. Clarendon, tom. II. p. 398.

[f] The king lay about Leſkard, and Eſſex at Leſtwithiel, from whence the river runs to Foy, of which place Eſſex was maſter.

[g] Others ſay, that they broke through the king's quarters. Ludlow, tom. I. p. 127. Manley p. 74.

[h] Whitelock, who pretends to give an impartial relation of this affair, ſays, that the earl of Eſſex did not ſend to parley, but that after he was gone, ſome came by deſign to the parliament-forces, intimating, that the king was willing to admit of a treaty with them, which was great wiſdom and gallantry in the king, chuſing rather to defeat them with their own conſents, than hazard the doubtful trial of a battle. Upon this, Skippon calls his officers together to a council of war, and declares, he was for fighting his way through the enemy, as the horſe had done. But few of the council did concur with him, ſo the abovementioned articles were agreed upon. Some of the ſoldiers, as they were marching forth, being pillaged by the king's ſoldiers, Skippon rode up to the king, who ſtood to ſee them paſs by, and told him, "It was againſt his honour and juſtice, that the ſoldiers ſhould be pillaged, contrary to the articles, and deſired his majeſty to give order to reſtrain them," which the king did. There were delivered up forty pieces of braſs ordnance, two hundred barrels of powder, and nine thouſand arms for horſe and foot. See, ſays Whitelock, the uncertain iſſue of war! A few weeks before, Eſſex and Waller, with two great armies, were in purſuit of the king, who could ſcarce find a way to avoid them; and now the parliament's army is defeated, diſarmed, and diſperſed, and the king becomes victorious. Whitelock, p. 102.

place by land, that they ſhould not bear arms, more than is allowed in the agreement, until they come to Southampton or Portſmouth.

V. That all the ſick and wounded ſhould be left at Foy, till ſuch time as they can be conveniently tranſported to Plymouth.

VI. That all the officers and ſoldiers ſhall be permitted to receive all monies, proviſions, and other accommodations, as they ſhould be able to procure from Plymouth; to which end they ſhall have a paſs for any twelve perſons whom they ſhall ſend for the ſame.

VII. That there ſhall be no inviting of any ſoldiers, but that ſuch as will voluntarily come to his majeſty's ſervice, ſhall not be hindered.

By this treaty, the king properly gained only artillery, arms, and ammunition. But though it was ſomething to reduce this army to ſuch a condition, it would have been of much more advantage to him, had he made the officers and ſoldiers priſoners of war. For the parliament wanted neither artillery, nor arms, nor ammunition, to repair their army, which indeed was able within five or ſix weeks, to give the king battle. It is to be preſumed, the King had good reaſons to be ſatisfied with this little advantage.

Though the earl of Eſſex might have been juſtly upbraided for the two faults he had committed, in obſtinately purſuing his march into the weſt, contrary to the orders of both houſes, and in prepoſterouſly running himſelf into Cornwall, he was not inſulted for his misfortunes, but at his return was very civilly received. It was then no proper time to examine his conduct. The point was to recruit and arm the ruined army, as well as that of Waller, and accordingly both houſes applied themſelves to it with all poſſible diligence. They ordered alſo colonel Middleton to repair ſpeedily to the earl of Eſſex's army, and the earl of Mancheſter to march the ſame way with his forces.

After the king had gained ſo conſiderable an advantage, he hoped, the frighted parliament would deſire nothing more than to come to an agreement. He plainly perceived, that ſuch a peace as he deſired was impracticable, as long as the parliament was proſperous. But he flattered himſelf with the hopes, that after ſo great a misfortune, his enemies would gladly accept his offers, and inſiſt no longer upon terms he was fully reſolved not to grant. In this belief, he ſent from Taviſtock a freſh meſſage to both houſes, with offers of peace, and annexed to it a duplicate of his former meſſage from Eveſham. This meſſage was ſo worded, that he ſeemed out of pure moderation to offer, after his victory, to be content with having, by a peace, what he was in condition to obtain by force of arms. But if notice be taken of what I before ſaid, to explain what is to be underſtood by the peace offered by the king, it will be found, that through an exceſs of modeſty, moderation, and affection for his people, he would be ſatisfied to obtain by a treaty, what hitherto he had not been able to procure by arms: for that was the real meaning of his offer, though diſguiſed under the ſpecious name of peace. The parliament muſt have underſtood it in that ſenſe, ſince it was not regarded. The king himſelf, doubtleſs, did not believe, he could deceive the two houſes by the bare name of peace, after having ſo often experienced how much they were upon their guard in that reſpect. But theſe frequent offers of peace were properly deſigned to make impreſſion upon the people, who did not diſcover their true meaning.

The 10th of September, the king appeared before Plymouth [i], in hopes, that after his late victory, the gates would be opened to him. But having ſummoned it in vain, and even given ſome aſſaults, he was forced to retire, the ſeaſon not permitting him to undertake ſo important a ſiege, which, probably, would have employed him ſeveral months. Beſides, his deſign was to march to London, where he ſuppoſed all were in the utmoſt conſternation. Mean while, general Goring, with a detachment of the army, became maſter of Barnſtaple.

I have had frequent occaſion to ſpeak of the affairs of the elector Palatine, and to obſerve, how much James I, and Charles I, neglected the intereſts, the one of the king his ſon-in-law, and the other, of the elector his nephew. All the elector's dominions being in the hands of his enemies, he fled for refuge to the king his uncle, who gave him a penſion for his ſubſiſtence. This penſion, it is likely, was ill paid, ſince the king was engaged in the war with Scotland, and ſtill worſe, ſince the beginning of this parliament. So the elector having attended the king till he retired into the north, and ſeeing the war ready to kindle, abruptly quitted the king his uncle at York. He retired into Holland, and ſtaid there till Auguſt 1644, when he ſuddenly came to London to reſide there, under the protection of the parliament. The king hearing of it, writ to him, to know the reaſon of ſo extraordinary a proceeding. It does not appear what anſwer the elector returned; but probably, not knowing how to ſubſiſt, and conſidering the king his uncle was not able to maintain him, he believed, he ſhould find more aſſiſtance in the parliament, which had ever expreſſed a great affection and zeal for his houſe. He was not deceived in his expectations, for the parliament granted him an honourable penſion, which was more regularly paid than the former from the king [k]. He afterwards deſired and obtained leave to hear the debates in the aſſembly of divines. Probably, as he did not care to be concerned in military affairs, he ſought to ſpend his time in converſing with the learned, and improving himſelf in matters of religion.

The king was ſo ſtrongly poſſeſſed with the belief, that his victory could not but make a ſtrong impreſſion upon the minds of the people, that he reſolved to march directly to London. He did not queſtion, but his army would conſiderably increaſe by the way, and the people forſake the two houſes, when they ſhould ſee him marching towards the metropolis. It is true, ſuch turns had been formerly ſeen in England, but very ſeldom or never in favour of princes, whom the nation believed to have cauſe to complain of. However, though Charles had given but too much occaſion to complain of his government, yet was he perſuaded, he was beloved by the people, and imputed whatever they did againſt him, to the artifices, calumnies, promiſes, threats, and violences, that were uſed to miſlead or compel them. In this belief, he imagined, the people wanted only an opportunity to free themſelves from the yoke of the parliament, and that the preſent one being very favourable, was not to be neglected. He publiſhed therefore the 30th of September, a proclamation, dated at Chard, wherein he ſet forth, with what earneſtneſs and ſincerity he had always deſired, and offered peace, which had been conſtantly rejected by both houſes, after which he ſaid, "That he had therefore reſolved with his army to draw preſently towards London, and his ſouthern and eaſtern counties, not looking upon theſe parts as enemies to him, but as his poor ſubjects, oppreſſed by power, (of which he was aſſured the greater part remained loyal to him,) and ſo deſerving his protection; hoping, that at a nearer diſtance of place, there might be begot ſo right an underſtanding between him and his people, that at length he might obtain a treaty for peace, and a full and free convention in parliament, and therein make an end of theſe unhappy differences, by a good accommodation; wherein his people might be ſettled in the poſſeſſion of their rights and liberties. And therefore he required his ſubjects within his own quarters, through, or near which he ſhould paſs, forthwith to prepare themſelves with the beſt arms they could get, to be ready to join him. He authorized likewiſe as well the train-bands of London, as his ſubjects of the eaſtern and ſouthern counties, to chuſe their own commanders among thoſe gentlemen and citizens, that were of approved loyalty, and lovers of peace, requiring them at his approach, to put themſelves in arms, and aſſiſt in this expedition, and commanding them to ſeize ſuch places of ſtrength, as the rebels were poſſeſſed of, and to apprehend the perſons of all ſuch as ſhould hinder the ſettling the peace of the kingdom."

All the effect this proclamation produced, was, that the inhabitants of Somerſetſhire, where the king then was, preſented a petition to him, humbly beſeeching his majeſty, "That they might have liberty to wait upon him in perſon, and, at a nearer diſtance of place, become petitioners to both houſes, to embrace his majeſty's offers of peace; and in caſe of refuſal, they promiſed to ſpend their lives and fortunes, in aſſiſting him to compaſs by the ſword, what by fair means could not be effected." But this was only a promiſed aid, and as yet too remote for the king to make any uſe of it in the preſent expedition.

If every thing had happened as the king had imagined; if the people had flocked to his army; if he had been chear-

[i] Where the lord Roberts, who went thither with the earl of Eſſex, was made governor, to whom the lord Digby writ, to perſuade him to ſurrender the town to the King. Ruſhworth, tom. V. p. 713.

[k] He had, before his coming, ſent two letters to the parliament, declaring in the firſt, his ſatisfaction in the covenant, wiſhing them ſucceſs; and in the other, the great ſtraights he and his mother were in, for want of the ſtipend they formerly had, bemoaning the courſes his brother prince Rupert took, in fighting againſt the parliament. Upon his landing at Graveſend, a committee of the commons attended him, and in May 1645, the commons ordered him an allowance of 8000l. a year, 2000l. whereof out of the king's revenue, and the reſt out of the eſtates of the lord Cottington, and ſir Nicholas Criſpe. Whitelock. p. 85, 101, 145.

fully ſupplied with all neceſſaries, very probably, he might have arrived at London before the parliament-forces could have been joined to form a new army. But his army, inſtead of increaſing in their march, as he expected, daily diminiſhed by fatigues, by want of money, ſhoes, and ſtockings, by ſickneſs, which diſabled many of his men from following the army [l]. He was obliged to make frequent halts in ſeveral towns to wait for money and other neceſſaries, which, he perceived, would not be ſupplied when he ſhould be removed. The horſe being diſcontented, as well at the lord Wilmot's diſgrace, as at their having received no pay this campaign, he was forced to ſtay till the eaſtern counties ſhould ſupply him with money to ſatisfy them, otherwiſe he durſt not advance. Theſe delays were the reaſon that he came not to Saliſbury till the 15th of October, ſix weeks after the advantage gained in Cornwall. Then it was that he altered his reſolution, and inſtead of marching to London, contented himſelf with returning to his old quarters in and about Oxford. Nay, this project could not be executed without difficulty, conſidering the meaſures taken by his enemies.

Whilſt the king was on his march, the parliament was not idle. They had provided (ſix thouſand) arms, and clothes for the earl of Eſſex's foot, and detached the city brigade conſiſting of five thouſand men [m], beſides the neceſſary recruits, to join him. Sir William Waller had taken the field again, his army being recruited and re-inforced, and was now at Andover ready to march. The earl of Eſſex's horſe, which had fortunately eſcaped in Cornwall, were come to him, as well as thoſe ſent into the weſt, under the command of colonel Middleton. Thus the earl of Eſſex ſaw himſelf in condition to march the 17th of October in order to join ſir William Waller, and the earl of Mancheſter, who were within diſtance. The king having notice that Waller was to march to Reading, advanced with all poſſible diligence towards Andover, to give him battle before he had joined the earl of Eſſex. Nay, he fell upon his rear and killed twenty or thirty of his men. But this could not hinder the junction of the three armies, which was done the 21ſt of October.

Whilſt the king's enemies lay ſo near him, he very unadviſedly, as it ſeems, detached from his army the earl of Northampton with three regiments of horſe, to relieve Banbury caſtle, which had been beſieged ever ſince July the 19th, and was now reduced to extremity. The earl ſucceeded in his expedition, but the king was like to pay dear for it, ſince, a few days after, he was forced to fight, deprived of the aid of theſe three regiments. His deſign, as I ſaid, was only to retire to Oxford, there being no farther reaſon to induce him to purſue his march towards London. But he would firſt beſiege Dennington caſtle, and therefore advanced to Newbury, which lies but a mile from that caſtle, whilſt the parliament-army was at Reading. The next day, that army marched towards Newbury, where the king fortified himſelf in the beſt manner he could, and placed his foot in the intrenchments, whilſt the horſe were poſted in two adjoining open fields, and for ſome days there were frequent ſkirmiſhes between the two armies. At laſt, on the 27th of October (being Sunday) the parliament-generals having divided their forces into two bodies [n], attacked the king's intrenchments at two ſeveral places. The fight, which began about three or four in the afternoon, held till night, and was extremely ſharp, each ſide repulſing the other by turns. This is all that can be gathered with any certainty from the accounts of this battle, except that when night approached, the aſſailants forced part of the intrenchment, and took ſome pieces of ordnance. But night hindered them from improving this advantage, and put an end to the fight [o].

Mean while, the king fearing the enemy would next morning penetrate into his lines, withdrew in the night, and marched to Wallingford, leaving his heavy cannon and baggage in Dennington caſtle. The earl of Eſſex was not in the battle. He had quitted the army ſome days before, whether on account of ſome ſudden indiſpoſition, or perhaps out of ſome diſcontent, not being able to agree, either with the earl of Mancheſter, or ſir William Waller [p].

The parliament-generals, who thought themſelves victorious, ſhould, one would think, have attacked the king in his retreat, which they could not be ignorant of, it being then full moon. They ſuffered him to march however without purſuing him [q], ſo that he ſafely arrived at Oxford. But this was not their greateſt error. The king having left his cannon, ammunition, and baggage in Dennington caſtle, they could have done nothing more advantageous than to employ their whole ſtrength to take the caſtle. But they contented themſelves with ſummoning the governor [r], and, upon his refuſal to capitulate, they remained quiet at Newbury without attempting any thing againſt him. This negligence muſt have been owing to the diſſention amongſt them, the one blaming the other for being the cauſe, that with ſo ſuperior an army, the king's was not entirely routed. This diſſention grew ſo high, that whatever was propoſed by the one, was ſure to be oppoſed by the other. We ſhall ſee hereafter ſtill worſe effects of their diſcord, and the alterations it occaſioned.

Mean while, the king being informed of the diſcord between the parliament-generals, and of their leaving Dennington caſtle unattacked, very wiſely improved ſo favourable a juncture. Some days after his arrival at Oxford, he was joined by prince Rupert, who brought him ſome horſe. He drew a body of foot out of the garriſon of Oxford, and other neighbouring towns, and the earl of Northampton rejoined him with his brigade of horſe. By means of theſe ſupplies he formed an army of ſix thouſand foot, and five thouſand horſe, with which he marched back towards Newbury the 2d of November. After the battle, the parliament-army had moved towards Oxford, but was returned to Newbury, on pretence that the ways were unpaſſable. But the chief reaſon was, the generals could not agree, there being no commander in chief. They received ſome intelligence of the king's march; but would not believe it till they heard of his being within ſix miles of Dennington. Whereupon they reſolved to draw up the next day between Dennington and the king's army. To that end, orders were given for all their horſe to rendezvous early on the morrow, it not being poſſible to march that day by reaſon their quarters were too ſeparate and remote. But that very night, the king purſued his march to Dennington, and drawing up his army, between the caſtle and Newbury waited in that poſture to ſee what the enemy would attempt. Though preſently after the parliament-army was alſo drawn up, the generals, having viewed the poſture and ſtrength of the king's, and held a council of war, judged it unſafe to engage. So, after ſome ſkirmiſhes, the king having drawn out what he left at Dennington, marched back to Oxford, where he arrived the 21ſt of November. In his way thither, he ſent a detachment of his army to the relief of (John Pawlet) marquis of Wincheſter, who had been long beſieged in his own caſtle of Baſing. But this detachment found the ſiege already raiſed. Thus ended the campaign of the year 1644, which proved not ſo fatal to the king as he had reaſon to fear, though however he loſt York and all the north.

It is time now to ſpeak of ſome other occurrences of the

[l] When the king marched from Chard, his army conſiſted but of five thouſand five hundred foot, and about four thouſand horſe. Clarendon, tom. II. p. 417.

[m] Commanded by ſir James Harrington, being the red and blue regiments of trained-bands of London, the red regiment of Weſtminſter, the yellow regiment of Southwark, and the yellow regiment of auxiliaries of the Tower-hamlets. Ruſhworth, tom. V. p. 719.

[n] All the general's horſe and foot; part of Mancheſter's horſe, and moſt of Waller's forces, with the city-brigade, marched to Speen-hill; and the earl of Mancheſter's foot, and part of his horſe, continued in the field near Shaw. The horſe were commanded by ſir William Waller, and ſir William Balfour; the foot by ſerjeant-major-general Skippon. Ruſhworth, tom. V. p. 721.

[o] After a long and hot diſpute (ſays Whitelock) the parliamentarians beat the king's forces from their works, and then from their ordnance, nine in number, in which atchievement they loſt a few men. Mem. p. 109.—— The parliament's army, according to the lord Clarendon, conſiſted of about ſixteen thouſand horſe and foot; and the king had not half that number, tom. II. p. 420. Whitelock ſays, he had eight thouſand foot, and five hundred horſe. Thomas Wentworth earl of Cleveland, of the king's ſide, was taken priſoner. p. 108. The king loſt three thouſand men, and the parliament two thouſand five hundred. Manley, p. 76, 77.

[p] Whitelock, upon this occaſion, ſays, the houſes being informed the lord general was not well, and ſtaid behind the army, ſent a committee of lords and commons to viſit him, and expreſs the affections of both houſes to him. This was not (as was given out) a piece of courtſhip, but I think real. There were ſome however, who were jealous that he was too much inclined to peace, and favouring of the king and his party. I think I knew as much of his mind as others did, and always obſerved him to wish for peace, yet not upon diſhonourable or unjuſt terms. He was a lover of monarchy and nobility, which he ſuſpected ſome deſigned to deſtroy; which humour then beginning to boil up, he reſolved to ſuppreſs. But the jealouſies upon him (who was a faithful and gallant man, and ſervant to the public) gave him great trouble in his thoughts. Mem. p. 108. See Holles's Mem. p. 21, &c.

[q] Colonel Cromwell followed the body of the enemy two hours before day. Whitelock, p. 109. See Ludlow. tom. I. p. 131.

[r] Threatening not to leave one ſtone upon another. To which the governor, ſir John Boys, made no other reply, than that he was not bound to repair it; but however, would, by God's help, keep the ground afterwards. Clarendon, tom. II. p. 424.

The

year 1644, which had no immediate relation to the war, but of which the knowledge is no leſs uſeful and neceſſary than that of conflicts and battles, though they have no natural connection together, nor depend upon each other.

March the 26th 1644, the parliament paſſed an ordinance, enjoining every family (within the bills of mortality, for three months) to forbear one meal a week, and contribute the value thereof for the public occaſions. This was properly laying a tax upon every family. For otherwiſe, very likely the parliament did not much care whether this weekly meal were forborn or not, provided the value (which was to be ſet upon each perſon and family) were paid.

April the 13th an Oxford ſpy was executed in the Palace-yard at Weſtminſter.

The 15th of the ſame month, it was voted by the commons, that the committee of both kingdoms ſhould prepare propoſitions for peace, to be preſented to the king. Not that they deſired then to enter into a new treaty with the king, for, ſince the conferences at Oxford were broken off, nothing had paſſed to induce them to alter their plan. But herein they had a double view, firſt to let the public ſee, they pretended not abſolutely to reject peace, as they were charged by the king: ſecondly, they had thereby a pretence ready to propoſe a peace, in caſe they were forced to it by the misfortunes of war during the campaign. What confirms this to have been their chief aim, is, that theſe propoſitions, which after all were the ſame in ſubſtance with thoſe debated at Oxford, were not ſent up to the lords till the 19th of Auguſt, at the very time that the earl of Eſſex was driven into Cornwall, and not to the king till the 20th of November.

To the year 1644 the affairs of the war were ſo publicly debated in the parliament, that the king was acquainted with the reſolutions there taken, before they were begun to be executed. But this year the managers thought fit to give the committee of both kingdoms, who were charged with the affairs of the war, more power than before, that they might give their orders, and cauſe them to be executed, without being obliged to communicate their reſolutions to both houſes. I do not know whether this was by expreſs vote, or by mere uſurpation, the committee knowing they ſhould at leaſt be avowed by the leading members, in caſe it was attempted to call them to an account. A conſiderable advantage indeed was hereby gained, in that the reſolutions became more private, and the king had not ſo good information. But on the other hand, the committee had by it a power which might be of very dangerous conſequence. And therefore ſeveral members complained, that the moſt important affairs were not communicated, but that the direction and management was reſerved to themſelves alone by the committee. The time for which they had been appointed being about to expire, the commons paſſed an ordinance for the continuance of the committee three months longer, and ſent it up to the lords. But the peers inſtead of paſſing the ordinance as ſent by the commons, added a clauſe to increaſe the number of the committee, with five lords and ten commoners (of their nomination) [s]. It is not to be doubted, the king's private friends uſed their endeavours to increaſe the number of the committee, in hopes of being able to gain ſome one to inform them of what ſhould paſs there. But the commons foreſeeing the conſequence of this addition, refuſed to conſent to it, and deſired the lords, that they would paſs the ordinance without any amendment. The lords declining to do it for ſometime, the commons found means to get the lord mayor and common-council of London to petition them among other things, that the committee of both kingdoms might be continued as it was [t]. Then the lords perceiving that ſince the city of London interpoſed, their reſiſtance would be fruitleſs, paſſed the ordinance four days after. The declarations of the city of London were a curb frequently uſed by the commons to ſtop the career of the king's friends, when by their cabals they were endeavouring to diſturb their deliberations, or to ſow diſcord between the two houſes. Beſides that it would have been dangerous as well as unjuſt to diſoblige that great city, by whom the charges of the war were chiefly born, experience had ſhewn, that the city had infallible expedients to ſupport their friends in the parliament. The hiſtorians of the two parties are in different ſentiments on this ſubject. The king's adherents pretend, that in general the Londoners were for the king, and would gladly have accepted the peace he was pleaſed to offer them, but were over-awed by their magiſtrates, who were almoſt all devoted to the parliament. On the contrary, the parliament's friends affirm, that the number of Londoners who were for the king was far ſhort of that of his enemies, and that the commotions now and then in the city, whether to demand peace, or to diſturb the parliament's debates, were but an effect of the cabals of ſome private perſons, who ſecretly adhered to the king, and endeavoured to ſow diſſention between the parliament and the city. That this manifeſtly appears in the ill ſucceſs of all their attempts.

There was in the London petition above-mentioned, another article of no leſs importance. A great many members of both houſes, as I have obſerved, had deſerted the parliament, before and after the beginning of the war. Some had taken this courſe out of affection to the king, and in order to ſerve him in his army, others by his expreſs command, ſeveral through fear and puniſhment, for endeavouring to force the parliament to a peace, and perhaps, ſome to avoid being expoſed to the outrages of the London mob. By the retreat of theſe members, the oppoſite party to the king was become ſo ſuperior in both houſes, that no man durſt any longer oppoſe whatever they thought proper to move. Indeed, it would have been very fruitleſs, for the king's new friends in the parliament to ſtrive to ſupport his intereſt. The king had therefore perceived, that his policy in diminiſhing the number of members in both houſes, inſtead of being advantageous, had on the contrary, proved very prejudicial to him, for by that means the reſolutions againſt him paſſed in parliament with much greater eaſe. His enemies were now freed from reſtraint, and met with no farther oppoſition. The commons perceiving, that from time to time ſome of theſe members returned to London, thought not proper to to admit them into the houſe, purſuant to a vote paſſed long before upon that head. They were apprehenſive, if ſuch members were admitted, the king might in time ſend them ſo great a number, as would ſuffice to obſtruct their deliberations. Mean while, to juſtify their refuſal to admit them, they ſo managed, that in the petition preſented to them by the common-council of London, was inſerted an article, that none of the members who had deſerted the parliament, ſhould be received, without ſatisfaction firſt given to both houſes for their future fidelity. In purſuance of this deſire it was declared ſoon after, by an ordinance, that ſuch peers as had deſerted, or ſhould deſert the parliament, ſhould not be readmitted without the conſent of both houſes; and that whatſoever member of the houſe of commons had ſo offended, or ſhould ſo offend hereafter, and adhere to thoſe that were levying war againſt the parliament, were and ſhould be abſolutely diſabled from ſitting in the houſe of commons. By this means, ſuch as might intend to return to the parliament for the king's ſervice, had ſufficient warning, that their artifice would be without effect.

(Robert Sidney) earl of Leiceſter, who about this time quitted Oxford, and returned to London, was not of the number of thoſe who forſook the king to do him ſervice. He had too much reaſon to be diſſatisfied with his majeſty, for amuſing him two years together, under colour of ſending him into Ireland, and for appointing at laſt the marquis of Ormond, for lord-lieutenant in his room. The earl of Leiceſter was however ordered into cuſtody at his coming to London; but, in all appearance, it was only to ſhew, that the new ordinance was intended to be rigorouſly executed.

In January 1643-4, the ſtates general of the United Provinces, ſent embaſſadors into England, to offer their mediation, which the two houſes made no great account of, knowing what credit the prince of Orange, the king's ſon-in-law, had in theſe provinces. Beſides, the embaſſadors, who were all ſuppoſed to be the prince of Orange's creatures, refuſed to acknowledge the two houſes of Weſtminſter, for the parliament of England. In ſhort, theſe embaſſadors, after ſeveral journies to Oxford, and attempts to perſuade the parliament to accept their mediation, without the previous acknowledgement required, fully owned the two houſes for the parliament of England, and preſented a memorial to offer their mediation. It muſt be obſerved this was the next day after the news of prince Rupert's defeat at Marſton-moor [u],

[s] The reaſon was, 'Becauſe divers of the committee, eſpecially the commons, were apprehended not to be ſo much the general's friends, as others who were deſired to be brought in,' and this cauſed ſome piques among them. Whitelock, p. 87.

[t] This petition, ſays Whitelock, was ſuſpected by the general's friends, to be ſet on foot by his enemies, and jealouſy grew among the grandees of the parliament, p. 88.

[u] On June the 6th, the Dutch embaſſadors addreſſed themſelves to the two houſes in ſuch terms as were acceptable; and it was reſolved they ſhould be admitted to audience, which was done, July the 12th, in each houſe apart. Being brought into the houſe of peers, and chairs prepared for them, they delivered their embaſſy firſt in French, and then a copy thereof in Engliſh. Then they were conducted by the ſerjeant-at-arms, with two members, into the houſe of commons: when they came in, the ſpeaker and all

As they had long delayed this acknowledgement, both houſe left them ſome time, in their turn, without any anſwer, being willing, doubtleſs, to intimate to them, that this mediation did not appear to them ſufficiently impartial. Wherefore the 10th of December, they demanded a public audience, which was granted, and in which they offered again the mediation of their maſters. Both houſes anſwered, that they readily accepted the mediation of the States: but had already ſent propoſitions to the king for a treaty of peace, of which they were to wait the ſucceſs. That, moreover the two kingdoms of England and Scotland, being united together by a ſolemn covenant, they ſhould do nothing without the concurrence of the Scots, which would require ſome time. Thus they evaded the offers of the ſtates-general, not believing ſuch a mediation could be for their advantage.

In July it was ordered by the houſe of commons, that the fine impoſed by the ſtar-chamber upon Mr. Denzil Holles, for his aſſerting the liberties of his country in parliament, ſhould be repaid him out of the king's revenue.

In October, an ordinance of both houſes was publiſhed, commanding, that no quarter ſhould be given to any Iriſhman taken in arms againſt the parliament.

In November, the lord Macguire, and Mac Mahone, were brought upon their trials. They were apprehended at Dublin the very day they were to ſurprize the caſtle, and ſent into England, where they had been confined in the Tower ever ſince. They had found means to break priſon, and conceal themſelves in a houſe in London. But unfortunately hearing a woman crying oyſters in the ſtreet, one of them put his head out of window to call her, and was that inſtant eſpied by a ſervant of ſir John Clotworthy, who knew him, and immediately gave notice to the lieutenant of the Tower. They were both ſeized again, and ſhortly after condemned and executed [w].

Since the famous William Laud archbiſhop of Canterbury had been impriſoned at the end of the year 1640, I have had but little occaſion to ſpeak of him. It is time now to relate the cataſtrophe of his life. He was accuſed by the commons of high-treaſon, December the 18th, 1640, and thereupon committed to the cuſtody of the Black-rod. The 26th of February following, the articles of impeachment were brought in againſt him, and then he was ſent to the Tower. There he remained till October the 23d, 1643, when the commons having added ten freſh articles to the impeachment, he was ordered by the lords to anſwer the 30th of the ſame month. It would be too tedious to ſpecify all the petitions he preſented, and all the expedients his council furniſhed him with, to cauſe his ſentence to be deferred. It ſuffices to ſay, that he gained time till the 11th of November, 1644, on which day he ſpoke ſeveral hours together in his own defence [x]. But whether the commons were afraid their proofs were not ſufficient for his condemnation, or the delays granted him by the lords, gave them cauſe to think, they were inclined to ſave his life, they uſed the ſame method as in the caſe of the earl of Strafford, I mean a bill of attainder, which paſſed their houſe the ſame day the archbiſhop made his defence before the peers, with but one diſſenting vote. The bill being ſent up to the lords, they acquainted the commons at a conference, that indeed they found the archbiſhop guilty of the charge as to matters of fact, but deſired ſome farther ſatisfaction in point of law, whether the matters amounted to treaſon. Whereupon the commons communicated to them the reaſons, whereby they pretended to prove him guilty of that crime. Upon which the lords, the 4th of January, paſſed the bill of attainder, whereby it was ordained, he ſhould ſuffer death as in caſes of high-treaſon, and, on the 6th, both houſes ordered he ſhould be executed the 10th. On the 7th, the lords at a conference informed the commons of a pardon to the archbiſhop from the king, dated the 12th of April, 1643, but it was over-ruled and rejected. The ſame day, the archbiſhop ſeeing there was no remedy, petitioned the lords, that the manner of his execution might be changed to beheading. He deſired alſo, that ſome of his chaplains might be permitted to be with him before and at his death. The lords very readily granted his two requeſts, but the commons refuſed both, and ſent him two miniſters whom he did not aſk for, with one of thoſe he deſired. The next day he preſented a ſecond petition to be beheaded, ſetting forth, that he was a divine, biſhop, privy-counſellor, and peer; whereupon the commons were at length prevailed with. When he was upon the ſcaffold, he made a pretty long ſpeech, wherein, among other things, he inſinuated, that he ſuffered for not forſaking the temple of God, to follow the bleatings of Jeroboam's calves, alluding to the ſchiſm of the preſbyterians. He ſaid,—"He had ranſacked every corner of his heart, and thanked God, he had not found any ſins there deſerving death, by the known laws of the land. The king had been traduced by ſome for labouring to bring in popery, but, upon his conſcience, he knew him to be as free from ſuch a charge as any man living, and held him to be as ſound a proteſtant, according to the religion eſtabliſhed by law, as any perſon in the kingdom. He proteſted he never endeavoured the ſubverſion of the laws of the realm, nor never any change of the proteſtant religion, into popiſh ſuperſtition. He had never been an enemy to parliaments, but did indeed diſlike the miſgovernment of one or two."—After he had prayed, the executioner did his office at one blow. His friends were permitted to take his body, and bury it in Alhallows-Barking church. Such was the end of this famous prelate, who, let his favourers ſay what they pleaſe, was one of the chief authors of the troubles that afflicted England: firſt, by ſupporting with all his power the arbitrary principles, which the court ſtrove for ſeveral years to eſtabliſh: ſecondly, by a too rigid obſervance of trifles in the divine ſervice, and by compelling every one to conform thereto. All that can be ſaid in his favour, is, that he believed in his own conſcience, this rigidneſs was neceſſary [y].

The ſame day the lords paſſed the bill of attainder againſt the archbiſhop, they paſſed likewiſe an ordinance, that the Book of Common-Prayer ſhould be laid aſide, and the Directory eſtabliſhed, which had been framed by the aſſembly of divines. Hereby the church of England was rendered by public authority, completely preſbyterian, to the great ſatisfaction of the Scots, and many of the principal members of both houſes. This was an ill preparative for the peace which was now negociating, and of which I have deferred to ſpeak hitherto, that the narration might not be interrupted.

The king, as hath been often ſeen, ſent meſſage upon meſſage to the two houſes, with overtures of peace; and, no doubt, he would have granted it very willingly, had they been as ready to receive it in his ſenſe. But they perfectly knew what they were to underſtand by the word peace. Beſides, at the very time the king offered to treat with both

all the members ſtood up in their places uncovered, and the embaſſadors ſaluted them as they paſſed by them; they ſat down in chairs ſet for them, and the members ſat down likewiſe; and when the embaſſadors were covered the ſpeaker and houſe were covered alſo. They made a ſhort ſpeech, of the affection of their maſters to theſe kingdoms, and their deſire to mediate an agreement between the king and his parliament; and after their ſpeech ended, they returned with the ſame ceremonies as at their coming thither. During the time of their being in the houſe, there lay upon the table, in their view, forty-eight colours, taken from the king's forces in the battle of Marſton-moor. Ruſhworth, tom. V. p. 716. Whitelock, p. 94.

[w] Hugh Oge Mac Mahone was hanged at Tyburn, November 22; and the lord Macguire, February 20, 1644-5. Ruſhworth, tom. V. p. 731, 736.

[x] His trial laſted twenty days; beginning March 12, 1643-4, and ending July 29. See State-trials.

[y] The managers at his trial were, Mr. Maynard, Mr. Brown, ſerjeant Wild, Mr. Nicholas, for the commons; and his council were, Mr. Herne, and Mr. Chute. The ſum of his charge was, That he had traiterouſly endeavoured to ſubvert the fundamental laws and government of the kingdom of England, and inſtead thereof, to introduce an arbitrary government. The chaplains he deſired to have with him, were Stern, Haywood, and Martin; thoſe ſent by the commons, were, Stern, Marſhal, and Palmer. He called his laſt ſpeech a ſermon, and began with a text, Heb. xii. 1, 2. In his printed defence which he left behind him, he excuſes himſelf in moſt particulars, by ſaying, That he was but one of many, who either in council, ſtar-chamber, or high-commiſſion, voted illegal things. His diary ſhews him to be ſuperſtitious, and a regarder of dreams. He was, in the main, a learned, ſincere, and zealous man, humble in his private deportment; but withal, hot and indiſcreet, eagerly purſuing trifles, as bowing to the communion-table, ſports on the lord's day, &c. Ruſhworth, Burnet, Whitelock.——Among other works of piety and magnificence, this great prelate built a court at St. John's college Oxon: procured king Charles to give to the clergy in Ireland all the impropriations then remaining in the crown: ſettled the impropriation of Cudſden on the biſhopric of Oxon: got Commendams annexed to the biſhoprics of the new foundation: obtained very ample charters for the univerſities of Oxford and Dublin, and regulated the ſtatutes of the former: founded an Arabic lecture at Oxford, and an hoſpital in Reading: ſet up a Greek preſs in London, &c. He deſigned other great things, of which ſee an account in Ruſhworth, tom. II. p. 74, 75.——The tranſlator has received in a letter, the following remarks on this famous archbiſhop: the author of the letter thinks Rapin worthy of animadverſion, for ſeeming to grant (in his character, above,) moſt of the fine qualities aſcribed to him by his admirers, namely wiſdom, learning, and good ſenſe. "For (continues he) unleſs giving a ſeries of the moſt violent and tyrannical counſels, be a proof of wiſdom, it does not appear, wherein his wiſdom conſiſted. Some learning indeed he had, with a good ſhare of ſchool-divinity, languages, and antiquities. But theſe of themſelves, are but very ſlender accompliſhments, affording the mind the ſhew, rather than the ſubſtance of knowledge, and tending more to fortify men in their prejudices, than to enlarge their underſtanding. And for his good ſenſe, let his own ſpeeches in the ſtar-chamber remain as everlaſting proofs of it; particularly his argument to excuſe the painter for repreſenting God like an old man, drawn from his being called 'The ancient of days.' Examine either his actions or ſpeeches, and there can hardly be found any thing that looks like good ſenſe, or even common diſcretion. His own diary (however barbarous it was to publiſh it) ſhews him a man of a very mean genius, a bigot, and an enthuſiaſt."

The

houſes, he carefully avoided uſing any term that might intimate his owning them to be a parliament. It was neceſſary therefore, if they deſired to treat with him, either that he ſhould expreſsly acknowledge them, or that they ſhould treat as private perſons without authority. But ſuppoſing they could have reſolved to do ſo, what would ſuch a treaty have ſignified? This was the pretence uſed by both houſes, during the campaign of the year 1644, not to anſwer the king's invitations. Mean while, as the king talked very much of his frequent offers to perſuade the people of his ſincere deſire of peace, and of the refuſal of both houſes, they reſolved to oblige him to explain more clearly, what he meant by peace, that the people might examine whether he offered ſufficient ſecurity. For, as I ſaid, this was the only point in queſtion. The treaty at Oxford, where two propoſitions only were debated, not having fully cleared this matter, the two houſes thought it would be for their advantage to induce the king, by a ſecond treaty, to declare poſitively, that he would give no other ſecurity than his bare word. They hoped this would ſuffice to efface the impreſſions his repeated offers might have made on the minds of the people.

During the campaign, it was no proper ſeaſon for ſuch a negotiation, by reaſon of the variety of accidents produced by the war. It was not till November the 26th, two days after the king's return to Oxford, that the two houſes ſent him the propoſitions, which had been prepared in the ſummer. They had ſent to deſire a ſafe-conduct for their commiſſioners, which the king had granted but as to private perſons, without one word to denote his conſidering them as the parliament's commiſſioners. Though the two houſes were by no means pleaſed with ſuch a ſafe-conduct, they accepted it however, and their commiſſioners repaired to Oxford, where the king arrived the day before [z]. At the firſt audience, the king aſked them, "Whether they had power to treat?" they anſwered, "No; their commiſſion was only to receive his majeſty's anſwer in writing." The king replied, "Then a letter-carrier might have done as much as you." In all appearance, he had expected, that the two houſes would treat with him, without his owning them for the parliament of England, in which he was much miſtaken. He heard the propoſitions read with great attention and patience, and then receiving them from their hands, told them, he would give them his anſwer.

Montague Bartu earl of Lindſey, who was with the king at Oxford, having ſent his compliments to Holles and Whitelock, they two, with the conſent of the reſt of the commiſſioners, returned his civility by a viſit. They found him indiſpoſed, and in his bed; but he received them however, in preſence of ſeveral lords who were in his room. Preſently after, the king came in, and had a long conference with them. He told them, "He knew that they were both deſirous of a peace, and wiſhed, that all the reſt of the members were of their opinion; and therefore, ſays he, out of the confidence I have of you two, I aſk your advice, what anſwer will be beſt for me to give at this time to your propoſitions, which may probably further ſuch a peace, as all good men deſire?" Whitelock anſwered, "The beſt and moſt ſatisfactory anſwer, I humbly believe, would be your majeſty's preſence with your parliament, and which I hope might be without danger to you." The king, perceiving they did not care to ſpeak their minds before ſo much company, ſaid, "I deſire you two to go into the next room, confer a little together, and ſet down in writing what you apprehend may be fit for me to return in anſwer to your meſſage." Whereupon they withdrew into another room, and, by Holles's intreaty, Whitelock wrote down what was their ſenſe in this matter, and what might be fit for the ſubſtance of the king's anſwer. But this he did not in his uſual hand, and without any name to it. The paper thus written being left upon the table, the king went in, and took it up immediately. No perſon was preſent, neither did the king admit any others to hear the diſcourſe which paſſed between him and them. It cannot be denied, it was very extraordinary for theſe commiſſioners to confer in private with the king, unknown to their colleagues, to whom they imparted nothing of what had paſſed between the king and them. [1644-5] Accordingly, ſhortly after, the lord Savile, now made earl of Suſſex, who was in the earl of Lindſey's room when the king came in, and who returned afterwards to the parliament, accuſed them publicly of having held private conferences with the king. But as he was not able to prove what he advanced, the thing reſted there. What I have been ſaying remained a ſecret, till Whitelock publiſhed it in his Memorials, and even there we do not find the contents of the paper written with his own hand [a]. But however, it is not impoſſible to vindicate theſe two commiſſioners, who having, doubtleſs, ſome knowledge of the plot that was now contriving, and of which I ſhall ſpeak hereafter, wiſhed that a peace might be concluded before the plot was executed. In all appearance, they adviſed the king, in order to promote a peace, to grant the parliament certain articles, otherwiſe they foreſaw peace would be impoſſible; but the king thought not fit to follow their advice [b].

The next day the king ſent his anſwer ſealed up to the commiſſioners; but they refuſed to receive it, unleſs they had a copy of it. The king denied it ſome time [c], at laſt gave them a copy. The ſubſtance of it was only to demand a ſafe-conduct for the duke of Lenox and the earl of Southampton, to carry his anſwer to the propoſitions. As this anſwer was not directed to any perſon, nor the parliament ſo much as named in it, the commiſſioners made ſome ſcruple to receive it. They were prevailed with however, on the ſuppoſition, that the two houſes would be at liberty to make what uſe of it they pleaſed. This paper being read at a conference of both houſes, the exceptions againſt the form and want of directions were warmly debated; but at laſt, it was carried to lay aſide all objections, and ordered that the earl of Eſſex ſhould write to prince Rupert to this effect: "That if his majeſty will ſend to the parliament of England aſſembled at Weſtminſter, and to the commiſſioners of the kingdom of Scotland, they would with all readineſs grant a ſafe-conduct for the duke of Richmond and the earl of Southampton." The king was extremely loth to do this; but the affair being debated in his council, none oppoſed it but himſelf. Nevertheleſs he could not be prevailed with, till after he was furniſhed with this expedient, to make a proteſtation againſt it in private, which ſhould be recorded. After that, prince Rupert's anſwer being worded as both houſes deſired, the ſafe-conduct was ſent to Oxford.

The two lords, ſent from the king, being come to London, delivered the king's anſwer to both houſes [d], dated the 13th of December, containing only, That whereas he found it very difficult to return a poſitive anſwer, before a full debate, to their propoſitions, if the two houſes would appoint commiſſioners, he would nominate the like number to treat with them at any place that ſhould be agreed on. As the king thought a common-letter carrier might have done the office of the commiſſioners, who brought the propoſitions, ſo it might be aſked, where was the neceſſity of ſending two of the principal men of his court and council, to carry this anſwer to both houſes. But, in all appearance, the king's aim was to get information, by means of theſe two lords and his friends in London, of ſome things which he was not fully acquainted with [e]. However this be, not to dwell too long upon preliminaries, the particulars whereof are not abſolutely neceſſary, it ſuffices to ſay, that the following articles were agreed on: That the commiſſioners of both parties ſhould meet at Uxbridge: that the conferences ſhould begin the 30th of January 1644-5, and ſhould laſt twenty days: that the propoſitions, as well on the king's as the

[z] The propoſitions having been prepared by the committee of both kingdoms, and approved of by both houſes, the commiſſioners were appointed, namely, for the peers, the earl of Denbigh, and the lord Maynard; for the commons, Mr. Pierpoint, Mr. Holles, Mr. Whitelock, and the lord Wenman; and for Scotland, the lord Maitland, ſir Charles Erſkine, and Mr. Barclay. Whitelock, p. 111.

[a] Rapin has committed ſome miſtakes in his account of this matter, particularly he makes the paper to be written by Holles; but they are corrected in the tranſlation, with ſome ſmall additions from Whitelock's Memorials; which, though mentioned here and elſewhere by the author, he never ſaw but as quoted in Ruſhworth.

[b] Whitelock, in his ſpeech to the houſe, when accuſed by the lord Savile, ſays, the king preſſed very much the unreaſonableneſs of the propoſitions, particularly thoſe concerning religion and the militia; but he was told, that unleſs he would grant them, it would be in vain to treat of any peace, p. 154, 155.

[c] And told them, "What is the anſwer to you, who are but to carry what I ſend; and if I ſend the ſong of Robin Hood and Little John, you muſt carry it?" This, and other paſſages there were, which ſhewed the king to be then in no good humour, and it was wondered at, ſince the diſobliging the commiſſioners could be of no advantage to the king. Whitelock, p. 114, 115.

[d] The houſes were ſomewhat at a loſs about the manner of their delivering their meſſage, as it was directed to the Scotch commiſſioners, as well as to the parliament. But at laſt it was reſolved, that their reception ſhould be by a committee of fourteen lords, and twenty-eight commoners, and the Scotch commiſſioners, in the painted chamber. Ruſhworth, tom. 5. p. 790.

[e] Had Rapin ſeen Whitelock's Memorials, he would have found his conjecture confirmed. He ſays, both houſes deſired of the duke of Richmond, and the earl of Southampton, a liſt of their retinue, to the end no affront might be offered to them, but chiefly to diſcover ſuch as came to town with theſe lords, under pretence of being of their retinue, when they were not, but came to do ill offices to the parliament. Whitelock ſays, they were civilly treated, whereas at Oxford, he and the reſt had been ſeurvily uſed, p. 118.

parliament's ſide, ſhould be reduced to theſe three heads, religion, the militia, and Ireland: that religion ſhould be treated upon, three days together; then the militia three days more; and after that, Ireland, as many; which done, the affairs of religion ſhould be reſumed for three days; then the buſineſs of the militia; and laſtly, Ireland for the ſame time. The king's commiſſioners were, the duke of Richmond, the marquis of Hertford, the earl of Southampton, the earl of Kingſton, the earl of Chicheſter, and eleven others, among whom was ſir Edward Hyde chancellor of the exchequer, afterwards earl of Clarendon [f]. Thoſe for the parliament were twelve in number, the chief whereof were the earls of Northumberland, Pembroke, Saliſbury, aud Denbigh [g]; and for Scotland the principal were, the earl of Lowdon lord-chancellor of Scotland, and the marquis of Argyle [h]. I intend not to relate the particulars of this negotiation, which was tranſacted by papers and anſwers in writing, but ſhall content myſelf with mentioning the principal matters. The king's propoſitions were in ſubſtance the ſame with thoſe he had given at Oxford, without any alteration as to the ſenſe. The parliament's were not much different from the Oxford ones, but more large and full, and therefore I think it proper to inſert them.

The propoſitions of the parliament, and Scotch commiſſioners.

" I. THAT all oaths, declarations and proclamations, againſt both or either of the houſes of parliament of England, and the late convention of eſtates in Scotland, be declared null, and ſuppreſſed.

" II. That his majeſty may be pleaſed to ſwear and ſign the late ſolemn league and covenant, and that an act of parliament be paſſed, for enjoining the taking thereof by all the ſubjects of the three kingdoms.

" III. That the bill be paſſed for the utter aboliſhing and taking away of all archbiſhops, biſhops, &c. and the reſt of the hierarchy, out of the churches of England and Ireland, and dominion of Wales, with ſuch alterations concerning the eſtates of prelates, as ſhall agree with the articles of the late treaty, of the date at Edinburgh, the 29th of November 1643, and joint declaration of both kingdoms.

" IV. That the ordinance concerning the calling and ſitting of the aſſembly of divines, be confirmed by act of parliament.

" V. That reformation of religion, according to the covenant, be ſettled by act of parliament, in ſuch manner as both houſes ſhall agree upon, after conſultation had with the aſſembly of divines; and foraſmuch as both kingdoms are mutually obliged by the ſaid covenant, to endeavour the neareſt conjunction and uniformity in matters of religion, that ſuch unity and uniformity in religion, according to the covenant, as after conſultation had with the divines of both kingdoms, now aſſembled, ſhall be jointly agreed upon by both houſes of the parliament of England, and by the church and kingdom of Scotland, be confirmed by acts of parliament of both kingdoms reſpectively.

" VI. That for the more effectual diſabling Jeſuits, prieſts, papiſts, and popiſh recuſants, from diſturbing the ſtates, and eluding the laws, and for the better diſcovering and ſpeedy conviction of recuſants, an oath be eſtabliſhed by act of parliament, to be adminiſtered to them; and refuſing the ſaid oath, being tendered in ſuch manner as ſhall be appointed by the ſaid act, to be ſufficient conviction in law of recuſancy.

" VII. An act of parliament for education of the children of papiſts by proteſtants in the proteſtant religion.

" VIII. An act for the true levying of the penalties againſt them.

" IX. That an act be paſſed in parliament, whereby the practices of papiſts againſt the ſtate may be prevented, and the laws againſt them duly executed, and a ſtricter courſe taken to prevent the ſaying or hearing of maſs in the court, or any other part of the kingdom.

" X. The like for the kingdom of Scotland, concerning the four laſt preceding propoſitions.

" XI. That the king do give his royal aſſent,

" 1. To an act for the due obſervation of the Lord's day.

" 2. And to the bill for the ſuppreſſion of innovations in the worſhip of God.

" 3. And to the bill againſt the enjoying of pluralities and non-reſidency.

" 4. And to the following acts, for the reforming and regulating of both univerſities, of the colleges of Weſtminſter, Wincheſter, and Eaton.

" 5. For the ſuppreſſion of Interludes and ſtage-plays.

" 6. For the taking the accounts of the kingdom.

" 7. For relief of ſick and maimed ſoldiers, and of poor widows and children of ſoldiers.

" 8. For raiſing of monies, for the payment and ſatisfying the public debts and damages of the kingdom.

" 9. For taking away the court of wards and liveries, &c.

" 10. For the taking away all tenures by homage, and all fines, licenſes, ſeiſures, and pardons for alienation: and that his majeſty will pleaſe to accept, in recompence hereof, one hundred thouſand pounds per annum;

" And give aſſurance of his conſenting in the parliament of Scotland, to an act ratifying the acts of convention of the eſtates of Scotland, called by the council and conſervatory of peace, and the commiſſioners for the common burdens, and aſſembled the 22d day of June 1643, and ſeveral times continued ſince.

" 1. That the perſons who ſhall expect no pardon, be only theſe following, Rupert and Maurice, count palatines of the Rhine, James earl of Derby, John earl of Briſtol, William earl of Newcaſtle, Francis lord Cottington, John lord Pawlet, George lord Digby, Edward lord Littleton, William Laud archbiſhop of Canterbury, Matthew Wren biſhop of Ely, ſir Robert Heath, knight, &c. and all ſuch others, as being proceſſed by the eſtates for treaſon, ſhall be condemned before the act of oblivion be paſſed.

" 2. All papiſts and popiſh recuſants, who have been, are, or ſhall be actually in arms, or voluntarily aſſiſting againſt the parliaments or eſtates of either kingdom.

" 3. All perſons who have had any hand in the plotting, deſigning, or aſſiſting the rebellion in Ireland.

" 4. That the members of either houſe of parliament, who have deſerted the parliament, and concurred in the votes at Oxford, may be removed from his majeſty's counſels, and be reſtrained from coming within the verge of the court, and that they may not, without the conſent of both kingdoms, bear any office, or have any employment concerning the ſtate or common-wealth.

" 5. That by act of parliament, all judges and officers towards the law common or civil; and likewiſe all biſhops, clergymen, and other eccleſiaſtical perſons, who have deſerted the parliament, ſhall not be capable of any preferment or employment.

N. B. Then follow ſeveral articles regulating the confiſcation of the goods, and the fines of ſuch delinquents as were not actually excepted in the pardon.

" XII. That an act be paſſed, whereby the debts of the kingdom, and the perſons of delinquents, and the value of their eſtates may be known; and appointing in what manner the confiſcations above-mentioned may be levied.

" XIII. That an act be paſſed in the parliament of both kingdoms reſpectively, for confirmation of the treaties paſſed betwixt the two kingdoms.

" XIV. That an act of parliament be paſſed, to make void the ceſſation of Ireland, and to ſettle the proſecution of the war in that kingdom.

" XV. That an act be paſſed in the parliament of both kingdoms reſpectively, for eſtabliſhing the joint declaration of both kingdoms, bearing date the 30th of January 1643.

" XVI. That by act of parliament, the ſubjects of the kingdom of England may be appointed to be armed, trained, and diſciplined in ſuch manner as both houſes ſhall think fit; the like for the kingdom of Scotland.

" XVII. That an act of parliament be paſſed, for the ſettling the admiralty and forces at ſea, and for the raiſing of ſuch monies for maintenance of the ſaid forces, and of the navy, as both houſes of parliament ſhould think fit; the like for the kingdom of Scotland.

" XVIII. And an act for the ſettling of all forces both by ſea and land, in commiſſioners, to be nominated by both houſes of parliament.

N. B. Here follow the powers which thoſe commiſſioners were to have.

" That the commiſſioners of both kingdoms may meet as a joint-committee, 1. To preſerve the peace betwixt the kingdoms. 2. To prevent the violation of the articles of

[f] The other ten were, the lords Capel, Seymour, Hatton, and Culpepper; ſecretary Nicholas, ſir Richard Lane, ſir Orlando Bridgeman, ſir Thomas Gardiner, Mr. John Aſhburnham, Mr. Jeoffery Palmer; with Dr. Stewart, Dr. Laney, and Dr. Sheldon, for religious affairs.

[g] The other eight were, the lord viſcount Wenman, Denzil Holles, William Pierepoint, ſir Henry Vane, jun. Oliver St. John, Bulſtrode Whitelock, John Crew, Edmund Pridraux.

[h] The other Scotch commiſſioners were, the lords Maitland and Balmerino, Johnſon, Erſkine, Dundas, Smith, Kennedy, Barclay, together with Mr. Alexander Henderſon.

Upon

peace. 3. To raiſe and join the forces of both kingdoms, to reſiſt all foreign invaſion. 4. To order the war of Ireland.

"XIX. That his majeſty give his aſſent to what the two kingdoms ſhall agree upon, in proſecution of the articles of the large treaty, which are not yet finiſhed.

"XX. That all peers, made ſince the day that Edward lord Littleton, then lord-keeper of the great-ſeal, deſerted the parliament, and that the ſaid great-ſeal was conveyed away, being the 21ſt day of May 1642, and who ſhall hereafter be made, ſhall not ſit or vote in the parliament of England, without conſent of both houſes.

"XXI. That the deputy, or chief governor, or other governors of Ireland, as alſo all the great officers of the crown of England, be nominated by both houſes of parliament.

"XXII. That the education of his majeſty's children be in the proteſtant religion, and that their tutors and governors be choſen by the parliaments of both kingdoms. And that if they be male, they be married to ſuch only as are of the proteſtant religion; if they be females, they may not be married but with the advice and conſent of both parliaments.

"XXIII. That his majeſty will give his royal aſſent to ſuch ways and means as the parliaments of both kingdoms ſhall think fitting, for the uniting the proteſtant princes, and for the entire reſtitution of Charles Lodwick prince elector palatine, to his electoral dignity, and dominions, provided that this extend not to prince Rupert, or prince Maurice, or the children of either of them.

"XXIV. That by act of parliament the concluding of peace or war with foreign princes and ſtates, be with advice and conſent of both parliaments.

"XXV. That an act of oblivion be paſſed in the parliaments of both kingdoms reſpectively, relative to the qualifications in the propoſitions aforeſaid.

"XXVI. That the members of both houſes of parliament, or others, who, have, during this parliament, been put out of any place or office, for adhering to the parliament, may either be reſtored thereunto, or otherwiſe have recompence for the ſame.

"XXVII. That the armies may be diſbanded, at ſuch time and in ſuch manner, as ſhall be agreed upon by the parliaments of both kingdoms.

"XXVIII. That an act be paſſed, for the granting and confirming of the charters, cuſtoms, &c. of the city of London, notwithſtanding any nonuſer, miſuſer, or abuſer. That the militia of the city of London, and of the pariſhes without, may be in the ordering and government of the lord mayor, aldermen, and common-council.

"That the Tower of London may be in the government of the city of London, and the chief officer and governor thereof from time to time be nominated and removeable by the common-council.

"That the citizens or forces of London ſhall not be drawn out of the city into any other parts of the kingdom, without their own conſent, and that the drawing of their forces into other parts of the kingdom in theſe diſtracted times, may not be drawn into examples for the future.

"And for prevention of inconveniences, which may happen by the long intermiſſion of common-councils, it is deſired, that there be an act, that all by-laws and ordinances already made, or hereafter to be made, by the lord mayor, aldermen, and common council, touching the calling, continuing, and regulating of the ſame, ſhall be as effectual in law, as if the ſame were particularly enacted by the authority of parliament. And that the lord mayor, aldermen and common-council may add to, or repeal the ſaid ordinances from time to time, as they ſhall ſee cauſe.

"That ſuch other propoſitions as ſhall be made for the city for their farther ſafety, welfare, and government, and ſhall be approved of by both houſes of parliament, may be granted and confirmed by act of parliament."

If, after the reading of theſe propoſitions, it ſhould be inquired what authority the two houſes intended to leave the king, ſuppoſing he had accepted them, it would be difficult to diſcover it. They pretended, as it evidently appears, to leave him only an empty title, and inveſt themſelves with the ſovereignty, and that, not by artifice, but openly and publicly. Their principle was, that the king, having rendered himſelf unworthy, by the breach of his oaths, and of the truſt repoſed in him by the people, to hold the reins of the government, the ſupreme authority was to return to its original fountain, that is, to the people, repreſented by the two houſes. Accordingly they did not pretend that the juſtice or injuſtice of theſe propoſitions ſhould be debated in the treaty of Uxbridge; for it would have been ridiculous to aſſign but twenty days for ſuch an examination; but they gave them as conditions from which they would not depart, and which the king was to embrace or reject. For this reaſon, the king's commiſſioners endeavoured in vain to enter into a diſcuſſion of the propoſitions. All they gained by that was, that the parliament's commiſſioners offered to demonſtrate by word of mouth, in private conferences, that the propoſitions were very juſt. After that, pretending to have urged ſatisfactory arguments, they coldly demanded their aſſent, though the king's commiſſioners were far from being convinced by the reaſons alleged to them. This method of proceeding baffled the king's commiſſioners, who had prepared many arguments, objections, and difficulties againſt the propoſitions, and determined to find fault with every expreſſion. For, after all, the king was no more deſirous of a peace than the two houſes, as will preſently appear, and indeed it was almoſt impoſſible, conſidering the contrariety between the principles on which the two parties founded their reſpective rights. To ſay all in one word, the parliament's commiſſioners departed not from one tittle of what was contained in the propoſitions.

In the firſt place, as to religion, the need both houſes ſtood in of Scotland, and the covenant made between the two nations, allowed them not to queſtion the juſtice of that covenant, which had now been ſworn to in both kingdoms. Accordingly it may be affirmed, their commiſſioners defended this article very ill. For, to prove the neceſſity of the alterations made in religion, and in the diſcipline of the church, the confirmation whereof they demanded, the beſt argument they alleged was the covenant itſelf. It is true, in ſome conferences their miniſters were ordered to ſpeak, and endeavour to ſhow that epiſcopacy was not jure divino. But this did not prove the abſolute neceſſity of deſtroying it in England. All their reaſonings were built upon the pretended miſchiefs it had occaſioned. But when the king's commiſſioners propoſed to ſuffer epiſcopacy to remain, and to reform the abuſes thereof, the reaſons alleged by thoſe of the parliament not to agree to it were extremely weak [1].

For the militia, an article which included the ordering of the forces of the kingdom, the cuſtody of places, the nomination to great poſts, &c. the parliament could not depart from it, without owning, they were making war very wrongfully, ſince they pretended to do it, but in order to obtain ſuch ſecurities, as they believed they had a right to demand. If by a treaty, they ſhould have accepted the king's word as ſufficient ſecurity, every one would have perceived they might have avoided the war, by accepting that ſecurity which the king had always offered before the breach. It muſt however be confeſſed, this article might very juſtly have been deemed a proper ſubject for a treaty. But the parliament ſeems to have firmly adhered to the article of the militia, only to lay invincible obſtacles to a peace. For it may be affirmed, that neither party deſired peace, unleſs greater advantages could be procured by a treaty than by arms.

As for Ireland, the two houſes thought they had upon this article ſo great an advantage, that they were glad to expoſe the king to give ill reaſons in his defence. It is therefore certain, it was not properly with deſign to make peace that the two houſes ſent their commiſſioners to Uxbridge. Their ſole aim was, to let their party ſee, they were determined to ſupport the alterations they had made in religion, and the eſtabliſhment of preſbyterianiſm: to ſhew the public, the king, when he ſo frequently offered peace, offered only a peace very deſtructive and dangerous to the nation: laſtly, to confirm the people in their ſuſpicions, that the king did not proceed as he ought in the affairs of Ireland.

The king, on his part, was no more inclined to ſeek expedients for a peace than the two houſes. If he ſent his commiſſioners to Uxbridge, it was, firſt, becauſe having ſo

[1] Upon the entrance into the debate of religion, Dr. Stewart ſpoke againſt preſbyterian government, and for epiſcopal, which he alleged to be jure divino. Mr. Henderſon anſwered him, and aſſerted, that epiſcopacy was not ſo ſuitable to the word of God as preſbytery, which he urged to be jure divino. Whereupon the marquis of Hertford ſpoke to this effect: "My lords, here is much ſaid concerning church-government in the general; the reverend doctors on the king's part affirm, that epiſcopacy is jure divino; the reverend miniſters of the other part do affirm, that preſbytery is jure divino: for my part, I think that neither the one nor the other, nor any government whatſoever, is jure divino; and I deſire we may leave this argument, and proceed to debate upon the particular propoſals. The earl of Pembroke, ſays Whitelock, and many of the commiſſioners, were of the ſame judgment. Whitelock. p. 128.

often expreſſed his earneſt deſire to treat, he could not decently recede, when he was, as I may ſay, taken at his word. Secondly, he knew, it had been moved in the parliament to purſue the war more vigorouſly than ever, and that in order to do it with greater ſucceſs, ſuch alterations in the army were contriving, as could not but be diſadvantageous to him. He hoped therefore by means of the treaty of Uxbridge, to retard the execution of that project, as well as the parliament's preparations. Thirdly, he did not queſtion, but the unreaſonable demands of both houſes would produce a good effect for him in the minds of the people, becauſe they would clearly ſee, that the parliament's aim was to deſtroy entirely the worſhip of the church of England, practiſed ever ſince the reformation; to aſſume to themſelves the ſovereignty under colour of curbing the power of the crown; and, in a word, to change the conſtitution of the government in church and ſtate. But though he had conſented to treat of the parliament's propoſitions, he was however reſolved never to conſent to the abolition of epiſcopacy, or diminution of the regal authority, nor to deprive himſelf of the aid he expected to receive from Ireland, by a peace with the rebels, unleſs he was firſt ſure of peace in England.

What has been advanced concerning the little inclination of both parties to peace, wants no proof with reſpect to the parliament. Their propoſitions, the proceedings of their commiſſioners, and the ſhort ſpace they aſſigned for the treaty, are clear evidences of it. As for the king, there are ſtill more convincing proofs. Firſt, there is not the leaſt likelihood, that in his ſituation, if he had really and ſincerely reſolved to labour for peace, he would have been willing, I won't ſay to accept, but even to liſten to propoſitions, which tended to leave him only the empty title of king, and to deprive him wholly of the exerciſe of the royal power. Had he been priſoner in the hands of the parliament, harder terms could ſcarce have been propoſed to him. And indeed, when that misfortune befel him afterwards, the parliament made very little additions to theſe terms propoſed to him at Uxbridge, when he was yet able to defend himſelf. Secondly, the intentions I aſcribe to the king, with regard to peace, are proved by ſeveral papers found in his cabinet in the battle of Naſeby, fought a few months after, and which the parliament ordered to be printed and publiſhed. I ſhall give here ſome extracts of them, becauſe they relate to the treaty at Uxbridge, of which I am now ſpeaking. I own, it is not impoſſible, theſe papers may have been curtailed or forged by the publiſhers. But a bare poſſibility, without other proofs, would not be ſufficient to take away all credit from theſe papers, the originals whereof the parliament boaſted to have in their hands. Beſides, the impartial reader can find nothing in them contrary to the genius and character of Charles I. or to the ſtate of his affairs.

Directions for my Uxbridge commiſſioners.

Firſt, concerning religion.

"IN this, the government of the church (as I ſuppoſe) will be the chief queſtion, wherein two things are to be conſidered, conſcience and policy.

"For the firſt, I muſt declare unto you, that I cannot yield to the change of the government by biſhops, not only as I fully concur with the general opinion of Chriſtians in all ages, as being the beſt, but likewiſe I hold myſelf particularly bound, by the oath I took at my coronation, not to alter the government of this church, from what I found it, And as for the church's patrimoney, I cannot ſuffer any diminution or alienation of it, it being, without peradventure, ſacrilege, and likewiſe contrary to my coronation-oath. But whatſoever ſhall be offered for rectifying of abuſes, if any have crept in, or yet for the eaſe of tender conſciences, (ſo that it endamage not the foundation) I am content to hear, and will be ready to give a gracious anſwer thereunto.

"For the ſecond; as the king's duty is to protect the church, ſo it is the church's to aſſiſt the king in the maintenance of his juſt authority; wherefore my predeceſſors have been always careful, (eſpecially ſince the reformation) to keep the dependency of the clergy entirely upon the crown, without which it will ſcarcely ſit faſt upon the king's head; therefore you muſt do nothing to change or leſſen this neceſſary dependency.

"Next concerning the militia. After conſcience, this is certainly the fitteſt ſubject for the king's quarrel: for without it the kingly power is but a ſhadow, and therefore upon no means to be quitted, but to be maintained according to the ancient known laws of the land: yet becauſe (to attain to this ſo-much-wiſhed peace by all good men,) it is in a manner neceſſary, that ſufficient and real ſecurity be given for the performance of what ſhall be agreed upon, I permit you, either by leaving ſtrong towns, or other military force to the rebels poſſeſſion (until articles be performed) to give ſuch aſſurance for performance of conditions, as you ſhall judge neceſſary for to conclude a peace, provided always, that you take (at leaſt) as great care, by ſufficient ſecurity, that conditions be performed to me, and to make ſure, that the peace once ſettled, all things ſhall return into their ancient channels.

"As for Ireland, I confeſs they have very ſpecious popular arguments to preſs this point, the gaining of no article more conducing to their ends than this; and I have as much reaſon, in both honour and policy, to take care how to anſwer this as any. All the world knows the eminent, inevitable neceſſity, which cauſed me to make the Iriſh ceſſation; and there remain yet as ſtrong reaſons for the concluding of that peace; wherefore you muſt conſent to nothing to hinder me therein, until a clear way be ſhewn me how my proteſtant ſubjects there, may probably (at leaſt) defend themſelves, and that I ſhall have no more need to defend my conſcience and crown from the injuries of this rebellion."

Memorials for ſecretary Nicholas, concerning the treaty at Uxbridge.

Oxford, Feb. 1644.

"I. FOR religion and church-government, I will not go one jot farther than what is offered by you already.

"II. And ſo for the militia, more than what ye have allowed by me; but even in that you muſt obſerve, that I muſt have free nomination of the full half; as if the total number of Scots, and all, be thirty, I will name fifteen. Yet if they (I mean the Engliſh rebels) will be ſo baſe as to admit of ten Scots, to twenty Engliſh, I am contented to name five Scots, and ten Engliſh; and ſo proportionably to any number that ſhall be agreed upon.

"III. As for gaining of particular perſons, beſides ſecurity, I give you power to promiſe them rewards for performed ſervices, not ſparing to engage for places, ſo they be not of great truſt, or be taken away from honeſt men in poſſeſſion, but as much profit as you will. With this laſt you are only to acquaint Richmond, Southampton, Culpepper, and Hyde."

The queen to the king.

Paris, Jan. 6. Decemb. 27, 1644-5.

"——— I UNDERSTAND that the commiſſioners are arrived at London; I have nothing to ſay, but that you have a care of your honour, and that if you have a peace, it may be ſuch as may hold; and if it fall out otherwiſe, that you do not abandon thoſe who have ſerved you, for fear they do forſake you in your need: alſo, I do not ſee how you can be in ſafety without a regiment of guards; for myſelf I think I cannot be, ſeeing the malice which they have againſt me, and my religion, of which I hope you will have a care of both; but, in my opinion, religion ſhould be the laſt thing upon which you ſhould treat: for if you do agree upon ſtrictneſs againſt the catholics, it would diſcourage them to ſerve you; and if afterwards there ſhould be no peace, you could never expect ſuccours either from Ireland, or any other catholic prince, for they would believe you would abandon them, after you have ſerved yourſelf."—

His majeſty's letter to the queen.

Dear heart, Oxford, Dec. 1644.

"——— KNOW (as a certain truth) that all, even my party, are ſtrangely impatient for peace, which obliged me ſo much the more, at all occaſions, to ſhew my real intentions to peace; and likewiſe, I am put in very good hopes, (ſome hold it a certainty) that if I ſhould come to a fair treaty, the ring-leading rebels could not hinder me from a good peace: firſt, becauſe their own party are moſt weary of the war, and likewiſe for the great diſtractions which at this time moſt aſſuredly are amongſt themſelves, as preſbyterians againſt independents in religion, and general againſt general in point of command. Upon theſe grounds a treaty being moſt deſirable, (not without hope of good ſucceſs) the moſt probable means to procure it was to be uſed, which might ſtand with honour and ſafety. Amongſt the reſt, (for I will omit all thoſe which are unqueſtionably concealable) the ſound of my return to London, was thought to have ſo much force of popular rhetoric in it, that upon it a treaty would be had, or if refuſed, it would bring much prejudice

prejudice to them, and be advantageous to me; yet, leſt fooliſh or malicious people ſhould interpret this, as to proceed from fear or folly, I have joined conditions with the propoſition (without which this ſound will ſignify nothing) which thou wilt find to be moſt of the chief ingredients of an honourable and ſafe peace. Then obſerve, if a treaty at London, with commiſſioners for both ſides, may be had without it, it is not to be uſed, nor in caſe they will treat with nobody but myſelf; ſo that the conditions ſave any aſperſion of diſhonour, and the treating at London, the malignity which our factious ſpirits here may infuſe into this treaty upon this ſubject. This I hope will ſecure thee from the trouble, which otherwiſe may be cauſed by falſe malicious rumours; and though I judge myſelf ſecure in thy thoughts, from ſuſpecting me guilty of any baſeneſs, yet I held this account neceſſary, to the end thou may make others know, as well as thyſelf, this certain truth, that no danger of death or miſery (which I think much worſe) ſhall make me do any thing unworthy of thy love.—I conclude, by conjuring thee as thou loveſt me, that no appearance of peace, nor hopeful conditions of mine, make thee neglect to haſten ſuccour for him, who is eternally thine."

To the queen.

Jan. 1, 1644.

"——— I SHALL now tell thee, That the rebels are engaged into an equal treaty,—and that the diſtractions of London were never ſo great, or ſo likely to bring good effect as now. Laſtly, that the aſſiſtance was never more needful, never ſo likely as now to do good to him, who is eternally thine."

To the queen.

Dear heart, Oxford, Jan. 2, 1644.

"——— As for my calling thoſe at London a parliament, I ſhall refer thee to Digby for particular ſatisfaction; this is in general: if there had been but two (beſides myſelf) of my opinion, I had not done it: and the argument that prevailed with me was, that the calling did no ways acknowledge them to be a parliament. Upon which condition and conſtruction I did it, and no otherwiſe, and accordingly it is regiſtered in the council-books, with the council's unanimous approbation."—

To the queen.

Dear heart, Oxford, Jan. 22, 1644.

"——— I BELIEVE thou wilt approve of my choice of treators; and for my propoſitions, they differ nothing in ſubſtance (very little in words) from thoſe which were laſt.

"Now upon the whole matter, I deſire thee to ſhew the queen and miniſters there, the improbability that this preſent treaty ſhould produce a peace, conſidering the great ſtrange difference (if not contrariety) of grounds that are betwixt the rebels propoſitions and mine, and that I cannot alter mine, nor will they ever theirs, until they be out of hope to prevail by force, which a little aſſiſtance by thy means will ſoon make them ſo; for I am confident, if ever I could put them to a defenſive (which a reaſonable ſum of money would do) they would be eaſily brought to reaſon."

The queen to the king.

My dear heart, Paris, Jan. 17th, 27th, 1644.

"——— TOM Elliot, two days ſince, hath brought me much joy and ſorrow; the firſt to know the good eſtate in which you are, the other, the fear I have that you go to London. I cannot conceive where the wit was of thoſe who gave you this counſel; unleſs it be to hazard your perſon to ſave theirs: but thanks be to God, to day I received one of yours by the embaſſador of Portugal, dated in January, which comforted me much to ſee that the treaty ſhall be at Uxbridge. For the honour of God, truſt not yourſelf in the hands of theſe people; and if you ever go to London, before the parliament be ended, or without a good army, you are loſt. I underſtand that the propoſitions for the peace muſt begin by diſbanding the army; if you conſent to this, you ſhall be loſt, they having the whole power of the militia, they have done and will do whatſoever they will. I received yeſterday letters from the duke of Lorrain, who ſends me word, if his ſervice be agreeable to you, he will bring you ten thouſand men. Dr. Goffe, whom I have ſent into Holland ſhall treat with him in his paſſage upon this buſineſs, and I hope very ſpeedily to ſend good news of this, as alſo of the money; aſſure yourſelf, I will be wanting in nothing you ſhall deſire, and that I will hazard my life, that is, to die by famine, rather then not ſend to you. Send me word always by whom you receive my letters; for I write both by the embaſſador of Portugal, and the reſident of France: above all, have a care not to abandon thoſe who have ſerved you, as well the biſhops, as the poor catholics. Adieu."—

The king to the queen.

Jan. 30.

"——— THE treaty begins this day. I deſire thee to be confident, that I ſhall never make a peace by abandoning my friends, nor ſuch a one as will not ſtand with my honour and ſafety."—

To the queen.

Dear heart, Oxford, Feb. 15th, 25th, 1644.

"——— AS for our treaty there is every day leſs hopes than other, that it would produce a peace, but I will abſolutely promiſe thee, that if we have one, it ſhall be ſuch as ſhall invite thy return; for I vow, that without thy company, I can neither have peace nor comfort within myſelf. The limited days for treating are now almoſt expired, without the leaſt agreement upon any one article; wherefore I have ſent for enlargement of days, that the whole treaty may be laid open to the world; and I aſſure thee, that thou needeſt not doubt the iſſue of this treaty, for my commiſſioners are ſo well choſen, (though I ſay it) that they will neither be threatened nor diſputed from the grounds I have given them, which, upon my word, is according to the little note thou ſo well remembereſt, and in this not only their obedience, but their judgments concur.—

"In ſhort, there is little or no appearance, but that this ſummer will be the hotteſt for war of any that hath been yet; and be confident, that in making peace, I ſhall ever ſhew my conſtancy in adhering to biſhops and all our friends, and not forget to put a ſhort period to this perpetual parliament. But as thou loveſt me, let none perſuade thee to ſlacken thine aſſiſtance for him who is eternally thine."

C. R.

To the queen.

Dear heart, Oxford, Feb. 19, 1644.

"I cannot yet ſend thee any certain word concerning the iſſue of our treaty, only the unreaſonable ſtubbornneſs of the rebels gives daily leſs and leſs hopes of any accommodation this way; wherefore I hope no rumours ſhall hinder thee from haſtening all thou may, all poſſible aſſiſtance to me, and particularly that of the duke of Lorrain's, concerning which I received yeſterday good news from Dr. Goffe, that the prince of Orange will furniſh ſhipping for his tranſportation, and that the reſt of his negotiations goes hopefully on.—

"As for truſting the rebels, either by going to London, or diſbanding my army before a peace, do no ways fear my hazarding ſo cheaply or fooliſhly; for I eſteem the intereſt thou haſt in me at a far dearer rate, and pretend to have a little more wit."—

To the queen.

Dear heart, Oxford, March 5, 1644.

"NOW is come to paſs what I foreſaw, the fruitleſs end (as to a preſent peace) of this treaty; but I am ſtill confident, that I ſhall find very good effects of it: For beſides that my commiſſioners have offered, to ſay no more, full meaſured reaſon, and the rebels have ſtucken rigidly to their demands, which I dare ſay had been too much, though they had taken me priſoner, ſo that aſſuredly the breach would light foully upon them. We have likewiſe at this time diſcovered, and ſhall make it evidently appear to the world, that the Engliſh rebels (whether baſely or ignorantly will be no very great difference) have, as much as in them lies, tranſmitted the command of Ireland from the crown of England to the Scots, which, beſides the reflection it will have upon theſe rebels, will clearly ſhew, that reformation of the church is not the chief, much leſs the only end of the Scotch rebellion.

"But it being preſumption, and no piety, ſo to truſt to a good cauſe, as not to uſe all lawful means to maintain it; I have thought of one means more to furniſh thee with for my aſſiſtance, than hitherto thou haſt had; it is, that I give thee power to promiſe in my name (to whom thou thinkeſt moſt fit) that I will take away all the penal laws againſt the Roman catholics in England, as ſoon as God ſhall make me able to do it, ſo as by their means, or in their favours, I may have ſo powerful aſſiſtance as may deſerve ſo great a favour, and enable me to do it. But if thou aſk what I call that aſſiſtance, I anſwer, that when thou knoweſt what may be done for it, it will be eaſily ſeen if it deſerve to be ſo

eſteemed. I need not tell thee what ſecrecy this buſineſs requires; yet this I will ſay, that this is the greateſt point of confidence I can expreſs to thee, for it is no thanks to me to truſt thee in any thing elſe but this, which is the only thing of difference in opinion betwixt us: and yet I know thou wilt make as good a bargain for me, even in this, I truſting thee (though it concerns religion) as if thou wert a proteſtant, the viſible good of my affairs ſo much depending on it."—

To the queen.

Dear heart, Oxford, March 15, O. S.

"WHAT I told thee the laſt week concerning a good parting with our lords and commons here, was on Monday laſt handſomely performed: and now if I do any thing unhandſome or diſadvantageous to myſelf or friends in order to a treaty, it will be merely my own fault; for I confeſs, when I wrote laſt, I was in fear to have been preſſed to make ſome mean overtures to renew the treaty, (knowing there was great labourings to that purpoſe; but now I promiſe thee, if it be renewed, (which I believe will not without ſome eminent good ſucceſs on my ſide) it ſhall be to my honour and advantage, I being now as well freed from the place of baſe and mutinous motions, (that is to ſay, our mungrel parliament here) as of the chief cauſers, from whom I may juſtly expect to be chidden by thee, for having ſuffered thee to be vexed by them; Wilmot being already there, Percy on his way, and Suſſex within few days taking his journey to thee."—

I ſhall make no other remark on theſe letters, than that they evidently ſhew, the peace which the king ſeemed to deſire ſo earneſtly, was an empty ſound which had nothing real, but as taken in his private ſenſe of the word. I have ſhewn on the other ſide, that the two houſes were not more inclined to peace. Wherefore I hope my readers will not take it ill, that I forbear to enter into a long detail of the conferences at Uxbridge, where both parties fought rather to amuſe the public than expedients to conclude. I ſhall therefore content myſelf with briefly relating, how far the condeſcenſion of the two parties reached towards making that peace they ſeemed to wiſh for ſo ardently.

Upon the article of religion, the king's commiſſioners, after many diſputes, conſented at laſt to the following particulars.

"1. That freedom be left to all perſons, of what opinions ſoever, in matters of ceremony, and that all the penalties of the laws and cuſtoms which enjoin theſe ceremonies be ſuſpended. (1.)

Remark (1.) Since the penal laws were not to be aboliſhed, but only ſuſpended, it followed that the preſbyterians could rely on that freedom no longer than it was out of the king's power to deprive them of it.

"2. That the biſhop ſhall exerciſe no act of juriſdiction or ordination, without the conſent and council of the preſbyter, who ſhall be choſen by the clergy of each dioceſe out of the learnedeſt and graveſt miniſters of the dioceſe [k].

"3. That the biſhop keep his conſtant reſidence in his dioceſe, except when he ſhall be required by his majeſty to attend him upon any occaſion, and that (if he be not hinder-by the infirmities of old age or ſickneſs) he preach every Sunday in ſome church within his dioceſe. (3.)

Rem. (3.) This was no more than the biſhops duty, and it was not for the king's honour to let this be conſidered as a condeſcenſion to promote the peace.

"4. That the ordination of miniſters ſhall be always in a public and ſolemn manner, and very ſtrict rules obſerved, concerning the ſufficiency and other qualifications of thoſe men, who ſhall be received into holy orders; and the biſhop ſhall not receive any into holy orders, without the approbation and conſent of the preſbyters, or the major part of them.

"5. That competent maintenance and proviſion be eſtabliſhed by act of parliament, to ſuch vicarages as belong to biſhops, deans, and chapters, out of the impropriations, and according to the value of thoſe impropriations, of the ſeveral pariſhes. (4.)

Rem. (4.) One of the principal things urged againſt the church of England by the preſbyterians, was, that the churches were ill ſerved, becauſe the biſhops, deans and chapters, committed the cure of thoſe which belonged to them, to inſufficient preachers for cheapneſs ſake. This abuſe, doubtleſs ought to have been reformed, without making it one of the conditions of the peace.

"6. That for the time to come, no man ſhall be capable of two parſonages or vicarages with cure of ſouls.

"7. That towards the ſettling of the public peace, one hundred thouſand pounds ſhall be raiſed by act of parliament, out of the eſtates of biſhops, deans and chapters, in ſuch manner as ſhall be thought fit by the king and the two houſes of parliament, without the alienation of any of the ſaid lands. (5.)

Rem. (5.) By the treaty between the parliament and Scotland, the lands of the biſhops, deans, and chapters were aſſigned for the payment of the Scotch troops. The king ſeemed by this conceſſion to agree, that one hundred thouſand pounds ſhould be raiſed upon thoſe lands. But in ſuppoſing likewiſe the neceſſity of the king's conſent for the applying that ſum, the Scots could not be ſure he would agree that it ſhould be aſſigned to them.

"8. That the juriſdiction in cauſes teſtamentary, decimal, matrimonial, be ſettled in ſuch a manner as ſhall ſeem moſt convenient by the king and the two houſes of parliament. (6.)

Rem. (6.) This conceſſion ſignified nothing, for ſince the king meant not to give up his negative vote in parliament, to ſay, that after the peace this article ſhould be ſettled by the king and the two houſes, was as much as to ſay, there ſhould be no alteration in it but what the king pleaſed.

"9. That one or more acts of parliament be paſſed, for regulating of viſitations, and againſt immoderate fees in eccleſiaſtical courts, and the abuſes by frivolous excommunications, and all other abuſes in the exerciſe of eccleſiaſtical juriſdiction, in ſuch manner as ſhall be agreed upon by his majeſty, and both houſes of parliament. (7.)

Rem. (7.) This pretended conceſſion is like the former; for after the peace ſhall be made, it would be ſtill in the king's breaſt to give or with-hold his aſſent to the reformation of the abuſes; whereas the point was to ſettle what ought to have been reformed.

When theſe conceſſions are compared with the parliament's demand, that epiſcopacy ſhould be aboliſhed; it is no wonder, the parliament's commiſſioners were not ſatisfied with them. Accordingly, without loſing time in diſputing upon theſe articles, they rejected them as inſufficient, and offered not to qualify their demand in the leaſt.

As to the militia, the king's commiſſioners, after long diſputing, and alleging various arguments to ſhew the injuſtice of depriving the king of one of the moſt eſſential prerogatives of the crown, and the inconveniences which would infallibly flow from thence, were willing to grant:

"That all the forces of the kingdom, both by ſea and land, ſhould be put into the hands of twenty commiſſioners, ten to be named by the king, and ten by the two houſes, and that the ſame thing ſhould be done in Scotland. But they would not conſent, the commiſſioners for Scotland ſhould be joined with thoſe for England, ſo as to form one committee, or that the firſt ſhould in any manner meddle with the affairs of England. Upon theſe conditions, they offered, that the king ſhould be content that this commiſſion ſhould continue for three years." But ſtill the power of theſe commiſſioners was firſt to be ſettled, wherein there were very great difficulties.

The parliament's commiſſioners would not agree, that the king ſhould name ten of the perſons that were to be intruſted with the militia. Their reaſon was, that the point being to give the people ſecurity, they would have none, if half the commiſſioners were nominated by the king: nay, rather it would be a means to re-kindle the war, there being no likelihood that theſe commiſſioners, thus equally divided, would ever agree, ſince they would be of oppoſite principles. Moreover, proceeding upon the foundation of the union between England and Scotland, and upon the dangers being common to both kingdoms, they perſiſted to demand, that the commiſſioners of both kingdoms ſhould act in common. Upon theſe two conditions they agreed, that the commiſſion ſhould continue but ſeven years, after having long contended for an unlimited time. Thus the negotiation upon this, ſucceeded no better than upon the foregoing article [l].

As to Ireland, the commiſſioners agreed upon nothing.

[k] Rapin leaving out the words [by the clergy of each dioceſe] made a needleſs remark, that it was not declared who was to chuſe the preſbyter, which is therefore omitted.

[l] The parliament ſent an expreſs to Uxbridge, with their vote, to propound a limitation of the militia for three years, after the three kingdoms are declared by the king and parliament to be ſettled in peace, or to have it ſettled in the parliament for ſeven years, after the time the king is willing to ſettle it. When they firſt treated of the militia, ſir Edward Hyde would have had it taken for granted, That the whole power of the militia, by the law of England, is in the king only. This by Mr. Whitelock, was denied to

The parliament would have the ceſſation to be void, and for the future, neither peace nor truce to be made without the conſent of both houſes. The king's, knowing his majeſty's mind, that he would not only maintain the ceſſation, but even deſigned to make peace with the Iriſh, were far from conſenting to the parliament's demand. So, the whole diſpute turned upon this point, whether the king had power to conclude a ceſſation, without the privity of the two houſes, ſome affirming, others denying it. On each ſide the ſame arguments were frequently repeated, with mutual reproaches for ſeveral proceedings; and almoſt all the facts alleged by one ſide, were denied by the other, ſo that neither of the parties made any conceſſion.

After a negotiation of eighteen days upon the three articles I have been ſpeaking of, the king's commiſſioners deſired, his majeſty's propoſitions, particularly thoſe concerning the ceſſation of arms and the king's return to the parliament, might be conſidered. The other commiſſioners anſwered, that when the two houſes ſhould ſee the treaty like to ſucceed, they would conſent to prolong it. The two remaining days were ſpent by the king's commiſſioners, in trying to obtain a prolongation of the treaty, but they could not prevail. It muſt be remembered, that the king's aim was to gain time for two principal reaſons: firſt, as he was perſuaded, that as long as the people had any hopes of peace, they would not eaſily be induced to find the parliament the neceſſary ſupplies for the continuation of the war, and ſo the preparations of the two houſes would be retarded. The ſecond was, that he rightly judged, the parliament would not ſeriouſly think of executing their project concerning the army, whilſt there ſhould be any expectation of peace. The two houſes perceiving the king's intention, avoided the ſnare, and the conferences broke off upon the expiration of the twenty days [m].

The houſe of commons, or rather, a new party which had been formed in the houſe, waited only for this rupture, to execute a project which I have juſt mentioned, but of which it will be neceſſary to ſpeak here more largely, ſince the execution of this project ſerves for foundation to all the events which afterwards happened.

Before the parliament was aſſiſted by Scotland, the war had not been much to their advantage. The ſucceſſes of the two firſt campaigns were ſo far from anſwering their expectations, that very probably, without the aſſiſtance of the Scots, they would have been forced to make ſuch a peace as the king deſired. If in the third, the king had loſt all the North, he had made himſelf amends, by gaining almoſt all the weſtern counties, and, after the ſecond battle of Newbury, he was ſtill at Oxford, in condition to withſtand his enemies. The ſcotch army, which, having ſubdued all the North, was advancing towards the middle of the kingdom, was therefore what made the balance incline to the parliament's ſide, and what, probably, was to give them the ſuperiority in the fourth campaign, for which both ſides were preparing. This aid came very ſeaſonably to eſtabliſh the affairs of the preſbyterians, who were then all-powerful in the parliament, and diſpoſed of every thing as they pleaſed.

They were the men who had moſt conduced to engage the kingdom in a war, and called in the Scots, becauſe they could not hope to execute their deſigns, unleſs the parliament's arms were victorious. But before I proceed, it will be abſolutely neceſſary to make known theſe preſbyterians, who till then ſeemed to make but one and the ſame party, though in reality they conſiſted of two, very different from each other, both in principles and intereſts.

After all my pains, I have not been able to diſcover preciſely, the firſt riſe of the independent ſect or faction. Thus much is certain, their principles were very proper to put the kingdom in a flame, as they did effectually. With regard to the ſtate, they abhorred monarchy, and approved only a republican government. As to religion, their principles were contrary to thoſe of all the reſt of the world. They not only were averſe to epiſcopacy, and the eccleſiaſtical hierarchy; but would not ſo much as endure ordinary miniſters in the church. They maintained, that every man might pray in public, exhort his brethren, interpret the ſcriptures, according to the talents God had endued him with; whereas very often miniſters were ordained without proper endowments, whilſt thoſe of many laymen remained uſeleſs for want of external ordination. So with them, every one prayed, preached, admoniſhed, interpreted the holy ſcriptures, without any other call than what he himſelf drew from his zeal, and ſuppoſed gifts, and without any other authority than the approbation of his auditors [n].

I cannot exactly tell, whether this ſect or faction was intirely formed at the beginning of the parliament, or whether it ſprung up during the ſeſſions. But there is, I think, a diſtinction to be made upon this ſubject. I conjecture, that the ſect was already formed, with reſpect to civil government, and aroſe from the principles of arbitrary power, which James I. and Charles I. laboured to eſtabliſh, but that with regard to religion, it was formed during this parliament. I build my conjecture upon this. When the long parliament began, there were but two known parties in the Engliſh church, namely, the epiſcopalians, or church of England men, and the preſbyterians. The name of Independent was entirely unknown, and thoſe, afterwards called independents, were certainly united with the preſbyterians, and made a very conſiderable part of them. But they were different from the other preſbyterians, as they propoſed for their end to change the monarchy into a common-wealth, which cannot be imputed to the preſbyterians in general. It is very true, the preſbyterians were for humbling the regal power, and leaving the king only the ſhadow of ſovereignty; but they preſerved a ſort of attachment to the name of king, and at leaſt an external reſpect for royalty. If we examine the propoſitions they preſented to the king at ſeveral times, we ſhall find them all built upon this foundation. They were in that like the Scots, who cannot juſtly be accuſed of intending to aboliſh monarchy, though they propoſed to reduce it within very narrow bounds. The independents, after having lent their utmoſt aſſiſtance to diminiſh the regal power, in hopes thereby to attain their end, the deſtruction of the monarchy, perceived at laſt, they ſhould not be able, without great difficulty, to accompliſh their deſign. The reaſon was, becauſe neither the Engliſh, nor Scotch preſbyterians, had any inclination to eſtabliſh a common-wealth, and becauſe their whole clergy, who had a great influence in that party, were of the ſame principles. They judged therefore, it would be very advantageous to them to deſtroy the clergy's authority, by intimating them to be unneceſſary, and their vocation eſtabliſhed upon no good foundation. Then it was that the independent ſect began to be formed with regard to religion; for there are no ſigns of it, till about the end of the year 1644. I own this to be only conjecture, which may be rejected if any thing more plauſible occurs.

to be ſo very clear; and he undertook to make it out, That our law doth not poſitively affirm, where that great power is lodged, and doubted not, but to ſatisfy the commiſſioners fully in that point. Whereupon it was moved, that a day might be appointed to hear their arguments: but on account of the time, it was thought fit to lay aſide the debate. The commiſſioners of both kingdoms, at their return from their quarters, thanked Whitelock for encountering ſir Edward Hyde, upon the point of the right of the militia, wherein he was ſo confident, Whitelock, p. 129, 133.

[m] A great many of the king's friends, and particularly the earl of Southampton, went poſt from Uxbridge to Oxford, to preſs the king again and again upon their knees, to yield to the neceſſity of the times; and by giving his aſſent to ſome of the moſt material propoſitions that were ſent him, to ſettle a laſting peace with his people. The king was at laſt prevailed with to follow their counſel; and the next morning was appointed for ſigning a warrant to his commiſſioners to that effect. But when they came early next morning to wait on him, with the warrant agreed upon over-night, they found his majeſty had changed his reſolution, and was become inflexible in theſe points. This alteration was occaſioned by a confident letter, dated February 3, which his majeſty received, a few hours before he was to ſign, from the marquis of Montroſe, giving an account of the earl of Argyle's defeat, and diſſuading his majeſty from treating with his rebel-ſubjects; becauſe, as the marquis affirmed, "He doubted not, but before the end of the ſummer, he ſhould be able to come to his majeſty's aſſiſtance with a brave army." Welwood's Mem. p. 62, 63, 302, &c. Burnet's Hiſt.

[n] The independents, called at firſt Congregationaliſts, owed their riſe chiefly to Goodwin, Nye, Bridge, Sympſon, and Burroughs, who tranſported themſelves into Holland for liberty of conſcience. From whence, upon the downfall of epiſcopacy, they returned to England, and addreſſed the parliament with an apologetical narrative for indiſturbance and toleration. In this apology they declare, That they conſulted the ſcriptures without any prepoſſeſſion: they look upon the word of Chriſt as impartially and unprejudicedly as men of fleſh and blood are like to do in any juncture of time, they having no temptation to any bias. As to church government, they ſaid, they confined themſelves to ſcripture precept and precedent, leaving room for alterations upon farther inquiry. Purſuant to theſe grounds, they held a middle courſe between preſbytery and Browniſm. The firſt they counted too arbitrary, the other too looſe. Their main characteriſtic was, the diſallowing parochial and provincial ſubordinations, and forming all their congregations upon a ſcheme of co-ordinacy. As to the manner of their ſervice, they prayed publicly for kings and all in authority; they read the ſcriptures, and expounded the leſſons upon proper occaſions: they adminiſtered the ſacraments: they ſung pſalms, and made collections for the poor every lord's-day. Their public officers were paſtors, teachers, ruling elders, (which were eccleſiaſtics) and deacons. As for church-cenſures, they had none but admonition and excommunication. The five above mentioned independents were all or moſt of them members of the aſſembly of divines. Rapin ſeems to confound them with the Browniſts. See their Apologetical Narrative, and Collier's Eccl. Hiſt. tom. II. p. 829.——They were called independents from their declaring againſt the dependency of churches: which, as is ſaid above, was their main characteriſtic.

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It is no wonder therefore, that from the beginning of this parliament, the independents had earneſtly contributed to put it out of the king's power to preſerve his authority but by a war, and to ruin the church of England. It is rather to be conſidered, that this was the natural conſequence of their principles, and a very proper means to lead them to their end. The humbling of the king, and the deſtruction of the church of England, were two points that were neceſſarily to be gained, before the eſtabliſhment of a common-wealth was endeavoured. It was not therefore proper, they ſhould ſeparate from the preſbyterians, as long as theſe concurred with them in their deſign to gain the two principal points. For that reaſon, they readily conſented to call in the Scots, and made no ſcruple to approve of the covenant, and whatever elſe was acquired by the Scots. The buſineſs then was to be able to reſiſt the king, who had acquired ſome ſuperiority, by the happy ſucceſs of his arms. This was the common intereſt of the preſbyterians and independents, who would have been equally ruined, if the king's party had prevailed.

Mean while, the Scotch army, in ſtrengthening alike the preſbyterians and independents againſt the king, confirmed withal to the firſt, the ſuperiority they had for ſome time enjoyed. As long as this ſuperiority laſted, it was almoſt impoſſible for the independents to attain their ends. They judged it therefore abſolutely neceſſary, to undermine the great power of the preſbyterians, not openly, for fear of being oppreſſed before they had well laid their meaſures, but ſecretly, and by artifice. To that purpoſe, the leaders of this party, as Vane, Cromwell, Tate, Haſlerig, and ſome others, began to make themſelves very popular, and to expreſs a great zeal for the public, in order to gain the good will of the people. They had their emiſſaries every where, who diligently aggravated the faults committed ſince the beginning of the war, as well in the adminiſtration of the government, as in the military actions, and inſinuated, they were intirely to be aſcribed to the private views of the members of parliament, who poſſeſſing all the places and offices, were very unmindful to put an end to the troubles. That ſome of the generals had deſignedly miſſed opportunities of fighting with advantage, and that, in a word, the greateſt part dreaded nothing ſo much as a deciſion, either by arms or a good peace.

In ſupport of theſe rumours which were ſpread abroad, Cromwell came to the parliament at the end of the campaign, and publicly accuſed the earl of Mancheſter of not having done his duty at the battle of Newbury, and the affair of Dennington-caſtle; inſinuating, he was afraid of putting too ſpeedy an end to the war [o]. The earl anſwered by a memorial, which he preſented to the lords, and Cromwell thought not fit to proſecute his accuſation, which was properly a preparative only to begin the execution of a greater project.

This public proceeding of Cromwell raiſed a ſuſpicion, that he was one of the principal authors of the rumours which tended to render the people jealous of the parliament. There was even a conference held at the earl of Eſſex's, where it was conſidered, whether he ſhould be arreſted. But as the proofs appeared not ſufficiently clear, it was reſolved to wait till he ſhould have laid himſelf more open. Probably, ſome of thoſe that were preſent at this conference informed him of it, which made him haſten the execution of the project formed by himſelf and his friends [p].

This project was to exclude all the members of parliament from enjoying any office or command military or civil. It is certain, that from the beginning of the war, the parliament, in the diſtribution of poſts, had not forgot their own members, or rather to ſay the truth, all the principal poſts were poſſeſſed by the members of one or other houſe. Hence ſprung two great inconveniencies. The firſt, that as, ſince the breach with the king, the two houſes had ruled with an abſolute ſway, the members who had poſts in the army, had ſo great influence there, that no man durſt oppoſe their ſentiments, or take notice of their faults or miſdemeanours, which by that means were always unpuniſhed. This had at length bred at the end of the laſt campaign thoſe great diſſenſions between the generals, which proved ſo prejudicial to the common cauſe. The ſecond inconvenience was, that it was undeniably the particular intereſt of the members of parliament to prolong the war; ſince the end of the troubles, whether it happened by a deciſive battle, or a treaty, would ſtrip them of their employs. This project was therefore founded upon reaſons very plauſible, and apt to make impreſſion on the people. But withal, it was of great advantage to the independents, in that the power of the preſbyterian party would be conſiderably leſſened, and they had ſo well laid their meaſures, that they were almoſt ſure the vacant poſts would be filled with men of their party. This was the more feaſible, as hitherto the independents not having yet pulled off the maſk, it was not eaſy to diſcover who were ſo, ſince they were ſtill confounded with the preſbyterians.

To execute this grand project, the leaders of the independents reſolved to move two things in the parliament. The firſt, to put the army under a new model, that is, to form new regiments of horſe and foot out of the preſent troops, ſo that there would be ſtill the ſame officers and ſoldiers, but new bodies otherways compoſed than before. The ſecond, that the parliament ſhould paſs an ordinance excluding the members of either houſe from enjoying or executing any office or command civil or military. The firſt was founded upon the neceſſity of putting an end to all factions and cabals, which might be formed in the ſeveral bodies of the army; the ſecond, upon the neceſſity of demonſtrating to the people, that the parliament was not influenced by private views, but preferred the public good to the intereſt of their own members. But the preſbyterian members thereby loſt at once all their poſts and credit in the army. This was the true reaſon of the proceedings of the independents, which however they carefully concealed. The other reaſons were ſo plauſible, that they did not queſtion they would be very agreeable to the people, who were already diſpoſed to approve them. And therefore it was thought ſeveral members would not venture to contradict them, for fear of raiſing a ſuſpicion of their acting from motives of intereſt.

On the 9th of December 1644, theſe motions were made in the houſe of commons, at the time when the treaty of Uxbridge was preparing. The managers of the affair [q], moved to take into conſideration the ſtate of the kingdom, the reaſons why the war laſted ſo long, and the conſequences of the treaty of Uxbridge, in caſe it was unſucceſsful. This motion being approved of, the houſe voted themſelves into a grand committee, to debate upon theſe points. A general ſilence being kept for ſome time, Oliver Cromwell ſtood up at laſt, and ſpoke briefly to this effect:

"That it was now a time to ſpeak, or for ever to hold the tongue: the important occaſion being no leſs than to ſave a nation out of a bleeding, nay, almoſt dying condition, which the long continuance of the war had already brought it into; ſo that, without a more ſpeedy, vigorous, and effectual proſecution of the war, caſting off all lingering proceedings, like ſoldiers of fortune beyond ſea, to ſpin out a war, we ſhall make the kingdom weary of us, and hate the name of a parliament. For what do the enemy ſay? Nay, what do many ſay that were friends at the beginning of the parliament? Even this, that the members of both houſes have got great places and commands, and the ſword into their hands, and what by intereſt in parliament, what by power in the army, will perpetually continue themſelves in grandeur, and not permit the war ſpeedily to end, leſt their own power ſhould determine with it. This I ſpeak here to our own faces, is but what others do utter abroad behind our backs. I am far from reflecting on any; I know the worth of thoſe commanders, members of both houſes, who are yet in power; but if I may ſpeak my conſcience without reflection upon any, I do conceive, if the army be not put into another method, and the war more vigorouſly proſecuted, the people

[o] In that accuſation it was ſaid, that, "Since the taking of York, the earl had declined whatever tended to further advantage upon the enemy; neglected, and ſtudiouſly ſhifted off opportunities for that purpoſe." Ruſhworth, tom. V. p. 732.

[p] One evening, Maynard and Whitelock were ſent for by the earl of Eſſex; and when they came, they found him with the Scots commiſſioners, Holles, Stapleton, Meyrick, and others of his ſpecial friends. Being deſired to give their opinion, Whether Cromwell might be accuſed of being an incendiary (which was agreed upon to be one that raiſed the fire of contention in a ſtate) they anſwered, Cromwell's great parts and intereſt in both houſes were to be conſidered, and therefore adviſed not to proceed againſt him without clear proof, becauſe it would reflect upon their honour and wiſdom, to begin ſuch a thing, and not be able to make it good. Wherefore, inſtead of accuſing him, they thought it beſt, that direction be given to collect ſuch particulars relating to him, by which it might be judged, Whether they would amount to prove him an incendiary or not. The Scots liked this advice; but Holles and Stapleton were for an accuſation. Whitelock ſays, he had cauſe to believe, that ſome who were preſent informed Cromwell of all that paſſed. And after that, Cromwell, though he took no notice at that time of any thing, ſeemed more kind to Whitelock and Maynard than formerly, and carried on his deſign more actively of making way for his own advancement. Whitelock, p. 116.

[q] The excluſion of the members from all offices, was moved firſt by Mr. Zouch Tate, who brought it in with a ſimilitude of a boil upon his thumb; and was ſet on by that party who contrived the turning out of the earl of Eſſex. He was ſeconded by ſir Henry Vane and others. Whitelock, p. 118. Ludlow, tom. I. p. 145.

can bear the war no longer, and will enforce you to a diſhonourable peace. But this I would recommend to your prudence, not to inſiſt upon any complaint or overſight of any commander in chief upon any occaſion whatſoever; for as I muſt acknowledge myſelf guilty of overſights, ſo I know they can rarely be avoided in military affairs; therefore waving a ſtrict inquiry into the cauſes of theſe things, let us apply ourſelves to the remedy which is moſt neceſſary. And I hope we have ſuch true Engliſh hearts and zealous affections towards the general weal of our mother country, as no members of either houſe will ſcruple to deny themſelves, and their own private intereſts, for the public good; nor account it to be a diſhonour done to them, whatever the parliament ſhall reſolve upon in this weighty matter."

Cromwell was ſeconded by others who ſpoke, like him, in a general manner, without making any particular propoſition. At laſt, Zouch Tate and ſir Henry Vane moved expreſly, to have all members of parliament excluded from commands and offices. This motion was long debated, and at length approved by a majority of voices, and a committee was appointed to prepare an ordinance to that purpoſe. Two days after this ordinance was brought into the houſe, and it was reſolved, that the 18th of the ſame month ſhould be ſet apart for a faſt, to implore a bleſſing on this affair, as well as on the intended new model of the army, which had been alſo voted, though I could not find the day. The 14th of December this ordinance was again taken into conſideration, and canvaſſed in a grand committee very ſeriouſly on both ſides[r]. The 18th the faſt was kept, and the 19th the ordinance paſſed the houſe of commons. It was called the ſelf-denying ordinance, becauſe the houſe, in paſſing it, renounced their own advantages.

The affair however was not finiſhed till the lords had approved of the ordinance, to which they were by no means inclined. On the contrary, at a conference with the commons, they urged ſeveral reaſons againſt it. Whereupon, the 13th of January, the whole houſe of commons went up to the peers with a meſſage to preſs them to paſs the ſelf-denying ordinance. Nevertheleſs they rejected it that ſame day[s].

Notwithſtanding this, the commons proceeded in forming a new model of the army, which they voted ſhould conſiſt, in the whole, of one and twenty thouſand men, namely, ſix thouſand horſe, one thouſand dragoons, and fourteen thouſand foot: that the horſe ſhould be divided into ten regiments; the dragoons into ten ſingle companies; and the foot into ten regiments of at leaſt twelve hundred men each. After that, they appointed ſir Thomas Fairfax to be general, ſon to the lord Fairfax who commanded in the north. This done, they paſſed an ordinance for raiſing money for the maintenance of the army which was to ſerve under the command of the new general, and, on the 28th of January, ſent it up to the lords for their concurrence[t]. The lords ſcrupled to conſent to ſeveral articles concerning the nomination of the principal officers. But as there were but few peers, they were told, they would do themſelves unſpeakable prejudice if they pretended to oppoſe the reſolutions of the commons, and, in ſhort, that their concurrence was not neceſſary. In all appearance, this made the lords paſs the ordinance the 15th of February, without any amendments[u].

The 19th of the ſame month, ſir Thomas Fairfax being conducted to the houſe by four members, was complimented by the ſpeaker. After that, he delivered a liſt of the colonels he had appointed, by virtue of a clauſe in his commiſſion, among whom there was not a ſingle member of parliament[w]. There was alſo upon this occaſion ſome difference between the two houſes. But after ſeveral conferences, the lords approved of the liſt the 18th of March.

[1645] Thus the new model was compleated, and, though the ſelf-denying ordinance had been thrown out by the lords, the commons had now obtained, by empowering the general to nominate the officers of the army, the excluſion of the members of parliament from all military poſts. This made them hope, it would not be impoſſible to cauſe their ordinance to paſs. And indeed, they reſumed the debate of it March 24, and, on the 31ſt, it was ſent up to the lords for their conſent, though they had already refuſed it. Then the earls of Eſſex, Denbigh, and Mancheſter, perceiving it would be in vain to ſtrive againſt the ſtream, and that their houſe was not in condition to withſtand the commons, ſurrendered their commiſſions, and received the thanks of both houſes[x]. The next day, the 3d of April, the lords paſſed the ſelf-denying ordinance; and thus ended this affair, which had been depending four months[y].

When it is conſidered, with what earneſtneſs the commons proceeded in the ſelf-denying ordinance, one is apt at firſt to believe, either that the number of the independents was very ſuperior in the houſe, or that the members were very diſintereſted. But neither of theſe was the caſe. The preſbyterians ever preſerved a ſuperiority of number, which became ſtill greater by the members excluded from their poſts, who, not being employed in the army or elſewhere, increaſed their party in the parliament. As to the diſintereſtedneſs of the members, it is not to be imagined, that men who had till now expreſſed ſuch a greedineſs, as to monopolize, as I may ſay, and ingroſs to themſelves all the places of truſt and profit, ſhould thus ſuddenly change from black to white, and ſincerely deſire to relinquiſh them. But the caſe was, they were attacked on their weak ſide, and ſo could vindicate themſelves only by ſhewing a diſintereſtedneſs, which might at leaſt make it doubtful whether it was through ſelfiſhneſs that they had ingroſſed to themſelves all the offices and poſts. The independents, before they diſcovered their deſign, had taken care to prepoſſeſs the people with ſuch plauſible reaſons, that the parliament was in danger of being entirely deſerted, if they undertook to juſtify their conduct, and maintain their partiality. This certainly was what cauſed the ordinance to paſs, though it was manifeſtly deſigned to ruin the preſbyterian party. For though their ſuperiority of number in the parliament did not ceaſe, the independents knew, that by having the army on their ſide, it would be in their power to obey the parliament no farther than they pleaſed. According to this, they bent all their endeavours, as ſoon as things were regulated as they had projected. The new general was reckoned a zealous preſbyterian, and by that the parliament had been allured to chuſe him. But Cromwell had ſuch an influence over him, that he made him do whatever he pleaſed. He had artfully perſuaded him, that his ſole view was the welfare of religion, and the good of his country, and thereby prepared him to receive his counſels, and place an entire confidence in him. For though the independent party began to ſhew themſelves very openly, they did not yet pretend to form a ſeparate party from that of the preſbyterians, and it was more than a year before they appeared at laſt entirely unmaſked. Cromwell eſpecially, more than any other of this party, put on the appearance of a rigid preſbyterian, and ſeemed to intend only the firm eſtabliſhment of preſbyterianiſm. This was neceſſary to preſerve the confidence of the new general, and make him act according to his views, without diſcovering the end to which he meant to conduct him. But it was not yet time to make known his deſigns. There were then but two things abſolutely neceſſary for the advantage of his party. The firſt, in new modelling the army, to order it ſo, that the officers, whom the independents thought they could confide in, might keep their commiſſions, and thoſe whom they conſidered as their enemies, might be caſhiered. For as three armies were to be reduced into one, many officers would of courſe be diſmiſſed. The ſecond thing was to proſecute the war more vigorouſly than hitherto, and endeavour more ſtrenuouſly to diſable the king to maintain it. It is evident the deſigns of the independents could not be executed but by the king's deſtruction. This was neceſſarily to be ſuppoſed, and, conſequently, all riſks were to be run to put a ſpeedy concluſion to the war, as nothing could be more prejudicial to them than its continuation.

As ſoon as ſir Thomas Fairfax had received his commiſ-

[r] Whitelock ſpoke againſt it. See his ſpeech in his Memorials, p. 119. ——And the reaſons that were given for the ſelf-denying ordinance, ſee in Ruſhworth, tom. VI. p. 5. It was ſent up to the lords, December 21, by Mr. Pierpoint: bnt their lordſhips did not begin their debates about it till December 30, and then they committed it to eight lords, to report their opinions about it; which they having done, the lords had, on January 7, the conference here mentioned. Idem, p. 7.

[s] And here, ſays Whitelock, firſt began to increaſe the great difference between the two houſes of parliament, which ſwelled to ſo great height, as will be ſeen afterwards. Whitelock, p. 123.

[t] This was to be done by the monthly ſum of forty four thouſand, nine hundred and fifty five pounds, to be raiſed by aſſeſſment proportionably throughout the kingdom, every county being rated ſuch a ſum. Ruſhworth, tom. VI. p. 1.

[u] The lords did not paſs this ordinance till April 1. See Ruſhworth, tom. VI. p. 14.

[w]

For the horſe.		For the foot.	
Middleton,	Whaley,	Crayford,	Ingoldſby,
Sidney,	Lively,	Berkley,	Montague,
Graves,	Fleetwood,	Aldridge,	Pickering,
Sheffield,	Roſſiter,	Holborn,	Welden,
Vermuden,	ſir Robt. Pye.	Forteſcue,	Rainſborow.

[x] And to ſweeten the earl of Eſſex, (as Whitelock expreſſes it, p. 121.) an order was made for the better payment of 10,000l. per annum, formerly granted to him out of delinquents eſtates.

[y] Here ended (ſays Whitelock) the firſt ſcene of our tragic civil wars, in the exit of this brave perſon Eſſex, who being ſet aſide, and many gallant men his officers with him, the king's party looked upon the new army, and

ſion from the parliament, he came to Windſor, his head quarters, and from thence ſent commiſſioners wherever there were troops, to form the new regiments, and diſband the ſupernumerary officers. No doubt, theſe commiſſioners, who were moſtly general officers, had private inſtructions concerning the officers they were either to continue or break; and Cromwell had framed, in great meaſure, theſe inſtructions, though he did not appear to be concerned. The parliament undertook this reform in a very dangerous ſeaſon [z]. It was in April, when the king was preparing to take the field. If, unhappily, they had met with reſiſtance in the troops, as many were apprehenſive, and if this change had occaſioned revolts, which might eaſily have happened by the inſtigations of the diſbanded officers, they would have been without an army, at the beginning of a campaign, and conſequently unable to withſtand the king's forces. But they heard with pleaſure, that every thing was effected with great tranquility, and their orders every where perfectly obeyed.

The general remained at Windſor all April, not being able ſooner to finiſh what was to be done to prepare the army for action. During this time, he received a letter from the committee of both kingdoms [a], informing him, that the king had ſent to prince Rupert, to come and join him with two thouſand horſe. Wherefore, he was ordered to diſpatch a party of horſe towards Oxford to hinder that junction. And as the ſelf-denying ordinance was not to take place till after forty days, namely, on the 13th of May, the charge of this ſervice was by the committee particularly recommended to lieutenant-general Cromwell.

Cromwell departing from Windſor the 24th of April, met near Iſlip-bridge [b], with a brigade of the king's horſe, conſiſting of the queen's, and three other regiments, and utterly routed them [c]. Then he marched to ſir Thomas Coggin's at Blechington, where colonel Windebank, ſecretary Windebank's ſon, kept a garriſon for the king, and ſummoned the colonel with a ſharp meſſage, who immediately ſurrendered. The king was ſo incenſed with his cowardice, that he cauſed him to be condemned by a council of war, and afterwards ſhot to death. Cromwell gained ſome other advantages in thoſe parts, but was repulſed in an aſſault upon Farrington.

After the earl of Eſſex's diſaſter in Cornwall, the parliament was very weak in the weſtern counties. They had in Dorſetſhire only Pool, Lyme, and Weymouth; in Devonſhire, Plymouth alone, and that beſieged; and in Somerſetſhire, only Taunton, cloſely inveſted by ſir Richard Greenvil, and in great diſtreſs. The parliament, fearing to loſe that important place, ſent expreſs orders to the general to march with his whole army and raiſe the ſiege, not conſidering that the midland counties would be left defenceleſs, juſt as the king was going to take the field. Mean while Fairfax, in obedience to the orders, began his march the 30th of April, and on the 7th of May was beyond Saliſbury.

The committee of both kingdoms having intelligence, that the king was on the 7th of May to head his army, perceived their error in ſending all their forces into the weſt and leaving the middle of the kingdom defenceleſs. Wherefore they diſpatched with all ſpeed an order to the general, which reached him at Blandford, to return, and ſend only a party to relieve Taunton. The general immediately obeyed, and detached colonel Welden with about five thouſand foot, and eighteen hundred horſe to Taunton, and returned back to Newbury, where he ſtayed ſome days to refreſh his troops.

At the approach of the party ſent to Taunton, ſir Richard Greenvil raiſed the ſiege of that place, where relief could not come more ſeaſonably, ſo much was it preſſed. But ſhortly after, general Goring came into Somerſetſhire with three thouſand horſe, given him by the king when he heard Fairfax was marching to the weſt. Then, Greenvil joining him, they went together, and laid ſiege again to Taunton, where the party that relieved the town were ſhut up.

During theſe motions of the parliament's forces, the king, on the 7th of May, took the field, and marched with about eight thouſand men towards Cheſter, to relieve the place, beſieged by ſir William Brereton [d]. But he heard by the way, the ſiege was raiſed; and having nothing more to do there, marched to Leiceſter, which he took by ſtorm the 30th of May.

Mean time, the parliament perceiving the king was marching towards Cheſter, ſent orders to general Fairfax to beſiege Oxford. Accordingly Fairfax approached the city, and began the ſiege. But within a few days, the parliament having intelligence of the taking of Leiceſter, were apprehenſive, the king's deſign was to enter the aſſociated eaſtern counties, and therefore ordered their general to raiſe the ſiege of Oxford, and follow the king. Fairfax therefore marched away on the 7th of June. As, very likely, a battle would quickly enſue, he writ to deſire the parliament to diſpenſe with Cromwell's abſence from the houſe, and to order him to march to the army, and command the horſe, which was readily granted. Thus, Cromwell, who had been one of the moſt forward to paſs the ordinance for the excluſion of the members of parliament from all offices and poſts, civil and military, was the only perſon that kept his ſeat in parliament, and his command in the army. This would be a very honourable diſtinction for him, were there not room to ſuſpect, it was owing to his own intrigues [e].

Mean while, the king was very uneaſy. He was informed of the ſiege of Oxford, but did not yet know it was raiſed, and that the enemy was marching directly towards him. This made him reſolve to move towards Oxford, in order to relieve a city of ſo great importance to him. To that end, he encamped at Harborough, from whence he ſent an expreſs to general Goring, to order him to come and join him with all poſſible ſpeed. Here it was he received intelligence, that Fairfax was drawn off from Oxford, and had been repulſed with great loſs, in an aſſault upon Borſtal houſe [f]. His troops, as was uſual with them, were ſo elated at this news, that they imagined the enemies to be in the utmoſt conſternation, which ought to be improved by immediately giving them battle. The king himſelf was prepoſſeſſed with this notion, which made him contemn his enemies, and unfortunately induced him to advance to Daventry in Northamptonſhire, in a belief it would always be in his power to fight when he pleaſed, and that his enemies would never dare to attack him. Otherwiſe, he might have retired to Leiceſter, and there quietly expected the three thouſand men, colonel Gerrard was to bring him from Wales, and Goring's three thouſand horſe from the weſt. As to Goring, an accident happened, which very much conduced to haſten a battle. Fairfax had ſent a man to Oxford, who pretending to ſerve the king, had managed ſo artfully, that ſecretary Nicholas had intruſted him with a packet to general Goring, who was before Taunton. This man having diſcharged his commiſſion, Goring thought he could not employ, to carry a letter to the king, a more truſty meſſenger than the perſon ſent to him by ſecretary Nicholas. He gave him therefore a letter for the king, wherein he told his majeſty, that he hoped to be maſter of Taunton in a ſhort time, conjuring him not to engage, but to ſtand upon the defenſive, for he did not queſtion, in twelve or fourteen days to join him with the forces under his command. The king knew nothing of the letter which was brought to Fairfax. But it convinced the parliament-generals of the abſolute neceſſity of fighting, before that aid ſhould come to the king.

Purſuant to this reſolution, Fairfax continued to advance towards the king, who being better informed of the number and deſigns of his enemies, reſolved to retire to Leiceſter. To that purpoſe, he began to march towards Harborough, where his van arrived, whilſt the reſt of the army was yet above two miles behind. That ſame night, he heard the enemies were within ſix miles of Harborough, and indeed general Ireton, Cromwell's ſon-in-law, had now fallen upon ſome of the king's quarters, and taken ſeveral priſoners. Whereupon it was reſolved at a council of war, held in the night, to march back and meet the enemy, conſidering the impoſſibility of going to Leiceſter, without expoſing the rear to certain deſtruction. So, the king returning in the morning, the 14th of June, met the parliamentarians, who upon the news of his march had drawn up near Naſeby. Here was fought the fatal battle that decided the quarrel between the king and the parliament.

new officers, with much contempt, and the new model was by them in ſcorn called the new noddle. Memoirs, p. 140.

[z] Major-general Skippon did much aſſiſt in this work, eſpecially in reducing five regiments of Eſſex's forces into three, amongſt which was the earl's own, that was like to prove moſt refractory. Ruſhworth, tom. VI. p. 17. Sprigge, p. 9.

[a] From whom the parliament's army was generelly to receive its ordets. Ruſhworth, tom. VI. p. 23.

[b] He was ordered to march beyond Oxford, as the prince was to come from about Worceſter. Ibid.

[c] Her majeſty's ſtandard, was taken, with two hundred priſoners. Idem p. 24.

[d] It was prince Rupert that adviſed the king to march into the north of England. The reſt of his council were for his marching into the weſt. See Clarendon, tom. II. p. 501, 502.

[e] This was much ſpoken againſt by Eſſex's party, as a breach of the ſelf-denying ordinance, and a diſcovery of the intentions to continue whom they pleaſed, and to remove others from commands, notwithſtanding their former ſelf-denying pretences. Whitelock, p. 145.

[f] In Buckinghamſhire, held by the livery of a horn. Colonel Capion was governor of it. Idem. p. 146.

Lately

Prince Rupert commanded the right wing of the king's army, and ſir Marmaduke Langdale the left. Sir Jacob Aſtley [g] led the main body of the foot, and the king was at the head of the reſerve of horſe [h]. On the parliament's ſide, the right wing of horſe was commanded by Cromwell, the left by Ireton. General Fairfax, and major-general Skippon, were both at the head of the main-body, the firſt on the right, and the other on the left [i].

Prince Rupert began with charging the left wing, commanded by Ireton, and after a long conflict, wherein he met with great reſiſtance, broke that body of horſe, put them to flight, and chaſed them almoſt to Naſeby town [k]. In his return, he loſt ſome time in trying to become maſter of the parliament's artillery. He even ſummoned the train, but they being well defended with fire-locks, and a rear guard, and he without foot, he could not execute his deſign.

At the ſame time, Cromwell was ingaged in a very obſtinate fight with ſir Marmaduke Langdale, but at length the king's horſe took to flight, and were purſued about a quarter of a mile. After that, Cromwell leaving a party of horſe to oppoſe the king's, in caſe he ſhould rally, returned with ſpeed to the field of battle, where his aſſiſtance was very much wanted by his friends.

The parliament's foot were ingaged with the king's, and began to be preſſed in ſuch a manner, that they were in great diſorder. Cromwell, who was returned victorious, changed the face of the battle, by charging the king's infantry in flank, who could not ſtand ſo vigorous an attack. Fairfax and Skippon, took advantage of this aſſiſtance to rally their troops, who had been roughly uſed at the beginning of the battle [l], and at laſt, the king's foot were ſo routed, that there was no poſſibility of rallying them.

In the mean time, the prince not being yet returned from the chace, the king was, with his reſerve of horſe, unable to charge Cromwell, who was ſtronger than himſelf, and was alſo re-joined by the party he had left behind. As ſoon as prince Rupert was returned with his victorious horſe, and had joined the reſerve, the king uſed his utmoſt endeavours to perſuade them to charge once more the enemy's horſe not queſtioning, that if he could put them to rout, he ſhould afterwards eaſily vanquiſh the foot. But he could not prevail with them to make a ſecond charge [m]. This is not very ſtrange, ſince it could not be done without manifeſt danger. Fairfax, Skippon, and Cromwell, without loſing time in purſuing the king's diſperſed infantry, had ſpeedily rallied their troops. They faced the king's horſe, and prepared to receive, or to charge them. So, to renew the fight, the king muſt, with one ſingle wing of horſe, and his ſmall body of reſerve, have fallen upon the enemies army, which wanted only the wing that was routed. This the cavaliers clearly perceived, and was what hindered them from obeying the king's orders. At the ſame time, an accident happened, which induced them to take flight, or furniſhed them with a pretence. Robert Dalziel earl of Carnewarth, ſeeing the king, notwithſtanding the unwillingneſs of his own troops, bent upon charging the enemies rode up to him and ſaid, "Sir, will you go upon your death, in an inſtant?" And withal, laying hold of the king's bridle, turned his horſe to the right. The king's cavalry, ſeeing his majeſty's horſe turned, without knowing the cauſe, took occaſion to diſband, and rode upon the ſpur without looking behind them. So, the king was alſo forced to retire, and leave his enemies maſters of the field. All his infantry were ſo diſperſed, that the enemies took as many priſoners as they pleaſed. He loſt his whole train of artillery, all his bag and baggage, with his cabinet wherein were his moſt ſecret papers and letters, which the parliament were ſo cruel as to print and publiſh, particularly his letters concerning the treaty of Uxbridge, of which the reader has before ſeen ſome extracts. After this, he was never more able to bring a conſiderable army into the field. It is ſaid, there were not ſlain on the king's ſide above ſix hundred men, but amongſt them were more than one hundred and fifty officers; and beſides, the enemy took above five thouſand priſoners [n].

The king and prince Rupert that ſame day retreated by Leiceſter to Aſhby de la Zouch, from whence, after a few hours refreſhment, they continued their march with their horſe in very great diſorder to Hereford, where they parted. Prince Rupert haſted to Briſtol, to prepare the city for a ſiege, there being great likelihood, it would quickly be attacked. The king retired into Wales, and made ſome ſtay at Ragland-caſtle, not deſpairing of being able to form another army in thoſe parts. The reaſon is unknown, why he was bent, contrary to all appearance, upon raiſing a new army in Wales, and the neighbouring counties, inſtead of marching into the weſt with his horſe, where he had a ſtrong body of troops, under the command of Goring and Greenvil, with which he might have long continued the war.

Mean while, Fairfax advanced towards Leiceſter, which ſurrendered by capitulation, four days after the battle of Naſeby. Then, he marched with all ſpeed to the weſt, where it was very neceſſary to lead the army, as well to relieve Taunton and the party there ſhut up, as to reduce to the obedience of the parliament the weſtern counties, which were all for the king. At the approach of the army, Goring raiſed the ſiege of Taunton [o], and in few days was defeated by Fairfax at Langport, who killed many of his men, took twelve hundred horſes, and fourteen hundred priſoners [p]. This victory was followed with the taking of Bridgewater, Bath, and Sherburn, after which, Fairfax laid ſiege to Briſtol.

It was univerſally expected, prince Rupert would, according to cuſtom, perform wonders in the defence of this city, which was ſtrongly garriſoned, [q] and well ſtored with proviſions and ammunition. Nay, the prince himſelf had ſent the king word, he hoped to hold out at leaſt four months. And yet, the parliament-army approaching the lines drawn about the place, and repulſing ſeveral ſallies, the prince, upon the ſummons, agreed to capitulate. Fairfax came near the lines the 23d of Auguſt, and the capitulation was ſigned the 10th of September, before the beſiegers had approached the walls. When the king heard, prince Rupert had ſurrendered Briſtol in this manner, he was ſo enraged at it, that he ordered him by a letter to depart the kingdom, and revoked all his commiſſions. The prince publiſhed a manifeſto in vindication of his conduct. But he did not ſufficiently demonſtrate the neceſſity of ſurrendering ſo ſoon a place of ſuch importance [r].

Immediately after the taking of Briſtol, Fairfax marched again to the weſt, as well to relieve Plymouth which was ſtill inveſted [s], as to ſubdue all thoſe counties to the parliament. But to prevent the miſchiefs incurred by the earl of Eſſex the laſt year, for want of an open communication with

[g] Lately created lord Aſtley of Reading.

[h] Though Rapin quotes Ruſhworth, he has followed the diſpoſition of the army, as related by Clarendon. For both Ruſhworth and Whitelock ſay, the king commanded the main body himſelf, ſir Jacob Aſtley, with the earl of Linſey, the righr-hand reſerve, and the lord Bard and ſir George L'iſle the left. Ruſhworth, tom. VI. p. 42. The king's forces, according to the lord Clarendon's computation, were in all but about ſeven thouſand four hundred men. Tom. II. p. 506.

[i] The reſerves were brought up by colonel Rainſborough, Hammond, and Pride. Ruſhworth, tom. VI. p. 42.

[k] Ireton had his horſe killed under him, was run through the thigh, wounded in the face with a pike, and made priſoner, but found means to eſcape upon the turn of the battle. Whitelock, p. 150.

[l] Fairfax had his helmet beat off, but however, rid up and down bare-headed. Whereupon. colonel Charles D'oyley told him, he expoſed himſelf to too much danger, and offered him his helmet, but he refuſed it, ſaying, "It is well enough, Charles." Then he ordered him to charge a body of the king's foot, which ſtood unbroken in the front, whilſt he would do the ſame in the rear, and meet him in the middle. Which was done accordingly. In this charge Fairfax killed the enſign, and one of D'oyley's troopers took the colours, bragging, he had killed the enſign, for which D'oyley chiding him, Fairfax ſaid. "Let him alone, I have honour enough, let him take that honour to himſelf." Skippon being wounded in the beginning of the fight, was deſired to go off the field, but he anſwered, "He would not ſtir "as long as a man would ſtand." Whitelock, p. 151.

[m] Here the lord Clarendon makes the following remark. This difference, ſays he, was obſerved all along in the diſcipline of the king's troops and of thoſe under Fairfax and Cromwell, that though the king's troops prevailed in the charge, they ſeldom rallied themſelves again in order, nor could be brought to make a ſecond charge the ſame day. Whereas the other troops, if they prevailed, or though they were beaten, preſently rallied again, and ſtood in good order, till they received new orders. The ſame thing, he ſays, was not obſervable in the forces under Eſſex and Waller. Clarendon, tom. II. p. 508.

[n] Whitelock ſays, that on the parliament's ſide were wounded and ſlain above a thouſand officers and common ſoldiers; and, that the king ſhewed himſelf this day a courageous general, keeping cloſe with his horſe, and in perſon rallying them to hot encounters. Mem. p. 151. This battle was fought in a large fallow-field, on the northweſt ſide of Naſeby, about a mile broad; there are now no ſigns of a fight remaining, excepting ſome few holes, which were the burying place of dead men and horſes. This town is ſaid by ſome, to ſtand upon the higheſt ground in England. Addit. to Camden.——June 17, the day after the parliament received the news of this victory, both houſes were feaſted by the city of London at Grocers-hall, and after dinner they ſung the 46th pſalm, and ſo parted. Whitelock, p. 153.

[o] Sir John Digby, brother to ſir Kenelm Digby, on the the king's ſide; and on the parliament's, colonel Lloyd, and colonel Richbel, were killed during this ſiege. Ruſhworth, tom. VI. p. 54.

[p] Whitelock ſays, there were nineteen hundred priſoners, and two thouſand horſe taken, p. 159.

[q] The garriſon was ſaid to be nine hundred horſe, two thouſand five hundred foot, and fifteen hundred auxiliaries, Idem, p. 167.

[r] He came afterwards to the king at Newark, to vindicate himſelf. See Clarendon, tom. II. p. 554. And in November, obtained a paſs from the parliament to go beyond ſea. Whitelock, p. 178, 179.

[s] And had been ſo for two years. Idem. p. 126.

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London, he ordered Cromwell, with a party of horſe, to take ſuch places as might hinder that communication. He alſo detached colonel Rainſborough to beſiege Berkley-caſtle, the only garriſon the king had between Gloceſter and Briſtol. He went himſelf to Bath the 17th of September, where he remained till his orders were executed.

Cromwell with his party appeared before the caſtle of the Devizes in Wiltſhire, ſituate in the road of traffic between London and the eaſtern counties. The governor ſir Charles Lloyd made a ſhew of defending himſelf, but however capitulated on the morrow. The ſame day Cromwell detached colonel Pickering, who became maſter of Laycock-houſe, where was a garriſon of the king's kept by colonel Bovile. After that, Pickering rejoined the army, as did colonel Rainſborough, Berkley-caſtle having been ſurrendered by the governor Charles Lucas upon articles.

September the 26th, the general called a council of war, where it was reſolved that the army ſhould march farther weſtward. But as the prince of Wales, the king's eldeſt ſon, was in thoſe parts with Goring's, Grenvil's, and ſome other troops, which altogether made a conſiderable body, the general was apprehenſive of meeting many difficulties in that expedition, and therefore thought it incumbent upon him to ſecure the communication with London. To that purpoſe, he detached Cromwell once more with orders to endeavour to take the caſtle of Wincheſter, and then Baſing-houſe, which had been twice beſieged in vain.

Cromwell, with his wonted activity, marching directly to Wincheſter, took the city and caſtle upon articles. A complaint being made by ſome of the garriſon that they were plundered in their marching out, he cauſed ſtrict inquiry to be made after the offenders, of whom ſix were found and condemned to die. After lots caſt for their lives, he, whoſe lot it was, was executed; and the other five were ſent to ſir Thomas Glemham governor of Oxford, to be puniſhed as he pleaſed. But the governor ſent them back with an acknowledgement of Cromwell's juſtice and civility.

From Wincheſter, Cromwell advanced to Baſing. the houſe of the marquis of Wincheſter, which he having fortified kept garriſon there for the king[t]. As he refuſed to ſurrender, he was ſo ſuddenly and briſkly aſſaulted, that the place was carried by ſtorm, and himſelf taken priſoner and ſent to London. After that Cromwell took Lanford-houſe near Saliſbury, which ſurrendered upon articles.

In the mean time, Fairfax purſuing his march into the weſt, came before Tiverton. It was reſolved at a council of war to ſtorm the town: but whilſt they were conſulting how to order the attack, a round-ſhot happened to break the chain of the draw-bridge, which falling down, the ſoldiers, without waiting for orders, poſſeſſed themſelves of the town.

After that, the army marched towards Exeter, the capital of Devonſhire. But as this place was ſtrong and well garriſoned, and the ſeaſon not proper for ſo important a ſiege, it was reſolved to block it up till it could be inveſted in form.

Whilſt the general was employed in ordering the blockade, which held till December, and in building neceſſary forts on the eaſt-ſide of the Ex, the prince of Wales had time to aſſemble all the king's forces in thoſe parts, with the militia of Cornwall, and form an army of eight thouſand men. Fairfax hearing the enemies were preparing to march againſt him, reſolved to prevent them by advancing towards them. He made ſuch ſpeed that he ſurpriſed a brigade of their horſe, commanded by the lord Wentworth, and took between three and four thouſand horſes. This obliged the king's generals to proceed with more caution, raiſe the blockade of Plymouth to ſtrengthen their army, and paſs the Tamar, in order to retire into Cornwall.

The prince's retreat into Cornwall gave Fairfax opportunity to attack Dartmouth, a ſea-port of great conſequence, which he took by ſtorm, the ſeaſon not allowing him to beſiege it in form.

After all theſe advantages, Fairfax returned to Exeter, and finiſhed the blockade of that city. Shortly after, he left the command of it to ſir Hardreſs Waller, and went himſelf to meet the lord Hopton, who was marching to the relief of Exeter, at the head of ſeven or eight thouſand men. General Goring being withdrawn into France, the prince of Wales had given the command of his army to the lord Hopton. Fairfax approaching the enemies, heard the lord Hopton was intrenched in Torrington, to oblige him either to attack him thus advantageouſly poſted, or to keep the field in a very rainy ſeaſon, in a country where there were few villages to ſhelter his army from the weather. Fairfax having weighed the inconveniencies of leaving the enemies thus intrenched, reſolved to attack them. To that end, he advanced within a mile of Torrington, and poſſeſſed himſelf of ſome poſts, with deſign to engage on the morrow. But in the night Hopton's troops attempting to diſlodge the parliamentarians, and theſe receiving aſſiſtance from the army, the battle began inſenſibly, and held almoſt the whole night. [1745-6] In ſhort, after a long conflict in the dark, the lord Hopton's intrenchments were forced, and himſelf obliged to retire with his horſe and only four or five hundred of the four thouſand foot, he had before the battle. Thus all his infantry were ſlain or taken, or ſo diſperſed, that it was not poſſible for thoſe that eſcaped to rejoin their general, who was retired into Cornwall[u].

After this freſh victory, Fairfax judged, his main buſineſs was, utterly to deſtroy the enemies horſe that eſcaped from Torrington, conſiſting of three thouſand, and to hinder them from joining the king. Inſtead therefore of returning to Exeter, he reſolved to march into Cornwall with his whole army. He ſet out the 23d of February, and ſeizing the paſſes of the river Tamar, left there ſtrong guards, as alſo in all places where he thought the enemies might try to paſs, in caſe they intended, as was very likely, to join the king. The lord Hopton finding Fairfax was advancing towards him, and not being able to fight him, quitted Bodmin, where he had poſted himſelf, and retired farther weſtward. Mean while, Fairfax ſtill advanced, taking all poſſible care to guard all the paſſes by which the enemy might eſcape him.

The approach of the parliament-army cauſed the prince of Wales to reſolve to ſecure his perſon by retiring into Scilly, where he ſafely arrived[w]. Mean while, the lord Hopton was extremely embaraſſed. and the more, as the people of the country who before were devoted to the king, began to alter their minds, and even voluntarily offered themſelves to general Fairfax, to block up the paſſes and hinder the king's forces from eſcaping. At laſt, the parliament-army approaching Truro, where Hopton had his head-quarters, Fairfax ſent and offered him honourable terms if he would capitulate. Whilſt he waited for an anſwer, he ſtill advanced towards the enemies, and beating up one of their quarters, took three hundred horſes. In ſhort, not to deſcend to unneceſſary particulars, I ſhall content myſelf with briefly ſaying, that the lord Hopton ſeeing himſelf ſurrounded on all ſides, and deſparing to eſcape, agreed to capitulate. By the treaty, ſigned the 14th of March, it was agreed, that all the forces under the command of the lord Hopton ſhould within ſix days be diſbanded, with leave to go beyond ſea, or to their homes. That all the horſes and arms ſhould be delivered to general Fairfax, and upon performance thereof, each trooper ſhould receive twenty ſhillings, or his horſe. That paſſes ſhould be given to ſuch as defired to go beyond ſea, upon their promiſing not to bear arms any more againſt the parliament of England[x]. There were ſeveral other articles which it is needleſs to ſpecify, as they concerned only the manner how the treaty was to be executed[r]. The lords Hopton and Culpepper retired to Scilly before the treaty was ſigned. Thus the king's army in the weſt was entirely diſperſed. After this, Fairfax returns before Exeter, which was ſurrendered upon articles the 9th of April 1646. With the taking of that city, Fairfax ended his weſtern expedition, which could not be more glorious to him, or more advantageous to the parliament, ſince the king had neither towns nor forces left in the country.

It is time now to ſee what paſſed in the reſt of the kingdom, whilſt the parliament-army was employed in reducing the weſtern counties.

The Scotch army having taken Newcaſtle in October 1644, divided themſelves in two bodies, one whereof be-

[t] He had withſtood ſeveral ſieges, declaring, that if the king had no more ground in England than Baſing-houſe, he would adventure as he did, and hold it out to the laſt extremity. For which reaſon the houſe was called Loyalty. Ruſhworth, tom. VI. p. 93.

[u] There were not above five hundred ſlain, the greateſt part were diſperſed. Among the colours were taken the lord Hopton's own, with this motto, I will ſtrive to ſerve my ſovereign king. Idem, tom. VI. p. 103.

[w] The king his father, by two letters dated November 7, and December 7, ordered him, as ſoon as he ſhould find himſelf in a probable danger of falling into the enemy's hands, to retire into Denmark, or ſome other place beyond ſea. See Clarendon, tom. II. p. 546, 547. The prince, on April 16, 1646, embarked for Jerſey, whrre he landed the next day, and from thence paſſed into France. Idem, tom. III. p. 3, 4.

[x] Thoſe that ſtayed in England, as well foreigners as others, were to bind themſelves for ever; but thoſe that went beyond ſea, only for three years not to bear arms againſt the parliament. Ruſhworth, tom. VI. p. 114.

[r] Colonel Trevanion, then with his regiment at Perin, ſent to deſire to be included in the treaty, as did alſo the governor of St. Maw's-caſtle, that commands Falmouth-haven. Ruſhworth, tom. VI. p. 108.

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fieged Carliſle, which ſurrendered upon articles in June 1645.

The other part of the army durſt not engage in a ſiege, becauſe the marquis of Montroſe, who ſerved the king in Scotland, having had great ſucceſs there, it was to be feared the king would think of ſending him reinforcements. Wherefore the Scots always kept in a readineſs to oppoſe it. This became ſtill more neceſſary after the battle of Naſeby, there being great likelihood of the king's reſolving to join the earl of Montroſe with his cavalry. Beſides, the Scots by keeping thus in the middle of the kingdom, prevented the king from making new levies in thoſe parts. At laſt, after the taking of Carliſle, the two bodies being rejoined, they beſieged Hereford about the end of July. But after having in vain carried on the ſiege above a month, they raiſed it in the beginning of September. The earl of Leven their general publiſhed, on this occaſion, a ſort of apology, wherein, among other things, he ſaid, that for ſix or ſeven months paſt, they had received but one month's pay: that they had been promiſed to be ſupplied with all things neceſſary for a ſiege: in which they had been extremely diſappointed, ſince they had received but three pieces of cannon, with fifty balls to each: that they had but few horſe, and being informed the king was marching towards them with three thouſand horſe, it was impoſſible to continue the ſiege. Laſtly, that general Leſly was obliged to go into Scotland with his whole party of horſe and dragoons, to oppoſe Montroſe.

After the ſiege of Hereford was raiſed, the Scotch army retired into Yorkſhire, complaining pretty openly of being entirely neglected. Whereupon, the parliament aſſigned them thirty thouſand pounds, provided they appeared before Newark upon the firſt of November, and ordered that the eaſtern aſſociation ſhould pay them fourteen hundred pounds a week. The Scots agreeing to theſe terms, the ſiege of Newark was begun about the end of October 1645, and laſted May 1646.

In July, Pomfret-caſtle was ſurrendered to the parliament, and four days after, that of Scarborough capitulated alſo having maintained a long ſiege under ſir Hugh Cholmley, in which ſir John Meldrum was killed.

I left the king in Wales after the battle of Naſeby, where he was employed in ſeeking means to raiſe a new army. As to the diſpoſing of his perſon, it was hardly poſſible for him to come to any reſolution, before he knew what his enemies intended to do after their victory. But when he ſaw general Fairfax, with his army, engaged in the weſtern counties, he departed from his retreat with his cavalry, conſiſting of three thouſand horſe. As the parliament had but very few forces in the mid-land parts, the king came without danger to Litchfield, and from thence, entering the aſſociated eaſtern counties, took Huntington, where he met with a great booty, after which he came to Oxford*. From thence he departed in three days, taking with him what forces could be ſpared, and marched to Cambden.

The parliament, thinking the king's deſign was to relieve either Briſtol or Hereford, which were both beſieged at the ſame time, gave orders to major-general Pointz and colonel Roſſiter to aſſemble what forces they could, and diligently attend the king's motions. Accordingly they drew together about two thouſand horſe, and poſted themſelves between the king and Oxford. But at the ſame time, the Scots having raiſed the ſiege of Hereford of their own accord, the king marched thither, where he continued till the 20th of September. Here he received the news of the ſurrender of Briſtol.

About the ſame time, colonel Jones, with adjutant-general Louthian, who ſerved the parliament, beſieged Beeſton-caſtle, drew of thence on a ſudden a party of thirteen hundred men, and went to ſurpriſe Cheſter, in which they partly ſucceeded. But as they had not ſufficient forces to become maſters of the reſt of the city, they were content to keep what they had got, expecting ſir William Brereton, who was to bring them a ſupply. As the king then expected a body of troops from Ireland, which could land but at Cheſter, this city was of ſo great conſequence to him, that he immediately marched to diſlodge the enemies from that part they had in their power. He was no ſooner on his march, but Pointz cloſely followed him, and overtook him on Routon-heath within two miles of Cheſter, which obliged him to turn againſt his purſuers. The fight at firſt was pretty obſtinate, but as the king had five thouſand, and Pointz only two thouſand men, Pointz was briſkly repulſed, and put into great diſorder. Mean while, juſt as the king thought himſelf entirely victorious, Jones and Louthian came from Cheſter with eight hundred men, and falling upon the king's rear, forced them to turn againſt them. This gave Pointz time to rally his men, and then charge the king's army, who finding themſelves at once attacked before and behind, were at laſt utterly routed, with the loſs of ſix hundred men, and a thouſand priſoners. Bernard Stewart earl of Litchfield, and ſome other officers of quality were killed. It was with great difficulty, that the king with the remains of his army, got into Denbigh-caſtle in Wales, where he continued ſome time; after which, with a party of about three thouſand men, he came to Newark in Nottinghamſhire. He ſtayed in that town, till fearing to be beſieged by the Scots, who were approaching, he went away by night, and ſafely arrived at Oxford the 6th of November, there being no other remedy left than to make a peace with the parliament.

But this peace was not eaſy to be made. The king would have willingly granted, in the preſent ſituation of his affairs, ſomething of what he had before refuſed, but did not care to yield all. The parliament, on their ſide, were willing to make peace like conquerors, and by aggravating the terms inſtead of rendering them more tolerable.

Mean while, notwithſtanding the difficulties which were naturally to occur in the concluſion of a peace, the king's friends at London made him hope, that the diſſenſions between the preſbyterians and the independents might turn to his advantage. It was intimated to him, that the preſbyterians were inraged to ſee the independent party daily increaſe in number and ſtrength, and that it was not doubted, but if he could obtain leave to come and treat in perſon with the two houſes, the preſbyterian members would find means to conclude a peace, in order to be freed from the yoke of the independents: that the city of London was almoſt wholly preſbyterians; that the king had there alſo many friends, and if the parliament expreſſed an inclination to peace, which was very likely, it would not be in the power of the independents to prevent the concluſion. This was all very well; but they ſhould have firſt explained what was to be underſtood by the word peace. Very probably, the parliament, or preſbyterian party, which ſtill prevailed, would have very gladly conſented to a peace, if the king had been willing to grant two points, which were conſidered by them as abſolutely neceſſary, namely, the abolition of epiſcopacy, and ſufficient ſecurity for the performance of his promiſes. For in theſe two points conſiſted the parliament's ſcheme for a peace. But this was not the king's ſcheme. He always meant that ſuch a peace ſhould be made as he deſired, and which I have often explained. It is true, that in his preſent circumſtances he was willing, with regard to the ſecurity, to grant ſomething more than what he had yet offered: but nothing could prevail with him to conſent to the abolition of epiſcopacy. So, by ever preſerving the ambiguity in the term of peace, he imagined if he could obtain liberty to come and treat at London with the two houſes, it would not be impracticable, with the help of his friends, to force the parliament to make peace with him in his ſenſe of the word, though nothing was further from the intention of both houſes.

In this belief the 5th of December, he demanded of the two houſes a ſafe conduct for the duke of Richmond, the earl of Southampton, John Aſhburnham, and Jeffery Palmer, eſquires, who were to bring propoſitions for a peace.

The 15th of the ſame month he renewed his demand, complaining of his having received no anſwer.

The 26th he ſent them a third meſſage, wherein he ſaid:

"That conceiving the former treaties had hitherto proved ineffectual, chiefly for want of power in thoſe perſons that treated, as likewiſe, becauſe thoſe from whom their power was derived, could not give ſo clear a judgment as was requiſite; if therefore he might have the engagement of the two houſes at Weſtminſter, the commiſſioners of the parliament of Scotland, the mayor, aldermen, common-council, and militia of London; of the chief commanders in ſir Thomas Fairfax's army, as alſo of thoſe in the Scots army, for free and ſafe coming to, and abode in London or Weſtminſter for the ſpace of forty days; he would come and have a perſonal treaty with the two houſes of parliament at Weſtminſter, and the commiſſioners of the parliament of Scotland, upon all matters which might conduce to the reſtoring of peace and happineſs to his kingdoms.

"He declared beforehand, that he was willing to com-

* Where the day before died the lord-keeper Littleton. Ruſhworth, tom. V. p. 116.

mit the great truſt of the militia, for ſuch time, and with ſuch powers, as were expreſſed in the paper delivered by his commiſſioners at Uxbridge, to thirty perſons he named. But if this did not ſatisfy the parliament, then he offered to name the one half, and leave the other to the election of the two houſes."

Before the two houſes received this laſt meſſage, they had ſent the following anſwer to the two firſt:

"That finding that former treaties had been made uſe of for other ends, under the pretence of peace, and had proved dilatory and unſucceſsful, they could not give way to a ſafe-conduct, according to his majeſty's deſire. But both houſes of the parliament of England, having under their conſiderations, propoſitions and bills for the ſettling of a ſafe and well grounded peace, which were ſpeedily to be communicated to the commiſſioners of the kingdom of Scotland, did reſolve, after mutual agreement of both kingdoms, to preſent them with all ſpeed to his majeſty."

The king replied, the 29th of December. He complained that a ſafe-conduct was denied for the perſons he intended to ſend. He inſiſted upon his demand of a perſonal treaty, and deſired an anſwer to his meſſage of the 26th. He ſaid, he ſhould never have thought of coming to London, if it was not his ſincere intention to make peace.

The 15th of January 1645-6, he ſent another meſſage to both houſes, wherein he complained of not having an anſwer: he ſaid, "That what he earneſtly deſired was peace, and the means, his perſonal preſence at Weſtminſter, where the government of the church being ſettled as it was in the times of queen Elizabeth and king James, and full liberty for the eaſe of their conſciences who would not communicate in that ſervice eſtabliſhed by law, and likewiſe for the free and public uſe of the directory, to ſuch as ſhould deſire to uſe the ſame; and all forces being agreed to be diſbanded, his majeſty would then forthwith join with his two houſes of parliament, in ſettling ſome way for the payment of the public debts to his Scotch ſubjects, the city of London, and others. And having propoſed a fair way for the ſettling of the militia he would endeavour upon debate with his two houſes, ſo to diſpoſe of it, as likewiſe of the buſineſs of Ireland, as might give them and both kingdoms ſatisfaction. Not doubting alſo, but to give good contentment to his two houſes of parliament in the choice of the lord-admiral, the officers of ſtate, and others."

The 13th of January 1645-6, two days before the date of the laſt meſſage, both houſes had returned an anſwer to that of the 29th of December.

"That there had been a great deal of innocent blood of his ſubjects ſhed in the war, by his majeſty's commands and commiſſions.

"That there had been Iriſh rebels brought over into both kingdoms, and endeavours to bring over more as alſo forces from foreign parts.

"That his majeſty was in arms in thoſe parts, and the prince at the head of an army in the weſt; there were alſo forces in Scotland againſt that parliament and kingdom, by his commiſſion; and the war in Ireland was fomented and prolonged by his majeſty.

"That until ſatisfaction and ſecurity was firſt given to both kingdoms, his majeſty's coming to the parliament could not be convenient, nor by them aſſented unto.

"That they could not apprehend it a means conducing to peace, that his majeſty ſhould come to his parliament for a few days, with any thoughts of leaving it, eſpecially with intentions of returning to hoſtility againſt it.

"That his majeſty deſired the engagement not only of his parliament, but of the lord-mayor of London, &c. which was againſt the privileges and honour of the parliaments, thoſe being joined with them, who were ſubject, and ſubordinate to their authority.

"That the only way for the obtaining an happy and well-grounded peace, was, for his majeſty to give his aſſent to thoſe propoſitions that ſhould be ſent to him.

"That there was not ſo much as any mention of Scotland."

The king, in a reply to this anſwer, greatly complained of the aſperſions caſt upon him by both houſes, and reproached them in his turn. He inſiſted upon an anſwer to his meſſage of the 15th of December, ſaying, "No rational man could think their laſt paper, to be any anſwer to his former demands."

But the 24th of the ſame month, he ſent a farther reply to every particular article of that anſwer. The ſubſtance whereof was:

1. "That a great deal of innocent blood had been ſpilt. That is the very reaſon why he preſſeth that there ſhould be no more. (1.)

Remark (1.) The meaning of this objection of both houſes was, that there having been a great deal of blood ſpilt in the war, it was reaſonable the authors thereof ſhould be puniſhed, and that the king continuing to protect them, it was neceſſary to proſecute the war till he ſhould be obliged to deliver them to juſtice. So, the king's general reply upon this article anſwered not the objection.

2. "That he had cauſed ſome Iriſh to repair to his aſſiſtance."

He anſwered, that thoſe whom they called Iriſh, were indeed (for the moſt part) ſuch Engliſh proteſtants as had been formerly ſent into Ireland by the two houſes, and unable to ſtay there any longer, by the neglect of thoſe that ſent them thither, who ſhould have better provided for them. (2.)

Rem. (2.) The objection did not relate to the Engliſh forces the king had ſent for from Ireland. The two houſes were far from giving theſe ſoldiers the name of Iriſh. But they meant the Iriſh papiſts entertained by the king in his army, and particularly ten thouſand men which the earl of Glamorgan was to bring over. The king feigned not to underſtand the two houſes, and made an evaſive anſwer to the objection.

3. "That the prince was at the head of an army." The king anſwered, it was no great wonder, ſince there was yet no peace.

4. "That he deſired to come to his parliament but for a few days." He anſwered by proteſting, that he ſought that treaty to avoid future hoſtility, and procure a laſting peace. (3.)

Rem. (3.) The parliament did not queſtion it: but they thought the king would come to London only to compel, by means of his friends, both houſes to make ſuch a peace as he deſired. So, this general anſwer was not capable of giving them ſatisfaction.

5. "That the engagements which his majeſty had deſired for his ſecurity, were a breach of privilege." The king anſwered, that whoſoever ſhould call to mind the particular occaſions that enforced him to leave the city of London and Weſtminſter, would judge his demand very reaſonable and neceſſary for his ſafety. But he no way conceived how the lord-mayor, aldermen, &c. of London, were either ſubject or ſubordinate to the authority of the two houſes.

6. "That he had made no mention of Scotland." He anſwered, it was included in his former, and had been particularly mentioned in his latter, meſſage of the 15th.

Laſtly, He deſired a poſitive anſwer to his former meſſages.

The 29th of January the king ſent another meſſage to both houſes, where he expreſly diſavowed the earl of Glamorgan, concerning the treaty with the Iriſh rebels: and ſaid, "That that earl having made offer unto him to raiſe forces in the kingdom of Ireland, and to conduct them into England for his majeſty's ſervice, he had granted him a commiſſion to that purpoſe, and to that purpoſe only: but that he had no commiſſion at all to treat of any thing elſe, without the privity and directions of the lord-lieutenant. And this clearly appeared by the lord-lieutenant's proceedings with the ſaid earl, who had orders to call him to an account. (4.)

Rem. (4.) The diſguiſe uſed by the king on this occaſion will manifeſtly appear in what will be ſaid preſently concerning this treaty.

The king added, "That if two houſes would admit of his repair to London for a perſonal treaty, ſpeedy notice ſhould be given him thereof, and a ſafe-conduct with a blank ſent for a meſſenger to be immediately diſpatched into Ireland, to ſtop the concluſion of the peace, the lord-lieutenant being empowered to treat and conclude it.

"That he would leave the management of the buſineſs of Ireland wholly to the two houſes, and make no peace there but with their conſent, in caſe his endeavours in the treaty ſhould be bleſſed with ſucceſs.

"That if his perſonal repair to London ſhould be admitted, and a peace thereon enſue, he would then leave the nomination of the perſons to be intruſted with the militia, wholly to his two houſes, with ſuch power and limitations as were expreſſed in the paper delivered by his majeſty's commiſſioners at Uxbridge, the 6th of February 1644-5.

"That if the peace ſucceeded, he would be content, that 'pro hac vice,' the two houſes ſhould nominate the admiral, officers of ſtate, and judges, to hold their places during life, or

or 'quamdiu ſe bene geſſerint,' to be accountable to none but the king and the two houſes of parliament.

"That as for matter of religion, he intended, that all proteſtants ſhould have the free exerciſe of their religion according to their own way.

"That upon the concluſion of peace there ſhould be a general act of oblivion and free pardon.

"And this to extend to Scotland."

The king had never made ſuch advances before, and yet all his endeavours to obtain a ſafe-conduct were fruitleſs. The two houſes were ſo perſuaded of his ability in the choice of his expreſſions, which were commonly ambiguous, and capable of a different ſenſe from what appeared at firſt ſight, that they could not reſolve to treat with him upon his own propoſitions. Beſides, they did not doubt, but the overture of a perſonal treaty was deſigned for a ſnare to force them to ſuch a peace as he deſired. They ſent therefore to his ſeveral meſſages no other anſwer than what has been ſeen. So, this ſort of negociation, of which the king expected a happy event, only left things juſt as they were.

Both houſes, as we have ſeen, reproached the king, that he was now endeavouring to bring Iriſh troops into England; the king did not diſown it, but denied the giving of the earl of Glamorgan power to treat with the rebels upon any other article. This was literally true, but the king took care not to diſcover the whole extent of this article, and yet both houſes were perfectly informed of it, as will hereafter appear. To underſtand fully the objection and anſwer, it will be neceſſary to relate what paſſed in Ireland upon this ſubject. This is not one of the leaſt curious points of the reign of Charles I. though the lord Clarendon has thought fit to paſs it over in ſilence.

The ceſſation made by the king with the Iriſh rebels, had not intirely ſuſpended hoſtilities in that iſland. Murrough O'Bryen lord Inchiquin, who commanded in Munſter for the parliament, and major-general Monroe, who was at the head of the Scots in Ulſter, had refuſed to accept of the ceſſation [t]. On the other hand, the Engliſh forces drawn by the king out of Ireland, had been intirely ruined and diſperſed in England. Thus the king had reaped no advantage by the ceſſation, the motives whereof he had concealed with all poſſible care. He had pretended, he was indiſpenſably obliged to conclude it, in order to ſave the Engliſh from the utter deſtruction they were threatened with, by the ſuperiority of the rebels and the parliament's neglect to ſend ſupplies into Ireland. But when theſe Engliſh troops were ſeen to come into England, it was eaſy to perceive the true reaſon of the ceſſation.

The king not having reaped from this artifice all the advantage he expected, deſiſted not from the deſign of making uſe of the aſſiſtance of the Iriſh to continue the war againſt the parliament. On the contrary, he formed the project of a peace with the rebels, in order to employ, not only the reſt of the Engliſh troops ſtill in Ireland, but alſo a good body of Iriſh, whom he intended to ſend for into England. He ordered therefore the marquis of Ormond, lord-lieutenant of Ireland, to negociate this peace, wherein however difficulties ſeemingly inſurmountable occurred. To make peace with the Iriſh, they were neceſſarily to be ſatisfied in point of religion. But this the king could not do without running counter to all his proteſtations concerning his great zeal for the proteſtant religion, and without confirming in ſome meaſure, the ſuſpicions of thoſe who believed he was concerned in the Iriſh rebellion. In a word, he could not take this ſtep, without relinquiſhing the intereſt of the Iriſh proteſtants, and giving the catholics ſuch advantages, as would render them very ſuperior to the proteſtants. The intereſts of England were alſo to be abandoned, and the dominion ſhe had always enjoyed over Ireland, ſince the conqueſt of that kingdom, was in great meaſure to be forfeited. Nay, he was in danger by ſuch a proceeding to loſe many friends in England. Thoſe who were ſincerely attached to him, and perſuaded, that he acted upon motives of juſtice and religion, muſt have opened their eyes, when they ſaw him manifeſtly betray the intereſt of England, and the proteſtant religion, if he had concluded with the Iriſh ſuch a peace as they demanded. Theſe were great difficulties which could be ſurmounted but by one of theſe ways; either by perſuading the Iriſh to rely on his general promiſes, that he would content them at a better juncture, and when it was more in his power; or elſe, colouring with ſome ſpecious pretence, the favours he ſhould be obliged to grant them for a peace. As to the firſt way, the king forgot nothing that he believed apt to induce the Iriſh to truſt to his promiſes, and herein the marquis of Ormond was long employed without any effect. The Iriſh were immoveable, and would not be contented with bare words. The ſecond way was ſtill more impracticable: for what colour could be put upon an intire relinquiſhing of the intereſts of religion and England?

Mean while, as the king hoped, that with the ſuccours from Ireland, he ſhould be able to give law to the parliament, and then, be obliged to uſe no farther ceremony; he reſolved not to deprive himſelf of ſuch an advantage, but to grant the Iriſh whatever they demanded. However, to avoid the prejudice ſuch a proceeding might create him in England, he choſe to conclude a private peace with the Iriſh, without ſolemnity, or the intervention of the lord-lieutenant, and to bind himſelf to have it effectually executed, till it ſhould be in his power to ratify it ſolemnly, with which the Iriſh were content.

To this purpoſe, whilſt the marquis of Ormond was ſeemingly labouring with great earneſtneſs to make a peace with the rebels, by trying to perſuade them to deſiſt from part of their demands, Edward Somerſet earl of Glamorgan, authorized by the king, was treating ſecretly and more effectually with them. He granted them, on the king's behalf, all their demands, on condition they would furniſh him with ten thouſand men, who ſhould paſs into England, under the command of the ſame earl of Glamorgan. But as this lord's bare promiſe was not a ſufficient ſecurity for the Iriſh, the king ſent him full powers, the tenor whereof was as follows:

CHARLES R.

"CHARLES by the grace of God, king of England, Scotland, France, and Ireland, defender of the faith, &c. To our truſty, and right well-beloved couſin, Edward earl of Glamorgan, greeting. We, repoſing great and eſpecial truſt and confidence in your approved wiſdom, and fidelity, do by theſe (as firmly as under our great-ſeal, to all intents and purpoſes) authoriſe, and give you power, to treat and conclude, with the confederate Roman catholics in our kingdom of Ireland, if upon neceſſity any be to be condeſcended unto, wherein our lieutenant cannot ſo well be ſeen in, as not fit for us at the preſent publicly to own: therefore we charge you to proceed according to this warrant, with all poſſible ſecrecy: and for whatſoever you ſhall engage yourſelf, upon ſuch valuable conſiderations, as you in your judgment ſhall deem fit, we promiſe, on the word of a king, and a chriſtian, to ratify and perform the ſame that ſhall be granted by you, and under your hand and ſeal; the ſaid confederate catholics, having, by their ſupplies, teſtified their zeal to our ſervice. And this ſhall be, in each particular to you, a ſufficient warrant."

Given at our court at Oxford, under our ſignet, and royal ſignature, the 20th day of March, in the twentieth year of our reign, 1644.

The date of this warrant is remarkable, for it was at a time when the king's affairs did not ſeem abſolutely to require his employing the Iriſh catholics. In the foregoing campaign, he had gained a ſignal advantage over the earl of Eſſex, with all the weſtern counties. He had fought a battle at Newbury, which had not procured his enemies any real advantage, and on the contrary, had ſhewn in the affair of Dennington, that he believed to have no reaſon to fear them. It was juſt after the treaty of Uxbridge, where he did not think himſelf under a neceſſity of making any conceſſions. In a word, it was at a time when the parliament, by reaſon of the ill ſucceſs of their arms, were labouring to new-model their army. It cannot therefore be ſaid, that the king was driven by deſpair, to make uſe of the aſſiſtance of the Iriſh. It is rather very eaſy to perceive, it was ſolely to encreaſe the ſuperiority he then had over the parliament.

By virtue of this warrant, the earl of Glamorgan concluded a treaty with the popiſh biſhops, concerning the clergy-livings. This was a preliminary treaty, upon which the biſhops made the following inſtrument:

"Whereas in theſe articles touching the clergy-livings, the right honourable the earl of Glamorgan, is obliged in his majeſty's behalf, to ſecure the conceſſions in theſe articles by act of parliament: we holding that manner of ſecuring thoſe grants, as to the clergy-livings, to prove more difficult and prejudicial to his majeſty, than by doing thereof, and ſecuring thoſe conceſſions otherwiſe, as to the ſaid living, the ſaid earl undertaking and promiſing, in the behalf of his majeſty, his heirs, and ſucceſſors, as hereby he doth undertake, to ſettle the ſaid conceſſions, and ſecure them

[t] The lord Inchiquin refuſed to accept it, becauſe he could not obtain the preſidency of Munſter. See Borlaſe, p. 146.

He

to the clergy, and their reſpective ſucceſſors, in another ſecure way, other than by parliament, at preſent, till a fit opportunity be offered for ſecuring the ſame; do agree, and condeſcend thereunto: and this inſtrument by his lordſhip ſigned, was before the perfecting thereof intended to that purpoſe, as to the ſaid livings, to which purpoſe we mutually ſigned this indorſement: and it is further intended, that the catholic clergy ſhall not be interrupted by parliament, or otherwiſe, as to the ſaid livings, contrary to the meaning of theſe articles."

GLAMORGAN.

The earl of Glamorgan added alſo the following proteſtation or oath:

"I Edward earl of Glamorgan do proteſt, and ſwear, faithfully to acquaint the king's moſt excellent majeſty with the proceedings of this kingdom, in order to his ſervice, and to the endearment of this nation, and punctual performance of what I have (as authoriſed by his majeſty) obliged myſelf to ſee performed; and in default, not to permit the army intruſted to my charge to adventure itſelf, or any conſiderable part thereof, until conditions from his majeſty, and by his majeſty be performed."

Sept. 3, 1645. GLAMORGAN.

The ſubſtance of the treaty between the earl of Glamorgan, and the confederate Iriſh catholics.

IT was ſaid in the beginning of the treaty, that much time had been ſpent in meetings and debates betwixt James marquis of Ormond lord-lieutenant of Ireland, and the commiſſioners of the catholic council of Kilkenny, for the treating and concluding of a peace; and thereupon many difficulties ariſing, the earl of Glamorgan was entruſted and authoriſed by his majeſty, to grant and aſſure to the ſaid confederate catholics, further grace and favours, which the ſaid lord-lieutenant had not as yet, in that latitude as they expected, granted unto them; in purſuance therefore of his majeſty's authority, under his ſignature royal and ſignet, bearing date at Oxon the 12th day of March, in the 20th year of his majeſty's reign.—"It is accorded and agreed between the ſaid earl of Glamorgan, for and on the behalf of his majeſty, and Richard lord viſcount Mountgarret preſident of the ſupreme council at Kilkenny, Donnough lord viſcount Muſkerry, &c. commiſſioners appointed by the confederate Roman catholics:

"I. That all the profeſſors of the Roman catholic religion in Ireland ſhall enjoy the free and public uſe and exerciſe of their religion.

"II. That they ſhall hold and enjoy all the churches by them enjoyed within that kingdom, or by them poſſeſſed at any time ſince the 23d of October 1641, and all other churches in the ſaid kingdom, other than ſuch as are now actually enjoyed by his majeſty's proteſtant ſubjects.

"III. That all the Roman catholics ſhall be exempted from the juriſdiction of the proteſtant clergy, and that the Roman catholic clergy ſhall not be puniſhed or moleſted, for the exerciſe of their juriſdiction over their reſpective catholic flocks.

"IV. That the following act ſhall be paſſed in the next parliament to be holden in Ireland. [Here is inſerted the form of an act for ſecuring all the king's conceſſions to the catholics.]

"V. That the marquis of Ormond, or any others, ſhall not diſturb the profeſſors of the Roman catholic religion in the profeſſion of the articles above ſpecified.

"VI. The earl of Glamorgan engages his majeſty's word for the performance of theſe articles.

"VII. The public faith of the kingdom ſhall be engaged unto the ſaid earl by the commiſſioners of the confederate catholics, for ſending ten thouſand men by order of the general-aſſembly at Kilkenny, armed the one half with muſquets, and the other half with pikes, to ſerve his majeſty in England, Wales, or Scotland, under the command of the earl of Glamorgan."

Signed the 25th of Auguſt 1645.

Moreover, the Iriſh commiſſioners engaged their word and the faith of the ſupreme council of Kilkenny, that two thirds of the clergy's revenues ſhould be employed for the ſpace of three years, towards the maintenance of the ten thouſand men, the other third being reſerved for the clergy's ſubſiſtence.

This treaty, though made very ſecretly, was however diſcovered by an extraordinary accident. The archbiſhop of Tuam, preſident of Connaught, going into Ulſter about ſome affairs, met with a body of Iriſh troops marching to beſiege Sligo and joined with them, whether for ſecurity's ſake or ſome other deſign[u]. When they came near Sligo, the garriſon made a ſally, charged the troops that were come to beſiege them, utterly routed them, and killed the archbiſhop of Tuam. In his pockets it was that authentic copies, atteſted and ſigned by ſeveral biſhops, were found, of the forementioned treaty, and of the king's warrant to the earl of Glamorgan, which were ſent to the parliament.

The marquis of Ormond, the lord Digby then in Ireland, and ſome others having ſoon heard that the ſecret was diſcovered, found no better expedient to clear the king, than to arreſt the earl of Glamorgan, for having, in a preſumptuous manner, worthy of ſevere puniſhment, exceeded his orders, and concluded a treaty with the Iriſh. This is what the king alſo inſinuated in his meſſage to both houſes of the 19th of January 1645-6.

Ruſhworth has inſerted in his collections two intercepted letters of the earl of Glamorgan, one to his counteſs dated in January, acquainting her that his impriſonment did not give him much uneaſineſs. In the other of the 26th of February, directed to the king, he told him, that he was at Waterford providing ſhipping to tranſport ſix thouſand foot immediately, and that four thouſand more were to follow them by May[w]. Theſe troops came not however into England, probably by reaſon of the change in the king's affairs, which were in a melancholy ſituation after the battle of Naſeby. All his towns were taken one after another. The Scots were now before Newark, and general Fairfax having reduced all the weſt to the obedience of the parliament, was preparing to beſiege the king in Oxford.

Whilſt the king was in this melancholy ſtate, the court of France ſent Montreuil into England, on pretence of procuring a peace between the king and the parliament: but their real intention was, that Montreuil ſhould endeavour a private agreement between the king and the Scots[x]. This could not be done without the king's entirely forſaking the biſhops, and conſenting to the eſtabliſhment of the preſbyterian government in the church of England. The court of France and the queen of England hoped, this project would ſucceed the more eaſily, as it was agreeable to good policy and the king's intereſts. The king would thereby have gained not only the Scots, who had a ſtrong army in England, but alſo the city of London and the majority of the members of parliament, who, for the moſt part, inſiſted upon the other points in diſpute only to obtain this the more eaſily. This was properly the ſole means of balancing or ſurmounting the great power of the independents, who were in a manner maſters of the army. If the king had taken this courſe, it is very evident, it would have turned greatly to his advantage: whereas, at the time it was propoſed to him, he was entirely without remedy. But his zeal for epiſcopacy would not ſuffer him to accept of ſuch an overture; and he told Montreuil, he would never conſent to it. About the ſame time the queen ſent ſir William Davenant to perſuade the king to join with the preſbyterians, as the only means to free himſelf from his ſad condition. The moment Davenant offered to ſpeak to him, he commanded him to hold his tongue, and never more appear in his preſence.

Mean while, Montreuil at his arrival in England being poſſeſſed with the notion, that the king would not refuſe the courſe, which was to be propoſed to him, had made ſome overtures to the Scotch commiſſioners reſiding in London, and found them inclinable to treat with the king: but after he had ſpoke and writ to his majeſty ſeveral times, he found him immoveable. The Scots, on their part, being no leſs inflexible, conſtantly refuſed to promiſe the king any aſſiſtance, unleſs he conſented to the abolition of epiſcopacy[y].

[u] He attended the army at this time to viſit his dioceſe, and put in execution an order for the arrears of his biſhopric, granted to him by the council of Kilkenny. Ruſhworth, tom. VI. p. 239.

[w] This letter to the king, with the lord Digby's narrative of his proceedings againſt the earl of Glamorgan, &c. came to the parliament's hands in the following manner: whilſt Fairfax was in Cornwall hemming in the lord Hopton, a ſhip came into Padſtow from Ireland, not doubting but to have been well received; whereas the town's people, with the help of ſome parliament dragoons, ſeized and boarded her. The captain, one Allen of Waterford, had thrown a packet of letters over-board, which were found floating on the water and carried to Fairfax, who found, amongſt others, the letter and narrative above-mentioned. Theſe letters being ſhewed and read to the people of the county, who were ſummoned to appear on the downs by Bodmin, made great impreſſion on them, ſo that many of them offered to aſſiſt in blocking up all paſſages, to prevent the royal cavalry from breaking through. Ruſhworth, tom. VI. p. 104.

[x] The lord Clarendon affirms, That the Scots were under terrible apprehenſions of being diſappointed of all their hopes, by the prevalence of the independent army, and therefore wiſhed for nothing more, than an opportunity to make a firm conjunction with the king.

[y] The Scots produced a writing ſigned by the queen, wherein were ſuch expreſſions, as did not pleaſe the king, and made him look upon that negociation, as rather a conſpiracy againſt the church, between the catholics and preſbyterians, than as an expedient for his reſtoration or preſervation. Clarendon, tom. II. p. 579.

Accordin

Whilſt the affair was delayed by this difficulty, and Montreuil gone to the Scotch army before Newark, to try to find ſome medium favourable to the king, Fairfax was advancing with his army, ſo that the king was in danger of being incloſed in Oxford. The king's principal concern was then to deliver himſelf from this imminent danger. Though he had till that time demurred upon going to the Scotch army, on account of the forementioned difficulty, he ſaw however no other remedy when the danger approached. The Scotch officers had made him ſome general promiſes, founded probably upon their hopes of his conſenting at laſt to their demands. He ſent them word of his intention to come to their army, and they promiſed to receive him and provide for his ſafety. He had not time, doubtleſs, to make a more particular treaty. At leaſt it is not known to this day upon what terms the king put himſelf into the hands of the Scots, and on what conditions they received him. However, the king having no time to loſe, that he might not be inveſted in Oxford, departed privately, and came to the Scotch army, the 5th of May, 1646 [z].

[1646] The king had, on the 13th of April, imparted by letter to the marquis of Ormond his deſign to throw himſelf into the arms of the Scots, in theſe words: "Having lately received very good ſecurity that we, and all that do, or ſhall adhere to us, ſhall be ſafe in our perſons, honours, and conſciences, in the Scottiſh army; and that they ſhall really and effectually join with us, and with ſuch as will come in to us, and ſhall employ their armies and forces to aſſiſt us to the procuring of a happy and well-grounded peace—If it ſhall pleaſe God that we come ſafe thither, we are reſolved to uſe our beſt endeavour, with their aſſiſtance, and with the conjunction of the forces under the marquis of Montroſe, and ſuch of our well-affected ſubjects of England as ſhall ariſe for us to procure, if it may be, an honourable and ſpeedy peace."

The marquis of Ormond ſent a copy of this letter to general Monroe, who commanded the Scotch troops in Ireland, and Monroe communicated the ſame to the commiſſioners of the parliament in Ulſter, by whom copies of the letter, as printed at Dublin, were ſent over to both houſes, and it was read in the houſe of commons on Saturday June the 9th. Whereupon, on the Monday following, the Scotch commiſſioners delivered a declaration to the houſe of peers, poſitively denying, that their army had made any treaty with the king to aſſiſt him. Thus we ſee on one ſide, the king affirming he had received very good ſecurity that the Scots would declare for him; and on the other, the commiſſioners of Scotland denying that their army had made any treaty with the king to aſſiſt him.

In all probability, the Scotch commiſſioners and the general officers of their army had given Montreuil hopes, they would declare for the king, but on condition he would renounce epiſcopacy; without which condition, it is not eaſy to conceive, that the commiſſioners or officers ſhould have made ſuch a promiſe, which was not in their power; ſince they could not engage contrary to the expreſs tenor of the covenant, and without poſitive orders from thoſe who governed Scotland. Wherefore, it could only be hopes, and thoſe conditional, which the king prepoſterouſly took for aſſurances, and which Montreuil, perhaps, confounded as well as he. It is true, the earl of Clarendon cites a paper ſigned by Montreuil, wherein he ſays, "I do promiſe in the name of the king and queen (my maſter and miſtreſs) and by virtue of the powers I have from their majeſties, that if the king of Great-Britain ſhall put him himſelf into the Scottiſh army, he ſhall be there received as their natural ſovereign, and ſhall be with them in all freedom of his conſcience and honour.—And that the Scots ſhall employ their armies and forces to aſſiſt his majeſty in the recovery of his juſt rights, &c."

But it muſt be obſerved, there is not in this paper a ſingle word to ſhew that Montreuil was impowered to make this promiſe, either by the commiſſioners, or the general officers, or the parliament of Scotland: nay, it does not ſo much as appear that he was accepted for a mediator in the affair; that beſides, he could not engage the authority of the king of France and queen-regent to make ſuch a promiſe, unleſs he was furniſhed with a treaty, which however has never appeared. The lord Clarendon intimates, that Montreuil had the word of the principal officers in the Scotch army, but that afterwards, finding them grown cold, he writ to the king, to diſſuade him from venturing his perſon among them. Indeed it is hard to conceive that Montreuil ſhould ſign ſuch a promiſe without being authorized. But on the other hand, is it likely that, if he had been authorized by a treaty or other warrant, he would not have mentioned it in his paper?

But what ſeems ſtill more impoſſible, is that the Scots ſhould promiſe without condition, as this engagement intimates, contrary to the tenor of the covenant between the two nations, ſince the king would not ſo much as hear of the abolition of epiſcopacy. There muſt therefore have been ſome miſtake in the negotiation carried on by Montreuil's mediation, and the king and the mediator muſt have taken, for poſitive aſſurances, promiſes which were conditional only, as appears in the king's letter to the marquis of Ormond, and the ſolemn denial of the Scots. However this be, Montreuil was recalled and diſgraced, and as there is reaſon to believe, it was for engaging the word and honour of the king his maſter, and the queen-regent, upon ſo trifling a foundation. The lord Clarendon, probably, to hinder the king from being blamed for putting himſelf into the hands of the Scots too haſtily, and without good ſecurity, ſays, this envoy's diſgrace was an artifice of cardinal Mazerin, who had a mind to conceal the inſincerity of the court of France. I own I cannot comprehend the meaning of theſe words. But if it be true, that Montreuil was not authorized to promiſe what he did, as it does not appear that he was, I do not ſee any occaſion to ſeek for other cauſe of his diſgrace.

The king being come to the Scotch army [a], which had been before Newark ever ſince November, the general repreſented to him, that it would be proper, for the ſafety of his perſon, for the army to march northward, near the borders of Scotland. But as this could not be done before the taking of Newark, he deſired him to order the town to ſurrender. The king perſuaded by this reaſon, gave orders to the lord Ballaſis the governor to ſurrender Newark, which was done accordingly; and immediately after the army began to march and came with the king to Newcaſtle.

May the 18th, the king ſent a meſſage to both houſes, recommending to them the ſpeedy ſettling of religion, and the taking to that end the advice of the divines of both kingdoms aſſembled at Weſtminſter.

Concerning the militia, he agreed that the two houſe ſhould name all the commiſſioners for that truſt for the ſpace of ſeven years, and after the expiration of that term, a regulation ſhould be made by the king and both houſes.

He offered the like for the kingdom of Scotland.

Concerning the wars in Ireland, he ſaid in general, he would do whatever was poſſible for him to give full ſatisfaction therein.

In a poſtcript, he offered to diſband his forces at Oxford, and conſent that the fortifications of that city ſhould be demoliſhed, provided honourable terms were granted to the garriſon, which done, he would give the like order to the reſt of his garriſons.

The next day, the king writ to the city of London, to acquaint them, that he was ready to comply with the parliament in every thing.

June the 10th, he preſſed the two houſes by another meſſage, to ſend their propoſitions for peace, that he might give them all juſt ſatisfaction; and deſired again the liberty to come to London and treat in perſon with them [b].

[z] According to the lord Clarendon, the king was not reſolved, when he left Oxford, whither he ſhould go to London or the Scotch army. He ſays, the king went away the 27th of April, attended only by John Aſhburnham, groom of his bed-chamber, and one Mr. Hudſon a divine, who underſtood the by-ways. It was nine days after his leaving Oxford before it was known where the king was. It ſeems the king had waſted that time in ſeveral places, purpoſely to be informed of the condition of the marquis of Montroſe, and to find a ſecure paſſage to get to him, which he exceedingly deſired. Clarendon, tom. III. p. 17.——Hudſon, upon his examination, ſaid, That the king croſſed the country, was at Henley, Brentford, and Harrow on the Hill, where he ſtaid ſome time, and was almoſt perſuaded to come to London; and then he went to St. Albans, and ſo to Harborough in Leiceſterſhire, where the French agent was to have met him with ſome horſe, to conduct him to the Scots army, but came not; from thence the king went to Stamford, where he lay one night; and from thence to Downham in Norfolk, where he ſtayed at a petty alehouſe, from April 30 to May 4; that he paſſed ſometimes by the name of Hudſon's tutor, ſometimes doctor, and ſometimes as Aſhburnham's ſervant. Whitelock, p. 209. Ruſhworth, tom. VI. p. 267. Heath, p. 99.

[a] The parliament received, on May 6, intelligence of the king's repairing to the Scots army, and thereupon immediately voted, That his majeſty ſhould be ſent to Warwick-caſtle. Ruſhworth, tom. VI. p. 268.

[b] The parliament, in their debates about the propoſitions for peace to be ſent to the king, voted, That ſir Thomas Fairfax ſhould be made a baron, and have 5000l. a year ſettled upon him; and his father made an earl. Oliver Cromwell a baron, with 2500l. per annum. The earls of Northumberland, Eſſex, Warwick, and Pembroke, be made dukes. The earls of Saliſbury and Mancheſter, marquiſſes, The lords Roberts, Say, Willoughby of Parham, Wharton, and Howard, earls. Mr. Holles, a viſcount. Sir Henry Vane, ſenior, a baron. Sir William Waller, a baron, with 2500l. per annum. Sir Arthur Haſlerigge, and ſir Philip Stapleton, barons, with 2000l. per annum each. Sir William Brereton, to have 1500l. and Skippon 1000l. per annum. Whitelock, p. 181, 182.

The 25th of the ſame month, the Scotch commiſſioners preſented a memorial to the parliament, whereby they conſented, that the propoſitions for peace, which had been communicated to them, ſhould be ſent to the king, with proteſtation however, that they were not all agreeable to their ſentiments. They deſired alſo, that money might be ſent to their troops both in England and Ireland, their accounts ſtated, and all armies ſpeedily diſbanded.

Mean while, the Scotch army at Newcaſtle, underſtanding it was reported at London, that they had made a treaty with the king to aſſiſt him againſt the parliament, publiſhed a declaration, proteſting, it was always their intention to maintain the covenant between the two kingdoms, and that they abhorred all public and private ways tending to violate the ſame, or to create a miſunderſtanding between the two nations. At the ſame time, they preſented a petition to the king, beſeeching him to take a ſpeedy courſe of ſettling of religion in England, according to the example of the beſt reformed churches, and for eſtabliſhing the privileges and liberties of his kingdoms; expreſſing their great grief for his not having yet authorized and ſigned the covenant [c]. They alſo prayed him to comply with the counſels of his parliament. The king returned to this petition a general anſwer, without entering into particulars.

The general aſſembly of the kirk of Scotland writ likewiſe to the parliament of England, the city of London, the aſſembly of divines, to deſire them to promote the work of reformation, according to the tenor of the covenant.

July the 6th, the houſe of commons voted, That England had no further need of the Scotch army, and that the commiſſioners of Scotland ſhould be deſired to withdraw their forces.

Some days after, the two houſes ſent [d] propoſitions for peace to the king at Newcaſtle, which were little different from thoſe debated at Uxbridge. Wherefore I do not think it neceſſary to repeat them. I ſhall content myſelf with relating the 13th article, being an addition to the former claims of both houſes with reſpect to the militia:

"That during the ſpace of twenty years, the two houſes of parliament alone ſhall have power to arm, train, and diſcipline the militia; and that neither the king, or his ſucceſſors, ſhall during the ſaid ſpace of twenty years, exerciſe any power over them.

"The like for the kingdom of Scotland, if the eſtates of the parliament there ſhall think fit.

"That monies be raiſed for the maintenance of the ſaid forces for land-ſervice, and of the navy, as the lords and commons ſhall, during the ſaid ſpace of twenty years, think fit; and that the ſaid forces be employed, ordered, and diſpoſed, as the two houſes ſhall appoint, and not otherwiſe: that they ſhall have power, 1. To ſuppreſs all forces raiſed without their authority and conſent. 2. To ſuppreſs all foreign forces, who ſhall invade any of the Engliſh dominions. 3. To conjoin the forces of England with thoſe of Scotland.

"That after the expiration of the ſaid twenty years, no perſon under any pretence whatſoever, ſhall any way diſpoſe of the Engliſh forces, without the conſent of both houſes.

"That after the ſaid twenty years, if any bills are paſſed by the lords and commons, for the ſafety of the kingdom, and the royal aſſent is not given to them within ſuch time as the houſe of peers ſhall judge convenient; that ſuch bills ſhall nevertheleſs be as valid to all intents and purpoſes, as if the royal aſſent had been given thereunto."

The parliament's commiſſioners preſented theſe propoſitions to the king the 24th of July; and as they declared to him, they were limited not to ſtay above ten days at Newcaſtle, the king gave them his anſwer the 1ſt of Auguſt.

"That the propoſitions tendered to him did import ſo great alterations in government, both in the church and kingdom, that it was very difficult for him to return a particular and poſitive anſwer to them, before a full debate, wherein thoſe propoſitions, and the neceſſary explanation, true ſenſe, and reaſons thereof, were rightly weighed and underſtood: which he found the commiſſioners were not authorized to admit, nor able to give him. That he deſired to come to London, with freedom, honour, and ſafety, where he might have thoſe doubts cleared, and thoſe difficulties explained to him. That he aſſured them, that as he could never condeſcend to what was abſolutely deſtructive to that juſt power, which, by the laws of God and the land, he was born unto, ſo he would chearfully grant and give his aſſent to all ſuch bills, as ſhould be really for the good and peace of his people, not having regard to his own particular."

Before the king delivered his anſwer to the parliament's commiſſioners, the earl of Loudon, lord-chancellor of Scotland, made a ſpeech to him, to perſuade him to accept the propoſitions. His reaſons were the ſtronger and more preſſing, as drawn from the neceſſity the king was in. But his majeſty was not pleaſed to take his advice. This anſwer being read in the parliament the twelfth of Auguſt, was the cauſe of great joy to thoſe who wiſhed not for peace [e].

The ſame day, the Scotch commiſſioners preſented a memorial to the lords, offering to ſend their army into Scotland, upon reaſonable ſatisfaction for their pains, hazards, charges and ſufferings. They alſo ſaid, ſince his majeſty had not agreed to the propoſitions preſented to him, it was neceſſary to conſult with them, what was to be done, as well concerning the king's perſon, as the peace and ſafety of the two kingdoms. Both houſes returned them thanks, and appointed a committee to examine their accounts.

Some days after they delivered in an account of arrears, amounting to two millions. The parliament diſputed ſeveral articles, and deducted ſuch ſums as the Scots had received. The Scots allowed the juſtice of ſome of theſe deductions, but could not agree to others [f]. At laſt, after many debates, the Scots offered to accept of a ſum in groſs, for a full diſcharge of their arrears. Whereupon they were aſked, what ſum they demanded, and at firſt they inſiſted upon five hundred thouſand pounds. The houſe of commons offered two hundred, and afterwards three hundred thouſand pounds. At length, the Scots abating one hundred thouſands pounds of their demand, it was agreed to allow them four hundred thouſand, one half to be paid upon their removal out of the kingdom, and the other at certain times. This is the fatal bargain, whereby it is pretended, the Scots ſold the king to the parliament of England, becauſe indeed they delivered him up ſome months after. But it muſt be obſerved, that this is only a ſuſpicion, a bare conjecture, and if it be true, that the Scots, when they agreed upon this ſum of four hundred thouſand pounds, obliged themſelves to give up the king to the parliament, which I will neither affirm nor deny, at leaſt, they acted with ſo much addreſs, that there appeared no expreſs proof of it. No treaty, no paper, concerning this affair ever came to the knowledge of the public. The ſum was promiſed them for arrears due to their army, from the 18th of January 6431-4, to the 18th of September 1646. If it could be proved, that in all that time the Scotch army had been regularly paid, according to the treaty between the two nations, and that no arrears were due to them, this, doubtleſs, would be a confirmation of the aforementioned ſuſpicion. But this proof is very difficult. For if on one ſide, the Scots, to mount the debt to five hundred thouſand pounds, inſerted in their accounts ſeveral unjuſt articles, which ought to have been abated, the Engliſh on their ſide, acted with no leſs injuſtice, in pretending to make unfair deductions. This appears by the particulars of the accounts brought in by both parties, which are to be ſeen in Ruſhworth's Collections. Nay, it ſeems, if the Engliſh had been deſirous to conceal the ſecret motives of this bargain, they ſhould not have diſputed the debt, ſince nothing would have been more proper to remove the ſuſpicion of their giving this ſum to the Scots, to engage them to deliver up the king, than to ſhew it was really due to them for arrears.

Another, and no leſs important, remark may be made upon this ſubject. The thing that has rendered odious this

[c] The author's words are, "They prayed him to ſign the covenant," but it is in the petition as in the tranſlation. See Ruſhworth, tom. VI. p. 304.

[d] The commiſſioners for the houſe of lords, were the earl of Pembroke and Suffolk; and for the commons, ſir John Danvers, ſir John Hippeſley, Mr. Robinſon, and ſir Walter Earle. Whitelock, p. 214.

[e] A little after the king's coming to Newcaſtle, a Scotch miniſter preached boldly before him, and when his ſermon was done, called for the fifty-ſecond pſalm, which begins, "Why doſt thou, tyrant, boaſt thyſelf, thy wicked works to praiſe." Whereupon his majeſty ſtood up, and called for the fifty-ſixth pſalm, which begins, "Have mercy, lord, on me, I pray, for men would me devour." The people waved the miniſter's pſalm, and ſung that which the king called for. Whitelock, p. 270.—Whilſt the king was at Newcaſtle, Henderſon came and much importuned his majeſty to paſs the propoſitions; but his majeſty affirming, he could not in conſcience conſent to ſeveral things therein, eſpecially to the change of church government, from the ancient order of epiſcopacy, ſeveral papers paſſed between his majeſty and him, which ſhew the king's great abilities in thoſe controverſies, being at a time when he could not have the aſſiſtance of any of his chaplains. Henderſon returning to Edinburgh, died ſoon after, on Auguſt 31. He was, ſays Whitelock, a perſon of a ſober converſation and good learning. Whitelock adds, "Some ſaid he died of grief, becauſe he could not perſuade the king to ſign the propoſitions," p. 221. He was more moderate, ſays Ruſhworth, than many of them. Tom. VI. p. 321.

[f] They acknowledged the receipt of but 700,000l. in monies, proviſions, aſſeſſments, quarters, and otherwiſe. See Ruſhworth, tom. VI. p. 323. His

pretended ſale of the king's perſon, is the tragical death of that prince, of whch it was the occaſion. But it muſt be conſidered, it was ſo only by accident. Nothing was at that time farther from the thoughts, both of the parliament and the Scots, than putting the king to death. The independents, mortal enemies of the king, Scots, and Preſbyterians, were the men who twice took away the king from the parliament, by means of the army, and cut off his head, at the very time the parliament and Scots were heartily labouring to reſtore him, as will hereafter appear. If therefore this pretended ſale, ſuppoſing it real, was the occaſion of the king's death, it may be affirmed, it was the innocent occaſion, and its effects ought not to be imputed to the parliament, ſuch as it was at that time, ſince it is certain, neither both houſes, nor the Scots, did they carry their views ſo far, nor could poſſibly foreſee what afterwards happened. But, as I ſaid before, it can by no means be proved, that the Scots did indeed ſell the king to the Engliſh. We ſhall ſee preſently, the reaſons why the Scots would not take charge of the king's perſon.

In the beginning of September, the duke of Hamilton, who had been releaſed out of Michael's Mount in Cornwall, upon the parliament's taking that place, came to Newcaſtle, with ſome other Scotch commiſſioners, and earneſtly preſſed the king to accept the propoſitions for peace. If the Scots had bargained, by a ſecret treaty, to give up the king to the parliament, this proceeding ſeems to have been prejudicial to them, ſince the king's compliance would have voided their bargin with the Engliſh, and deprived them of the promiſed ſum.

The king anſwered the duke and the other commiſſioners, "That he only deſired to be heard, but could not obtain his deſire. That he did not give a denial to the propoſitions, but only deſired to be rightly informed of what was demanded, and that his reaſons might be heard."

In another anſwer given them in writing the next day, he ſaid, "he ſhould be content to reſtrain epiſcopal government to ſome few dioceſes, at Oxford, Wincheſter, Briſtol, Bath and Wells, and Exeter; leaving all the reſt of England fully to the preſbyterian government, with the ſtricteſt clauſes they ſhould think upon againſt papiſts and independents. In a poſtſcript, he required them, to give a particular account of this offer to the general aſſembly in Scotland; aſſuring them, that he would punctually make good his laſt letter to them. And hoped, that they, as churchmen, would not preſs him to comply with what was againſt his conſcience, till he ſhould have leiſure to be better informed."

This anſwer was a plain intimation, that when the king ſaid, he deſired to be heard, it was only a pretence to have liberty to come to London, to cauſe, if poſſible, the propoſitions to be altered. We ſee alſo by this anſwer, that he conſidered the affair of church government, as the principal and moſt difficult point. In a word, his offer ſhews he was very hard preſſed, ſince he agreed, that preſbyterian government ſhould be eſtabliſhed throughout the whole kingdom, a few dioceſes excepted.

Some time after, he ſent a letter to the duke of Hamilton, (who was now retired, finding the king immoveable) telling him, that the two houſes thought of getting him into their hands, by ſaying, they did not intend to make him a priſoner, but only to give him an honourable guard; but for his part, he would not be left in England, when the Scotch army retired, without a viſible force upon his perſon. Probably therefore, when he demanded leave to come to London to treat in perſon with both houſes, he meant, that he ſhould remain in perfect liberty [g]. Perhaps he intended to eſcape into France, or elſewhere. But how could he imagine, he ſhould be left at perfect liberty, on the bare preſumption, that a negotiation with him would be ſucceſsful?

At laſt, on the 18th of September, it was voted, that the king's perſon ſhould be diſpoſed of as both houſes of parliament ſhoud think fit. But as he was not properly in their power, they appointed a committee to confer with the commiſſioners of Scotland upon that head.

In one of theſe conferences, the lord Loudon, chancellor of Scotland, endeavoured to ſhew, that one of the two kingdoms had no more right than the other, to diſpoſe of the king's perſon, becauſe he was equally king of both, and that beſides they were united in the ſame intereſt by their covenant. The Engliſh commiſſioners anſwered, That the king being in England, it belonged to the Engliſh to diſpoſe of his perſon, and though he had retired to the Scotch army, that army being only auxiliaries, and in the pay of England, it was the ſame as if he had retired to the parliament's army, whereof the Scotch forces were a part.

In another conference, the ſame lord ſtrenuouſly continued to prove, the principle advanced by him in the former, namely.

"That the diſpoſing of his majeſty's perſon did belong to both kingdoms, and therefore, that he ought not to be diſpoſed of by any one of the kingdoms, but by joint advice of both. He explained the word "diſpoſe", which was liable to be miſunderſtood: and ſaid, he meant thereby, either that his majeſty ſhould be put under reſtraint, or be at freedom with honour and ſafety. As for the way of reſtraint, he ſaid, he looked upon it as a remedy more dangerous than the diſeaſe, and as a means to draw the war of foreign kings upon the nation, (eſpecially the prince being in other kingdoms) rather than to quiet the troubles at home. And therefore he concluded, that he would lay aſide the way of reſtraint, and ſpeak of the way which might be with freedom, honour, and ſafety; and that could be no other, but that his majeſty ſhould go into Scotland, or come to his parliament, or ſome of his houſes about London. His going into Scotland, he obſerved, was full of dangers and inconvenience to both kingdoms: for the Iriſh, banded with a crew of malignants, poſſeſſed the mountains and highlands, which were the ſtrong-holds, and never-conquered parts of that kingdom. That they had not laid down their arms, but kept in a body together; and they were ſo near Ireland, as the forces of the rebels there might in two or three hours ſpace come over and join with them; and Scotland not being able to keep and entertain armies long, the king being there, might raiſe ſuch forces in that kingdom, as might make way quickly into England. And therefore his majeſty's going into Scotland being of moſt dangerous conſequence to both kingdoms, he offered to their lordſhips conſideration, his majeſty's coming to London, or ſome of his houſes thereabouts." The principal reaſon on which he grounded his opinion, was the ſame as the king himſelf had alledged. "That he had not refuſed his aſſent to the propoſitions, but only deſired to have his doubts cleared, and difficulties explained."

But in this reaſoning there was a material defect, which muſt have been viſible to all. And that is, the chancellor ſuppoſed, the king ſhould not be put under reſtraint, but left at full liberty in Scotland, at London, or ſome one of his houſes; which certainly was very far from the thoughts of the perſon that ſpoke, of the Scots, and of the parliament of England. In building therefore upon ſo wrong a foundation, the lord Loudon could not expect that his reaſoning ſhould be conſidered as of much weight, if he had not been to deal with men whoſe intereſt it was to feign, they thought it very ſolid.

Nothing ſeems more apt to comfirm the ſuſpicion of the Scots being engaged to deliver the king to the parliament, than this artifice of the lord Loudon to that end. For though he ſuppoſed, the king would be in one of his houſes with honour and ſafety, he knew the contrary, and that the parliament would always be maſter of his perſon. Conſequently it was the ſame thing as delivering him to the parliament, the condition that he ſhould be there with honour and ſafety, being only dazzling terms, to which the parliament might always give what ſenſe they pleaſed. But it muſt be conſidered, this is not a real proof, but a bare conjecture, which even ſeems to be deſtroyed by what happened ſhortly after. The commiſſioners of Scotland having cauſed an account of what paſſed at theſe conferences to be printed, with the ſpeeches to prove that England had no more right than Scotland to diſpoſe of the king's perſon, the commons were ſo offended at it, that they ordered all the copies to be ſeized, and the printer committed. They made likewiſe a long anſwer to the account of the Scots, and ſent it to the Scotch commiſſioners, who refuſed to receive it, becauſe it came only from one of the two houſes; but the commons ordered it be printed, and publiſhed. If it be true that the Scots had engaged to deliver the king to the parliament for the ſum of four hundred thouſand pounds, nothing was more prepoſterous than this diſpute, which was mixed with great bitterneſs, unleſs it is ſuppoſed, the parliament and Scotch commiſſioners, had agreed together to act this ſort of farce.

This diſpute, real or feigned, hindered not the Scotch army from preparing to return home. But as they were to be paid two hundred thouſand pounds, before they began their march, they might yet have ſtaid ſeveral weeks in England, had not the city of London engaged to advance that

[g] His words in a letter to Hamilton are, "Unleſs I may remain a free man, and that no attendant be forced upon me upon any pretenee whatſoever." See letter, Ruſhworth. tom. VI. p. 329.

The

ſum. It was however upon two conditions; the firſt, that the lenders ſhould have 8l. per cent. intereſt for their money; and that the payment of the principal ſhould be ſecured out of the receipts of the grand exciſe, and the ſale of biſhops-lands[h]. For this reaſon both houſes made haſte to ſequeſter theſe lands, and appoint a committee to expoſe them to ſale[i].

The 16th of December, the parliament of Scotland took into conſideration what was to be done with the king's perſon. After great debates, it was at length reſolved, that the commiſſioners reſiding at London ſhould demand of both houſes, from the parliament of Scotland, that the king might return to London with honour and ſafety: that they ſhould declare to them, that the parliament of Scotland was reſolved to ſupport monarchy in the perſon of the king and his juſt title to the crown of England. This reſolution ſeems directly contrary to the engagement to give up the king to the parliament.

But the next day the commiſſioners of the general-aſſembly preſented to the parliament a paper, intitled, "A ſolemn and ſeaſonable warning to all eſtates and degrees of perſons throughout the land," wherein they repreſented the heinous crime of forſaking the covenant, and endeavouring a breach with England. They maintained, that ſuch projects were infuſed into ſome by the devil, and that they who attempted to ſow diviſion between the two nations and violate the covenant, which was their chief ſtrength, could not but be enemies to the ſtate. Then, as to the diſpoſal of the king's perſon, they ſaid, that ſo long as his majeſty did not approve in his heart, and ſeal with his hand, the league and covenant, he could not be received in Scotland without expoſing the kingdom to freſh troubles. That, on the other hand, to diſpoſe of the king's perſon without the conſent of the parliament of England, was openly breaking the covenant, and incurring the guilt of perjury. That it was very true, they were engaged by the covenant to defend the king's perſon, but it was no leſs true, that the end of the union between the two nations, was to ſettle religion in both kingdoms, according to the tenor of the covenant, and that theſe two engagements could not be ſeparated. That for theſe reaſons they deſired, that freſh endeavours might be uſed to prevail with his majeſty to give ſatisfaction to both kingdoms, that he might return to his parliament of England as a reconciled prince to ſatisfied ſubjects, in order to eſtabliſh a happy peace.

This paper being read in the parliament, the matter was again taken into conſideration, and at laſt after a great debate it was reſolved, "That his majeſty ſhould be deſired to grant the whole propoſitions; and in caſe of refuſal, the certifications given to his majeſty ſhould be put in execution, namely, to ſecure the kingdom without him;" and it was declared, "That the kingdom of Scotland cannot lawfully engage themſelves for his majeſty: he not taking the covenant, ſatisfying as to religion, &c. Nor would they admit him to come into Scotland, unleſs he gave a ſatisfactory anſwer to the whole propoſitions lately preſented to him in the name of both kingdoms[k].

The king having notice of this reſolution from the earl of Lanerick, ſent a meſſage to both houſes at Weſtminſter, to deſire again to come to London, or any of his houſes thereabouts, upon the public faith and ſecurity of his parliament and the Scotch commiſſioners, that he ſhould be there with honour, freedom and ſafety, in order to have his doubts cleared, and difficulties explained: aſſuring them, that he would moſt willingly condeſcend to them in whatſoever ſhould be really for their good and happineſs: praying them to conſider, it was their king who deſired to be heard, which if refuſed to a ſubject by a king, he would be thought a tyrant for it.

Upon this meſſage the lords voted, that the king might come to Newmarket, there to remain with ſuch attendants about him, as both houſes ſhould appoint: But the commons voted, that Holmby-houſe in Northamptonſhire would be the fitteſt place for his majeſty, to which the lords conſented. Then it was reſolved, "That his coming to Holmby ſhould be with reſpect to the ſafety and preſervation of his majeſty's perſon, and in defence of the true religion, according to the covenant[l]."

[1646-7] The 5th of January a committee of both houſes was appointed to go down and receive the king from the Scots[m]. For though both houſes had declared, he ſhould be at Holmby with honour and ſafety, they meant not to leave the manner to his choice, and whatever expreſſions they might uſe, it was to be in effect a real impriſonment.

Some days after, the two houſes received from the parliament of Scotland, the following declaration:

"THAT the king's majeſty came to their quarters before Newark, and profeſſed he came there with a full and abſolute intention to give all juſt ſatisfaction to the joint deſires of both kingdoms, and with no thought either to continue this unnatural war any longer, or to make diviſion betwixt the kingdoms; but to comply with his parliaments, and thoſe intruſted by them, in every thing for ſettling of truth and peace; and that he would apply himſelf totally to the counſels and advices of his parliament: which he did not only profeſs verbally to the committee of eſtates with the Scottiſh army, but alſo in his ſeveral letters and declarations under his hand, to the committee of eſtates of Scotland, and to the two houſes of parliament of England reſpectively. In confidence whereof, and of the reality of his intentions and reſolutions, which he declared did proceed from no other ground, than the deep ſenſe of the bleeding condition of his kingdoms: the committees of the kingdom of Scotland, and general officers of the Scottiſh army, declared to himſelf, and to the kingdom of England, their receiving his royal perſon to be on theſe terms (which is truth, notwithſtanding what may be ſuggeſted or alleged to the contrary, by any within or without the kingdoms) and repreſented to him, that the only way to his own happineſs and peace of his kingdoms, under God was, to make good his propoſitions of peace, (which after ſerious and mature deliberation were agreed upon) tendered to him in the name of both his kingdoms for his royal aſſent thereunto; but alſo the chief judicatories of this kingdom, both civil and eccleſiaſtical, made their humble and earneſt addreſſes to his majeſty, by ſupplications, letters, and commiſſioners for that end; and did freely repreſent all the prejudices and inconveniencies of the delay or refuſal of his aſſent, and in particular, that this kingdom would be neceſſitated to join with the kingdom of England, conform to the league and covenant, in providing for the ſecurity of both kingdoms, and ſettling the government of both, as might conduce moſt to the good of both. And the parliament of Scotland being now to retire their army out of England, have again, for their further exoneration, ſent commiſſioners, to repreſent their new deſires to his majeſty, with the danger that may enſue by his delay or refuſal to grant the ſame; and that till then, there was no danger to the cauſe, to his majeſty, to his kingdom, and to the union betwixt both the kingdoms, by his coming to Scotland; and that therefore there would be a joint courſe taken by both the kingdoms concerning the diſpoſal of his perſon. And conſidering, that his majeſty by his anſwer to the propoſitions of peace in Auguſt laſt, and alſo by his late meſſage ſent to the two houſes, and by his warrant communicated to the eſtates of this kingdom, hath expreſſed his deſires to be near to his two houſes of parliament: and ſeeing alſo the parliament of England have communicated to the Scottiſh commiſſioners at Newcaſtle, and by them to this kingdom, their reſolution, that Holmby-houſe in the county of Northampton, is the place which the houſes think fit for the king to come unto, there to remain with ſuch attendance about him as both houſes of parliament ſhall appoint, with reſpect had to the ſafety and preſervation of his royal perſon, in the preſervation and defence of the true religion and liberties of the kingdoms according to the covenant. Therefore, and in regard of his majeſty's not giving a ſatisfactory anſwer to the propoſitions as yet, and out of their earneſt deſire to keep a right underſtanding betwixt the kingdoms, to prevent trouble within the ſame, to ſatisfy the deſire of his majeſty, of the two houſes of the parliament of England, and of this kingdom, for his reſidence in ſome of his houſes near the

[h] The other condition was, That ſuch as had formerly contributed upon the propoſitions for horſe, monies, and plate, might advance the like ſum upon this propoſition, and be ſecured as above. Ruſhworth, tom. VI. p. 326.—At the ſame time that the biſhops-lands were given in as ſecurity for the repayment of the aforeſaid ſums, the whole order of archbiſhops and biſhops was aboliſhed, by an ordinance of October 9.

[i] Money came in ſo faſt upon thoſe ſecurities, that the whole ſum of 200,000l. was made up by the 27th of November; and on the 16th of December, it was ſent out of London in thirty-ſix carts. Ruſhworth, tom. VI. p. 389.

[k] It was carried but by two votes in the Scots parliament, That the king ſhould not come into Scotland. Whitelock, p. 236.

[l] It was put to the queſtion, whether theſe words, according to the covenant, ſhould be paſſed, and it was carried in the affirmative. Idem, p. 232.

[m] For the lords, the earls of Pembroke and Denbigh, and the lord Montague; for the commons, ſir William Armyne, ſir John Holland, ſir Walter Earle, ſir John Cook, Mr. John Crew, and major-general Brown; but ſir William Armyne not being well, ſir James Barrington went in his room. Ruſhworth, tom. 6. p. 394. They were attended by nine hundred horſe. Whitelock, p. 237.

For

parliament of England: the eſtates of the parliament of the kingdom of Scotland, to declare their concurrence, for the king's majeſty's going to Holmby-houſe, or ſome other of his majeſty's houſes in or about London, as ſhall be thought fit, there to remain until he gives ſatisfaction to both his kingdoms in the propoſitions of peace; and that in the interim there be no harm, prejudice, or injury, nor violence done to his royal perſon: that there be no change of government other than had been theſe three years paſt: and that his poſterity in no ways be prejudiced in their lawful ſucceſſion to the crown and government of theſe kingdoms."

January the 23d the parliament's commiſſioners came to Newcaſtle, and on the 30th of the ſame month the king was delivered to them. That very day the Scotch army began to march towards Scotland, and the king arrived at Holmby the 16th of February.

Hitherto the preſbyterians and independents had acted as in concert, becauſe it was equally advantageous to them, or rather neceſſary, the king ſhould be diſabled from hurting both. When the king was reduced to his preſent condition, in the hands of a parliament conſiſting of two parties which had equally plotted his ruin, theſe two parties, who had till then ſeemed united, began to be openly divided, each plainly perceiving, this was the critical time to make the advantages gained in common upon the king, to turn to their own benefit. The preſbyterians were ſuperior in the parliament and in London: but the independents were, as I may ſay, maſters of the army, and by that their party was grown very conſiderable. The preſbyterians grand affair was therefore to diſband the army, under colour of its being unneceſſary, ſince the war was ended; and the independents grand affair was, to hinder this diſbanding, which could not but be fatal to their party. It is certain, the parliament, being almoſt wholly preſbyterian, ſeriouſly thought of diſcarding the independents, and particularly the generals and officers of that party. As they were obliged to ſend an army into Ireland, their project was to take for that ſervice ſuch ſoldiers out of the foot, horſe, and dragoons, as ſhould be willing to go thither, form them into companies, and give them officers, they could confide in. After that, their intent was to diſband the reſt of the forces, keeping only as many as ſhould be neceſſary for the garriſons. Had this project ſucceeded, the independent party would have been irrecoverably ruined. But the parliament had to deal with men who were too wiſe to give them time to take all their meaſures. Oliver Cromwell, a perſon of uncommon valour, great parts, and profound diſſimulation, was then at the head of the independents, though he affected ſtill to paſs for a rigid preſbyterian. He was preſent at the ſermons of the preſbyterians with a ſeemingly extraordinary devotion. He made uſe of certain ſcripture-expreſſions after the manner of the preſbyterians, and ſpoke not a word which might betray him to be independent, either as to religion or policy. In ſhort, he had found means to perſuade general Fairfax, that his ſole aim was to promote the glory of God, and the welfare of religion and the kingdom. He had in the army a great number of officers who acted by his directions, ſo that when he did all, he ſeemed to do nothing. Among theſe officers were his ſon-in-law Ireton, Rainſborough, Fleetwood, Lambert, Harriſon, and ſeveral others, who took care to ſtrengthen the independent party, by means of many ſubaltern officers, who endeavoured to make proſelytes among the ſoldiers, and were ſo many emiſſaries in every regiment. Cromwell was member of parliament [n], and withal lieutenant-general of the army, notwithſtanding the ſelf-denying ordinance, from which he had been exempted. After the war was over, he conſtantly attended the houſe, and thereby might be informed of the project againſt the army, or rather againſt the independent party in general. He ſeemed to approve of the meaſures deſigned by the commons, namely, of forming an army for Ireland [o], and diſbanding the reſt of the forces. But at the ſame time, by means of his emiſſaries, he raiſed in the army a ſpirit of diſcontent and mutiny. This was the more eaſy, as the officers and ſoldiers perceived, they were going to be diſcarded, and as moſt were little able to return to their old profeſſions, after four or five years ſpent in war. There were in the army many officers, who before the wars had been only tradeſmen, and ſaw with regret they were going to be reduced to quit their employs which gave them authority, and reſume their former trades, to be mixed as before with the meaner ſort of people. Theſe men, as well as thoſe gained by the independents, were ready for any undertaking, not to be obliged to alter a courſe of life they had now led for ſome years. Cromwell therefore, and the officers of his party, improving this diſpoſition, diligently inſpired the army with diſcontent againſt the two houſes, wherein they ſucceeded but too well [p].

The firſt ſpark of this flame appeared in March 1647, at the time when the parliament was ſeriouſly thinking of executing the fore-mentioned project. The commons had notice, that ſome officers of the army had prepared a petition to be preſented to the general and communicated to the houſe. In this petition was deſcribed, the unhappy condition, moſt of the officers and ſoldiers would be in, when the army ſhould be diſbanded. The articles deſired, were: "Indemnity for actions as ſoldiers. Satisfaction for arrears. No preſſing for horſe or foot. Relief of widows and maimed ſoldiers. Pay till diſbanded." This petition flew from regiment to regiment, and there were officers very diligent to procure ſubſcriptions. Whereupon, the commons ſent an order to the general, to make ſtrict enquiry after the authors of the petition, and put a ſtop to the conferences held in the army to ſow diſcord and diviſion. The general anſwered, that in obedience to the order of the houſe, he had aſſembled the officers, and queſtioned them about the petition: that they had expreſſed a very deep ſenſe of their unhappineſs, in being miſunderſtood in their clear intentions, which, as they had proteſted, were no other than by way of petition to repreſent to him, their general, thoſe inconveniencies, which would neceſſarily befal moſt of the army after diſbanding; but withal had aſſured him, they would wholly acquieſce in whatſoever he ſhould judge reaſonable to offer, or the houſe to grant on their behalf. The general added, that the houſe might be better informed, he had ſent lieutenant-general Hammond, colonel Hammond, colonel Lilburn, lieutenant-colonel Pride, and lieutenant-colonel Grimes, who, he hoped, would give a full and candid account of the whole matter.

Accordingly, theſe officers were examined before the houſe; after which, the ſpeaker, in diſmiſſing them, told them what ſenſe the houſe had of the petition, and deſired their care for ſuppreſſing the ſame, or any other of the like nature for the future [q]. The ſame day, the houſe ordered the general to publiſh a declaration, at the head of every regiment, importing, that the petition tended to put the army into a mutiny, and obſtruct the relief of Ireland, and that the promoters thereof ſhould be proceeded againſt as enemies to the ſtate, and diſturbers of the public peace [r].

The commons could not do any thing more agreeable to thoſe, who had formed the project of ſowing diviſion between the army and the parliament. This declaration gave occaſion to the officers and ſoldiers to complain openly, "That they who had fought for the liberty of the ſubjects of England, were denied the liberty of the ſubject to petition, though it were to their general, and merely in things relating to them as ſoldiers, meddling neither with church nor ſtate-affairs, and withal, ſubmitting it to the general's judgment for approbation or correction, as he ſaw cauſe."

Mean while, the two houſes intending to execute their reſolution of ſending forces into Ireland in the manner they had projected, appointed a committee for that purpoſe, and gave them power to form the regiments, and commiſſion ſuch officers as they ſhould think fit. At the ſame time, they reſolved to encourage thoſe that voluntarily offered to ſerve in Ireland. and ordered the commiſſioners ſpeedily to execute their charge.

[n] For the town of Cambridge.

[o] The forces voted for that ſervice were ſeven regiments of foot, three thouſand horſe, and twelve hundred dragoons, and 40,000l. Whitelock, p. 217. About this time, colonel George Monk took the covenant, and engaging in the parliament's ſervice, was ſent into Ireland. Ruſhworth, tom. VI. p. 227.

[p] The earl of Eſſex's death, which happened on the 14th of September 1646, made it the eaſier for Cromwell to carry on his deſigns. For doubtleſs, had he lived, he would have given ſome check to the fury that was going to prevail. The lord Clarendon ſays, that it was reported he was poiſoned: and that Cromwell and his party were wonderfully exalted with his death, tom. III. p. 33. On the 27th of November following, the earl's horſe and effigies were cut to pieces and defaced in Weſtminſter-abbey; and the like barbarous action was done to Camden's tomb there. Whitelock, p. 228.

[q] Whitelock obſerves upon this occaſion, that this way of petitioning by multitude of hands to the parliament, which was formerly promoted by ſome of both houſes, as a means to carry on their deſigns at that time, began now to be made uſe of, and returned upon them, to their great trouble and danger, p. 242.

[r] Rapin has confounded here two different things. What he ſays was publiſhed at the head of the regiments, was only a declaration and vote of both houſes of the 30th of March. But the declaration ſent to the general to be publiſhed to the regiments, was to require them to deſiſt from going on in that petition they were about to preſent to him. Ruſhworth, tom. VI. p. 446, 447.

The commiſſioners repairing to Saffron-Walden, the general's head quarters, gave notice to the officers to aſſemble the next day. Then the earl of Warwick, head of the committee, made a ſpeech, exhorting them to accept of the terms offered by the two houſes. When he had done ſpeaking, colonel Lambert anſwered in the name of all the officers, and deſired to know what ſatisfaction ſhould be given them concerning four articles, namely, arrears, indemnity, maintenance in Ireland, and conduct? ſir John Clotworthy replied, that the parliament had taken care of all, except the point of indemnity, for which an ordinance would be ready in a few days. The officers demanded, what generals were to command them in Ireland? It was anſwered, Skippon and Maſſey were named for general and lieutenant general; but for other commanders the parliament had not yet come to any reſolution. Then the officers cried out with one voice, That if the command was given to Fairfax, Cromwell, and Skippon, they were ready to march. The commiſſioners ſeeing the officers inſiſted upon a thing not agreeable to the intentions of the parliament, deſired ſuch as would liſt in the ſervice of Ireland, to come to their lodgings in the town, where they would give them farther ſatisfaction; but there came very few. At the ſame time, the reſt prepared a declaration, which was preſented to the commiſſioners, wherein they ſaid, "They had reaſon to complain, that they had received no poſitive anſwer to their deſires: that however, thoſe who in their own perſons did not engage for Ireland, would be ready to promote the ſervice: that if the ſame conduct under which the army had been ſo proſperous in England, was continued, it would conduce much to their perſonal engagement in the ſervice of Ireland: that this was the general ſenſe of the officers of the army."

The general, who hitherto ſeemed very deſirous to ſerve the parliament, ordered the officers who had a mind to ſerve in Ireland, to draw out of their men as many as would engage in that ſervice. But the number was very ſmall, and the parliament was informed, there were officers who took great pains to diſſuade the ſoldiers from this ſervice, and cheriſh the diſcontent of the army[t].

[1647] At laſt, their boldneſs was ſuch, that ſome of the principal officers ſcrupled not to appear at the head of the mutineers in a declaration preſented to both houſes. They ſaid, "That the miſrepreſentations of their harmleſs intentions to the houſe, having occaſioned hard thoughts and expreſſions of the houſe's diſpleaſure againſt them, they humbly craved leave to offer ſome reaſons to clear their proceedings in thoſe paſſages, which they found moſt obvious to exceptions in their petition, whereby they hoped to make it evident, that the means they uſed, and the method they took, was, as they conceived, moſt orderly and inoffenſive; proceeded not in the leaſt from diſtemper, and aiming in no meaſure to put conditions on the parliament; and that from hence might be diſcovered, the corruptions of thoſe men's hearts, who have been the evil inſtruments of occaſioning the late declaration againſt them. And,

"1. For the liberty of petitioning, they hoped, the honourable houſe of commons would never deny it unto them, there being not any thing more eſſential to freedom; and particularly, ſince they had juſtified and commended it in their declaration of the 2d of November, 1642, in theſe words: 'It is the liberty and privilege of the people, to petition unto us for the eaſe and redreſs of their grievances and oppreſſions, and we are bound in duty to receive their petitions.

"2. They preſented not their petition to the houſe, but with the approbation, and by the mediation, of their general, and conſequently, that it could not be repreſented as ſeditious.

"3. The report of their forcing ſubſcriptions was not true. For the petition had taken its firſt riſe from amongſt the ſoldiers, and the officers had engaged but in the ſecond place to regulate the ſoldiers proceedings, and remove, as near as they could, all occaſion of diſtaſte.

"4. They were forced to deſire an act of indemnity for ſuch actions as they had committed during the exigency of the war, not warrantable by law, ſince they were liable to be indicted for them in time of peace.

"5. As to their deſiring the royal aſſent, they never intended thereby to leſſen the parliament's authority; but only uſed it as a provident caution for their future ſafety. And they obſerved, that the parliament itſelf had, by offering propoſitions, judged, the deſiring the king's aſſent convenient.

"6. As to the deſiring of their arrears, neceſſity enforced them thereto: that their wages had been hardly earned, and the deſire of them could not argue them guilty of the leaſt diſcontent, or intention of mutiny.

"7. For what concerned the relief of Ireland, they thought it hard, that thoſe who had voluntarily ſerved in the wars, and left their parents, trades, and livelihoods, and, without any compulſion, engaged of their own accords, ſhould, after all their free and unwearied labours, be forced and compelled to go out of the kingdom."

This declaration was ſigned by Thomas Hammond, lieutenant-general of the ordnance, ſeven colonels, ſeven lieutenant-colonels, ſix majors, and one hundred and thirty officers, captains, and ſubalterns.

The ſame day this declaration was preſented to the houſe, the commons voted, that the army ſhould be diſbanded, and the ſoldiers have ſix weeks pay when diſmiſſed.

Some days after, major-general Skippon, who was to command in Ireland, and being returned from Barnſtable had taken his ſeat in the houſe, notwithſtanding the ſelf-denying ordinance, which was no longer regarded, reported, that a letter was preſented to him the day before by ſome troopers, in the behalf of eight regiments of horſe, and produced the ſame, which was immediately ordered to be read. Theſe regiments complained of the many late ſcandals, and falſe ſuggeſtions, againſt the army, and their proceedings, and alleged the reaſons why they could not engage in the ſervice of Ireland, under the conduct of the intended generals. The troopers, Sexby, Allen, and Sheppard, who brought the letter, were called in and examined, concerning the meaning of ſome expreſſions in the petition; to which they replied, that the letter being a joint act of thoſe ſeveral regiments, they could not give a punctual anſwer, being only agents; but if they might have the queries in writing, they would carry them to the regiments, and return their anſwers.

Though the declaration of the officers was in itſelf very reaſonable, it looked however more like an inſolent accuſation againſt the parliament than an humble apology. This convinced the commons, that the evil was greater than was at firſt imagined; wherefore they paſſed ſeveral votes to give ſome ſatisfaction to the army, and to hinder the increaſe of their diſcontent. At the ſame time Skippon, Cromwell, Ireton, and Fleetwood, were ordered to go and acquaint the army with what the houſe intended to do for the troops, and that a conſiderable ſum was preparing for their pay, before they were diſbanded. Hitherto the commons ſeem not to have perceived the true aim of the army's complaints, but hoped to appeaſe them by ſome condeſcenſion.

The generals ſent by the parliament being come to the army, and calling the officers together, read to them the votes paſſed in their favour; after which, Skippon made a ſpeech, to engage them to ſerve under him in Ireland. The officers anſwered, as this affair concerned the ſoldiers, as well as the officers, it was neceſſary to inform them of it, in order to know their reſolution.

Mean while, the parliament ardently deſiring to diſband the army, after that which was to ſerve in Ireland was formed, ordered, that before they were diſbanded, a fortnight's pay ſhould be added to the ſix weeks, formerly voted, and that ſix weeks pay more ſhould be given to thoſe who would engage for the ſervice of Ireland.

The troopers and ſoldiers being informed of what the generals, ſent by the parliament, had reported to the officers, anſwered, that as the whole army was concerned, they deſired to diſcuſs the affair in a committee, choſen by themſelves, out of every company and troop, who ſhould report the deſires of each regiment to a committee of general officers, to be by them contracted into a method, and if general, communicated to both houſes, as the ſenſe of the army. It is eaſy to perceive in this anſwer, a ſecret direction of ſome of the leading male-contents, who intended by this means to be maſters of the ſoldiers reſolutions, and compoſe in the army, a ſort of parliament, in oppoſition to the two houſes. This demand, of which perhaps the conſequences were not

[t] The earl of Warwick, lord [illegible], ſir William Waller, ſir John Clotworthy, and major-general Skippon. The eſtabliſhment agreed on by the commons then was: Officers for the foot: A colonel 12s. a day, and for four horſe 8s. A captain for [illegible] 4s. A lieutenant 5s. 4d. and one [illegible] two men 4s. Corporals and trumpets [illegible] captain 8s. a day. A lieutenant 4s. An enſign 2s. 6d. Serjeants, drummers, corporals, each 1s. Ruſhworth, tom. VI. p. 454.

[1] See an account of the forces appointed to ſerve in Ireland, above, p. 755, Note (o). About five thouſand horſe and dragoons were ordered to remain in pay in England, for the defence of the kingdom. Holles's Mem. p. 74.

Here

by many foreſeen, being granted, the ſoldiers choſe two out of every company, who were called adjutators, or agitators, to debate upon the matters which were to be brought to the council of officers, called, the council of war, conſiſting of generals, colonels, lieutenant-colonels, majors, and captains. Among the agitators there were few or none above the degree of an enſign. Theſe two councils were afterwards continued, to the great prejudice of the parliament, and great advantage of the heads of the independent party, who eaſily found means to admit only ſuch as were devoted to them or not of ſufficient ability to diſcover their deſigns.

Mean while, the two houſes perſiſted in their reſolution to diſband the army, excepting thoſe who would engage to ſerve in Ireland. To effect this the more eaſily, it was ordered, that their arrears ſhould be ſpeedily audited, and good ſecurity given them, for ſo much as ſhould not be paid off upon diſbanding, that none that had voluntarily ſerved in the wars, ſhould be preſſed for any ſervice beyond ſea: that an ordinance ſhould be drawn for providing for widows, maimed ſoldiers, and orphans. After that, the two houſes ſettled the manner of diſbanding the army, namely, that the regiments ſhould be diſbanded at different times and places, and that the money to pay them what was promiſed, ſhould be ſent to the ſeveral rendezvous. But the army openly complained of the intention to pay them but two months arrears upon diſbanding, when there was no leſs than fifty-ſix weeks due to them.

Shortly after, the general called a council of war at Bury, at which were preſent above two hundred officers, and communicated to them the votes of both houſes, adviſing them to a compliance with the order of parliament. But the officers anſwered, They did not think theſe votes ſatisfactory to the ſoldiers; 1. Becauſe eight weeks pay was not a conſiderable part of what was due to them. 2. Becauſe no viſible ſecurity was given for the arrears. 3. Becauſe nothing was done for their vindication, and they being declared enemies, and ſent home, might hereafter be proceeded againſt as enemies, unleſs the declaration were recalled.

At the ſame council a petition was produced and read, which had been that morning preſented to the general, in the name of the private ſoldiers of the army, complaining, "That it was intended to diſband them without redreſſing their grievances, and in a ſtrange, unheard-of manner, one regiment apart from another, which poſture could not but render them ſuſpicious to the kingdom. And therefore they deſired the general would be pleaſed to appoint a rendezvous for the army, and uſe his utmoſt endeavours, that they might not be diſbanded before their grievances were heard, and fully redreſſed, which if not done, they ſhould be neceſſitated, though unwillingly, to do things that might be prevented, by granting their juſt deſires."

The council of war having examined this petition, believed or feigned to believe, it was abſolutely neceſſary to take notice of it, for fear, if they ſaw all their deſires rejected, they ſhould have a rendezvous without their officers. It was therefore reſolved, that the quarters of the army ſhould be contracted, to prevent diſorders, and for the greater readineſs to ſuppreſs them. It was manifeſt, the deſign of the petition, and the council of war's reſolution, was, to break the parliament's meaſures. It had been reſolved to ſeparate the army, and diſband them at different times and places, in order to do it the more eaſily; and the army, on the contrary, had contracted their quarters, ſo that they could rendezvous in a very ſhort ſpace, without any poſſibility of being prevented by the parliament.

The general failed not to acquaint the two houſes with the reſult of what had paſſed in the council of war, intreating them to proceed with caution, that the army might not be incenſed, and a breach made, which could not but be very dangerous. He writ the ſame day to the ſpeaker of the houſe of commons, that he was extremely uneaſy concerning the diſpoſition of the army, and heartily wiſhed ſome means could be found to appeaſe the diſtractions, which was not in his power: that he was forced to yield to many things to prevent worſe inconveniences.

Whereupon, the two houſes recalled the commiſſioners, who were now gone to diſband the army, and ſent for the money which had been lodged in ſeveral places for the payment of the ſoldiers. But three thouſand five hundred pounds carrying to London, was ſtopped by colonel Rainſborough's men at Woodſtock. It was very evident, the army was unwilling to be diſbanded; but the parliament not being in a condition to command obedience, were forced to ſtay till a more convenient ſeaſon, without relinquiſhing however their deſign. Their intention was to divide the army, under colour of the neceſſity of ſending forces into Ireland; and, the better to engage the ſoldiers to leave the army, it was voted, that a months pay ſhould be given to thoſe that would quit their regiments and ſerve in Ireland. They hoped by this means to form an army equal or ſuperior to that which refuſed to obey, wherein they were greatly miſtaken. Mean while, to give ſome ſatisfaction to the army, it was ordered by the commons, that the ſubordinate officers and ſoldiers ſhould have all their arrears, deducting for free quarters according to the uſual rules of the army. That the commiſſion-officers ſhould have one month's pay more added to the two months arrears formerly voted. Laſtly, that the declaration againſt thoſe that drew up the firſt petition ſhould be razed out of the journal of the houſe [u]. But all this was not capable of contenting the army, who were reſolved not to be ſatisfied. The directors of theſe proceedings had a mind to continue the army, in order to be able to oppoſe the preſbyterians, who were ſuperior in the parliament. So, the reaſons alleged by the army being only pretences, though every thing had been granted, others would have been deviſed to prevent diſbanding; and indeed, it will preſently appear, that leſt all their deſires ſhould be granted, they added new demands, which the parliament could not comply with.

It was eaſy to perceive, that every thing tended to a breach between the parliament and the army. The parliament accuſed the army of mutiny and ſedition [w], and the army pretended, that the parliament, under colour of ſending forces into Ireland, thought of forming a new army, to become maſters of the kingdom, when the old one ſhould be caſhiered, or to kindle a freſh war in caſe the troops refuſed to obey. But they were far from being upon an equality. The army had the ſword in their hands, and though ſome officers and ſoldiers had quitted their regiments for the ſervice of Ireland, their number was inconſiderable [x]: all the reſt remained united, and were ſupported by moſt of the generals, who being againſt the parliament, privately cheriſhed the diſcontent of the officers and ſoldiers. The parliament had no forces to compel the army to obedience, and therefore were terribly embarraſſed. They durſt not drive the army to extremities; and on the other hand, they plainly perceived, that the diſcord was fomented by the leaders of the independents, who ſought the deſtruction of the parliament, for fear the parliament ſhould deſtroy them, as indeed both houſes intended.

This therefore was a critical ſeaſon, the point being to know who ſhould be maſter, the parliament or the independent party. But theſe had the army on their ſide, and that alone balanced the power and authority of the parliament. They had ſo well laid their meaſures, by means of the agitators, that the army was become a ſort of republic, where the ſuffrages of the common ſoldiers were upon a level with thoſe of the generals; nay the ſoldiers did not think themſelves obliged to follow or to aſk the advice of their officers. Hence ſprung confuſion, which was ſuffered to prevail. Every thing was done in the name of the army, a looſe term which ſignified, ſometimes the council of war alone, ſometimes the council of agitators, now both councils together, and now, the agitators of ſome particular regiments. In this laſt ſenſe muſt be underſtood the enterpriſe performed, in the name of the army, by the agitators of ſome regiments of horſe, of carrying away the king by force from Holmby-houſe to Newmarket [y].

To execute this deſign, they choſe cornet Joyce, one of the agitators of his regiment, who, from a taylor before the war, was become an officer, and had ſignalized himſelf for his bravery. Joyce being put at the head of fifty horſe, marched directly to Holmby, and came there in the night, after the king was in bed. Having ſecured the avenues, he went up with two or three more to the king's chamber, and cauſed the door to be opened. The king getting up, aſked him what he meant. Joyce anſwered, he intended to carry

[u] Here, ſays Whitelock, the parliament began to ſurrender themſelves and their power, into the hands of their own army. Mem. p. 250.

[w] Some moved, That the petitioning ſoldiers might be declared traitors. Others reſolved to ſecure Cromwell, but he being advertiſed of it, went to the army. Ludlow, tom. 1. p. 190.

[x] There were not above fifteen hundred or two thouſand. See, Holles's Mem. p. 76. and Ruſhworth, tom. 6. p. 477, &c.

[y] Ludlow gives this reaſon for ſeizing the king: that the agitators were afraid, thoſe who had ſhewed themſelves ſo forward to cloſe with the king out of principle, upon any terms, would, for their own preſervation, receive him without any, or rather put themſelves under his protection; that they might the better ſubdue the army, and reduce them to obedience by force. Tom. I. p. 191.

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him to the army, for they had received certain advice, there was a deſign to convey him away by force. The king aſked him, whether he had the general's orders? He replied, no, but that he was authoriſed by the army, and as he held a piſtol in his hand, ſufficiently intimated, it was by that he was chiefly empowered [z]. The parliament's commiſſioners who were at Holmby to take care of the king, would have oppoſed this violence: but the king's guard refuſing to make any reſiſtance, and the troops that were in the neighbouring villages to relieve the guard every day, would not come. At laſt, after many diſputes, all the king could obtain was to ſtay till the morning. That ſame night he writ a note, which he intruſted with the earl of Dumfermling, to acquaint the two houſes, hewas carried away from Holmby againſt his will, and that they ſhould not give any credit to what he might afterwards write whilſt under reſtraint. The next morning he went into the coach, and was conducted by Joyce, who carried him that night to colonel Montague's, and the next day to Newmarket.

Whilſt theſe things paſſed, the general having appointed a rendezvous of the army at New-market, for the 4th and 5th of June, the ſeveral regiments preſented a petition to him, complaining of the votes paſſed in parliament the 21ſt and 25th of May, as not being ſatisfactory for the following reaſons:

"1. That eight weeks arrear to be paid at diſbanding, was but a mean reward for all their labours, and a very ſlender ſupply to carry them to their homes, and ſet them up again in their former callings and conditions.

"2. That in the orders given for the ſtating of their accounts, they found no conſideration or regard had of their arrears incurred in the former army commanded by the earl of Eſſex, which to the moſt of them were much greater than thoſe under the new model.

"3. That three ſhillings a week was to be abated to foot ſoldiers for quarter, which was more than they ſhould have paid for themſelves, if they timely had their pay.

"4. That there was no proviſion or allowance made in relation to any quarters diſcharged by them.

"5. That, contrary to cuſtom, no trooper was capable of allowance for arrears, unleſs he delivered in his horſe and arms.

"6. That the viſible ſecurity for what arrears ſhould not be paid at diſbanding, appeared to them inſufficient.

"7. That the ordinance voted, to exempt from preſſing, for the ſervice of Ireland, ſuch as had ſerved as volunteers in the army, was defective; becauſe after their diſcharge, it was very difficult for them to obtain a teſtimonial of their paſt ſervices.

"8. That the ordinance for the maintenance of maimed ſoldiers, &c. had not yet paſſed in parliament.

"9. That the ordinance for indemnity ſeemed to make but ſlender proviſion for their ſafety.

"10. That no reparation had been made to thoſe officers of the army, that had been at ſeveral times ſent for to attend the parliament as delinquents, though they had been found innocent.

"11. That there had been yet nothing declared by the parliament, to clear them as to their right of petitioning.

(There was in this article heavy complaints againſt the parliament's arbitrary power.)

"12. That the declaration made againſt the army was yet ſtanding in force.

"13. That nothing had yet been done towards the diſcovery or cenſure of thoſe that had wronged the army, and abuſed the parliament, ſo as to procure the proceedings againſt them, with relation to their petition."

It is eaſy to perceive, theſe complaints were but mere pretences, or at leaſt, if the army had not reſolved to be ſatisfied upon no terms, theſe differences might poſſibly have been adjuſted. But this was only a preparative to what they had reſolved to do. The next day, June the 5th, the officers and ſoldiers ſubſcribed a paper, which they called a ſolemn engagement, whereby they conſented to diſband, when required by the parliament, but on condition, "That they ſhould firſt have ſuch ſatisfaction in relation to their grievances, and ſuch ſecurity as to their perſons, as ſhould be agreed unto by a council to conſiſt of thoſe general officers (who had concurred with the army) with two commiſſion officers, and two ſoldiers to be choſen for each regiment; and declared, that without ſuch ſatisfaction, and ſuch ſecurity they would not willingly diſband, nor ſuffer themſelves to be diſbanded or divided."

This engagement was ſeconded with petitions from the inhabitants of the counties of Eſſex, Suffolk, and Norfolk, intreating the general, not to ſuffer the army to be diſbanded till every thing relating to the government was ſettled.

June the 7th, both houſes received a letter from the general acquainting them, that the ſoldiers at Holmby had brought the king thence by conſent, having thought proper to ſecure his perſon, from an apprehenſion of forces gathering to fall upon them, and force him out of their hands. That as ſoon as he knew it, he ſent colonel Whaley's regiment to guard the king: after which, for prevention of danger, he had ſent two regiments more to re-inforce colonel Whaley. That Whaley had deſired the king and the commiſſioners, in his name, to return to Holmby, but that his majeſty was not willing to go back. That upon this, he had ſent ſir Hardreſs Waller, and colonel Lambert to deſire the commiſſioners to think of returning to Holmby, but that the commiſſioners refuſed to act in diſpoſing of the king. He affirmed moreover, that neither himſelf, nor the officers about him, nor the body of the army were concerned in removing the king, proteſting that it was his as well as the army's deſire, to ſtudy to ſettle a firm peace. That they had no intention to oppoſe preſbytery, or ſet up the independent-government, but to leave all to the wiſdom of the parliament, without advancing any particular party or intereſt.

It was a very ſtrange thing, that the king ſhould be removed from Holmby by fifty troopers, without any orders from the general or the officers about him, and without the conſent of the body of the army; and that the general officers ſhould ſuffer him to be in the center of the quarters of the army, without inquiring after thoſe who gave, or thoſe who executed, ſuch an order. This ſhewed, there was ſome myſtery in it, which it was not thought proper to diſcover to the parliament, and that Joyce knew he ſhould be protected, if called to an account. On the other hand, though the king had ſent word to both houſes, that he was unwillingly removed [a], it appears by the general's letter, that his majeſty conſented to it, and was unwilling to return to Holmby, when it was in his power. All this ſeems very myſterious, and I do not believe the public was ever fully informed of what paſſed before the removal of the king. What followed makes it conjectured, that ſome of the general officers believed it to be abſolutely neceſſary for their intereſt to have the king in their power, at a time when they thought there was reaſon to fear, the parliament would come to an agreement with him, and that they cauſed him to be taken away from Holmby by perſons without warrant, well knowing, they ſhould be powerful enough to hinder the affair from being ſtrictly examined. It may be, the king himſelf was privy to it, ſince he was unwilling to return to Holmby, and appeared, for ſome time, much more at eaſe in the hands of the army, than when he was in the parliament's power.

The commons ſeeing the army maſter of the king's perſon, and unwilling to diſband, reſolved at leaſt to ſhew the public by their votes, that the imputations laid to their charge by the army were groundleſs, and that they were not ſwayed by ſelf-intereſted motives. So, June the 10th, they confirmed the ſelf-denying ordinance, and "declared to be void all places held by members of parliament." They voted, "That the lands and eſtates of all members of the houſe ſhould be liable to the law for payment of their debts." They appointed a day to hear informations againſt members, and ordered that no member ſhould hereafter receive any reparation for damages, till the public debts were firſt ſatisfied.

Nevertheleſs the army began to march, and advanced to St. Albans within twenty miles of London. At the ſame time, the general ſent to both houſes the reſult of the late council of war at New-market, and intreated them to think of ſome way to ſatisfy the troops.

The approach of the army threw the parliament and city

[z] The king requiring Joyce to ſhew his commiſſion, he ſhewed the ſoldiers that attended him. Whereupon the king ſaid, Believe me, your inſtructions are written in a very legible character, Warwick's Mem. p. 299.——There being five hundred proper men on horſeback, ſays Whitelock, p. 251.

[a] At a conference, June the 5th, between the Scotch commiſſioners, and the committee of both houſes, the lord Dumfermling acquainted them, that the king commanded him to tell them, "That his majeſty was unwillingly taken away by a party of the army, and that he deſired both houſes to maintain the laws of the land; and that though his majeſty might ſign many things in this condition, yet he would not have them believed, until farther notice from him." Whitelock, p. 251.

[b] Whitelock ſays, fifteen miles. Mem. p. 252.

[c] Sir Thomas Widdrington, and colonel White. Ruſhworth, tom. VI. p. 560.

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into great conſternation, and an ordinance was paſſed, to enable the committee of the militia of London to raiſe horſes. They ſeemed to intend to put themſelves in a poſture of defence againſt the army. Within a few hours after, the city received a letter ſigned by the general and all the other general officers, complaining, there were certain members of parliament who endeavoured to engage the kingdom in a new war, as having no other way to protect themſelves from the puniſhment they juſtly deſerved. Adding, that they deſired no alteration of the civil government, nor in the leaſt to hinder the ſettling of preſbyterianiſm, neither did they intend any evil to the city, if they appeared not to aſſiſt that wicked party, who would embroil them and the kingdom. That they were ready to remove at a farther diſtance, if they were aſſured, that a ſpeedy ſettlement of things was in hand. That if, after all, the city ſhould be ſeduced to riſe up againſt the army, ruin and deſtruction would enſue.

This letter was communicated to the parliament, who writ to the general, to deſire that the army might not come within twenty-five miles [b] of the city; but it was already advanced to St. Albans. The ſame day the commons ordered, that the ſum of ten thouſand pounds ſhould be paid to ſuch officers and ſoldiers as ſhould leave the army and engage in the ſervice of Ireland, with which the army was highly diſpleaſed, plainly perceiving, the parliament's deſign was to divide them.

The next day, upon a falſe rumour of the army's near approach to the city, the militia of London ordered all the trained-bands to be raiſed on pain of death. But preſently after the order was revoked. However ſoldiers were liſted by order of Parliament.

In this interval, the common-council of London ſent an anſwer to the general and officers, wherein they ſaid, the city intended no evil to the army, but only to defend the parliament and themſelves againſt any unlawful violence. That they did not take up arms with intent to hinder the obtaining of the army's juſt demands. That on the contrary, they had preſented their addreſſes to the patliament for the obtaining thereof; and only requeſted, they would demand no more than what ſhould be juſt and reaſonable.

The ſame day, the parliament ſent commiſſioners to the army [c], to know what were their deſires. The general anſwered, in letters to both houſes, that the army offered, for a month's pay, not to draw their quarters nearer London, without firſt giving notice of it to the parliament's commiſſioners.

Mean while, the army continued to render themſelves formidable, as well by their nearneſs, as by their demands which daily roſe higher. At firſt, they proteſted, they would not meddle in any thing not immediately relating to themſelves, and that their intention was to leave the care of the government to the wiſdom of the two houſes. But when they found, the parliament gave way, and wanted power or reſolution, they advanced one ſtep farther, and by a declaration preſented to both houſes, demanded:

"1. That the houſes might be purged of ſuch members, as for their delinquency, or for corruptions, or undue elections ought not to ſit there.

"2. That thoſe perſons who had appeared againſt the army, might ſpeedily be diſabled from doing the like; and for that purpoſe, might be made incapable of being the ſoldiers judges, when diſbanded.

"3. That ſome determinate period of time might be ſet for the continuance of that and future parliaments, beyond which none ſhall continue; that the members of the houſe might not have the temptation or advantage of an unlimited power to perpetuate injuſtice or oppreſſion, but might be in a capacity to taſte of ſubjection as well as rule.

"4. That parliaments might not be adjournable or diſſolvable, any other ways, than by their own conſent.

"5. That the right and freedom of the people to preſent petitions to the parliament might be cleared and vindicated.

6. That the large powers given to committees or deputy-lieutenants, might be taken away, or regulated.

"7. That the kingdom might be righted and publicly ſatisfied in point of accounts, for the ſums that had been levied and paid.

"8. That after public juſtice was firſt ſatisfied by ſome few examples on delinquents, a general act of oblivion ſhould be paſſed."

After theſe demands, the army proteſted, "That their deſign was not to overthrow preſbytery, and eſtabliſh the independent government. But they only deſired, that there might be ſome effectual courſe taken, that ſuch who upon conſcientious grounds differed from the eſtabliſhed forms, might not for that be debarred from the common rights, liberties, or benefits, belonging equally to all, while they lived ſoberly and inoffenſively towards others, and peaceably and faithfully towards the ſtate."

It was eaſy to perceive the army no longer contented themſelves with meddling in their own affairs, but wanted to have a ſhare in the civil government. There were in the houſe of commons very able men, who knew the deſigns of the independents, and would have baffled them, had they been ſupported with power. To this end it was, they had projected the forming, out of the old, a new army for Ireland, and to caſhier the reſt of the forces. This project tended directly to the ruin of the independent party. Accordingly, Cromwell and his aſſociates uſed all their endeavours to countermine the artifices of their enemies, by inſpiring the army with diſcontent, and cheriſhing it in the fore-mentioned manner. In ſhort, having tried the parliament, they thought themſelves ſtrong enough to ſtrike a bolder ſtroke, in uſing always the army's name, which they had moulded to their purpoſes. To this end, they cauſed it to be reſolved in a council of war, that the army ſhould prefer a charge againſt the ableſt and moſt powerful members of the commons, who in a manner governed and directed the houſe. Theſe were the men the independent party had chiefly to fear. This reſolution being taken, the army deputed ſome officers to carry, in their name, to the parliament, a charge againſt eleven members, namely, Holles, Stapleton, Lewis, Clotworthy, Waller, Maynard, Maſſey, Glyn, Long, Harley, and Nichols.

The general articles of the charge were:

"1. That the perſons above-named had, in an arbitrary and violent manner, infringed the rights and liberties of the nation, and endeavoured by indirect and corrupt practices to delay and obſtruct juſtice.

"2. That the army being, until the middle of March laſt, in an orderly condition, and ready either quietly to have diſbanded or elſe to have engaged in the ſervice of Ireland, thoſe members had endeavoured by falſe informations to beget miſunderſtandings and jealouſies in the parliament againſt the army.

"3. That whereas the parliament might have had out of the army an intire force for the reduction of Ireland, thoſe perſons had attempted to pull the army in pieces, and to put the kingdom to the trouble and expence of raiſing a new force for that ſervice.

"4. That they had diverted the forces engaged for the ſervice of Ireland, and endeavoured to apply them to carry on deſperate deſigns of their own in England; and had alſo raiſed new forces under pretence to guard the parliament, and privately liſted officers and ſoldiers, for embroiling the kingdom in a new and bloody war.

"5. That they had invited and encouraged divers reformado's, and other officers and ſoldiers, tumultuouſly to gather together at Weſtminſter to affright and aſſault the members of parliament."

The very next day, the army ſent propoſals to the commons wherein they deſired:

"That the perſons impeached might be forthwith ſuſpended from ſitting in the houſe.

"That there might be a month's pay immediately ſent to the army.

"That if the officers and ſoldiers of the army who had engaged for Ireland, or thoſe who had deſerted the army and come to London, and ſince then received more than a month's pay, there might be ſo much more money ſent down to the army.

"That during the debate and tranſaction betwixt the parliament and the army, about raiſing and liſting new forces, the parliament would not ſuffer any new forces to be raiſed within the kingdom."

Theſe demands extremely embarraſſed the parliament. They could not reject them without furniſhing the army with a pretence to march to London, where was nothing ready to oppoſe them, and by granting them, they gave them occaſion to make further demands. This embarraſſment was the greater, as ſeveral counties ſeconded the army, and pretended, it was abſolutely neceſſary to continue them, to ſtop the progreſs of the arbitrary power aſſumed by the parliament. We have already ſeen, that the counties of Eſſex, Suffolk, and Norfolk, had in ſome meaſure declared for the army. Buckinghamſhire and Hertfordſhire followed this example; and Glamorganſhire openly complained, by

[b] Whitelock ſays, fifteen miles. Mem. p. 252.

[c] Sir Thomas Widdrington, and colonel White. Ruſh. tom. VI. p. 560.

deputies ſent on purpoſe, that the people were oppreſſed by the parliament, and by the committees ſettled in the ſeveral counties [d].

Whereupon the two houſes thought proper to appeaſe the impending ſtorm, by giving ſatisfaction to the army, in order to remove all pretence of complaint; for it was eaſy to perceive that was what they wanted. It was therefore reſolved, that the order for liſting of forces, and the permiſſion given to the committee of the militia of London to augment the trained-bands ſhould be void: that the army ſhould have a month's pay, and the general be required to remove it forty miles from London. Some days after, a month's pay was alſo granted to the forces in the north, and to let the army ſee there was no deſign to diſband them, the parliament paſſed an ordinance for raiſing ſixty thouſand pounds a month for the maintenance of the army, and for the ſervice of Ireland [e]. Laſtly, the houſe of commons writ to the general, that they were ready to receive from him any particular charge againſt the eleven accuſed members.

This condeſcenſion might have produced peace between the parliament and the army, if peace had been what the army deſired. But, inſtead of being obliged to the parliament for this compliance, they were rather incenſed at it, as being ſenſible, the deſign of it was only to break their meaſures, by taking away all pretence of complaint. They would have been better pleaſed, that all their demands had been denied, in order to have an excuſe to do themſelves juſtice. They were afraid the parliament, by endeavouring to gain time, would privately take meaſures, the effects whereof would not appear perhaps till it ſhould be too late to prevent them. Wherefore, far from being contented, they preſented a remonſtrance to the parliament, whereby they ſufficiently diſcovered their diſinclination to an agreement. This remonſtrance contained the following complaints of the officers and ſoldiers:

"That they had yet received no anſwer or reſolution about the eleven accuſed members. This point they largely inſiſted upon, and pretended they could not expect they ſhould be called to an account, ſo long as they continued in ſuch power, both in the houſe, and in all the committees of the higheſt truſt, as they actually did.

"That the army was commanded to forty miles diſtance from London, and his majeſty's perſon demanded immediately to Richmond houſe [f], within eight miles of London, to put his majeſty within reach of thoſe men's power.

"That it was induſtriouſly publiſhed that his majeſty was kept a priſoner in the army, and barbarouſly and uncivilly uſed; but all ſuggeſtions of that ſort were moſt falſe.

"Laſtly, after many complaints of public and private grievances, they ſaid, that they ſhould be enforced, by the parliament's affected delays, to take extraordinary courſes to put things to a ſpeedy iſſue, unleſs by Thurſday night next they received aſſurance and ſecurity on the following articles:

"1. That the declaration inviting men to deſert the army, be recalled and annulled.

"2. That the army may be preſently paid up, equally to thoſe that have deſerted it.

"3. That his majeſty's coming to Richmond may be ſuſpended; and, in the mean time, no place may be appointed for his majeſty's reſidence any nearer to London than the parliament will allow the quarters of the army to be.

"4. That the members charged may be forthwith ſuſpended the houſe.

"5. That thoſe that have deſerted the army may be inſtantly diſcharged, and receive no more of their arrears till the army be firſt ſatisfied.

"6. That both parliament and city may be freed from thoſe multitudes of reformado's, and other ſoldiers, that flock together about London.

"7. That all liſtings, or raiſings of new forces, may be effectually ſuppreſſed.

"8. That the perplexed affairs of the kingdom, and thoſe concerning the army, may be put into ſome ſpeedy way of ſettling the compoſure [g].

It was viſible the army ſought a pretence to quarrel, and as it was their intereſt to break very ſoon, for fear ſecret meaſures might be taken againſt them, ſo it was the parliament's buſineſs to gain time. To that purpoſe, they empowered the commiſſioners in the army to treat with them upon all the points in diſpute.

Mean while, the commons voted, "That by the law no judgment can be given to ſuſpend the eleven members from ſitting in the houſe, upon the papers preſented from the army, before the particulars be produced, and proofs made." But an expedient was found to ſoften this refuſal, namely, that the parties accuſed ſhould, of their own accord, deſire leave to abſent themſelves from the houſe, which was granted, and the army remained ſatisfied [h].

About the ſame time, the army drawing a little nearer London, probably, with deſign to awe the parliament, the general writ to the lord-mayor and aldermen, that they had nothing to fear from the army, who had no ill intention againſt the city. And indeed, it was reſolved in a council of war, that there ſhould be no farther advance of the army than to Uxbridge.

It is certain, there were many in the city and parliament that wiſhed to ſee a breach between the two houſes and the army. Some, doubtleſs, imagined ſuch a breach would be very advantageous to the king, and that one or other of the two parties would join with him, and be directed by him. Nay, the king flattered himſelf with theſe hopes. The army ſhewed great regard for him, and ſome of the officers even hinted to him, they were labouring for his reſtoration. For this reaſon, the two houſes thought it very neceſſary to avoid a breach, which could not but produce many ill effects. Both houſes therefore voted, that they conſidered the army commanded by general Fairfax, as their army, and would make proviſion for their maintenance. It was farther ordered, that they ſhould have a month's pay, and no officer or ſoldier ſhould leave the army without licence from the general; that all reformado's ſhould remove from the city and the king reſide no nearer London than the army. Theſe votes being communicated to the army, they ſeemed ſo well pleaſed with them, that they reſolved to remove from London, to ſhew they intended to uſe no force upon the parliament, and the head-quarters were appointed at Wickham.

Whilſt the parliament was endeavouring to content the army, a plot was forming in London, to compel the two houſes to take other meaſures, and oppoſe the army [i]. The preſbyterians were not pleaſed to ſee the independents gain ſo much ground, and cenſured the parliament for thus meanly complying with the army. The magiſtrates of London came into the plot, as well as the moſt zealous preſbyterian members of parliament, who had not been able to hinder the late votes for preventing a breach with the army. The authors of the plot had ſent private agents into Scotland to deſire aſſiſtance. Nay, it was whiſpered in London, that Scotland was going to declare againſt the army.

The firſt ſtep taken by the conſpirators was to preſent to the parliament a petition from the common-council of London, wherein they expreſſed ſome ſuſpicion of their conduct. This was, doubtleſs, in order to have a pretence to complain more openly afterwards, and to begin to leſſen the people's prepoſſeſſion in favour of the parliament. In this petition, the city complained of the arbitrary power exerciſed by the parliament's committees, as well as of the ill management of the public money, and deſired:

"1. That preſent command be given, that no officer of war, or ſoldier, do enter London, under pretence of receiving their arrears.

"2. That ſuch officers and ſoldiers as are already paid, if their uſual habitation and employment have been within London, be enjoined forthwith to betake themſelves to their calling; and ſuch as have dwellings in the country be required to depart within two days after publication.

[d] It was ſtrange (ſays Whitelock) to ſee, how ſeveral counties, and the citizens of London, began to make all their application to the general and the army, omitting the parliament, and all looked upon the army in the chief place, and were afraid of doing any thing contrary to them. Mem. p. 254.

[e] This monthly ſum was raiſed, by rating each county at ſo much. Eſſex paid the ſum of 4547l. 9s. 5d. See Ruſhworth, tom. VI. 582.

[f] This was ordered by the parliament on June 15. Idem. p. 563.

[g] In theſe declarations and tranſactions of the army, colonel Ireton was chiefly employed, or took upon him the buſineſs of the pen. And having been bred in the Middle-Temple, and learned ſome grounds of the law of England, and being of a working and laborious brain and fancy, he ſet himſelf much upon theſe buſineſſes, and was therein encouraged and aſſiſted by lieutenant-general Cromwell, his father-in-law, and by colonel Lambert, who had likewiſe ſtudied in the inns of court, and was of a ſubtle working brain. Whitelock, p. 254.

[h] Denzil Holles, ſir Philip Stapleton, and Walter Long, went together in a ſhip to France, where Stapleton, that gallant Engliſh gentleman (ſays Whitelock) died within two or three days landing at Calais, as ſome ſuſpected of the plague. Others of the eleven members went into other parts, and ſome of them retired into their countries, and there lived privately: Mr. Holles continued in Bretagne till the reſtoration. Whitelock, p. 256.

[i] It was chiefly carried on by the eleven members and their friends. One Coſens, alderman of Newcaſtle, was employed to negotiate with the Scots. Idem. p. 257, 261.

"3. That all who have been in arms againſt the parliament, be enjoined upon pain of impriſonment, within twenty-four hours after publication, to repair to their ſeveral habitations.

"4. That ſuch commanders and ſoldiers as have come in from the army, and received their monies, may be otherwiſe diſpoſed of as the parliament ſhall think fit.

"5. That all perſons whatſoever that are poſſeſſed of any monies or goods belonging to the public, may be enjoined to bring the ſame, within one month after publication, into ſome public treaſury.

"6. That all revenues be managed under ſuch commiſſions, and by ſuch perſons, as, notwithſtanding any privilege of parliament, may be held to ſuch rules as are or ſhall be preſcribed therein.

"7. That the parliament would for the preſent lay aſide all buſineſſes of leſſer conſequence, and improve their time and utmoſt endeavour, that ſuch laws may be prepared for his majeſty's concurrence, as may ſettle the government of the church, ſecure the people from all unlawful and arbitrary power whatſoever in future, and reſtore his majeſty to his juſt rights and authority, according to the covenant.

"8. And, that the people may be the better ſecured to enjoy the intended effects of ſuch laws as ſhall be ſo made with the royal aſſent, that eſpecial care be taken, that all officers of ſtate, and other miniſters of juſtice, may be perſons of honour, of conſiderable intereſt, and of known integrity.

"9. That the parliament would pleaſe to provide for the carrying on of the affairs in Ireland.

"10. That by juſt and good means the correſpondence with Scotland may be maintained and preſerved.

"11. That the houſe of commons would pleaſe to give orders for a ſpeedy examination of all unlawful elections and returns of the members thereof.

"12. That ſome ſpeedy courſe may be taken for the deciding of all cauſes formerly determinable in the court of admiralty.

"13. That ſatisfaction being made by delinquents, an act of oblivion may be paſſed,"

To incenſe the Londoners againſt the army, it was rumoured, that they deſigned to declare for the king [k]. Nay, a pamphlet was diſperſed in London, entitled, 'Heads preſented by the army to the king's majeſty.' But the army diſowned it by a public declaration.

The parliament having impowered their commiſſioners [l] to treat with the army, they nominated on their part, Cromwell, Ireton, Fleetwood, Rainſborough, Harriſon, ſir Hardreſs Waller, Rich, Lambert, Hammond, and major Rainſborough, all independents and heads of the party in the army. It appears by memoirs, inſerted in Ruſhworth's collections, that the army's commiſſioners would not begin to treat, before the parliament ſhould have granted ſome things they demanded, and really performed them. They complained, that the parliament ſeemed indeed by their votes to comply with the army's deſires, but delayed to put them in execution. The parliament's commiſſioners endeavoured on their ſide to avoid having theſe points conſidered as granted preliminaries, and inſiſted upon their making part of the negotiation.

This ſhews the parliament ſought to gain time, and ſeemed inclined to give the army ſatisfaction, only becauſe it could not be avoided. The commons were almoſt all preſbyterians, and conſequently were vexed to ſee themſelves obliged to ſtoop to the independents, who were maſters of the army. Among the preſbyterian members, there were not a few, who, being very warm, would have gladly hazarded a breach with the army, rather than be forced to receive law from them. But the reſt, being the majority, though no leſs enemies to the independents, thought it more adviſeable to have patience, and try to amuſe the army till ſome aid might be ſecured, rather than furniſh them with a pretence to march to London, and ruin at once the preſbyterian party and the parliament. Accordingly, theſe prevailing in both houſes, every thing ſeemed to tend to an agreement, which could not but be fatal to the preſbyterians: however, there was no way to avoid it. For this reaſon, the parliament forbid the reformado-officers to come into London for two months, and gave very ſtrict orders againſt liſting of ſoldiers, which was privately tranſacted in the city.

[k] Many of the chief in the army gave out, That the intentions of the officers and ſoldiers were, to eſtabliſh his majeſty in his juſt rights. Ludlow, tom. I. p. 195.

[l] They were the earl of Nottingham, lord Wharton, Skippon, ſir Henry Vane, jun. ſir Thomas Widdrington, colonel White, Robert Scawen, and Thomas Povey, eſquires. Ruſhworth, tom. VI. p. 605.

Mean while, the project of raiſing forces in London to oppoſe the army ſtill continued, though with the utmoſt ſecrecy, and the agents in Scotland cauſed much to be expected from the Scots, as being concerned to ſupport the preſbyterian party. But the authors of this project could hardly flatter themſelves that the aſſiſtance of Scotland could be ready in time, ſince the parliament and army were upon terms of accommodation. They found therefore, they were either to break off the accommodation, or reſolve to ſee all their hopes vaniſh, and ſuffer preſbyterianiſm to be trampled upon by the independents. To ſucceed in the deſign of preventing a peace between the parliament and army, they found no better way than to excite the people to force the parliament to alter their meaſures. They got therefore the apprentices and London-mob, to preſent petitions, that the preſbyterian government might be firmly eſtabliſhed: the inſolence of ſectaries curbed: the army paid off and diſbanded; and other things of the like nature deſtructive of the projected agreement.

On the other hand, the forces in the North, and the horſe quartered at Nottingham, publiſhed declarations of their adherence to the army commanded by general Fairfax.

About the ſame time, the parliament, at the army's requeſt, ordered the four regiments that came from the army, under pretence of engagement for Ireland, but remaining ſtill in the kingdom, to be diſbanded. They permitted likewiſe the eleven accuſed members to go beyond ſea for ſix months, inſinuating to them by this permiſſion, that they would do well to take that courſe of their own accord. But as, probably, they were deeply concerned in the plot formed at London, if not the authors, they thanked the houſe for this favour, without being in haſte to take the benefit of it [m].

Mean while, the army hearing ſomething more than ordinary was contriving in London, and that ſuccours from Scotland were talked of, ſent a petition to the parliament, with theſe farther demands: "That a declaration be publiſhed againſt the bringing in of any foreign forces: that the army be paid up equal with the deſerters thereof, and put into a conſtant courſe of pay: that the committee of the militia of London, that had been changed by ordinance of the 4th of May laſt, be reſtored, and the militia of the city ſpeedily returned into thoſe hands who formerly gave large teſtimonies of their fidelity to the parliament and kingdom." Whereupon the parliament declared, that whoſoever ſhould bring in foreign forces, without the conſent of both houſes, ſhould be deemed traitors. It was voted likewiſe, that the militia of London ſhould be reſtored to the old commiſſioners, and an ordinance was paſſed for that purpoſe. To underſtand this article, it muſt be obſerved, that in the beginning of May laſt, both houſes perceiving ſome motions in the army, thought proper to ſecure the militia of London, and put it into ſuch hands as they could confide in. To that end they paſſed an ordinance the 4th of May, for chuſing a new committee of the militia of London, by which means none were admitted into the committee, or any office of the militia, but preſbyterians, entirely devoted to the party. This change it was that both houſes repealed, at the army's requeſt, and reſtored the former commiſſioners.

The preſbyterian party, who had great credit in the city and poſſeſſed all the poſts, could not, without extreme regret, behold the parliament's condeſcenſion to the army, that is, to the independents. They ſaw that party daily increaſe, and in condition to give law to the parliament itſelf. For that reaſon, the rigid preſbyterians, ſeconded by the common-council of London, formed an engagement to aſſiſt one another, and oppoſe the army to the utmoſt of their power, upon a ſuppoſition, that the army intended to ſubvert what had been hitherto done to ſettle the peace of the kingdom. The engagement publicly ſubſcribed in London, was as follows:

A ſolemn engagement of the citizens, commanders, officers, and ſoldiers of the trained-bands, and auxiliaries, the young men, and apprentices of the cities of London and Weſtminſter, ſea-commanders, ſeamen, and watermen: together with divers others, the commanders, officers, and ſoldiers, within the lines of communication, and pariſhes mentioned in the weekly bills of mortality.

"WHEREAS we have entered into a ſolemn

[m] Holles, Stapleton, and Long, went to France. See note above. Ruſhworth ſays, that the eleven members, finding that the army declared, the proceeding upon particular proofs to make good the charge, would probably take up much time, and hinder the ſettling of greater matters, petitioned the houſe that they might abſent themſelves for ſix months, to go about their particular affairs, or if they deſired it, beyond ſea. Idem. p. 628.

Among

league and covenant, for reformation and defence of religion, the honour and happineſs of the kingdom, and the peace and ſafety of the three kingdoms of England, Scotland, and Ireland; all which we do eminently perceive to be endangered, and like to be deſtroyed: We do therefore, in purſuance of our ſaid covenant, oath of allegiance, oath of every freeman in the cities of London and Weſtminſter, and proteſtation, ſolemnly engage ourſelves, and vow unto God Almighty, that we will, to the utmoſt of our power, cordially endeavour, that his majeſty may ſpeedily come to his own houſes of parliament, with honour, ſafety and freedom, (and that without the nearer approach of the army) there to confirm ſuch things, as he has granted in his meſſage of the 12th of May laſt, in anſwer to the propoſitions of both kingdoms; and that by a perſonal treaty with his two houſes of parliament, and the commiſſioners of the kingdom of Scotland, ſuch things as are yet in difference, may be ſpeedily ſettled, and in a firm and laſting peace eſtabliſhed; for the effecting hereof, we do proteſt and re-oblige ourſelves, as in the preſence of God, the ſearcher of all hearts, with our lives and fortunes, to endeavour what in us lies, to preſerve and defend his majeſty's royal perſon and authority, the privileges of parliament, and liberty of the ſubject, in their full and conſtant freedom, the cities of London and Weſtminſter, lines of communication and pariſhes mentioned in the weekly bills of mortality; and all others that ſhall adhere with us to the ſaid covenant, and oath of allegiance, oath of every freeman of London and Weſtminſter, and proteſtation: Nor ſhall we by any means admit, ſuffer, or endure, any neutrality, in this common cauſe of God, the king, and kingdom, as we do expect the bleſſing of God Almighty, whoſe help we crave, and wholly devolve ourſelves upon, in this our undertaking."

The two houſes had no ſooner advice of this engagement, but they publiſhed by beat of drum and ſound of trumpet, a prohibition to ſign it. On the other hand, the general loudly complained to the parliament's commiſſioners, and deſired them to put a ſpeedy ſtop to the agitations in London, which tended to rekindle the war. At the ſame time he ordered a ſtrict inquiry to be made in the army after all cavaliers who had borne arms for the king, or were ſuſpected to be of his party, with a command to diſmiſs them forthwith.

For two or three days there was a great commotion in London: aſſemblies were held, ſoldiers liſted, and orders given them to be ready upon the firſt notice. The common-council received two petitions, one from a great number of ſubſtantial citizens, the other from the young men and apprentices [n], to deſire, "That the militia might be continued, as ſettled by ordinance of the 4th of May." Whereupon the common-council repreſented to the commons in a petition, "That having taken notice of the pleaſure of both houſes for conſtituting, by ordinance dated the 23d of July, a new committee for the militia of the city of London, and for determining of a former ordinance for the ſame, dated the 4th of May laſt, they could not but call to mind, how far both houſes of parliament had formerly honoured the city, when they firſt eſtabliſhed the committee for the militia, to take the ſenſe of this court before they finally reſolved thereupon; which confidence the petitioners are not conſcious to themſelves to have forfeited. And next being ſenſible, what a general diſtemper this ſudden change hath already made, and is like to make, in the city, they could not but earneſtly pray, that the militia which was eſtabliſhed by ordinance of the 4th of May laſt, may be reſtored."

The parliament was not a little embarraſſed in the preſent juncture, conſidering the impoſſibility of contenting at the ſame time, the army and the city, whoſe deſires were diametrically oppoſite. It is certain, moſt of the members were preſbyterians, and conſequently ill-affected to the army. Had it been in their choice, they would have declared againſt and diſbanded the army according to their intention. But ſince the army's approach to the city, the wiſeſt, who were the majority, had thought proper to comply, not ſeeing how the army could be oppoſed, if they proceed to violence, as was very likely. But there was a good number of others who were for running all hazards rather than ſee the independents triumph. Mean while, theſe laſt privately cheriſhed the commotions in the city, imagining, the aſſiſtance they might receive from London, was ſufficient to reſiſt all attempts of the army. This was likewiſe the opinion of the common-council, the populace, and ſome general officers, as ſir William Waller, Pointz, and Maſſey, who were removed by the new model, and were then in London. The only point therefore was to induce the parliament to join with them, and take vigorous reſolutions againſt the army. But as there was no likelihood of prevailing by fair means, it was reſolved to uſe force.

To that end, July the 26th, a great number of young men and apprentices, came to Weſtminſter, and preſented a petition to the houſe of commons, deſiring,

1. That the ordinance of the 23d of July for change of the militia of London, be immediately repealed.

2. That the city may be vindicated againſt a late pretended declaration, that thoſe are traitors who ſhall act to get ſubſcriptions, and that it may be revoked.

3. That both houſes do preſently make an order, for calling in all abſent members, eſpecially the eleven late accuſed members, againſt whom there has been nothing proved to this day.

Theſe demands were ſuch, conſidering the preſent juncture, that it was no wonder much time was ſpent in debating by both houſes. But the people without, growing impatient, and perceiving theſe debates were intended only to amuſe them, made a great noiſe in the outer rooms. Some knocked at the door of the houſe; others threw in ſtones at the windows of the houſe of peers. In a word, they very plainly ſhewed, they would not ſuffer the two houſes to riſe, before they had received ſatisfaction. At laſt, both houſes ſeeing it would be in vain to reſiſt the multitude, who threatened to tear them in pieces, voted, "That the ordinance of the 23d of July, for ſettling the militia of London, and the declaration of the 24th of the ſame intent, be null and void." This done, the houſe of commons adjourned till next day. But the multitude conſtrained the ſpeaker and members to reſume their places, and defired them to vote, that the king ſhould come to London; which was done accordingly. On the morrow both houſes being met, adjourned to the 30th.

On the 28th, the common-council received a letter from the general, expreſſing his good affection and tender care of the city, but withal his great diſlike of the petition, and the means uſed to promote it. At the ſame time, many young men and others attended the common-council, declaring their readineſs to ſupport the juſt privileges of the city againſt all oppoſers. Whereupon a letter was ſent by a meſſenger to the general, and ſix commiſſioners appointed to follow the next morning. In the letter, "They declared their inclination to peace, intreating him, that the army might not advance, nor intermeddle with the rights and privileges of the city, conceiving that the ſtrengthening the city for the ſafety thereof, was no juſt cauſe to provoke the ſoldiers: and as for the petition, the parliament had already declared their ſenſe of it, and therefore it was needleſs for them to do it, and the rather for that it had never been formally preſented to them."

Mean while, the common-council having received intelligence that the army was advancing towards London, orders were given for the trained-bands to go to their works, and for all that could bear arms to appear the next morning at ſeveral places.

Both houſes meeting the 30th of July, the two ſpeakers did not appear, which obliged them to chuſe others in their room [o]. With the ſpeakers, a good number of members of both houſes were alſo departed from London, without any one's knowing whither. The abſence of theſe members, who were all friends to the army, rendered the contrary party ſo ſuperior, that the commons voted the ſame day, that the king ſhould come to London: that the militia of the city ſhould have full power to raiſe ſuch forces as they ſhould think fit, for the defence thereof: that they ſhould chuſe a commander in chief to be approved by the houſe, and ſuch commander to preſent other officers, to be approved by the militia. After that, the committee made choice of major-general Maſſey to command in chief, and ordered, that all reformado's and other officers ſhould the next day appear to be liſted in St. James's-fields, and the forces already liſted to be put into a regimental way.

The ſame day, the common-council received a letter from general Fairfax, dated the day before, wherein he ſpoke very ſharply of the tumult of the 26th, and of the violence upon the parliament. He ſaid, the guard ſent from the city, not only neglected their duty, but that divers of the

[n] Among whom were ſeveral of the independents belonging to the army. Holles, p. 145.

[o] The lords choſe the lord Grey of Werk; and the commons, Mr. Henry Pelham, a counſellor of Lincoln's-inn. Ruſhworth, tom. VI. p. 646. There was then above a hundred and forty members remaining in the houſe of commons. Clarendon, tom. III. p. 47.

common-council greatly encouraged the ſeditions. That they had not kept their word with the army, which, upon their aſſurance to ſecure the parliament from any attempt, had removed to that diſtance from the city. That he could not but look on them as accountable to the kingdom, for the preſent interruptions of the hopeful way of peace and ſettlement of the nation, if by their care and induſtry the chief actors in the late tumults were not detected and given up to juſtice.

On the other hand, the city publiſhed an apology by way of declaration or manifeſto, ſetting forth, "The army's ſurpriſing the king at Holmby, without its being known by what authority, and under what pretences; and their keeping his royal perſon ever ſince, notwithſtanding his ſurpriſal was diſowned by the general for himſelf and all the officers about him, and for the body of the army. That the privileges of parliament had been violated by the army's cauſing the eleven members to withdraw, and by interpoſing in the militia of London, which was ſubject to no other cogniſance but of the king and parliament." There were ſeveral other things in this manifeſto, which inſinuated, that the army's ill deſigns were but too evident. They concluded with proteſting, that "They ſincerely deſire a happy and ſpeedy peace by the ſettlement of true religion, by re-eſtabliſhing his majeſty's juſt rights, by upholding all lawful privileges of a free parliament, by maintaining the fundamental laws of the land, by reſtoring the ſubject to his juſt liberty, and by freeing this long-oppreſſed kingdom from all taxes, and the enforced free-quarters towards the maintenance of an army, which hath long had no viſible enemy to encounter."

Both houſes alſo writ to the general, that though he had given them no account of the motion of his army, yet they underſtood, he had ordered his forces to march towards London, on pretence of defending the houſes from the danger of tumults, upon which account they thought fit to let him know, that as they could not but have a deep ſenſe of the undue liberty which ſome apprentices and others had taken, to violate the freedom of parliament, ſo they doubted not, but the ſenſe of ſo great an offence would at laſt ſtrike thoſe that were acceſſary thereto with a deteſtation of any ſuch practices for the future: and that as the houſes could not imagine, theſe diſorders had the allowance of the city of London, ſo they had ſince received full ſatisfaction by the ſtrict orders publiſhed by the common-council for preventing and ſuppreſſing of tumults, and by their declaration, that they ſhould ſit with freedom, and ſecurity from any diſturbances for the future. And therefore they ſaw no cauſe to command the army to come to their aſſiſtance, but rather judged (by the diſtractions raiſed at the news thereof) that the army's approach was like to produce great miſchiefs, and caſt the whole kingdom into confuſion. That for prevention of theſe dangers, they had ſent him an expreſs order to withdraw his army, requiring him to give exact obedience thereto.

The ſame day the commons voted, that the eleven accuſed members ſhould be received into the houſe; accordingly moſt of them came and took their places on the morrow [p].

On the 31ſt, the two houſes publiſhed an ordinance, enabling the committee of the militia of London to puniſh ſuch as did not repair to their colours, and to chuſe a major-general, or any other officer for the forces raiſed or to be raiſed within the city of London; and Maſſey, Waller, and Pointz were employed in forming regiments and companies.

Though the parliament and city made great preparations, the army were under no apprehenſions. They knew, that two or three days were not ſufficient to diſcipline an army levied in haſte in the city, and enable it to withſtand twenty thouſand victorious troops, well ſupplied with arms, ammunition, and ordnance. They continued therefore their march to the general rendezvous at Hounſlow-heath, within twelve miles of London. Mean while, the general delivered to the parliament's commiſſioners, certain propoſals to be negotiated between the parliament and army, for ſettling the peace of the kingdom. At the ſame time, he put into their hands a declaration by the council of war, wherein the officers ſaid, Though the late violence done to the parliament rendered all proceedings in the way of treaty vain and hopeleſs, till the parliament ſhould be reſtored to a condition of freedom, yet they had thought good to make this public tender of propoſals to the conſideration of the kingdom, wherein all men might ſee the integrity of their intentions, and the bottom of their deſires. Theſe propoſals related intirely to the public without any mixture of the private views of the army.

Mean while, the two ſpeakers, and the reſt of the members of both houſes who had abſented themſelves, to the number of ſixty-ſix, came to the general, deſiring his protection, and ſaying, that as there was no free ſitting for them in the parliament, they had quitted the houſes for fear of being torn in pieces by the mob. Nothing could be more agreeable to the army than this requeſt, which authoriſed them, without their being forced to ſeek other pretences, to march to London to re-inſtate the members ſuppoſed to be driven from the parliament by the populace. From that time, they would no more own the two houſes for parliament, but paid to the ſpeakers and members who attended them, the ſame reſpect as they would have done to the parliament itſelf.

It was very ſtrange, that zealous preſbyterians, ſuch as were moſt of the abſented members, ſhould have recourſe to the army's protection, againſt the endeavours of their brethren in both houſes and the city, to prevent the independents from trampling upon preſbyterianiſm. The moſt probable reaſon of this proceeding, I think, is, that theſe members imagined, their brethren and the common-council of London were taking wrong meaſures, and would be infallibly oppreſſed by the army. It was therefore very natural for men in this belief, to endeavour to avoid being involved in the ruin their party was threatened with, and to chuſe rather to continue to diſſemble their ſentiments, as they had done for ſome time, than be expoſed in vain to inevitable, as they thought, calamities. To this may be added, that among theſe members there were ſome independents, who earneſtly laboured to perſuade the reſt to this courſe, as we are informed by Ludlow's memoirs, who was of this number and party. The lord Clarendon gives another reaſon, which ſeems not ſo natural. He pretends, theſe members believed, the army deſigned to reſtore the king to all his rights, and ſeeing there were not forces ſufficient to hinder it, they were willing to avoid the effects of his vengeance, by concurring with the army in his reſtoration. But, beſides that the event ſhewed, the independents had no ſuch intention, it is certain they had not hitherto expreſſed it, unleſs ſome civilities paid the king ſince he was in their hands, are to be conſidered as real proofs of this intention. Moreover, the army had juſt given a ſenſible proof, that their deſign was not to reſtore the king to all his rights, by the propoſals lately delivered to the parliament's commiſſioners, whereby the king's prerogatives were intirely ſubverted, as will hereafter appear.

However this be, the army improved the deſertion of theſe members to juſtify their advance towards London, and to ſhew that their aim was only to prevent a new war, which the members at Weſtminſter, and the common-council of London, had a mind to excite. To this purpoſe, they publiſhed a manifeſto, containing the reaſons of their marching to London; the ſubſtance whereof was to this effect:

"That the army was formerly led, by the grounds then declared, to advance towards the city of London; but having received from the parliament and city ſome hopes of ſatisfaction, they yielded a ſpeedy compliance to their deſires for their removal to a farther diſtance. And being in this ſecure way, and labouring after the ſudden ſettlement of the kingdom, they had even brought to perfection, particular propoſals to be ſent to the parliament, for a final concluſion of all their troubles; but the kingdom's enemies being moſt vigilant to fruſtrate thoſe good intentions of theirs, had endeavoured to caſt the kingdom into a new and bloody war: and for that end had procured the under-hand liſting of ſeveral reformado's, and others, and contrived a wicked and treaſonable combination; as it was ſufficiently manifeſted by a declaration paſſed thereupon by both houſes of parliament the 23d of July laſt, for the prevention of the diſturbances that were like to enſue thereupon; from which kind of diſorders the city had been well preſerved, during the ſpace of almoſt four years, whilſt the militia was in the hands of the old commiſſioners, whereby it appeared, there was cauſe for the army to intreat the parliament, that the militia might be returned into the hands it was in before.

"That thoſe old commiſſioners of the militia were not only perſons without all exception, but alſo men of whom the kingdom had above four years experience in the faithful diſcharge of their truſt, and that were always moſt deſirous of a peace. Yet, on a ſudden, this truſt, which they had ſo faithfully diſcharged ſo long, was taken out of their hands,

[p] It was likewiſe declared, That the ordinance of the 19th of July, which put under the command of ſir Thomas Fairfax all the land-forces, did not give him any power over the trained-bands, garriſons, &c. And this declaration was ordered to be printed and publiſhed in London, by ſound of trumpet. Whitelock, p. 262.

league and covenant, for reformation and defence of religion, the honour and happineſs of the kingdom, and the peace and ſafety of the three kingdoms of England, Scotland, and Ireland; all which we do eminently perceive to be endangered, and like to be deſtroyed: We do therefore, in purſuance of our ſaid covenant, oath of allegiance, oath of every freeman in the cities of London and Weſtminſter, and proteſtation, ſolemnly engage ourſelves, and vow unto God Almighty, that we will, to the utmoſt of our power, cordially endeavour, that his majeſty may ſpeedily come to his own houſes of parliament, with honour, ſafety and freedom, (and that without the nearer approach of the army) there to confirm ſuch things, as he has granted in his meſſage of the 12th of May laſt, in anſwer to the propoſitions of both kingdoms; and that by a perſonal treaty with his two houſes of parliament, and the commiſſioners of the kingdom of Scotland, ſuch things as are yet in difference, may be ſpeedily ſettled, and in a firm and laſting peace eſtabliſhed; for the effecting hereof, we do proteſt and re-oblige ourſelves, as in the preſence of God, the ſearcher of all hearts, with our lives and fortunes, to endeavour what in us lies, to preſerve and defend his majeſty's royal perſon and authority, the privileges of parliament, and liberty of the ſubject, in their full and conſtant freedom, the cities of London and Weſtminſter, lines of communication and pariſhes mentioned in the weekly bills of mortality; and all others that ſhall adhere with us to the ſaid covenant, and oath of allegiance, oath of every freeman of London and Weſtminſter, and proteſtation: Nor ſhall we by any means admit, ſuffer, or endure, any neutrality, in this common cauſe of God, the king, and kingdom, as we do expect the bleſſing of God Almighty, whoſe help we crave, and wholly devolve ourſelves upon, in this our undertaking."

The two houſes had no ſooner advice of this engagement, but they publiſhed by beat of drum and ſound of trumpet, a prohibition to ſign it. On the other hand, the general loudly complained to the parliament's commiſſioners, and deſired them to put a ſpeedy ſtop to the agitations in London, which tended to rekindle the war. At the ſame time he ordered a ſtrict inquiry to be made in the army after all cavaliers who had borne arms for the king, or were ſuſpected to be of his party, with a command to diſmiſs them forthwith.

For two or three days there was a great commotion in London: aſſemblies were held, ſoldiers liſted, and orders given them to be ready upon the firſt notice. The common-council received two petitions, one from a great number of ſubſtantial citizens, the other from the young men and apprentices [n], to deſire, "That the militia might be continued, as ſettled by ordinance of the 4th of May." Whereupon the common-council repreſented to the commons in a petition, "That having taken notice of the pleaſure of both houſes for conſtituting, by ordinance dated the 23d of July, a new committee for the militia of the city of London, and for determining of a former ordinance for the ſame, dated the 4th of May laſt, they could not but call to mind, how far both houſes of parliament had formerly honoured the city, when they firſt eſtabliſhed the committee for the militia, to take the ſenſe of this court before they finally reſolved thereupon; which confidence the petitioners are not conſcious to themſelves to have forfeited. And next being ſenſible, what a general diſtemper this ſudden change hath already made, and is like to make, in the city, they could not but earneſtly pray, that the militia which was eſtabliſhed by ordinance of the 4th of May laſt, may be reſtored."

The parliament was not a little embarraſſed in the preſent juncture, conſidering the impoſſibility of contenting at the ſame time, the army and the city, whoſe deſires were diametrically oppoſite. It is certain, moſt of the members were preſbyterians, and conſequently ill-affected to the army. Had it been in their choice, they would have declared againſt and diſbanded the army according to their intention. But ſince the army's approach to the city, the wiſeſt, who were the majority, had thought proper to comply, not ſeeing how the army could be oppoſed, if they proceed to violence, as was very likely. But there was a good number of others who were for running all hazards rather than ſee the independents triumph. Mean while, theſe laſt privately cheriſhed the commotions in the city, imagining, the aſſiſtance they might receive from London, was ſufficient to reſiſt all attempts of the army. This was likewiſe the opinion of the common-council, the populace, and ſome general officers, as ſir William Waller, Pointz, and Maſſey, who were removed by the new model, and were then in London. The only point therefore was to induce the parliament to join with them, and take vigorous reſolutions againſt the army. But as there was no likelihood of prevailing by fair means, it was reſolved to uſe force.

To that end, July the 26th, a great number of young men and apprentices, came to Weſtminſter, and preſented a petition to the houſe of commons, deſiring,

1. That the ordinance of the 23d of July for change of the militia of London, be immediately repealed.

2. That the city may be vindicated againſt a late pretended declaration, that thoſe are traitors who ſhall act to get ſubſcriptions, and that it may be revoked.

3. That both houſes do preſently make an order, for calling in all abſent members, eſpecially the eleven late accuſed members, againſt whom there has been nothing proved to this day.

Theſe demands were ſuch, conſidering the preſent juncture, that it was no wonder much time was ſpent in debating by both houſes. But the people without, growing impatient, and perceiving theſe debates were intended only to amuſe them, made a great noiſe in the outer rooms. Some knocked at the door of the houſe; others threw in ſtones at the windows of the houſe of peers. In a word, they very plainly ſhewed, they would not ſuffer the two houſes to riſe, before they had received ſatisfaction. At laſt, both houſes ſeeing it would be in vain to reſiſt the multitude, who threatened to tear them in pieces, voted, "That the ordinance of the 23d of July, for ſettling the militia of London, and the declaration of the 24th of the ſame intent, be null and void." This done, the houſe of commons adjourned till next day. But the multitude conſtrained the ſpeaker and members to reſume their places, and defired them to vote, that the king ſhould come to London; which was done accordingly. On the morrow both houſes being met, adjourned to the 30th.

On the 28th, the common-council received a letter from the general, expreſſing his good affection and tender care of the city, but withal his great diſlike of the petition, and the means uſed to promote it. At the ſame time, many young men and others attended the common-council, declaring their readineſs to ſupport the juſt privileges of the city againſt all oppoſers. Whereupon a letter was ſent by a meſſenger to the general, and ſix commiſſioners appointed to follow the next morning. In the letter, "They declared their inclination to peace, intreating him, that the army might not advance, nor intermeddle with the rights and privileges of the city, conceiving that the ſtrengthening the city for the ſafety thereof, was no juſt cauſe to provoke the ſoldiers: and as for the petition, the parliament had already declared their ſenſe of it, and therefore it was needleſs for them to do it, and the rather for that it had never been formally preſented to them."

Mean while, the common-council having received intelligence that the army was advancing towards London, orders were given for the trained-bands to go to their works, and for all that could bear arms to appear the next morning at ſeveral places.

Both houſes meeting the 30th of July, the two ſpeakers did not appear, which obliged them to chuſe others in their room [o]. With the ſpeakers, a good number of members of both houſes were alſo departed from London, without any one's knowing whither. The abſence of theſe members, who were all friends to the army, rendered the contrary party ſo ſuperior, that the commons voted the ſame day, that the king ſhould come to London: that the militia of the city ſhould have full power to raiſe ſuch forces as they ſhould think fit, for the defence thereof: that they ſhould chuſe a commander in chief to be approved by the houſe, and ſuch commander to preſent other officers, to be approved by the militia. After that, the committee made choice of major-general Maſſey to command in chief, and ordered, that all reformado's and other officers ſhould the next day appear to be liſted in St. James's-fields, and the forces already liſted to be put into a regimental way.

The ſame day, the common-council received a letter from general Fairfax, dated the day before, wherein he ſpoke very ſharply of the tumult of the 26th, and of the violence upon the parliament. He ſaid, the guard ſent from the city, not only neglected their duty, but that divers of the

[n] Among whom were ſeveral of the independents belonging to the army. Holles, p. 145.

[o] The lords choſe the lord Grey of Werk; and the commons, Mr. Henry Pelham, a counſellor of Lincoln's-inn. Ruſhworth, tom. VI. p. 646. There was then above a hundred and forty members remaining in the houſe of commons. Clarendon, tom. III. p. 47.

common-council greatly encouraged the ſeditions. That they had not kept their word with the army, which, upon their aſſurance to ſecure the parliament from any attempt, had removed to that diſtance from the city. That he could not but look on them as accountable to the kingdom, for the preſent interruptions of the hopeful way of peace and ſettlement of the nation, if by their care and induſtry the chief actors in the late tumults were not detected and given up to juſtice.

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It was very ſtrange, that zealous preſbyterians, ſuch as were moſt of the abſented members, ſhould have recourſe to the army's protection, againſt the endeavours of their brethren in both houſes and the city, to prevent the independents from trampling upon preſbyterianiſm. The moſt probable reaſon of this proceeding, I think, is, that theſe members imagined, their brethren and the common-council of London were taking wrong meaſures, and would be infallibly oppreſſed by the army. It was therefore very natural for men in this belief, to endeavour to avoid being involved in the ruin their party was threatened with, and to chuſe rather to continue to diſſemble their ſentiments, as they had done for ſome time, than be expoſed in vain to inevitable, as they thought, calamities. To this may be added, that among theſe members there were ſome independents, who earneſtly laboured to perſuade the reſt to this courſe, as we are informed by Ludlow's memoirs, who was of this number and party. The lord Clarendon gives another reaſon, which ſeems not ſo natural. He pretends, theſe members believed, the army deſigned to reſtore the king to all his rights, and ſeeing there were not forces ſufficient to hinder it, they were willing to avoid the effects of his vengeance, by concurring with the army in his reſtoration. But, beſides that the event ſhewed, the independents had no ſuch intention, it is certain they had not hitherto expreſſed it, unleſs ſome civilities paid the king ſince he was in their hands, are to be conſidered as real proofs of this intention. Moreover, the army had juſt given a ſenſible proof, that their deſign was not to reſtore the king to all his rights, by the propoſals lately delivered to the parliament's commiſſioners, whereby the king's prerogatives were intirely ſubverted, as will hereafter appear.

However this be, the army improved the deſertion of theſe members to juſtify their advance towards London, and to ſhew that their aim was only to prevent a new war, which the members at Weſtminſter, and the common-council of London, had a mind to excite. To this purpoſe, they publiſhed a manifeſto, containing the reaſons of their marching to London; the ſubſtance whereof was to this effect:

"That the army was formerly led, by the grounds then declared, to advance towards the city of London; but having received from the parliament and city ſome hopes of ſatisfaction, they yielded a ſpeedy compliance to their deſires for their removal to a farther diſtance. And being in this ſecure way, and labouring after the ſudden ſettlement of the kingdom, they had even brought to perfection, particular propoſals to be ſent to the parliament, for a final concluſion of all their troubles; but the kingdom's enemies being moſt vigilant to fruſtrate thoſe good intentions of theirs, had endeavoured to caſt the kingdom into a new and bloody war: and for that end had procured the under-hand liſting of ſeveral reformado's, and others, and contrived a wicked and treaſonable combination; as it was ſufficiently manifeſted by a declaration paſſed thereupon by both houſes of parliament the 23d of July laſt, for the prevention of the diſturbances that were like to enſue thereupon; from which kind of diſorders the city had been well preſerved, during the ſpace of almoſt four years, whilſt the militia was in the hands of the old commiſſioners, whereby it appeared, there was cauſe for the army to intreat the parliament, that the militia might be returned into the hands it was in before.

"That thoſe old commiſſioners of the militia were not only perſons without all exception, but alſo men of whom the kingdom had above four years experience in the faithful diſcharge of their truſt, and that were always moſt deſirous of a peace. Yet, on a ſudden, this truſt, which they had ſo faithfully diſcharged ſo long, was taken out of their hands,

[p] It was likewiſe declared, That the ordinance of the 19th of July, which put under the command of ſir Thomas Fairfax all the land-forces, did not give him any power over the trained-bands, garriſons, &c. And this declaration was ordered to be printed and publiſhed in London, by ſound of trumpet. Whitelock, p. 262.

and put into the hands of others, ſome whereof had been very cool in the ſervice of the parliament; and this was preſſed, and in a manner forced upon the parliament, with the utmoſt importunity. Theſe things miniſtered great cauſe of ſuſpicion, that that alteration of the militia was in order to make the terms of the peace, and agreement with the king, more ſuitable to the private undertakings of ſome men, than to the public welfare of the whole kingdom. But this deſign diſcovered itſelf more clearly, in that at the ſame time that the alteration of the militia of London was ſet on foot, the ſame perſons with as much earneſtneſs preſſed for the diſbanding of the army, before any thing was ſettled for the ſecurity and liberty of the kingdom. At the ſame time, the common-council was new modellized, a lord-mayor choſen that might ſuit with the preſent deſign, and divers perſons were left out of the common-council and militia of eminent deſerts and fidelity, and others brought into their rooms, that had either teſtified an ill affection, or little affection to the parliament and their cauſe. That the honour of the parliament was continually trampled under foot, and their authority affronted by every rabble of women, apprentices, reformado's, and ſoldiers, till at length it was riſen to the height of monſtrous violence againſt the parliament, that they might ſet themſelves on work, and the kingdom on fire again. That at length, the deſign appeared open-faced, and though the militia was made the principal ground of the quarrel, yet the preſſing ſo much the king's coming to London to confirm the ſame, ſhewed that the militia was deſired but in order to that deſign, and to force the parliament to ſuch terms of peace as they pleaſed.

"That the intereſt of the common-council, in their change of the militia, was claimed as the birth-right of the city of London; but ſuch a claim could not juſtly be held up againſt both houſes of parliament: for then who ſhould be maſter of the parliament's freedom and reſolutions? and who ſhould be maſters of the birth-rights of the whole kingdom, when there ſhould be no army on foot?

"That the army diſcerning how intimate ſome of the new militia were with ſome of the eleven accuſed members, and how forward they were to comply and act with them in their endeavours to raiſe a new war, found it neceſſary to deſire, That the militia might be put into the hands wherein it was formerly, that the army being ſecured by that means from danger, might with the more confidence retire further from the city. Which, according to their deſire, being reſtored again into the hands of the old commiſſioners, ſeveral petitions were preſented to the common-council of the city of London, in the name of the apprentices and others, importing their deſires, that the militia of the city might continue in the hands of the former commiſſioners, according to the ordinance of the 4th of May laſt; whereupon the common-council of the city preſents their petitions to both houſes for changing the militia, wherein the houſe of lords refuſe to alter their reſolutions; the houſe of commons anſwered, they would take it into conſideration the next morning; notwithſtanding which, the city and kingdom could not be ignorant, with what rage and inſolency the tumult of apprentices the ſame day forced both houſes; they blocked up their doors, threatening them, if they granted not their deſires; and in this outrageous manner continued at the houſe eight hours together; after which, the houſe riſing, the ſpeaker, and many members going out, they forced them back again into the houſe. And during the time of that violence, Weſtminſter-hall, and the Palace-yard was filled with reformado's, and other ill-affected perſons deſigned to back them. After that, the houſes being adjourned, the apprentices printed and poſted a paper in ſeveral places of the city, requiring all their fellows to be early at the parliament the next morning, for that they intended to adjourn by ſeven of the clock, and that for a month. Thus the ſpeakers, with many of the members, were driven away from the parliament. All men therefore might judge of the juſtneſs of the cauſe the army had engaged themſelves in. And if after ſo much blood and treaſure ſpent, all that they were to hope for, and reſt in, was only what the king had granted in his meſſage of the 12th of May laſt, what muſt become of the kingdom? &c. [q].

"Laſtly, the army declared, that they would ſtand by all ſuch members of either houſe of parliament, as were forced to abſent themſelves from Weſtminſter, and uſe their utmoſt and ſpeedy endeavours, that they might with freedom and ſecurity ſit there again. They likewiſe declared againſt the choice of a new ſpeaker, and againſt all orders, votes, or reſolutions forced from the houſe on the 26th of July laſt, and ſuch as ſhould be paſſed till thoſe members were reſtored again: that they thought themſelves bound to bring to condign puniſhment the authors and fomentors of the violence done to the parliament, and expected that the people of London would deliver up to them the eleven members impeached. But if any in the city ſhould engage themſelves to protect thoſe members, and ſo put the kingdom again into a war, the blood muſt be laid to the account of ſuch perſons.

"And whereas ſome had poſſeſſed the minds of men, that they gaped only after the plunder of the great and wealthy city of London; they declared from their hearts, that they abhorred the thought thereof: but as they were informed, that the city of Weſtminſter, and the borough of Southwark, were brought into a hard condition, by claiming a right not to be ſubjected to a militia, without their own conſent, they promiſed to aſſiſt them for the obtaining of their juſt deſires and immunities.

"That when theſe things were duly ſettled, they ſhould be as ready to aſſure unto the king his juſt rights and authority, as any that pretended it never ſo much."

The next day, the army being drawn together on Hounſlow-heath [r], the common-council of London began to fear the danger to which the city would be expoſed, if the army ſhould force the lines, which was but too likely, and this apprehenſion cauſe them to take more moderate reſolutions [s]. So taking occaſion from the army's late declartions, they writ to the general, that underſtanding, by the declaration, that the army's intention was only to reſtore the abſent members to their places in the parliament, the city was ready to concur with them in their deſign. That accordingly, he ſhould find all ports and paſſages open, and for removing all miſunderſtanding, they had recalled their late declaration. The general anſwered, That he wiſhed all the forts on the weſt ſide of the city were delivered to him, and he was immediately obeyed. After that, he writ to the common-council, that the preſerving of the privileges of the parliament, and ſecuring the members from violence, had been the ſole cauſe of his near approach to their city.

The 6th of Auguſt, the general, preceded by ſome regiments of horſe, and attended by the two old ſpeakers, and the members who had abſented themſelves, came to Weſtminſter, and alighted at ſir Abraham William's houſe in New-palace-yard. He ſtaid there ſome time, whilſt the two ſpeakers [t], and the reſt of the members repaired to their reſpective houſes.

Preſently after, the houſe of peers paſſed an ordinance for making general Fairfax conſtable of the Tower, with power to name a deputy, to which the commons conſented. After that, the general was deſired to come to the parliament, where he received the thanks of both houſes. The ſame day, the parliament ordered, that the 12th ſhould be a day of thankſgiving to God. for reſtoring the members of both houſes to their juſt privileges, "without the effuſion of blood," and that a gratuity of a month's pay ſhould be given to the non-commiſſioned officers and ſoldiers for this great ſervice. The following days were ſpent in approving and ratifying what the army had done. But this was not all. The lords demanded two things, which the commons very much oppoſed. The firſt was, the making null all acts, done from the 26th of July to the 6th of Auguſt. The commons were ready to give their conſent, provided it was without declaring them illegal. This diſpute held till the 20th, when the commons paſſed at length the ordinance demanded by the peers, but with this reſtriction: "That no perſon ſhall be impeached or puniſhed, for his acting by, or upon, the ſaid votes, orders, or ordinances, unleſs he ſhall be found guilty of contriving or abetting the viſible force put upon the parliament, or of entering into, or promoting the late

[q] This entirely deſtroys the reaſon of the members abſenting themſelves, alleged by the lord Clarendon. Rapin.

[r] At this rendezvous were preſent the earls of Northumberland, Saliſbury, Kent; the lords Grey of Werk, Howard, Wharton, Say and Mulgrave, and others; about fourteen lords; the ſpeaker, and about a hundred members of the houſe of commons. The army, conſiſting of twenty thouſand horſe and foot, being drawn up in battalia with reſerves, the general, accompanied with theſe lords and commoners, and other gentlemen, rode along, and took a view of the army, from regiment to regiment, who received them with great acclamations of the ſoldiers, crying, lords and commons, and a free parliament. The prince elector Palatine came alſo and viewed the army, being received by the general with great reſpect. Whitelock, p. 263. Ruſhworth, tom. VII. p. 750.

[s] When a ſcout came in, whilſt the city militia and common-council were ſitting and brought news, That the army made a halt, or other good intelligence, they cried, One and all. But if the ſcouts brought intelligence that the army advanced nearer to them, then they would cry as loud, Treat, treat, treat. At laſt, they agreed to ſend the general an humble letter. Whitelock, p. 263.

[t] The earl of Mancheſter for the lords, and Lenthal for the commons. The

engagement, for the bringing the king to the city, upon the terms and conditions expreſſed in his majeſty's letters of the 12th of May laſt."

The ſecond thing deſired by the lords was, that it ſhould be declared, the parliament was not free from the 26th of July, to the 6th of Auguſt, and that the members who aſſembled at Weſtminſter, in the abſence of the ſpeakers, ſhould be expelled the parliament and puniſhed. This queſtion being debated a whole day in the houſe of commons, was carried in the negative, but by three voices [u]. The lords inſiſted upon this point merely out of compliance to the army, who, by a remonſtrance to the parliament, had demanded the ſame thing, declaring, they could not ſuffer ſuch members as ſate and voted during the abſence of the ſpeakers, to intrude themſelves into the parliament before they had given ſatisfaction to their reſpective houſes. Nevertheleſs, this affair was carried no farther. Only ſeven lords [w], with the lord-mayor, ſeveral aldermen, and ſome officers of the militia were accuſed of high-treaſon for being concerned in the tumult of the 26th of July, which was called an intention to excite a new war.

Whilſt theſe things paſſed between the parliament and army, the king was not only very quiet, but even entertained great hopes from this diviſion, and flattered himſelf, that the army would declare for him. Their civility and complaiſance to him ſeemed to promiſe him a happier ſtate, than when in the hands of the parliament. Three of his chaplains [x] were allowed to come to him, and celebrate divine ſervice, after the manner of the church of England, and all his old ſervants and domeſtics had liberty to ſee and and ſpeak with him. Berkley, Aſhburnham, Capel, the marquis of Ormond himſelf, who had at laſt ſurrendered Dublin to the parliament, ſaw him as often as they pleaſed in public or private, and the two firſt were now in his ſervice. The Scotch commiſſioners reſiding at London, frequently viſited him, and expreſſed a great deſire to ſerve him. As they knew, that the independents were ſworn enemies of their nation, they began to perceive, it was their intereſt to join with the king againſt their common enemies. Mean while, the civilities ſhewn the king were but the effect of the policy of Cromwell and his aſſociates [y]. They were not ignorant how the parliament and city of London ſtood affected to them, and were perſuaded, that after all, the preſbyterians would chuſe rather to agree with the king, than ſee the independents triumph. To prevent this union it was, that they had cauſed the king to be removed from Holmby, without either the general-officers, or the body of the army appearing in it, to a place where his perſon was in their power. On the other hand, the king was extremely careſſed by them, and even put in hopes of a ſpeedy agreement with the army, as well to divert him from the thoughts of uniting with the parliament, as to deprive the preſbyterians of the hope of ſuch an union. In every declaration and remonſtrance of the army, there was always ſomething inſerted to expreſs their deſire, that the king might be reſtored to his juſt rights. But it was ever with this reſtriction, "When the affairs of the government ſhould be fully ſettled," that is, in the manner they deſired, and they knew it would then be eaſy to find occaſion to quarrel with the king, and retract what they ſeemed to promiſe him.

The king was deceived by this policy. As he ſaw himſelf courted by both parties, he imagined, they could not be without him, and that he ſhould quickly be able to incline the ſcale to which ſide he pleaſed. Nay, he fancied for ſome time, that the two parties would accept him for mediator. In this imagination he expreſſed a regard for both, and told them by turns, though very ſecretly, he would be guided by their counſels. Mean while, as he mortally hated the preſbyterians, he was much more deſirous to join with the army, if they would but have granted him tolerable conditions, as they made him expect. Nevertheleſs, he liſtned to the propoſals of the Scotch commiſſioners, to put himſelf under the protection of the preſbyterians and Scots, and thereby hoped to be ſafe, however the conteſts between the parliament and army might end. In the mean time, he ſuffered himſelf to be amuſed by Cromwell and Ireton, who on pretence they were ſuſpected by both houſes, ſeldom viſited him, but however, acquainted him with their intentions, by means of ſome officers, who could converſe more freely with him or his confidents. Though he was uſed very civilly, he was narrowly watched, and at the very time he thought himſelf arbiter of the two parties, was really a priſoner. Since his removal from Holmby, he had followed the motions of the army, and reſided ſometimes in a town, and ſometimes at a country houſe. According as the army thought fit. At laſt, when the army had their rendezvous on Hounſlow-heath, in order to march to London, he was conducted to Hampton-court [z].

The revolution, which happened within a few days, and which brought the parliament in ſubjection to the army, proved fatal to the king. He had quickly cauſe to perceive, Cromwell and Ireton had only amuſed him with vain hopes. The army was no ſooner maſter of the parliament and city, but the king ſaw himſelf not only neglected, but even treated more hardly than ever. The ſame reſpect was no longer paid him, and his guards would ſcarce ſuffer his ſervants to confer with him in private. In ſhort, he was left a long while at Hampton-court, without mention of any accommodation, whilſt his words, his actions, and the perſons that came to viſit him, were carefully watched. Nay, the Scotch commiſſioners were hindered from ſeeing him, of which they complained to no purpoſe. But before I proceed to ſpeak of the king and his circumſtances it will be neceſſary to relate what paſſed in the army and parliament, whilſt the king was left at Hampton-court almoſt forgotten, though he ſerved ſometimes for pretence to ſeveral papers.

When the army reſolved to oppoſe the parliament's deſign to diſband them, they pretended, they would meddle only in their own affairs, without concerning themſelves with the government of church or ſtate. The demand of arrears was at firſt the only point whereon they founded their refuſal of being caſhiered. After that, finding it was not impoſſible to give them ſatisfaction upon that article, they demanded reparation for their honour, and a full vindication from the pretended crimes, on which the parliament had grounded their declaration againſt the authors of the firſt petition. Then they required, that the parliament ſhould ſolemnly declare, it was the privilege of the ſubject, and of the army in particular, to preſent petitions. After which they formed the councils of war, and agitators, who not content with deſiring things relating to the army, inſerted in their remonſtrances, ſundry articles concerning the government. Laſtly, the king was removed from Holmby by the authority, as it was pretended, of the army, though the general affirmed, that neither himſelf, nor the other general-officers, nor the body of the army, were privy to it; and by this ſame authority, how chimerical ſoever it appeared, was the king kept in the quarters of the army.

As ſoon as the army had the king in their power, they pretended to a right of ſettling the government of the kingdom with the parliament. They nominated commiſſioners to treat upon that ſubject, with thoſe of the parliament. In ſhort, juſt as they were preparing to march to London, the general delivered to the parliament's commiſſioners, propoſitions from the army, to ſettle the government, of which, not ſo much as one related to the particular concerns of the army. The propoſitions were theſe:

Articles propoſed by the army, to be treated on by the parliament's commiſſioners.

I. THAT (things hereafter propoſed being provided for by this parliament) a certain period may, by act of parliament, be ſet for the ending of this parliament, ſuch period

[u] The queſtion put was, Whether it ſhould be declared, what was done from the 26th of July to the 6th of Auguſt to be forced, and that ſitting no free parliament? Which was carried in the negative. The other part of the queſtion, as put by Rapin, was not debated at this time.

[w] The earl of Suffolk, the lords Willoughby of Parham, Hounſdon, Mainard, Berkley, with the earls of Lincoln and Middleſex. Whitelock, p. 268.

[x] There were four allowed to come to him; namely, Dr. Sheldon, Morley, Sanderſon, and Hammond. See Clarendon, tom. III. p. 38.

[y] The ground of their civilities was to engage him and the cavaliers to their ſide, after they had made the parliament, the Scots, and the city of London, their enemies. Ludlow, tom. I. p. 194.

[z] June 24, he was removed from Newmarket to Royſton; the 26th, he came to Hatfield-houſe in Hertfordſhire; July 1, to Windſor; July 3, to Caverſham, a houſe of the lord Craven's, near Reading; July 22, to the earl of Devonſhire's houſes at Latimer's; thence to Woburn, the earl of Bedford's; and then to Stoke-pogey's and Oatland's. Ruſhworth, tom. VI. p. 592, 593, 603, 604, 639. Whilſt he was at Caverſham, July 15, his children, now under the earl of Northumberland's care, were permitted to dine with him at Maidenhead, and afterwards to go and ſtay with him two days at Caverſham. Prince James had been in the parliament's hands ever ſince the ſurrender of Oxford. This favour was denied him whilſt he was at Holmby. Ruſhworth, tom. VI. p. 593, 612, 613, 625. Clarendon, tom. III. p. 38, 43, 44.——Concerning this interview, Ludlow relates the following remarkable ſtory. Cromwell meeting ſoon after ſir John Berkley, told him, that he had lately ſeen the tendereſt ſight that ever his eyes beheld, which was the interview between the king and his children; that he (Cromwell) wept plentifully at the remembrance thereof, ſaying, that never man was ſo abuſed as he, in his ſiniſter opinion of the king, who, he thought, was the moſt upright and conſcientious of his kingdom. Ludlow, tom. I. p. 199.

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to be put within a year at moſt, and in the ſame act proviſion to be made for the ſucceſſion and conſtitution of parliaments in future, as followeth:

" 1. That parliaments may biennially be called and meet at a certain day.

" 2. Each biennial parliament to ſit a hundred and twenty days certain, and no parliament to ſit paſt two hundred and forty days from their firſt meeting, or ſome other limited number of days; upon the expiration whereof, each parliament to diſſolve of courſe, if not otherwiſe diſſolved ſooner.

" 3. The king, in the intervals betwixt biennial parliaments, to call a parliament extraordinary, provided it meet above ſeventy days before the next biennial day, and be diſſolved at leaſt ſixty days before the ſame.

" 4. That this and each ſucceeding biennial parliament, at or before adjournment or diſſolution thereof, may appoint committees during the interval for ſuch purpoſes as are in any of theſe propoſals referred to ſuch committees.

" 5. That all counties may have a number of parliament-members allowed to their choice, proportionable to the reſpective rates they bear in the common charges and burdens of the kingdom; and that the election of burgeſſes for poor decayed or inconſiderable towns be taken off.

" 6. That effectual proviſion be made for future freedom of elections, and certainty of due returns.

" 7. That the houſe of commons alone have the power, from time to time, to ſet down further orders and rules for the ends expreſſed in the two laſt preceding articles.

" 8. That there be a liberty for entering diſſents in the houſe of commons, with proviſion that no member be cenſurable for aught ſaid or voted in the houſe, further than to excluſion from that truſt, and that only by the judgment of the houſe itſelf.

" 9. That the judicial power, or power of final judgment in the lords and commons, may be cleared: and that no officer of juſtice, miniſter of ſtate, or other perſon adjudged by them, may be capable of protection or pardon from the king without their advice or conſent.

" 10. That the right and liberty of the commons of England may be cleared and vindicated as to a due exemption from any judgment, tryal, or other proceeding againſt them by the houſe of peers, without the concurring judgment of the houſe of commons: as alſo from any other judgment, ſentence or proceeding againſt them, other than by their equals, or according to the law of the land.

" 11. The ſame act to provide, That the choice of grand-jury-men may not be, as now, at the diſcretion of an under-ſheriff; and that ſuch grand-jury-men for their reſpective counties, may at each aſſize preſent the names of perſons to be made juſtices of peace from time to time, as the county hath need for any to be added to the commiſſion; and at the ſummer-aſſize to preſent the names of three perſons, out of which the king may prick one to be ſheriff for the next year.

" II. For the militia in general, That it be provided by act of parliament.

" 1. That the power of the militia by ſea and land, during the ſpace of ten years next enſuing, ſhall be ordered and diſpoſed by ſuch perſons as the lords and commons ſhall nominate and appoint.

" 2. That the ſaid power ſhall not be ordered or exerciſed by the king's majeſty, or by any perſons by authority derived from him, during the ſaid ſpace, or at any time hereafter, without the advice and conſent of the ſaid lords and commons.

" 3. That during the ſame ſpace of ten years, the ſaid lords and commons may, by bill or ordinance, raiſe and diſpoſe of what monies, and for what forces they ſhall from time to time find neceſſary; as alſo for payment of the public debts and damages, and for all other the public uſes of the kingdom.

" 4. That no ſubjects that have been in hoſtility againſt the parliament in the late war, ſhall be capable of bearing any office of power or public truſt in the common-wealth, during the ſpace of five years, without the conſent of parliament; or to ſit as member of either houſe, until the ſecond biennial parliament be paſt.

" III. For the preſent form of diſpoſing the militia, in order to the peace and ſafety of this kingdom, and the ſervice of Ireland.

" 1. That there be commiſſioners for the admiralty, with the vice-admiral and rear-admiral, with power for the forming, regulating, appointing of officers, and providing for the navy.

" 2. That there be a general for command of the land-forces.

" 3. That there be commiſſioners in the ſeveral counties for the ſtanding militia, with power for the proportioning, regulating, training, and diſciplining of them.

" 4. That there be a council of ſtate, with power to ſuperintend and direct the ſeveral and particular powers of the militia laſt mentioned.

" 5. That the ſame council may have power as the king's privy-council for and in all foreign negotiations; provided that the making of war or peace with any other kingdom or ſtate, ſhall not be without the advice and conſent of parliament.

" 6. That the ſaid power of the council of ſtate be put into the hands of truſty and able perſons now to be agreed on, and the ſame perſons to continue in that power (ſi bene ſe geſſerint) for a certain term not exceeding ſeven years.

" 7. That there be a ſufficient eſtabliſhment now provided for the ſalary of the forces both in England and Ireland, the eſtabliſhment to continue until two months after the meeting of the firſt biennial parliament.

" IV. That an act be paſſed for diſpoſing the great offices for ten years by the lords and commons in parliament; or by ſuch committees as they ſhall appoint for that purpoſe in the intervals (with ſubmiſſion to the approbation of the next parliament) and after ten years they to nominate three, and the king out of that number to appoint one for the ſucceſſion upon any vacancy.

" V. That an act be paſſed, for reſtraining of any peers, made ſince the 21ſt day of May 1642, or to be hereafter made, from having any power to ſit or vote in parliament without conſent of both houſes.

" VI. That an act be paſſed for recalling and making void all declarations and other proceedings againſt the parliament, or againſt any that have acted by, or under their authority in the late war, or in relation to it; and that the ordinance for indemnity may be confirmed.

" VII. That an act be paſſed for making void all grants, &c. under the great-ſeal, ſince the time that it was conveyed away from the parliament, (except as in the parliament's propoſitions) and for making thoſe valid that have been or ſhall be paſſed under the great-ſeal, made by the authority of both houſes of parliament.

" VIII. That an act be paſſed for confirmation of the treaties between the two kingdoms of England and Scotland; and for appointing conſervators of the peace betwixt them.

" IX. That the ordinance for taking away the court of wards and liveries be confirmed by act of parliament; provided his majeſty's revenue be not damnified therein, nor thoſe that laſt held offices in the ſame, left without reparation ſome other way.

" X. An act to declare void the ceſſation of Ireland, &c. and to leave the proſecution of that war to the lords and commons in the parliament of England.

" XI. An act to be paſſed to take away all coercive power, authority and juriſdiction of biſhops—extending to any civil penalties upon any, &c.

" XII. That there be a repeal of all acts or clauſes in any act enjoining the uſe of the book of Common-Prayer, and impoſing any penalty for neglect thereof, and for not coming to church, or for meeting elſewhere; and ſome other proviſion to be made for diſcovering of papiſts, prieſts, jeſuits, &c.

" XIII. That the taking of the covenant be not enforced upon any; but all orders or ordinances tending to that purpoſe to be repealed.

" XIV. That (the thing here before propoſed, being provided, for ſecuring the rights, liberties, &c. of the kingdom) his majeſty's perſon, his queen and royal iſſue may be reſtored to a condition of ſafety, honour, and freedom in this nation, without diminution to their perſonal rights, or further limitation to the exerciſe of regal power than according to the particulars foregoing.

" XV. For the matter of compoſition, &c.

N. B. There are under this head ſix articles, which cannot be well underſtood, without knowing the particulars of an act wherein delinquents were placed under ſeveral heads or qualifications, and their compoſition ſettled accordingly. But the knowledge of that can be of no uſe at preſent.

" XVI. That there may be a general act of oblivion, &c.

" That ſuch of the king's party who ſhall appear to have expreſſed, or ſhall hereafter expreſs their good affections to the peace and welfare of the kingdom, and to hinder the embroiling of the ſame in a new war, may be freed and exempted from compoſitions, or to pay but one year's revenue, or a twentieth part.

" Next to the propoſals aforeſaid for the preſent ſettling of

of a peace, the army desires, that no time may be lost by the parliament for dispatch of other things tending to the welfare, ease, and just satisfaction of the kingdom, and in special manner:

"I. That the liberty of the people to represent their grievances and desires by way of petition may be cleared and vindicated.

"II. That the common grievances of the people may be speedily considered of, and effectually redressed; and in particular,

"1. That the excise may be taken off from such commodities, whereon the poor people of the land do ordinarily live.

"2. That the oppressions and encroachments of forest-laws may be prevented for the future.

"3. All monopolies and restraints to the freedom of trade to be taken off.

"4. That a course may be taken to rectify the inequality of rates lying upon several counties.

"5. The present, unequal, troublesome, and contentious way of ministers maintenance by tithes to be considered of, and some remedy applied.

"6. That the rules and course of law, and the officers of it may be so reduced and reformed, as that all suits and questions of right may be more clear and certain in the issues, and not so tedious nor chargeable in the proceedings as now.

"7. That prisoners for debt may not, by embracing imprisonment, or any other ways, have advantage to defraud their creditors: and that such prisoners for debt, who have not wherewith to pay, may be freed from imprisonment.

"8. That none may be compelled to answer unto questions tending to the accusing of themselves, or their nearest relations in criminal causes; and no man's life to be taken away under two witnesses.

"9. That consideration may be had of all statutes, and the laws or customs of corporations, imposing any oaths so far as they may extend to the molestation or ensnaring of religious and peaceable people, merely for non-conformity in religion.

"III. That the large power given to committees or deputy-lieutenants, during the late times of war and distraction, may speedy be recalled and made void, and such powers of that nature as shall appear necessary to be continued, may be put into a regulated way, and left to as little arbitrarines as the nature and necessity of things will bear.

"IV. That the kingdom may be righted, and satisfied in point of accounts for the vast sums that have been levied.

"V. That provision may be made for payment of arrears to the army, and the rest of the soldiers of the kingdom: and in the next place for payment of the public debts and damages of the kingdom; and that to be performed, first, to such persons whose debts or damages are great, and their estates small, so as they are thereby reduced to a difficulty of subsistence: in order to all which (continue they) we shall speedily offer some further particulars, which we hope will be of good use towards public satisfaction."

These proposals shew, the army did not mean to leave to the parliament, the sole power of settling the government, though when they were delivered to the commissioners, they had not yet subjected the parliament and city, as they did some days after. How much more therefore should they think themselves intitled to have a share in this settlement, after they had both houses at command? Certainly, if the army, had really desired, that the government should be settled, according to their proposals, there could not be a fairer opportunity, and the parliament would neither have been able nor have dared to oppose it. But, on the contrary, it is very likely, the army's design, in delivering these proposals, was only to retard the settlement by raising difficulties, which would require time to be removed. For instance, the XIth article, which supposed the restoring of the bishops, and the XIIIth, which left every one free to take or not to take the covenant, were directly contrary to the pretensions of the presbyterians. It was not for the interest of the independents that the government should be settled in the manner they proposed: but it was for their advantage to dazzle the people, and make them believe, the army desired only the peace and safety of the public, though in effect nothing was farther from the thoughts of the leaders and managers. This evidently appears, in that afterwards they never troubled themselves to press the two houses to proceed to this settlement. On the other hand, the parliament was yet the same it had been for some time, that is, almost wholly presbyterian, and consequently enemy of the independents though obliged to shew the contrary. The earl of Manchester, speaker of the house of lords, was Cromwell's sworn enemy, though he had been the first to apply to the army for protection. The city of London was in the same disposition as the parliament, and, far from soliciting the settlement proposed by the army, they were very glad it should never be mentioned, in expectation that time would afford some opportunity to settle the government without the intervention of the soldiery. It is therefore no wonder, this affair should be neglected, when neither army, nor parliament, nor city, wished to see it accomplished. Some steps however were now and then taken to make the public believe it was intended. But Cromwell and the other heads of the independents were very far from being willing to leave it to the parliament for ten years, to manage the affairs of the kingdom as they pleased, to order the militia by sea and land, and raise what money they should think necessary. Much less would they have cared to let the people chuse every two years new representatives. All these things were only to throw dust in the people's eyes. The independents had a mind to be superior, as they were at length, and all their proceedings, though covered with the pretence of the public good, tended solely to that end. The design of the presbyterians, parliament, and city of London, was to ruin the independent-party, and the army their supporters. But as they were not sufficiently strong to effect it, their project was to join with the king and Scotland, provided they could prevail with his majesty to abolish episcopacy. This is what was secretly contriving at London and Edinburgh, whilst endeavours were used to amuse the army by affected delays on their demand of pay and arrears, whilst the city of London declined to make the necessary advances, in order to render the army odious, by obliging them to oppress the people for want of pay. The army was yet ignorant of the secret practices against them in London. They incessantly demanded their pay, and the parliament favourably received their demands. Nay, they passed votes to grant them their desires; but some difficulty always occurred to retard the performance, or if they were paid any money, it was but a small part of their arrears.

Three other affairs also employed the parliament and army for some time, and served for pretence to amuse. The first was, to settle what forces should be sent to Ireland; the second, how many troops were to be maintained in England; the third, to disband the supernumeraries.

Upon the first article, it was resolved to send into Ireland six thousand foot, four thousand horse, and five hundred dragoons; and that the parliament's commissioners should confer with the general concerning the sending these forces, and the officers that were to command them.

Upon the second, it was ordered, there should be maintained in England seven thousand two hundred horse, eighteen thousand foot, and one thousand dragoons. It was pretended, these forces were continued in England to relieve those in Ireland in case of need. But it is likely, the army would not bear to be considerably lessened.

Upon the third, it was resolved that all the supernumeraries should be paid and dismissed.

But these things were executed very slowly by reason of several unexpected affairs, of which it will be necessary to speak.

Since the army had thought themselves out of danger from the parliament and city, their respect to the king was so diminished, that it was easy for him to perceive, he had nothing to expect from them, and that Cromwell had only amused him, the better to accomplish his own designs. Besides the visible alteration in the behaviour of those who had the custody of him, he had many other proofs of ill designs against him. In the first place, the army had sent him privately some propositions for peace, much worse than those presented to him at Newcastle; but he had rejected them with indignation [a], which the army very much resented. Secondly, Cromwell had very sharply reproached Ashburnham, who was then the king's confident, that notwithstanding the army's regard for his majesty, he had secretly treated with the commissioners of Scotland to excite that kingdom against the army. This reproach inspired the king with the more dread, as it was true that he had privately treated with the Scotch commissioners, though he had concluded nothing

[a] When the proposals were sent to him, he entertained them with very sharp and bitter language. See Ludlow, tom. I. p. 204.

with them, and could not conceive how Cromwell came to know it. He was therefore apprehenſive, the army would aſſaſſinate, or poiſon him, to free themſelves from the fear of his agreeing with the preſbyterians. On the other hand, major Huntington, who had been employed by Cromwell to amuſe the king with ſeveral private meſſages, finding at length he had been the inſtrument to deceive that unfortunate prince, warned him, that Cromwell was not ſincere, and would deſtroy him if he was not prevented. Shortly after he threw up his commiſſion, and would ſerve no longer in the army. Nay, he went farther; for after quitting the ſervice, he offered to diſcover to the parliament, Cromwell's ill practices, but they would not hearken to him [b]. At laſt, the king received private notice every day, by indirect and extraordinary ways, that his enemies had ill deſigns, and he ought to take care of himſelf [c].

All theſe things made ſuch an impreſſion upon him, that he reſolved if poſſible, to eſcape out of the hands of the army. But it was not eaſy to determine where to retire. There was no ſafety for him in any part of the kingdom. The parliament and city of London were at the army's command, and though the preſbyterians had been able to protect him, all he could expect from them was, that they would not attempt upon his life. So, probably, his intention was to tranſport himſelf beyond the ſeas [d]. Aſhburnham was his only confident, for though he believed Berkley faithful, he had not ſo good an opinion of his diſcretion, as to truſt him with ſuch a ſecret. This reſolution being taken, the king withdrew very early to his chamber, feigning to be indiſpoſed, and, about one in the morning, went out by the back-ſtairs, and came with Aſhburnham and Legg to the garden gate, where Berkley waited with horſes [e]. They rid all night with great ſpeed, as well to eſcape all purſuers, as to get out of the quarters of the army, and in the morning, found themſelves in the New Foreſt in Hampſhire. Then the king aſked Aſhburnham, where the ſhip lay? Aſhburnham riding before, as it were to get information, returned in ſome little time without any news of the ſhip; at which the king ſeemed very uneaſy. Mean while, as it was not ſafe for him to ſtay in the high-ways, he reſolved to go to Titchfield, a ſeat of the earl of Southampton, where the earl's mother then lived with a ſmall family. There he conſulted with his three attendants, where he ſhould go. It is ſaid, Aſhburnham was the firſt to adviſe him to retire to the iſle of Wight, and put himſelf into the hands of colonel Hammond the governor, who was reckoned a man of honour. He muſt however have known, that Hammond was Cromwell's creature, by whoſe advice he had married a daughter of John Hampden, and who had lately procured him the government of the iſle of Wight. Notwithſtanding theſe reaſons, which ſhould have diverted Aſhburnham from giving ſuch advice, he ceaſed not to perſuade the king, who after ſome objections conſented to it, provided Hammond would faithfully promiſe not to deliver him up, though the parliament or army ſhould require him, but to give him his liberty to ſhift for himſelf, if he was not able to defend him. Purſuant to this reſolution, Aſhburnham and Berkley repaired to the iſle of Wight, to talk with the governor, who ſeemed very much ſurpriſed [f] when they told him, the king was eſcaped from Hampton-court, and was willing to truſt his perſon in his hands, upon the fore-mentioned terms. His anſwer was, he would do the king all the ſervice that lay in his power; but as he was an inferior officer, he could not promiſe to diſobey his ſuperiors in what they ſhould pleaſe to command him. After ſome fruitleſs endeavours to obtain a promiſe from him, he aſked where the king was? They told him, he was not very far off, and at laſt, after ſome time ſpent in debate, it was agreed, he ſhould go with them to the king. So they all three went together to Titchfield, and, at their arrival, Hammond ſtayed below, and Aſhburnham went up to the king's chamber, to acquaint him that Hammond was in the houſe, but had not made any promiſe. Whereupon the king cried out, "O Jack, thou haſt undone me!" With which Aſhburnham falling into a great paſſion of weeping, offered to go down and kill Hammond, but the king would not conſent to it. In ſhort, the king ſending for Hammond, endeavoured to perſuade him to promiſe not to deliver him up, but Hammond ſtill perſiſted in his firſt anſwer. Then the king, not knowing where to go elſe, and conſidering there was now perhaps no poſſible way to get from him, as he had the command of the country, and could call in what help he pleaſed, reſolved to go with him to the iſle of Wight. He was conducted to Cariſbrook-caſtle, where Hammond received him with his attendants, with all demonſtrations of reſpect [g].

When a man conſiders all the circumſtances of the king's flight, he can ſcarce forbear thinking, he was betrayed on this occaſion. His deſign was to go beyond ſea, ſince he aſked where the ſhip lay, but there was no ſhip ready; which was ſo great an overſight, that Aſhburnham can hardly be thought to commit it through negligence or imprudence. Aſhburnham is not ſatisfied with propoſing to the king to truſt himſelf with Hammond, a creature of Cromwell's, who, according to major Huntington's information, had reſolved to deſtroy him, but even puts him under the neceſſity of confiding in him, though he refuſed to promiſe him protection. And yet, the lord Clarendon ſays very poſitively, he does not believe the king was betrayed by Aſhburnham, nor did his majeſty ever entertain the leaſt jealouſy of it. All therefore that can be ſaid in favour of this confident of the king, is what the lord Clarendon hints, I mean, that he was outwitted by Cromwell, who by ſome one of his emiſſaries perſuaded him, it ſhould prove for his majeſty's benefit, and his buſineſs be the ſooner done, that he ſhould withdraw to the iſle of Wight. If this were ſo, Aſhburnham, probably, thinking himſelf more able than the king, had a mind to ſerve him, whether he would or no, and not to be forced to anſwer the king's objections, believed to do him a ſervice in concealing the ſecret, and putting him under an abſolute neceſſity to take a courſe, which, in his opinion, was not the moſt proper. In that caſe, if it be not treachery, it is at leaſt the greateſt preſumption and raſhneſs a ſubject can poſſibly be guilty of to his prince. It is not eaſy to gueſs the reaſons that could induce Aſhburnham to imagine the king would be ſafe in the iſle of Wight. It is to be preſumed, he was deceived himſelf, and his eaſineſs abuſed, to cauſe him to credit general promiſes, which ſignified nothing, and of which he durſt not afterwards complain. Suppoſing no treachery in what he did, probably, his eaſineſs to be deceived, procured him afterwards a very favourable and much lower than uſual compoſition, which greatly contributed to increaſe the ſuſpicions already conceived of him.

The parliament was informed of the king's eſcape by a letter from Cromwell, who gave the firſt notice of it, but without ſaying where the king was, though in all appearance he knew very well. He alſo ſent a letter, which the king had left upon the table in his room, directed to both houſes. He ſaid in this letter,

"That liberty being in all times the aim and deſire of all men, he had endeavoured to obtain his. He called God to witneſs, with what patience he had endured a tedious reſtraint, among men who changed their principles with their condition; who were not aſhamed openly to intend the deſtruction of the nobility, by taking away their negative voice, and with whom the levellers doctrine was rather countenanced than puniſhed: That he thought he was bound, as well by natural as political obligation, to ſeek his ſafety, by retiring himſelf for ſome time from the public view, both of his friends and enemies; but ſhould earneſtly and unceſſantly endeavour the ſettling of a ſafe and well-grounded peace wherever he was. Finally, he deſired to be heard with freedom, honour, and ſafety, and then he would inſtantly break through his cloud of retirement, and ſhew himſelf ready to be pater patriæ."

The parliament at firſt believed, the king was come to conceal himſelf in London, till he ſhould find an opportunity to eſcape out of the kingdom. They even gave orders to ſearch after, and ſtop his perſon. But this uncertainty did

[b] He delivered in a paper to the houſe of lords, which was read there, containing reaſons why he left the army, being a large narrative of the pretended carriages of Cromwell and Ireton, ſince the parliament's going to diſband the army, in relation to overtures to his majeſty, the proceedings againſt the lords, commons, and aldermen, that were impeached, &c. Ruſhworth, tom. VII. p. 1214.

[c] The agitators ſuſpected, that Cromwell, Ireton, &c. had carried on a private treaty with the king, and accordingly endeavoured to wreſt him out of their hands. Of this Cromwell gave the king notice, who thereupon reſolved to make his eſcape from Hampton-court. Ludlow, tom. I. p. 214. Life of Cromwell, p. 60, &c. The lord Holles ſays, Cromwell was afraid the king ſhould come to an agreement with the levellers, and ſo adviſed him to fly, upon pretence that his life was in danger. Mem. p. 185, &c.

[d] To Jerſey, ſays Manley, p. 158. Ludlow, tom. I. p. 215.

[e] There was a paſſage from the king's room into the garden, at a back door of which were diſcovered the treading of horſes. The king left upon his table a letter to the parliament, and another to the general. Clarendon, tom III. p. 59.

[f] He grew pale, and fell into ſuch a trembling, that it was thought he would have fallen from his horſe. Ludlow, tom. I. p. 218.

[g] The parliament allowed him five thouſand pounds for his expences there. His houſhold was all diſſolved. Ruſhworth, tom. VII. p. 876. Heath, p. 151.

Accord-

not laſt long. On the 15th of November, the earl of Manchester, ſpeaker of the houſe of lords, received a letter from colonel Hammond, informing him, that the king, from an apprehenſion of his life being in danger at Hampton-court, was come into the iſle of Wight, to put himſelf under his protection.

The king, as may be obſerved, ſpeaks in his letter of the principles of the levellers, which I think incumbent upon me to explain. There had been for ſome time a new faction in the army, called "levellers," that is, men who declared, That all degrees of perſons ſhould be levelled, and an equality eſtabliſhed both in titles and eſtates, throughout the kingdom[h]." This was a doctrine, much like that of Wat Tyler's followers in the reign of Richard II. This faction was grown ſo ſtrong, that they began to make the general officers, and particularly Cromwell, very uneaſy, who feared the new party would ſubvert all his projects, if they were ſuffered to increaſe, though probably this ſpirit was raiſed by himſelf. They conſiſted of private ſoldiers and agitators, whom I have already deſcribed. During the conteſts between the army and parliament, the generals had put no reſtraint upon theſe men. They had allowed them to form a ſeparate council, by means of their agitators, and the opinions of this council were received as being thoſe of the army, becauſe they were agreeable to the ſentiments of the general officers. But as ſoon as the parliament was ſubdued, the general officers believed it proper to ſuppreſs theſe councils, and ſend the agitators to their reſpective regiments. This was more eaſily enjoined than executed. The ſoldiers refuſed to obey, and continued their aſſemblies and conferences, in ſpite of their officers, and the general's orders. Hence, probably, they acquired the name of levellers, becauſe they pretended to have as much right as the officers and generals to ſettle the government; a principle tending to level all ranks and degrees, and conſequently to breed confuſion in the kingdom. The aſſemblies of the levellers produced ſundry petitions; firſt, from the agitators of four regiments of horſe, and afterwards of ſeven regiments of foot joining with them, wherein they made propoſals for ſettling the government according to their humour, ſo that the general officers were not a little embarraſſed. They were afraid the army would divide, at a time when their whole ſtrength depended upon their union. For this reaſon, they at firſt bore in ſome meaſure with the levellers; which only increaſed the evil. At laſt, the inſolence of theſe men being grown to a monſtrous height, Cromwell undertook with the hazard of his life, to free the army and parliament from them. To that end, having notice that the levellers were to meet at a certain place, he came unexpectedly, attended with a choſen guard, and aſking ſome queſtions of thoſe whom he obſerved moſt active, and receiving inſolent anſwers, knocked down two or three with his own hand, and, briſkly charging the reſt, ſo diſperſed them, that he took as many as he pleaſed, whereof he hanged ſome on the ſpot, and ſent others to London. By two or three ſuch notable encounters, he totally ſubdued that party, which began to grow very dangerous, and reduced the army to entire obedience. But this was not yet effected, when the king made his eſcape from Hampton-court, and therefore he mentions the levellers in his letter, as a party ſubſiſting[i].

When the king writ this letter to both houſes, he hoped to be quickly out of the power of the army and parliament, and aſſuredly expected no anſwer, ſince he intended to keep himſelf concealed. Beſides, this letter required no anſwer, as he did nothing more than expreſs his deſire of peace. But finding himſelf ſtill, contrary to his expectation, in the hands of the army and parliament, he conceived his eſcape from Hampton-conrt might be prejudicial to him, and interpreted as a deſign to hide himſelf, only to avoid anſwering the propoſitions for peace, which the parliament had prepared. For this reaſon, he reſolved to ſend the following meſſage to both houſes.

CHARLES REX,

"HIS majeſty is confident, that before this time, his two houſes of parliament have received the meſſage which he left behind him at Hampton-court, the eleventh of this month, by which they will have underſtood the reaſons which enforced him to go from thence; as likewiſe his conſtant endeavours for the ſettling of a ſafe and well-grounded peace, whereſoever he ſhould be; and being now in a place where he conceives himſelf to be at much more freedom and ſecurity than formerly, he thinks it neceſſary, not only for making good his own profeſſions, but alſo for the ſpeedy procuring of a peace, in theſe languiſhing and diſtreſſed kingdoms, at this time to offer ſuch grounds to his two houſes for that effect, which upon due examination of all intereſt, may beſt conduce thereunto.

"And becauſe religion is the beſt and chiefeſt foundation of peace, his majeſty will begin with that particular.

"That for the aboliſhing of archbiſhops, biſhops, &c. his majeſty clearly profeſſeth, that he cannot give his conſent thereunto, both in relation as he is a chriſtian and a king; for the firſt he avows, that he is ſatisfied in his judgment, that this order was placed in the church by the apoſtles themſelves, and ever ſince their time hath continued in all chriſtian churches throughout the world, until this laſt century of years; and in this church, in all times of change and reformation, it hath been upheld by the wiſdom of his anceſtors, as the great preſerver of doctrine, diſcipline, and order, in the ſervice of God. As a king at his coronation, he hath not only taken a ſolemn oath to maintain this order, but his majeſty and his predeceſſors, in their confirmations of the great charter, have inſeparably woven the right of the church, into the liberty of the ſubjects; and yet he is willing it be provided, that the particular biſhops perform the ſeveral duties of their callings, both by their perſonal reſidence, and frequent preaching in their perſonal exerciſe, no act of juriſdiction or ordination, without the conſent of their preſbyters, and will conſent, that their powers, in all things, be ſo limited, that they be not grievous to the tender conſciences of others. He ſees no reaſon why he alone, and thoſe of his judgment, ſhould be preſſed to a violation of theirs: nor can his majeſty conſent to the alienation of church-lands; becauſe it cannot be denied to be a ſin of the higheſt ſacrilege; as alſo that it ſubverts the intentions of ſo many pious donors, who have laid a heavy curſe upon all ſuch prophane violations, which his majeſty is very unwilling to undergo: and beſides the matter of conſequence, his majeſty believes it to be a prejudice to the public good, many of his ſubjects having the benefit of renewing leaſes, at much eaſier rates, than if thoſe poſſeſſions were in the hands of private men, not omitting the diſcouragement it will be to all learning and induſtry, when ſuch eminent rewards ſhall be taken away; which now lie open to the children of the meaneſt perſons. Yet his majeſty conſidering the great preſent diſtempers, concerning church diſcipline, and that the preſbyterian government is now in practice, his majeſty, to eſchew confuſion as much as may be, and for the ſatisfaction of his two houſes, is content, that the ſaid government be legally permitted to ſtand in the ſame condition it now is, for three years; provided that his majeſty, and thoſe of his judgment, or any other, who cannot in conſcience ſubmit thereunto, be not obliged to comply with the preſbyterian government, but have free practice of our own profeſſion, without receiving any prejudice thereby; and that free conſultation and debate be had with the divines of Weſtminſter, twenty of his majeſty's nomination being added unto them; whereby it may be determined by his majeſty and the two houſes, how the church government, after the ſaid time ſhall be ſettled, or ſooner, if differences may be agreed, as is moſt agreeable to the word of God, with full liberty to all thoſe who ſhall differ upon conſcientious grounds from that ſettlement; always provided, that nothing aforeſaid be underſtood to tolerate thoſe of the popiſh profeſſion, nor exempt any popiſh recuſants from the penalties of the laws; or to tolerate the public profeſſion of atheiſm or blaſphemy, contrary to the doctrine of the apoſtles, Nicene, and Athanaſian Creed, they having been received by, and had in reverence of all the chriſtian churches, and more particularly by this of England, ever ſince the reformation.

"Next, the militia being that right which is inſeparably and undoubtedly inherent to the crown by the laws of this nation, and that which former parliaments, as likewiſe this have acknowledged ſo to be, his majeſty cannot ſo much wrong that truſt, which the laws of God, and this land hath annexed to the crown, for the protection and ſecurity of his people, as to diveſt himſelf and ſucceſſors of the power of the ſword; yet to give an infallible evidence of his deſire to ſecure the performance of ſuch agreements as ſhall be made in order to a peace, his majeſty will conſent to an act of parliament, that the whole power of the militia, both by ſea and land, for, and during his whole reign, ſhall be ordered and diſpoſed by the two houſes of parliament, or by ſuch

[h] According to ſome, they only maintained, That no perſon, of whatever rank, ought to be exempted from the ordinary courſe of legal proceedings. Life of Cromwell, p. 65.

[i] Though Cromwell totally ſubdued that ſpirit in the army, yet the lord Clarendon ſays, it continued and increaſed very much in the kingdom. Tom. III. p. 67.

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perſons as they ſhall appoint, with powers limited for ſuppreſſing of forces within this kingdom, to the diſturbance of the public peace, and againſt foreign invaſion; and that they ſhall have power, during his ſaid reign, to raiſe monies for the purpoſe aforeſaid; and that neither his majeſty that now is, or any other, by any authority, derived only from him, ſhall execute any of the ſaid powers, during his majeſty's ſaid reign, but ſuch as ſhall act by the conſent and approbation of the two houſes of parliament: nevertheleſs his majeſty intends, that all patents, commiſſions, and other acts concerning the militia, be made and acted as formerly; and that after his majeſty's reign, all the power of the militia ſhall return entirely to the crown, as was in the times of queen Elizabeth and king James of bleſſed memory.

"After this head of the militia, the conſideration of the arrears due to the army is not improper to follow; for the payment whereof, and the eaſe of his people, his majeſty is willing to concur in any thing that can be done without the violation of his conſcience and honour.

"Wherefore if his two houſes ſhall conſent to remit unto him ſuch benefit out of ſequeſtrations from Michaelmas laſt, and out of compoſitions that ſhall be made before the concluding of the peace, and the arrears of ſuch as have been already made, the aſſiſtance of the clergy, and the arrears of ſuch rents of his own revenue as his two houſes ſhall not have received before the concluding of the peace, his majeſty will undertake within the ſpace of eighteen months, the payment of four hundred thouſand pounds for the ſatisfaction of the army; and if thoſe means ſhall not be ſufficient, his majeſty intends to give way for the ſale of foreſt-lands for that purpoſe.

"This being the public debt, which in his majeſty's judgment is firſt to be ſatisfied; and for other public debts already contracted upon church-lands, or any other engagements, his majeſty will give his conſent to ſuch act or acts for raiſing of monies for payment thereof, as both houſes hereafter ſhall agree upon, ſo as they be equally laid; whereby his people, already too heavily burthened by theſe late diſtempers, may have no more preſſures upon them than this abſolute neceſſity requires.

"And for the further ſecuring all fears, his majeſty will conſent, that an act of parliament be paſſed for the diſpoſing of the great offices of ſtate, and naming of privy-counſellors for the whole term of his reign, by the two houſes of parliament, their patents and commiſſions being taken from his majeſty, and after to return to the crown, as is expreſſed in the articles of the militia. For the court of wards and liveries, his majeſty very well knows the conſequence of taking that away, by turning of all tenures into common ſocage, as well in point of revenue to the crown, as in the protection of many of his ſubjects, being infants: nevertheleſs, if the continuance thereof ſeem grievous to his ſubjects, rather than he will fail on his part in giving ſatisfaction, he will conſent to an act for taking it away, ſo as a full recompence be ſettled upon his majeſty and his ſucceſſors in perpetuity [k]; and that the arrears now due be reſerved unto him towards the payment of the arrears of the army.

"And that the memory of theſe late diſtractions may be wholly wiped away, his majeſty will conſent to an act of parliament for the ſuppreſſing and making null of all oaths, declarations, and proclamations againſt both or either houſe of parliament, and of all indictments and other proceedings againſt any perſons for adhering unto them. And his majeſty propoſeth, as the beſt expedient to take away all ſeeds of future difference, that there be an act of oblivion to extend to all his ſubjects.

"As for Ireland, the ceſſation therein is long ſince determined; but for the future, and all other things being fully agreed, his majeſty will give full ſatisfaction to his houſes concerning that kingdom.

"And although his majeſty cannot conſent in honour and juſtice to void all his own grants and acts paſſed under his great-ſeal ſince the 22d of May 1642, or to the confirming of all the grants and acts paſſed under that made by the two houſes, yet his majeſty is confident, that upon the peruſal of particulars, he ſhall give ſatisfaction to his two houſes to what may be reaſonably deſired in that particular.

"And now his majeſty conceives, that by theſe his offers, which he is ready to make good upon the ſettlement of a peace, he hath clearly manifeſted his intentions to give full ſecurity and ſatisfaction to all intereſts, for what can juſtly be deſired in order to the future happineſs of his people, and for the perfecting theſe conceſſions, as alſo for ſuch other things as may be propoſed by the two houſes; and for ſuch juſt and reaſonable demands as his majeſty ſhall find neceſſary to propoſe on his part, he earneſtly deſires a perſonal treaty at London with his two houſes, in honour, freedom, and ſafety; it being in his judgment, the moſt proper, and indeed only means to a firm and ſettled peace, and impoſſible without it to reconcile former, or avoid future miſunderſtandings.

"All theſe being by treaty perfected, his majeſty believes his two houſes will think it reaſonable, that the propoſals of the army concerning the ſucceſſion of parliaments, and their due election ſhould be taken into conſideration.

"As for what concerns the kingdom of Scotland, his majeſty will very readily apply himſelf to give all reaſonable ſatisfaction; when the deſires of the two houſes of parliament on their behalf, or of the commiſſioners of that kingdom, or of both joined together, ſhall be made known unto him."

The parliament took no notice of theſe offers. Beſides that they ſaw only part of their former demands, they were always upon their guard with reſpect to the king's propoſals, wherein it was but too uſual to find ambiguous expreſſions, reſtrictions, and conditions expreſſed or implied, which made it impoſſible to build ſecurely upon ſuch foundations. We have ſeen ſeveral inſtances in the king's papers, ſince the beginning of his reign; and in this here, where he carries his offers farther than ever, it was eaſy to perceive the ſame method; for he was very artful, as well as his father, in the choice of his expreſſions. Nay, it ſeems that in offering to yield the power of the militia, during his whole reign, an expreſſion often repeated in theſe propoſals, he had ſome ſecret intention, as to reſign the crown to the prince his ſon. Otherwiſe, I do not ſee why he affected to ſubſtitute the term of his reign, inſtead of that of his life, or of twenty years, as was demanded by the parliament. At leaſt it is certain, if his offer had been accepted, as expreſſed in his words, he might, by reſigning the crown, have put the prince of Wales, by the treaty itſelf, in full poſſeſſion of the militia, and nomination to the great offices. But this is only a conjecture, though very probable. Be this as it will, the two houſes had long ſince refuſed to treat but upon their own propoſitions. Neither would they allow of his explications, ſo apprehenſive were they of his ſubtleties, which would have engaged them in diſcuſſions where they would have always had the ſame thing to fear. Such was the diſtruſt the king's character had bred, which made a reconciliation between him and the parliament ever impracticable. It muſt however be confeſſed, that on this occaſion, there were other reaſons which hindered the two houſes from regarding the king's offers. The principal was, they were under the dominion of the army, or rather the independents, who were not for peace upon any terms whatever.

During the king's ſtay at Hampton-court, the Scotch commiſſioners, as I obſerved, had treated with him, and put him in hopes that the Scots would join with his party and the Engliſh preſbyterians, to deliver him from the independents. But they required a thing which he could not reſolve, namely, the change of epiſcopal government in the church of England into preſbyterian. This ſingle point had prolonged the negotiation, and hindered the concluſion of the treaty. Cromwell had ſome intimation of it, and probably for that reaſon uſed all his induſtry to cauſe the king to retire to the iſle of Wight, where the Scotch commiſſioners could not have the ſame acceſs to him.

When the king went from Hampton-court, the propoſals the two houſes were to ſend him, were all ready. But the Scotch commiſſioners deferred from day to day to approve them, on pretence the intereſts of Scotland were not ſufficiently ſpecified, expecting to agree with the king, before they ſhould be preſented. This diſpute between the parliament and Scotch commiſſioners ſtill ſubſiſted, when ſuddenly the houſe of lords acquainted the commons at a conference, that having more maturely conſidered the king's laſt meſſage, they were of opinion to admit him to a perſonal treaty, on condition he would give his aſſent to four preliminary propoſitions to be paſſed into acts before the reſt ſhould be treated on.

1. An act for ſettling the militia of the kingdom.

2. An act for calling in all declarations, oaths, and proclamations, againſt the parliament, and thoſe who adhered to them.

3. An act, that thoſe lords who were made after the great-ſeal was carried to Oxford, may be made uncapable of ſitting in the houſe of peers.

[k] The houſe of commons conſented to allow him 20,000l. a year, as a recompence for it. Ruſhworth, tom. VII. p. 851.

4. An act for empowering the two houſes of parliament to adjourn as they ſhall think fit.

The next day [l], the commons gave their conſent to theſe propoſitions, and ordered, that the four bills ſhould be drawn, and diſpatched to his majeſty, after which a perſonal treaty with him ſhould be entered into. All this was done with ſo great expedition, that it was not poſſible for the independents to prevent what they were not prepared againſt. The Scotch commiſſioners, who had formed other projects, tried in vain to hinder the effect of this reſolution. The parliament wiſhed for peace, thereby to break the meaſures of the independents. The 6th of December, the king ſent a freſh meſſage to both houſes, earneſtly preſſing for a perſonal treaty, as being the beſt means for ſettling a peace.

The 14th of the ſame month, the commons, after paſſing the four bills, and approving the inſtructions for thoſe that were to preſent them, named a committee to carry them to the king.

Then they anſwered the complaints of the Scotch commiſſioners, that the four bills were not communicated to them. They ſaid, it was contrary to the rights and privileges of parliament, to communicate bills to any perſon whatever, before they had received the royal aſſent, and that there was nothing in the treaty between the two kingdoms to the contrary: that they deſired the Scotch commiſſioners to prepare ſuch propoſitions as they ſhould judge neceſſary for the kingdom of Scotland, that the committee might depart on the 20th.

That day, the Scotch commiſſioners preſented to both houſes a large declaration, complaining in very high language, that the parliament of England violated the covenant, in labouring for peace without the concurrence of Scotland. They inſiſted upon a perſonal treaty between the king, both houſes, and themſelves, that peace might be ſettled with mutual conſent; and declared, as they could not agree to the ſending of the four bills to his majeſty for his aſſent, before any treaty upon the reſt of the propoſitions, ſo they were unſatisfied with the matter of theſe new propoſals lately communicated to them; and deſired, that there might be a perſonal treaty with the king, upon ſuch propoſitions as ſhould be agreed upon, with advice and conſent of both kingdoms.

This declaration gave great offence to both houſes. Their reply to it was anſwerable in terms to the language uſed by the Scots; and it was ordered, that the printer of the declaration ſhould be committed to priſon.

In ſhort, notwithſtanding the oppoſition of the Scotch commiſſioners, the four bills were preſented to the king the 24th of December. The next day, the Scotch commiſſioners came to the iſle of Wight, and delivered to the king a declaration of their diſſent to the propoſitions they had lately ſeen, and the four bills brought to his majeſty. After that they had a conference with the king, wherein ſome things paſſed, which long remained ſecret, and which it will be neceſſary to relate, becauſe on them turned the events mentioned hereafter.

Since the king had been in the power of the army, the Scots feared, he would unite with them. They knew they were mortally hated by the independents, and conſequently, this union could not but be very prejudicial to Scotland. The army's ſucceſs againſt the parliament and city of London increaſed their fear very much, and put them upon ſeeking means to prevent, as they thought, the impending danger. They found no properer means than to join with the king, provided he could be perſuaded to approve of the covenant, and aboliſh epiſcopacy in England. In their frequent conferences with him at Hampton-court, they intimated, that when he was delivered to the parliament, it was not with the advice of all Scotland, but only by the marquis of Argyle's credit, who tyrannized over the kingdom: that all the Scots were diſpleaſed with it, and ready to atone for the fault, by aſſiſting him with all their power to recover his juſt rights. But they added, that to engage the Scots to employ their forces to this end, his majeſty was to give them ſatisfaction concerning the covenant, and the abolition of epiſcopacy in England, for, otherwiſe, he could not expect the aſſiſtance of the Engliſh preſbyterians, which was abſolutely neceſſary. In a word, they made him hope, that the Scots would enter England with a ſtrong army, which, by the junction of the king's party, and Engliſh preſbyterians, would become ſo ſuperior to the army of the independents, that he might almoſt be aſſured, nothing would be capable to oppoſe his reſtoration.

Theſe overtures were the more agreeable to the king, as the duke of Hamilton, after his freedom from impriſonment by the army, had declared to the king's friends, he was ready to do his majeſty all the ſervice that lay in his power. On the other hand, the marquis of Ormond had informed the king of his project to return into Ireland, join with the lord Inchiquin, whom he had privately gained, with ſome of the heads of the rebels, and make war upon the parliament, affirming, that France had promiſed to ſupply him with all neceſſaries. It was very probable, that the union between the king's party, the Engliſh preſbyterians, and the Scots, added to a diverſion in Ireland, would very much embarraſs the independents, and diſable them to withſtand ſo great a force. But to execute this project, the king was to approve of the covenant, and conſent to the abolition of epiſcopacy, which he could never reſolve. Theſe were the two ſtumbling-blocks, which hindered him from concluding a treaty with the Scotch commiſſioners, before his flight from Hampton-court. He would never grant theſe two points, and in expectation that by his ſteadineſs he ſhould induce the Scots to deſiſt from their deſires, quitted Hampton-court, without any agreement with them. When therefore he ſo earneſtly preſſed for a perſonal treaty at London, with honour, freedom, and ſafety, it was in order to treat more commodiouſly with the Scotch commiſſioners, and conſult with his friends, what could be expected as well from his own, as the preſbyterian party; and doubtleſs, in caſe he concluded a treaty with them, his deſign was to prolong the negotiation with the two houſes, till the Scotch army had entered England, and his old and new friends laid all their meaſures [m]. It was very likely, this league would find the army ſo much employment, that they would not be able to ſubdue, a ſecond time, the parliament and city of London. Accordingly, this was the end the Scotch commiſſioners propoſed to themſelves, in their objections to the propoſitions, and in their demand of a perſonal treaty with the king, upon ſuch propoſals as ſhould be agreed upon by both kingdoms, being well aſſured, it would be eaſy for them to prolong the time, till every thing ſhould be ready.

The method the two houſes took to procure the king's conſent to the four bills, amongſt which was that of the militia, before they admitted him to a perſonal treaty, convinced him, they had no deſign to relax upon any of the principal articles. He conſidered, that after paſſing theſe four bills, he ſhould ſtill be forced to treat on propoſitions much like thoſe preſented to him at Newcaſtle: that, after all, what both houſes called treating, was, according to their ideas, conſenting to their demands, and upon the leaſt refuſal to grant what ſhould be propoſed to him, he ſhould be, perhaps, more cloſely confined, when he had paſſed one of the moſt important points in diſpute: that then, he ſhould not be able to treat with the Scots, and by paſſing the four bills, ſhould loſe the preſent opportunity, which might never offer again. Theſe conſiderations determined him to agree with the Scotch commiſſioners, at a ſecond conference with them the 25th of December. As there was no time to loſe, the parliament's commiſſioners having orders to ſtay but four days in the iſle of Wight, the Scotch commiſſioners had brought with them a treaty ready drawn, agreeable to the propoſitions they had made the king at Hampton-court. This treaty was ſigned by the king and the Scotch commiſſioners the next day, December the 26th, the king having had but few hours to reſolve. Here follows the ſubſtance of the treaty, which the lord Clarendon ſays was read but by very few, and which he repreſents as the moſt unjuſt treaty that could be impoſed upon the king. This obliges me to make remarks on ſome of the articles.

"IN the preface, the king acknowledged, that the intentions of thoſe who had entered into the covenant, were real for the preſervation of his majeſty's perſon and authority, according to their allegiance, and no ways to diminiſh his juſt power and greatneſs. He promiſed, as ſoon as he could, with freedom, honour, and ſafety, to be preſent in a free parliament, to confirm the ſaid league and covenant by act of parliament in both kingdoms, for the ſecurity of all who had taken or ſhould take it." With this proviſo however,

[l] Rapin by miſtake, ſays three days after. See Ruſhworth and Whitelock.

[m] This conjecture is confirmed by his majeſty's letter to the earl of Lanerick, dated at Cariſbrook, November 19, 1647, wherein he ſays, "That his meſſage from thence to both houſes will, he believes, have divers interpretations, and be diſliked by the Scotch commiſſioners, but the end of it was to procure a perſonal treaty. This he thought neceſſary to tell him, that he might aſſure his fellow commiſſioners, that change of place had not altered his mind, from what it was when he ſaw him laſt." Mem. of the duke of Hamilton, p. 325.

"That none who was unwilling ſhould be conſtrained to take it. (1.)

Remark (1.) If it is conſidered that the Scots joined their forces with thoſe of England, only in defence of the covenant, which had been ſolemnly ſworn to in both kingdoms, it will not be thought ſtrange, the Scotch commiſſioners ſhould require this promiſe of the king. Without this, there would have been no poſſibility to engage the Scots to employ their forces to reſtore the king to his rights, and how hard ſoever this condition might appear to him, it was abſolutely neceſſary to produce the effect which he expected from his union with Scotland.

"His majeſty engaged to confirm by act of parliament in England, preſbyterian-government; the directory for worſhip; and the aſſembly of divines at Weſtminſter for three years; ſo that his majeſty and his houſhold ſhould not be hindered from uſing that form of divine ſervice he had formerly practiſed (2): and that during theſe three years there ſhould be a conſultation with the aſſembly of divines, to which twenty of the king's nomination ſhould be added, and ſome from the church of Scotland; and thereupon it ſhould be determined by his majeſty, and the two houſes of parliament, what form of government ſhould be eſtabliſhed after the expiration of thoſe years, as ſhould be moſt agreeable to the word of God.

Rem. (2.) The Scotch commiſſioners were not ſo ſtupid as to imagine, the Scots with their forces alone ſhould be able to reſtore the king. They depended chiefly upon the aid of the Engliſh preſbyterians. But how was it poſſible for them to rely on their aid, if nothing were ſtipulated for them? Nay, it is aſtoniſhing they ſhould be ſatisfied with an eſtabliſhment which was to laſt but three years, conſidering how they themſelves and the Engliſh preſbyterians, whoſe aſſiſtance was abſolutely neceſſary, ſtood affected. The king himſelf did not think, doubtleſs, he was forced upon this point, ſince he had offered the ſame thing to both houſes in his meſſage of the 10th of December.

"That an effectual courſe may be taken by act of parliament, and all other ways needful or expedient, for the ſuppreſſing the opinions and practices of Anti-trinitarians, Arians, Socinians, Anti-ſcripturaliſts, Anabaptiſts, Antonomians, Arminians, Familyſts, Browniſts, Separatiſts, Independents, Libertines, and Seekers, and generally, for the ſuppreſſing of all blaſphemy, hereſy, ſchiſm, and all ſuch ſcandalous doctrines and practices, as are contrary to the light of nature, and to the principles of chriſtianity, whether concerning faith, worſhip, or converſation, or the power of godlineſs, or which may be deſtructive to order and government, or to the peace of the church and kingdom. (3.)

Rem. (3.) All theſe ſects mentioned in this article were no leſs enemies to the preſbyterians than to the church of England. Theſe three laſt articles being exactly what the king had offered in his meſſage of the 16th of November, it cannot be ſaid that he granted them through ſurpriſe or force.

"The king promiſed, that in the next ſeſſion of parliament, after the kingdom of Scotland ſhould declare for his majeſty, in purſuance of this agreement, he ſhould in perſon, or by commiſſion, confirm the league and covenant in that kingdom; and concerning all the acts paſſed in the laſt parliament of that kingdom; his majeſty declared, that he ſhould then likewiſe be content to give aſſurance by act of parliament, that neither he nor his ſucceſſors ſhould quarrel, call in queſtion, or command the contrary of any of them, nor queſtion any for giving obedience to the ſame."

After theſe articles concerning religion, there was a long recital of "The agreement the parliament of England had made, when the Scots army returned to Scotland, that the army under Fairfax ſhould be diſbanded; and of that army's ſubmitting thereunto; of their taking the king from Holmby, and keeping him priſoner till he fled from them to the Iſle of Wight; and ſince that time, both his majeſty, and the commiſſioners for the kingdom of Scotland, had very earneſtly deſired, that the king might come to London in ſafety, honour and freedom, for a perſonal treaty with the two houſes, and the commiſſioners of the parliament of Scotland, which, they ſaid, had been granted, but that the army had, in a violent manner, forced away divers members of the parliament from the diſcharge of their truſt, and poſſeſſed themſelves of the city of London, and all the ſtrengths and garriſons of the kingdom: and that by the ſtrength and influence of that army, and their adherents, propoſitions, and bills had been ſent to the king without the advice and conſent of the kingdom of Scotland, contrary to the treaties which are between the two kingdoms, and deſtructive to religion, his majeſty's rights, the privilege of parliament, and liberty of the ſubject; from which propoſitions and bills the Scotch commiſſioners had diſſented, and proteſted againſt, in the name of the kingdom of Scotland."

After this preamble and recital, they ſaid, "That foraſmuch as his majeſty is willing to give ſatisfaction concerning the ſettling of religion, and other matters in difference, as is expreſſed in this agreement, the kingdom of Scotland doth oblige, and engage itſelf, firſt, in a peaceable way and manner to endeavour, that the king may come to London in ſafety, honour, and freedom, for a perſonal treaty with the houſes of parliament, and the commiſſioners of Scotland, upon ſuch propoſitions as ſhould be mutually agreed on between the two kingdoms, and ſuch propoſitions as his majeſty ſhould think fit to make; and for this end, all armies ſhould be diſbanded; and in caſe that this ſhould not be granted, that declarations ſhould be emitted by the kingdom of Scotland, in purſuance of this agreement, againſt the unjuſt proceedings of the two houſes of parliament, towards his majeſty, and the kingdom of Scotland; in which they would aſſert the right that belonged to the crown, in the power of the militia, the great ſeal, beſtowing of honours, and offices of truſt, choice of the privy-counſellors, and the right of the king's negative voice in parliament: and that the queen's majeſty, the prince, and the reſt of the royal iſſue, ought to remain where his majeſty ſhall think fit, in either of his kingdoms, with ſafety, honour, and freedom: that upon the iſſuing out of this declaration, an army ſhould be ſent out of Scotland into England, for the preſervation and eſtabliſhment of religion, for defence of his majeſty's perſon and authority, and reſtoring him to his government, to the juſt rights of the crown, and the full revenues; for the defence of the privilege of parliament, and liberty of the ſubject; for making a firm union between the kingdoms under his majeſty and his poſterity, and ſettling a laſting peace. In purſuance whereof, the kingdom of Scotland was to endeavour, that there might be a free and full parliament in England, and that his majeſty may be with them in honour, ſafety, and freedom; and that a ſpeedy period be ſet to the preſent parliament. And they undertook, that the army which they would raiſe, ſhould be upon its march, before the meſſage and declaration ſhould be delivered to the houſes." It was farther agreed on, that all ſuch in the kingdoms of England and Ireland, as would join with the kingdom of Scotland, in purſuance of this agreement, ſhould be protected by his majeſty in their perſons and eſtates; and that all his ſubjects in England or Ireland, who would join with him, in purſuance of this agreement, might come to the Scotiſh army and join with them, or elſe put themſelves into other bodies in England or Wales, for proſecution of the ſame ends, as the king's majeſty ſhould judge moſt convenient, and ſuch commanders or generals of the Engliſh nation, as his majeſty ſhall think fit: and that all ſuch ſhould be protected by the kingdom of Scotland and their army, in their perſons and eſtates; and where any injury or wrong is done unto them, they would be careful to ſee them fully repaired, as far as it ſhould be in their power to do; and likewiſe when any injury or wrong is done to thoſe who join with the kingdom of Scotland, his majeſty ſhould be careful of their full reparation. (4.)"

Rem. (4.) When the five laſt articles are conſidered, it plainly appears, what great advantages the king received by his condeſcenſion to eſtabliſh preſbyterianiſm in England for three years. But ſome mens prejudice againſt preſbyterianiſm, makes them think, the king paid very dear for the advantages he expected to reap from his union with Scotland.

They obliged his majeſty to promiſe, "That neither himſelf, or any by his authority or knowledge, ſhould make or admit any ceſſation, pacification, or agreement whatſoever for peace, nor of any treaty, propoſitions, bills, or any other ways for that end, with the houſes of parliament, or any army or party in England or Ireland, without the advice and conſent of the kingdom of Scotland; and reciprocally, that neither the kingdom of Scotland, nor any, having their authority, ſhould make or admit of any of theſe, any manner of way, with any whatſoever, without his majeſty's advice and conſent: and that upon the ſettlement of a peace, there ſhould be an act of oblivion to be agreed upon by his majeſty, and both his parliaments, of both his kingdoms: that his majeſty, the prince, or both, ſhould come into Scotland, upon the invitation of that kingdom, and their declaration, that they ſhould be in honour, freedom and ſafety, when poſſibly they could come with ſafety and conveniences; and that the king ſhould contribute his utmoſt endeavour, both

both at home and abroad, for aſſiſting the kingdom of Scotland, for carrying on this war both by ſea and land, and all other ſupplies by monies, arms, and ammunition, and all other things requiſite, as alſo for guarding the coaſt of Scotland with ſhips, and protecting all their merchants, in the free exerciſe of their trade and commerce with other nations: and likewiſe, that his majeſty was willing, and did authoriſe the Scotiſh army, to poſſeſs themſelves of Berwick, Carliſle, Newcaſtle upon Tyne, with the caſtle of Tinmouth, and the town of Hartlepool: thoſe places to be their retreat, and magazines; and that, when the peace of the kingdom ſhould be ſettled, the kingdom of Scotland ſhould remove all their forces, and deliver back again thoſe towns and caſtles.

"The king promiſed alſo, and undertook to pay the arrears of the brotherly aſſiſtance, and likewiſe the two hundred thouſand pounds, which remained ſtill due upon the laſt treaty, for return of the Scotiſh army, when they had delivered up the king. (5.)

Rem. (5.) If the four hundred thouſand pounds promiſed to the Scotiſh army, when they quitted England, be conſidered as the price of the ſale of the king's perſon, nothing could be harder than to oblige the king to the payment of that ſum. But if it was really due to the Scots for their arrears, the king approving of the covenant of both kingdoms, by the firſt article of this treaty, the Scots could urge that he was bound to ſee them paid the expence they had been at in maintaining the covenant.

And alſo, "That payment ſhould be made to the kingdom of Scotland, for the charge and expence of their army in this future war, with due recompence for the loſſes they ſhould ſuſtain therein; and that due ſatisfaction, according to the treaty on that behalf betwixt the two kingdoms, ſhould be made to the Scotiſh army in Ireland, out of the lands of this kingdom, or otherwiſe: and that the king, according to the intention of his father, ſhould endeavour a complete union of the two kingdoms, ſo as they may be one under his majeſty, and all his poſterity; or if that cannot ſpeedily be effected, that all liberties and privileges concerning commerce, traffic, manufactures, peculiar to the ſubjects of either nation, ſhall be common to the ſubjects of both kingdoms without diſtinction; and that there be a communication, and mutual capacity of all other liberties of the ſubjects in the two kingdoms. (6.)

Rem. (6.) If the king could not, by his own authority, unite the two kingdoms, without the concurrence of the two parliaments, neither could he, without the ſame concurrence, make the privileges of both kingdoms common. So, probably, this article was put into the treaty only to dazzle the people of Scotland.

"That a competent number of ſhips ſhould be yearly aſſigned, and appointed out of his majeſty's navy, which ſhould attend the coaſt of Scotland for a guard, and freedom of trade of that notion; and that his majeſty ſhould declare, that his ſucceſſors, as well as himſelf, are obliged to the performance of the articles and conditions of this agreement; but that his majeſty ſhall not be obliged to the performance of the aforeſaid articles, until the kingdom of Scotland ſhould declare for him, in purſuance of this agreement; and that the whole articles and conditions aforeſaid, ſhall be finiſhed, perfected, and performed, before the return of the Scotiſh army; and that when they return into Scotland, at the ſame time, ſimul & ſemel, all armies ſhould be diſbanded in England." The king engaged himſelf alſo, "To employ thoſe of the Scotiſh nation, equally with the Engliſh, in all foreign employments and negotiations; and that a third part of all the offices and places about the king, queen, and prince, ſhould be conferred upon perſons of that nation: and that the king and prince or one of them, will frequently reſide in Scotland, that the ſubjects of that kingdom may be known to them."

The king's conſent by this treaty to the eſtabiſhment of the preſbyterian-government in England for three years, lying heavy upon his mind, he prevailed with the commiſſioners, that it ſhould be inſerted under the ſame treaty, "That his majeſty did declare, that by the clauſe of confirming preſbyterian-government by act of parliament, he is neither obliged to deſire the ſettling of preſbyterian-government, nor to preſent any bills to that effect; and that he likewiſe underſtands, that no perſon whatſoever ſhall ſuffer in his eſtate, nor undergo any corporal puniſhment, for not ſubmitting to preſbyterian-government; his majeſty underſtanding, that this indemnity ſhould not extend to thoſe who are mentioned in the articles againſt toleration."

To this the Scotch commiſſioners ſubſcribed their hands, as witneſſes only, as they ſaid, and not as aſſentors."

The lord Clarendon, in his hiſtory of the civils wars of England, exclaims againſt the injuſtice of this treaty, in the following words:

"No man who reads this treaty (which very few men have ever done) can wonder, that ſuch an engagement met with the fate that attended it; which contained ſo many monſtrous conceſſions, that, except the whole kingdom of England had been likewiſe impriſoned in Cariſbrook caſtle with the king, it could not be imagined, that it was poſſible to be performed."

I own, whatever eſteem I may have for that illuſtrious hiſtorian, this bare aſſeveration, without any explication, is not ſatisfactory to me. After having examined every clauſe of the treaty, I meet with none, that to me appear monſtrous. It is true, the article of ſettling the preſbyterian-government in England for three years, might ſeem ſo to the earl of Clarendon, and thoſe who are of his opinion. The reader is to judge, whether this monſtroſity, if I may venture to uſe that term, is to be aſcribed to the thing itſelf, or to the hiſtorian's prepoſſeſſion [n].

The king having concluded this treaty with the Scotch commiſſioners, delivered his anſwer to the commiſſioners of the parliament, to this effect:

"That his majeſty had always thought it a matter of great difficulty, to comply in ſuch a manner with all engaged intereſts, that a firm and laſting peace might enſue; in which opinion he was now confirmed, ſince the commiſſioners for Scotland did ſolemnly proteſt againſt the ſeveral bills, and propoſitions, which the two houſes of parliament had preſented to him for his aſſent; ſo that it was not poſſible for him to give ſuch an anſwer as might be the foundation of a hopeful peace. That beſides, the four bills as they were offered to him did not only diveſt him of all ſovereignty, and leave him without any poſſibility of recovering it to him or his ſucceſſors, but opened a door for all intolerable oppreſſions upon his ſubjects, he granting ſuch an arbitrary and unlimited power to the two houſes. That neither the deſire of being freed from that tedious and irkſome condition of life, which he had ſo long ſuffered, nor the apprehenſion of any thing that might befal him, ſhould ever prevail with him to conſent to any one act, till the conditions of the whole peace ſhould be concluded; and then that he would be ready to give all juſt and reaſonable ſatisfaction, in all particulars; and for the adjuſting of all this, he knew no way but a perſonal treaty (and therefore very earneſtly deſired the two houſes to conſent to it) to be either at London, or any other place they would rather chooſe."

The king not doubting but his anſwer would diſpleaſe the two houſes, would have given it ſealed to the commiſſioners, becauſe whilſt the parliament ſhould take it into conſideration, he intended to make his eſcape, having already taken ſome meaſures for that purpoſe. But the commiſſioners [o] would not receive it in that manner, ſaying, "They were not to be looked upon as common meſſengers, and to carry back an anſwer they had not ſeen." The king fearing, their return without his anſwer would be attended with the worſt of conſequences, gave it to them open; after which they inſtantly departed. They were no ſooner gone, than governor Hammond, by ſir Thomas Fairfax's order, cauſed all the king's ſervants to be put out of the caſtle, who till then had been permitted to be with him, and confined him ſo cloſely, that no man had liberty to go to him without expreſs leave [p].

It was not in vain that the governor took theſe precautions, ſince, immediately after, one captain Burley an inhabitant of

[n] The Scotiſh commiſſioners, apprehenſive of being ſearched in their return to London, wrapt up this treaty in a peace of lead, and buried it in a garden in the iſle of Wight, from whence they eaſily found means afterwards to receive it. Clarendon, tom. III. p. 77.

[o] The earl of Denbigh was the chief, and ſpoke to his majeſty.

[p] The king, after ſome expoſtulations for this uſage, "Aſked Hammond, by what authority he did it?" He ſaid, "By authority of both houſes, and that he ſuppoſed his majeſty was not ignorant of the cauſe of his doing thus." The king profeſſed the contrary, and the governor replied, "That he plainly ſaw, his majeſty was acted by other councils than ſtood with the good of the kingdom." Whitelock, p. 287.——Some time before this, there had been conſultations and debates, both in the parliament and army, "By one means or other to deſtroy his majeſty's perſon." Burnet's Mem. Hamil. p. 330. Clarendon, tom. III. p. 70. Of this a general officer gave ſir John Berkley information, and adviſed, that the king ſhould eſcape if he could. See Ludlow, tom. I. p. 227.

Mr.

the iſland, who had been firſt a ſea-officer, and afterwards general of the ordnance in one of the king's armies, endeavoured to excite the people to reſcue the king from his captivity [q]. But he laid his meaſures ſo ill, that inſtead of executing his deſign he was apprehended, and afterwards condemned, and hanged, drawn, and quartered. Probably, the king depended upon this officer for his eſcape.

[1647-8] The king's anſwer being read in the houſe of commons, ſeveral members ſpoke againſt the king with great warmth. Cromwell among others ſaid,

"That the king was a man of great parts, and great underſtanding, but that he was ſo great a diſſembler, and ſo falſe a man, that he was not to be truſted. That whilſt he profeſſed with all ſolemnity that he referred himſelf wholly to the parliament, and depended only upon their wiſdom and counſel for the ſettlement and compoſing the diſtractions of the kingdom, he had at the ſame time ſecret treaties with the Scotiſh commiſſioners, how he might embroil the nation in a new war, and deſtroy the parliament. He concluded, that they might no farther trouble themſelves with ſending meſſages to him, or farther propoſitions, but that they might enter upon thoſe counſels which were neceſſary towards the ſettlement of the kingdom, without having farther recourſe to the king." This advice being ſtrongly ſeconded by ſome other members, it was at length reſolved, after a long debate from morning till late at night [r], that no more addreſſes ſhould be made to, or meſſages received from, the king [s], and that a declaration ſhould be publiſhed to ſatisfy the kingdom of the reaſon of it. This declaration was prepared in a very ſhort time [t]. It contained all the reproaches caſt upon the king in 1641, in the remonſtrance of the ſtate of the kingdom, and whatever had been complained of ſince that time, not without a direct inſinuation that the king, when prince of Wales, had conſpired with the duke of Buckingham againſt his father's life. They charged him with having openly betrayed the intereſts of the proteſtant religion, by lending his ſhips to the king of France, who employed them againſt Rochel. When this declaration came to be debated, it met with much oppoſition even in the houſe of commons. But the contrary party to the king did what is daily practiſed in the parliament: they ſuffered the oppoſers of the declaration to talk as much as they pleaſed, and then called for the queſtion, which was carried by a plurality of voices; after which the declaration was ſent to the houſe of peers, where it paſſed without any difficulty.

The Scotch commiſſioners before they returned home, communicated their deſigns to the king's party, the marquis of Ormond, and ſome leading preſbyterians, and early preparations were made for accompliſhing the project which was forming in favour of the king. The project was as follows.

The Scots were to ſend an army into England to act againſt the independents, and deliver the king: the marquis of Ormond was to return into Ireland, where the lord Inchiquin who commanded the parliament's forces in Munſter, had promiſed to declare for the king, and ſeveral heads of the rebels who were diſpleaſed with the tyrannical proceedings of the pope's nuncio, had engaged to join the marquis with a ſtrong body of their troops. At the ſame time, the king's friends in England were to riſe in ſeveral counties. The generals and officers, diſcarded by the new model, had promiſed to aſſemble what forces they could, to countenance the deſign. The nobility, gentry, and burghers being diſſatisfied that the army ſhould govern the parliament, and all offices be conferred on perſons of their party, it was not doubted but the inſurrections in ſeveral parts, would be ſupported and encouraged. On the other hand, ſir Marmaduke Langdale, and ſir Philip Muſgrave, who had great intereſt in Yorkſhire and Cumberland, engaged to ſeize Berwick and Carliſle. The preſbyterian party being ſtill very numerous in the parliament and city, were preparing openly to oppoſe the army, as ſoon as they ſhould ſee it employed in ſo many different places. Had all theſe projects been well managed, and executed at the ſame time, very probably, Cromwell, with all his art, would have been extremely embarraſſed. But of all thoſe who ſhould have acted at the ſame time, ſome were too haſty, others too ſlow, and by that means, the army cruſhed them with eaſe one after another. But before I relate how theſe ſeveral projects were attempted to be executed, I think it abſolutely neceſſary to ſhew the intereſts and views of the different parties, otherwiſe it would be very difficult to underſtand what will be ſaid hereafter.

The independents deſigned to be maſters of the kingdom, as they were already of the parliament and city of London. But as they found, it would not be eaſy to ſucceed in this undertaking, by the ſame means they had employed to ſubdue the city and parliament, their aim was to make uſe of the parliament and govern in their name. It was therefore their intereſt, that the power they had acquired over the parliament ſhould not be too viſible, for fear of cauſing both houſes to loſe their authority, which they meant to make uſe of. For this reaſon they were very careful to manage the two houſes, knowing, that whilſt the army ſubſiſted, they would have a regard for them, for fear of incenſing them. And in caſe they ſhould think of taking too much liberty, they knew how to reduce them to a greater compliance. Though they had diſſembled their ſentiments with reſpect to the king, after his removal from Holmby, they were his mortal enemies, and bent to oppoſe, with all their power, his reſtoration on any conditions whatever, becauſe they conſidered it as entirely deſtructive of their party. Oliver Cromwell, who privately directed their affairs, had found means, as I ſaid, to keep his poſt in the army, and his ſeat in parliament, though he had been the chief promoter of the ſelf-denying ordinance, whereby the reſt of the members were excluded from all offices military and civil. Moreover, ſince the concluſion of the war, he had brought into the houſe many more of his faction, beſides thoſe who had been there from the beginning of the parliament. Hence the independent party was grown very conſiderable in the houſe of commons, as well by their number as by the junction of ſeveral other members, who through fear, or want of judgement, ſuffered themſelves to be led by the independents, on ſome occaſions where their artifices were not eaſy to be diſcovered. But their principal ſtrength was the ſupport of the army, of which they were ſecure on occaſion. So, when any leading independent ſpoke with warmth in the houſe, he ſeldom met with oppoſition, becauſe he was conſidered as the mouth of the army.

But what was the end the independents propoſed? The event ſhewed, their principles were inconſiſtent with monarchy, with epiſcopacy, and with preſbyterian-government, and that their aim was to eſtabliſh a commonwealth in the ſtate, and aboliſh eccleſiaſtical authority in the church. Nothing was more oppoſite to this deſign than the hierarchy, eſpecially, as it was known by experience to have ſupported the monarchy, not only in its juſt rights, but alſo in its moſt exorbitant pretenſions. Preſbyterianiſm, as eſtabliſhed in Scotland, and as intended to be eſtabliſhed in England, was no leſs contrary to their deſigns. They pretended it was inconſiſtent with the civil government, and to admit it would be to admit a ſort of commonwealth in the church which would aſpire to an independency on the ſtate, and beſides, the preſbyterian clergy were as much againſt toleration as the epiſcopal. This they proved by the example of Scotland, where under colour of religion and godlineſs, the general aſſemblies of the kirk pretended to intermeddle in all important affairs of the ſtate, and not only to reſiſt the civil authority, but to be bound to it in conſcience on certain occaſions. Beſides, if the biſhops had perſecuted thoſe who refuſed to conform to the church of England, the preſbyterians, ſince they were ſuperior, exerciſed no leſs tyranny upon thoſe who would not ſubmit to their government. Thus the principles of the epiſcopalians and preſbyterians being directly contrary to thoſe of the independents, theſe were equally enemies to both, and equally laboured their ruin. To execute their deſigns, they had at firſt joined with the preſbyterians, on pretence of eſtabliſhing preſbyterianiſm, but in reality to deſtroy the king. And when it was out of the king's power to hurt them, they laboured to deſtroy the ſame preſbyterianiſm, for the eſtabliſhment of which, they had ſhewn more zeal than the preſbyterians themſelves.

Such were the views of the independents: as for Cromwell's in particular, it cannot be ſaid when he began to form the project of his advancement. He had ſpent the two firſt years of this parliament in the houſe of commons as member for the town of Cambridge, without being very remarkable. Though he was above forty years old before he exerciſed the profeſſion of arms, he ſuddenly grew ſo expert, and ſhewed ſuch undaunted courage in all the actions where he was preſent, that he was ſoon made lieutenant-general of the army, commanded by ſir Thomas Fairfax. It can hardly be doubted, that ſince the battle of Naſeby, where he acquired

[q] Mr. William Liſle had undertaken to provide a ſhip for the king's eſcape, but the ſhip came not. Whitelock, p. 286.

[r] So ſay Whitelock and Ruſhworth, whom our author quotes, and yet ſays from the lord Clarendon, that the debate laſted ſome days.

[s] Upon pain of High-treaſon. See Ruſhworth, tom. VII. p. 953.

[t] It was prepared by colonel Nathanael Fiennes. Ludlow, tom. I. p. 236.

freſh laurels, he had begun to think of raiſing himſelf higher. But I dare not affirm, he then thought of what he afterwards accompliſhed. I ſhould rather believe, he had only ſome general views, and was led by the events and ſituation of affairs to form more ambitious projects[u].

I come now to the preſbyterians. The war was ended to the king's diſadvantage: but he was ſtill alive though a priſoner, and had ſeveral children. It was the general ſenſe of the nation, or at leaſt of thoſe who were not blinded by a ſpirit of party, that the king ſhould be reſtored, but upon ſuch terms however as ſhould hinder the conſtitution of the government from being liable to the ſame danger as before this parliament. It can't be doubted, this was the ſentiment of all honeſt Engliſhmen, when it is conſidered, that even thoſe who had nothing leſs in view than the king's reeſtabliſhmeut, did however publicly declare, they deſired it, for fear the contrary opinion ſhould deprive them of the people's favour, which was abſolutely neceſſary for them. This appears in all the papers publiſhed ſince the beginning of the war and the king's impriſonment. And indeed, nothing was more juſt and reaſonable. The nation's intereſt did not require that royalty ſhould be aboliſhed, or the king reduced ſo low as to be diſabled to execute the laws and protect his ſubjects. But the intereſt of the independents required the firſt of theſe two things, and that of the preſbyterians, the ſecond. Herein conſiſted the difficulty of the king's reſtoration. He was very willing to conſent, that the ordering of the militia, and the nomination to the great offices, ſhould be left to both houſes of parliament for ſome time. This was ſufficient for the intereſt of the nation in general, ſince the people would have been freed from their fears, with reſpect to the government for the future. If the preſbyterians had only intended the good of the public, they would doubtleſs, have been ſatisfied with the king's offers. But they had another intereſt, no leſs dear to them, and which diſtinguiſhed their party from the reſt of the nation, namely, the abolition of epiſcopal government, which was their greateſt concern. Nay, very likely, if they had applied themſelves at firſt to procure the good of the nation, by endeavouring to humble the regal power, it was only to effect the more eaſily their ſecret deſigns, to change the government of the church. At the juncture I am ſpeaking of, they had not altered their projects. They knew how zealous the king was for epiſcopal government, and how averſe to the preſbyterian. They could not therefore, without running the hazard of loſing the fruit of their labours, leave their pretenſions undecided, and their affairs in ſuch a ſtate, that it ſhould be in the king's power to demoliſh what they had raiſed, and the king refuſed to give them any aſſurance in that reſpect. On the contrary, he plainly intimated, it was with reluctance that he granted them any thing, and even for a very ſhort time. Beſides, they had no confidence in his promiſes.

But on the other hand, they had other enemies who were no leſs formidable. Theſe were the independents, who had great advantages over them: 1. They had the king's perſon in their power. 2. They were ſupported by the army now at the gates of London. 3. The army directed, in great meaſure, the determinations of the parliament. Thus, the preſbyterians were extremely embarraſſed, ſince, whichſoever of the two parties, the royal or the independent, prevailed, their ruin was inevitable. Mean while, as the danger from the independents was the moſt imminent, as ſoon as they were informed of the reſolution taken by the Scots to ſend an army to the king's relief, they thought fit to ſuſpend their quarrel with the king, and join their endeavours with thoſe of the Scots, to deliver him from the independents. Not that they intended to reſtore him without terms: nothing was farther from their thought. But they hoped, with the aſſiſtance of the Scots and the royal party, to deſtroy the independents and army, and that then the parliament would be perfectly free. In that caſe they flattered themſelves that their party would be ſufficiently powerful in both houſes, to require of the king ſuch conditions as they ſhould think proper for their deſigns. That is to ſay, they pretended to free the king from the captivity in which he was held by the independents, by means of his own friends, to put him under another, which would have been no leſs grievous to him; in a word, to put him into the power of a parliament by which he had always been oppoſed. Chimerical project, if ever there was one! It muſt be obſerved, the preſbyterians no longer prevailing in the parliament, ſince the 6th of Auguſt, their principal ſtrength lay in the aſſiſtance they could expect from the city, and the generals, officers and ſoldiers, who were caſhiered by the new model, and very ready to act againſt thoſe who had robbed them of the fruit of their labours.

The Scots had the ſame intereſts and views with regard to the king. They knew, the king conſidered the favours he had granted them, as extorted at a time when he could not deny them without great inconveniences. On the other hand, they had not confidence enough in him, to believe he would be punctual to his promiſes, in caſe he remounted the throne of England with all his prerogatives. It was their intereſt therefore to hinder the king from becoming too powerful in England, and this had induced them to aſſiſt the parliament. But as for the independents, Scotland does not ſeem to have been ſo much concerned to oppoſe the ſuperiority they had acquired in England. Indeed, it would have been more advantageous to Scotland, if there had been no independent-party in England, if the Preſbyterian had prevailed, and if the covenant had been ſtrictly obſerved. But ſince affairs had taken another courſe, and the independents had gained the advantage, it does not appear what miſchief could thence accrue to the Scots, ſince they were no leſs ſecured from the king's power, whilſt he was in the hands of the independents than when he was in thoſe of the preſbyterians. The reſolutions of the Scots to aſſiſt the king can be aſcribed but to one, or perhaps all, of theſe cauſes: 1. To the fear of an union between the king and independents; but this fear was groundleſs, the principles of the two parties being diametrically oppoſite: 2. To the deſire of being revenged on their ſworn enemies, the independents, who had often mortified the Scotch commiſſioners: 3. To their extreme deſire of firmly eſtabliſhing the preſbyterian government in the church of England: 4. and laſtly, To their hopes of preſerving, by means of this new war, the advantages procured them by the covenant. The queſtion is to know, whether theſe three laſt cauſes were ſufficient to engage them indiſpenſably to undertake a war againſt England? I ſay againſt England, for they could not doubt that the parliament, directed as it was by the army, would conſider their entrance into the kingdom as an invaſion.

On the other hand, the royaliſts, though overthrown, being ſtill very numerous, there was great danger, that tho' the Scots, by their union with them, ſhould deſtroy the independent party and their ſupporters the army, this advantage would turn more to the benefit of the king than of the preſbyterians. At leaſt, it cannot be denied, that by uniting with the royaliſts, they would, though contrary to their intention, enable them to hold up their heads, and by their own ſucceſſes give new ſtrength to their antient enemies. Theſe were reflections which occurred to many in Scotland, where the intended new war was far from being univerſally liked. The king's party appeared very active, which was a ſign their hopes were not confined to the freeing of the king from the independents, in order to put him into the hands of the Preſbyterians. The commiſſioners had ſigned the treaty of the Iſle of Wight, without being authorized by the parliament of Scotland; and the execution of that treaty, on the part of the Scots, was entirely founded upon the hopes the commiſſioners had given the king, of cauſing it to be ratified. But they had ventured to impart it only to a few friends, and ſome leading preſbyterians of England, knowing it contained not the whole of what the preſbyterians deſired. It may therefore be affirmed, the new war, for which preparations were making in Scotland, was rather the work of ſome particular perſons than of the nation in general, as will plainly appear in the ſequel

The deſign of the royaliſts was not, as I ſaid, to deliver the king out of the hands of the independents in order to leave him at the mercy of the preſbyterians. They knew, that when the parliament ſhould be entirely free, the king's condition would not be much better. And therefore, in jointly labouring with the preſbyterians and Scots, their aim was to reſtore the king to his former ſtate, without ſubjecting him to the terms already propoſed. Indeed there were among them ſome who would not have ſcrupled to conſent to a toleration of the preſbyterian religion, rather than na-

[u] Some authors relate, that Cromwell privately ſtipulated with the king, if his majeſty cloſed with the army's propoſals, Cromwell ſhould be made earl of Eſſex, knight of the garter, firſt captain of the guards, and even advanced to the degree of vicar-general, as the lord Cromwell was, under Henry VIII. But the king, who would do nothing without the advice of his queen, writ her word, "That though he aſſented to the army's propoſals, it by aſſenting to them he could procure peace, it would be eaſier then to take off Cromwell, than now he was the head that governed the army." This letter was intercepted by Cromwell, who thereupon reſolved to ruin the king. R. Cooke, p. 323. Life of Cromwell, p. 71.

zard the king's reſtoration. Nay, ſome there were who, had they been conſulted, would have adviſed the king to ſubmit to a change introduced againſt his conſent. Though they were perſuaded that epiſcopal was more perfect than preſbyterian government, they did not think the difference between them material enough, to hinder the ſincere union of the two parties, which they conſidered as the ſole means of reſtoring the king to his rights. And this was what ſome had propoſed to the king, before he withdrew to the Scotch army. The queen and the court of France were of this opinion: but the king was not. He was ſo poſſeſſed with the neceſſity of epiſcopacy, that nothing could move him. Unfortunately for him, he had none about him but men, who, like him, believed epiſcopacy ſo eſſential to religion, that without biſhops neither the ordination of miniſters, nor conſequently the adminiſtration of the ſacraments, could be valid. It muſt not therefore be thought ſtrange, that the king had great ſcruples upon this point, ſince, according to his principles, he could not conſider the preſbyterians as members of the chriſtian-church. For how could they be chriſtians, if their baptiſm was invalid? It cannot be denied, this was the opinion of the court and of many church-of-England men. If therefore the royaliſts had fully known the contents of the Iſle of Wight treaty, very likely, their zeal for the king's ſervice would have cooled. It has been remembered, how much it diſpleaſed the earl of Clarendon. It is very eaſy to conceive, that men of ſuch ſentiments did not mean to labour for the intereſt of the preſbyterians. What therefore could be expected from the union of the royaliſts with the preſbyterians and Scots, ſince they all acted with different or rather oppoſite views, and, though their common deſign had ſucceeded, they muſt have therefore diſunited, and begun a new war?

As to the king's particular views, they can only be conjectured. He was like a man that is drowning, and catches at whatever he thinks able to ſave him, or at leaſt retard his fate. His accepting the ſervice of the Scots and preſbyterians of England, was not becauſe he expected much from their condeſcenſion. He had too often experienced their injuſtice to him, to imagine they would ſeriouſly think of reſtoring him, without impoſing upon him intolerable terms. But as neceſſity obliged them to offer him their aſſiſtance, ſo neceſsity forced him to accept it, if not in expectation of obtaining his deſires, at leaſt in hopes of delaying his ruin as long as poſsible. For he was told, and by one that was preſent, that in a council of officers at Windſor, it was moved to take away his life. He hoped, very likely, by the aid of the Scotch and Engliſh preſbyterians, ſo to ſtrengthen his own party, that they would be in condition to act alone, when once the independent army was diſperſed, and by that means he might be freed and enabled to make a peace upon more tolerable terms than thoſe hitherto offered. Thus by a ſtrange blindneſs, the king pretended to uſe the Scots and preſbyterians to recover his rights, and theſe pretended to make the king and his party ſubſervient to their own deſigns. The king might have another view in ſetting the preſbyterians and independents at variance, namely, that the weakeſt party would join with him without terms, rather than ſee their enemies triumph.

The parliament conſiſted of preſbyterians and independents, and, notwithſtanding the efforts of Cromwell and his party, the preſbyterians were ſtill the majority. But this party was conſiderably weakened by the abſence of eleven of their chief members driven from the houſe of commons by the army. From that time, the ſame vigour as formerly, no more appeared in that houſe, becauſe it was not directed as before the excluſion of theſe members. Beſides, this example deterred the boldeſt preſbyterians. So, the independents were maſters; and though the parliament was preſbyterian as to number, they acted however like independents, becauſe they could not do otherwiſe. As the army was near London, Cromwell had opportunity to be conſtantly in the houſe, where his preſence alone made the balance incline to which ſide he pleaſed, in the debates where his party was concerned. The lords were under no leſs conſtraint than the commons, nor leſs expoſed to the violence of the army, which had cauſed ſeven peers to be impeached by the commons of high-treaſon, under colour of their being concerned in the tumult of the 26th of July. The tranſactions therefore of both houſes, from the 6th of Auguſt 1647, and till June 1648, are to be conſidered as directed by the army, that is, by the leading independents. It may be imagined, the preſbyterian members were extremely troubled to be forced, notwithſtanding their majority in both houſes, to do things manifeſtly tending to the deſtruction of their party. But there was no remedy but patience, till time ſhould afford ſome opportunity to free themſelves from this ſlavery. This opportunity was of courſe to offer itſelf the next ſpring. Though the Scotch commiſſioners had not thought proper to impart to the leading preſbyterians the particulars of their treaty with the king, they had however intimated to them, that they were going to endeavour to raiſe an army in Scotland, to free England from the yoke of the independents, and that the king's party was to join with them, or at leaſt favour their progreſs, by inſurrections in ſeveral parts of the kingdom. So the preſbyterian members impatiently expected the happy time, when the army would be indiſpenſably obliged to remove from London, to oppoſe ſo many enemies, particularly in the north. They reſolved therefore to be ready to act in the parliament at ſo favourable a juncture, and in the mean while to give no offence, for fear of being prevented by the army, who carefully watched all their proceedings. This diſſimulation was neceſſary, becauſe otherwiſe they ran the riſk of being ruined to no purpoſe, and of diſabling themſelves to ſupport their friends on occaſion.

It remains to ſpeak of the city of London, which was no leſs concerned in what paſſed, than the reſt of the kingdom, and could be of great ſervice to the party they eſpouſed. In this great city were men of all ſects and parties; but in general, it was preſbyterian, and the common-council was of the ſame party. The army had done what lay in their power to leſſen the number of their adverſaries in that council, by cauſing the lord-mayor, ſome aldermen, and ſeveral common-council-men, to be accuſed and impriſoned, for the tumult of the 26th of July: but however, the preſbyterian party was ſtill ſuperior in number. In expectation of the opportunity to declare openly againſt the army and the independents, the preſbyterian party ſo managed, that great difficulties conſtantly occurred, when it was propoſed to advance money for the army. The city itſelf was very much in arrears, with reſpect to the ſums laid upon them for the payment of the troops. They did not want excuſes to delay theſe arrears: but the true reaſon was, they thereby obliged the army to take free quarters, which made the people wiſh to be rid of them. The expectation of the revolutions, which the entrance of the Scots into the kingdom might produce, cauſed the magiſtrates of London to continue the ſame conduct, being ready to do, on all occaſions, whatever was in their power to be revenged of the army.

I ſhould willingly add ſomething concerning the character of the lord Fairfax[w], general of the army, and the ends he might propoſe to himſelf; but own, I have met with little information. He was preſbyterian, and yet ſuffered himſelf to be guided by Cromwell, the head of the independents. What can be ſaid in his favour, is, that he kept the command of the army to avoid a greater miſchief, for fear, if he reſigned his commiſſion, it ſhould be given to Cromwell, as it would certainly have been.

I thought it neceſſary, before I proceed to the great revolution in 1648, to ſhew the views and intereſts of the principal actors, believing this digreſſion would conduce very much to the underſtanding of what will hereafter be ſaid.

Since the two houſes had reſolved to preſent no more addreſſes to the king, nor receive any meſſages from him, there ſeemed to be a ſtrict union between the parliament and army. The council of war had conſented, that all the ſupernumerary forces, not upon the preſent eſtabliſhment, ſhould be diſbanded. The parliament, on their part, gave the army ſufficient ſecurity for their arrears, and publiſhed a declaration, containing the reaſons why the army ought to be continued, though the war was over. In ſhort, the army deſiſted from their pretenſion, to meddle with affairs of ſtate, and left the parliament free to ſettle the government as they ſhould think fit. Thus the vote for no more addreſſes ſeemed to produce ſuch an union between the parliament and army, that they appeared to have the ſame views and intereſts, though hitherto they had been jealous of each other. This clearly ſhews what were the deſigns of the army, with regard to the king. As for the parliament, though the independent members were devoted to the army, it is certain the reſt, who were the majority, only diſſembled their ſentiments. Mean while, the independents, who met with no more oppoſition in the two houſes, being willing to be ſtill more aſſured of the parliament, cauſed it to be ordered, that the general ſhould be deſired to take care and

[w] He was become a lord upon the death of his father, who died of a gangrene in his foot, March the 13th, this year. Ruſhworth, Tom. VII. p. 1020.

[x] The

guard the parliament. Purſuant to this requeſt, the general ſent a regiment of foot to Whitehall, and another of horſe to the Meuſe, where the king's ſtables ſtood. This was to hinder the Londoners from thinking again of uſing violence to the two houſes.

Though the Scotch commiſſioners departed not from London till the 24th of January, they had however, by their letters, promoted their affairs, as ſoon as their treaty with the king was ſigned, ſo that it was now reſolved at Edinburgh, the committee of eſtates ſhould meet the 6th of February, and the parliament the 10th of March. This reſolution was taken, notwithſtanding the marquis of Argyle's oppoſition, who, though preſbyterian as to religion, was of the ſame principles with the independents as to the government of the ſtate, and had contracted a faſt friendſhip with Cromwell and Vane. But, though he ruled in great meaſure the rigid preſbyterians, that is, thoſe who would not depart from one ſingle point of the covenant, the combination was ſo ſtrong, that it was not only reſolved to call a parliament, but that alſo the elections of the members were agreeable for the moſt part to the wiſhes of thoſe who were for levying an army. The parliament of England, or rather the independent party, by whom the two houſes were directed, doubted not that the aim of thoſe who had procured this reſolution, was to ſupport the preſbyterians of England who were upon the brink of ruin. Wherefore they reſolved to ſend commiſſioners to Scotland[x], as well to endeavour to content the Scots, as to obſerve what ſhould paſs in the parliament, and try to ſtrengthen the party of thoſe who were againſt war[y].

[1648] At the opening of the parliament of Scotland, ſtudied ſpeeches were made by ſeveral of the members, to excite the people againſt the Engliſh. They repreſented, that the army of England kept the king in captivity, and the parliament in ſuch ſubjection, that nothing was done but what the army pleaſed. That contrary to the tenor of the covenant between the two nations, the parliament had refuſed to debate with the Scotch commiſſioners the propoſitions ſent to the king for peace, and rejected their proteſtation, as if Scotland had no intereſt in the king: that they had in reality depoſed the king by diveſting him of all his prerogatives, by voting he ſhould be no more addreſſed, and by hindering the Scots from having acceſs to his perſon, though he was as much king of Scotland, as king of England: that it was a manifeſt breach of the rights of the Scots, and of the covenant between the two kingdoms, and that Scotland ought to reſent this affront, or reſolve to become ſubject to England: that for theſe reaſons, their advice was, that ſpeedy means might be deviſed to ſend an army into England, which ſhould no ſooner enter that kingdom, but all the Engliſh, except the army, would join with them, and by that means the parliament being reſtored to freedom, would re-unite with Scotland, and the covenant be punctually obſerved.

The parliament thought not proper to take this important motion ſo ſpeedily into conſideration. But to facilitate the execution of what had been reſolved before their meeting, a committee of twenty-four members were appointed, with power to provide for the ſafety of the kingdom, in caſe it ſhould be in danger. For this reaſon, they were called the 'committee of danger,' in which care was taken, that the number of thoſe who were for war, ſhould be ſuperior to thoſe of the contrary party, and to make duke Hamilton preſident.

This committee having examined the ſtate of the kingdom, found it to be in danger, and that it was neceſſary to raiſe an army of forty thouſand men, to put it in a poſture of defence. It was not poſſible for the marquis of Argyle, who was of the committee, to prevent that reſolution. But he found means to actuate the commiſſioners of the general aſſembly of the kirk, who ſome days after preſented to the parliament certain demands, proper to prolong the affair. The parliament anſwered theſe demands, and the commiſſioners replied. As this affair will be better underſtood, by comparing the demands, anſwers, and replies, I think it neceſſary not to divide them. This will be of uſe, as it diſcovers the obſtacles which occurred in Scotland, to the raiſing of the army that was to act in England. Herein alſo will appear, what authority the general aſſembly of the kirk of Scotland aſſumed to themſelves, ſince their commiſſioners thought they had a right to oppoſe the parliament to their face.

" 1. Demand. That the grounds and cauſes of undertaking a war may be cleared to be ſo juſt, as that all who are well-affected, may be ſatisfied in the lawfulneſs and the neceſſity of the engagement, and that nothing be acted in reference to a war, before the lawfulneſs of the war, and the ſtate of the queſtion, be agreed upon.

Answer. The eſtates declare, That the grounds and cauſes of undertaking of war, ſhall be cleared to be ſo juſt, as that all who are well-affected may be ſatisfied in the lawfulneſs and neceſſity of the engagement.

" Reply. They conceive, that notwithſtanding any thing expreſſed in their lordſhip's anſwer, there may be an acting in reference to war, before the lawfulneſs of the war and the ſtate of the queſtion be agreed upon, which is the very thing they deſire to be avoided.

" 2. Demand. That as the breaches of the covenant, by the prevalent party of the ſectaries in England are evident, ſo we deſire and hope, that, according to the treaty, it may be condeſcended upon, and declared by the parliament, what are thoſe breaches which they take to be a ground of war, and that reparation thereof may be ſought.

Anſwer. They think it fit that the breaches of the covenant and treaties be preſented; and the ſeeking of reparation, and the beſt time and manner thereof, conſidered.

" Reply. They neither find any breach of peace between the kingdoms, which may be a ground of war, nor any poſitive reſolution of parliament to ſeek reparation.

" 3. Demand. That there may be no ſuch quarrel or ground of the war, as may break the union between the two kingdoms, or may diſcourage or diſoblige the preſbyterian-party in England, who continue firm in adhering to the league and covenant.

Anſwer. They declare, that this kingdom will be ſo far from making any war againſt the kingdom of England, that any engagement they ſhall enter into, ſhall be for ſtrengthening the union between theſe two kingdoms, and for encouraging the preſbyterians, and well-affected in England.

" Reply. Inſtead of that clauſe of the deſire, The preſbyterian-party in England, who continue firm in adhering to the league and covenant; change of expreſſion in the anſwer is, the preſbyterians, and well-affected in England, which may intimate, that there are ſome well-affected in England, which are not of the preſbyterian-party, nor do adhere to the league and covenant.

" 4. Demand. That if the popiſh, prelatical, or malignant party ſhall again riſe in arms, this nation and their armies may be ſo far from joining or aſſociating with them, that on the contrary, they may oppoſe them, and endeavour to ſuppreſs them, as enemies to this cauſe and government upon the one hand, as well as ſectaries on the other.

Anſwer. They agree to the ſubſtance and matter thereof; and remit to thoſe who are to be upon the conference for ſtating the queſtion to explain the ſame.

" Reply. For not joining with the popiſh, prelatical, or malignant party, we cannot conceive wherein it needs explanation, unleſs there may be now more favourable and friendly intentions towards malignants than formerly.

" 5. Demand. Seeing your lordſhips undertakings ſhould be in the firſt place for religion; we deſire, that his majeſty's late conceſſions and offers concerning religion (as they have been by the church, ſo may be by the parliament) declared unſatisfactory; whereby your lordſhips may give further evidence of the reality of your intentions for the good and ſafety of religion.

Anſwer. They declare, that upon the agreement on the whole matter and ſtate of the queſtion, they will declare his majeſty's conceſſions concerning religion, not to be ſatisfactory.

" Reply. His Majeſty's conceſſions being ſo prejudicial to the cauſe and covenant, they deſire the parliament to declare againſt them both poſitively, without any condition, and preſently without delay.

" 6. Demand. That your lordſhips may be pleaſed not to fix and ſettle upon any ſuch ſtate of the queſtion, as doth not contain ſecurity and aſſurance to be had from his majeſty, by his ſolemn oath, under his hand and ſeal, that he ſhall. for himſelf and his ſucceſſors, conſent and agree to acts of parliaments, enjoining the league and covenant,

[x] The lords appointed the earls of Nottingham and Stanford; and the commons, Mr. Aſhhurſt, Brian Stapleton, and colonel Birch. Ruſhworth, Tom. VII. p. 975, 979.

[y] They promiſed, among other things, to pay the remaining 200,000l. due to the Scots, and, till it was paid, to allow them 8l. per cent. intereſt. Idem. p. 1019.

[a] Burnet

and fully eſtabliſhing preſbyterial-government, directory of worſhip, and confeſſion of faith, in all his majeſty's dominions; and that his majeſty ſhall never make any oppoſition to any of theſe, or endeavour any change thereof; and that this ſecurity be had from his majeſty before his reſtitution to the exerciſe of his royal power; which we deſire for no other end, but becauſe we cannot ſee how religion (which has been, and we truſt ſhall be, the principal end of all the undertakings of this nation) can be otherwiſe ſecured; but that without this ſecurity it ſhall be left in very great hazard."

Anſwer. 'That ſince religion hath been, and they truſt ever ſhall be, the principal end of all their undertakings; ſo they will be careful, that the preſent queſtion to be ſtated ſhall contain ſecurity and aſſurance from his majeſty, by his ſolemn oath under his hand and ſeal, that he ſhall for himſelf, and for his ſucceſſors, give his royal conſent to paſs acts of parliament, enjoining the league and covenant, eſtabliſhed by preſbyterial-government, the directory of worſhip, and confeſſion of faith, in all his majeſty's dominions; and that his majeſty ſhall never make oppoſition to any of theſe, or endeavour any change thereof.'

Reply. "As there is much ſaid in the firſt part, for ſecurity of religion to be had from his majeſty; ſo that clauſe, viz. That this ſecurity be had from his majeſty, before his reſtitution to the exerciſe of his royal power is laid aſide, and they are left unſatisfied in that which is the main of that deſire."

7. Demand. "That the ſame end in ſecuring religion which is profeſſed to be the principal cauſe of engagement, and for ſecuring all other ends of the covenant, ſuch perſons only may be entruſted by your lordſhips to be of your committees and armies, as have given conſtant proof of their integrity and faithfulneſs in this cauſe, and againſt whom there is no juſt exception or jealouſy, that ſo we may the more confidently encourage our flocks and congregations to follow the cauſe of God in their hands, and not to doubt of the fidelity of thoſe, who ſhall be entruſted by your lordſhips."

Anſwer. 'That they will be careful that none ſhall be employed in the command of their armies, nor in their committees, but ſuch as are of known integrity and affection to the cauſe, and againſt whom there is no juſt cauſe of exception.

Reply. "Concerning ſuch as are to be entruſted in armies and committees, doth admit of ſome of the qualifications expreſſed in the deſire, viz. Such as have given conſtant proof of their integrity and faithfulneſs in this cauſe, and againſt whom there was no juſt cauſe of jealouſy, that ſo we may the more confidently encourage our flocks to follow the cauſe of God in their hands, and not doubt of their fidelity.

"8. Demand. That there be no engagement without a ſolemn oath, wherein the church may have the ſame intereſt which they had in the ſolemn league and covenant, the cauſe being the ſame."

Anſwer. 'They declare, that to the grounds of their engagements and undertaking an oath ſhall be ſubjoined, wherein both in the framing of it, and otherwiſe, the church ſhall have their due intereſt. And the eſtates of parliament deſire the commiſſioners of the church to appoint ſome of their number, to meet with ſuch of the committee of parliament of twenty-four, as ſhall be appointed by the ſame committee, for the conference and ſtating of the queſtion, for agreeing upon the grounds of an engagement, and drawing up ſuch a ſtate of a queſtion, as may unite this nation in an unanimous undertaking of ſuch duties as are requiſite for the reformation and defence of religion, the ſafety, honour, and happineſs of the king and his poſterity, and the good of this kingdom.'

"Reply. Inſtead of that clear expreſſion uſed, namely, That the kirk may have the ſame intereſt in any oath for a new engagement which they had in the ſolemn league and covenant, they find this doubtful and uncertain expreſſion, That both in the framing the oath and otherwiſe, the kirk ſhall have their due intereſts.

"And upon theſe and the like conſiderations, they conceive that their deſires, unto which they ſtill adhere as juſt and neceſſary, are not ſatisfied by their lordſhips anſwer."

The oppoſition of the kirk commiſſioners was not the only ſtorm the reſolution of levying an army drew upon the committee of danger. Eighteen lords and forty other members of parliament entered a ſolemn proteſt againſt this vote, affirming, the committee had exceeded their power, which they did not in any manner conſent to give them. There were moreover two other difficulties to ſurmount, before the parliament could poſitively order the levying an army. The firſt related to the general, who was to have the command. Naturally this poſt belonged to general Leſly now lord Newark, who had commanded the laſt army, and of whom there was no occaſion to complain. But he was not fit for their purpoſe who were for a war. That party's ſcheme was to make duke Hamilton general, becauſe he had privately declared for the king, and it was conceived he would be more proper than Leſly, to unite the royal party in England with the army of Scotland. This difficulty was at length removed, Leſly being artfully prevailed with to quit his pretenſion, under colour of age and infirmities. Which done, duke Hamilton had no other rival [z].

The ſecond difficulty was much more conſiderable. Before the Scotch commiſſioners left London, they had intimated to ſeveral officers, and others of the king's party, that when the Scotch army ſhould enter England, they ſhould be welcome to the Scots, and with them make but one body and party, for the deliverance of the king out of the hands of the independents. They had given the ſame aſſurances to Sir Marmaduke Langdale, and Sir Philip Muſgrave, and by that induced them to promiſe to ſeize Berwick and Carliſle. Upon theſe hopes a great number of royaliſts repaired to Edinburgh, to join with the Scots, or be employed in their army. Moreover, a troop of horſe commanded by captain Wogan, which was to have been diſbanded, had retired into Scotland, to join the forces of that kingdom; and this troop, by the junction of ſeveral horſe deſerters, was become four hundred ſtrong. Duke Hamilton had put Langdale and Muſgrave in hopes, that when the Scotch army ſhould be in England, there would be no more ſaid of the covenant, and the royaliſts might join with them and make but one body. But it was not in the power of thoſe who made theſe promiſes to perform them. The marquis of Argyle, and the rigid preſbyterians ſtrongly repreſented, both in public and private, "That under colour of acting againſt the independents in England, the royaliſts, that is, the mortal enemies of Scotland and of all preſbyterians, were going to be effectually reſtored. That this was the deſign of thoſe who were ſo eager for a war, might eaſily be perceived, both by the activity of ſuch Scots as had never heartily adhered to the covenant, and by the extraordinary concourſe of royaliſts into Scotland. That even men were ſent for to Edinburgh, who were moſt attached to the king's party, and moſt inveterate againſt the covenant, ſuch as Langdale, Muſgrave, Glemham, Fleming, and others, who daily conferred with their friends, whereof the parliament of England had complained to no purpoſe. That the junction with the king's party conſiſting of papiſts, epiſcopalians, and other diſaffected perſons, was a more manifeſt breach of the covenant, than what the Engliſh were charged with. That, in ſhort, by theſe proceedings the covenant, which was the baſis and foundation of the union betwixt the two nations, would be deſtroyed, whilſt it was pretended to raiſe an army to ſupport it, and even whilſt there was no other pretence to carry the war into England." Theſe repreſentations joined to the endeavours of the parliament of England's commiſſioners, who ſpared neither ſolicitations nor money to ſecond them, made ſuch impreſſion on the people, that the parliament could not help ordering, that thoſe who had not taken, or ſhould refuſe to take, the covenant, ſhould not be received into the army, or joined with it at their entrance into England. After this declaration, it ſeemed to be out of duke Hamilton's power to perform what he had promiſed the royaliſts. But he found means to evade in ſome meaſure this order when he came into England, as will hereafter appear.

Theſe and other obſtacles, daily raiſed by the marquis of Argyle and the rigid clergy, were the reaſon the parliament could not be ſo ſpeedy as the authors of the project had expected. As the people of Scotland were ſtrongly prepoſſeſſed in favour of the covenant and union with the Engliſh preſbyterians, the parliament was obliged to publiſh a declaration to ſatisfy them upon that head. But the contrary party pretended there was no ſincerity in a declaration full of ambiguous expreſſions, which diſcovered the ill deſigns of thoſe who were for a war. So, though the party who had cauſed the raiſing of forces to be ordered, was ſuperior in the parliament, no ſoldiers could be levied till the middle of May, and the army was not ready till the beginning of July, though the Scotch commiſſioners had aſſured it ſhould be in condition to act by the beginning of May. Moreover this army, which was to conſiſt of forty thouſand men, was not above half that number, even after the junction of the Engliſh troops.

[z] Burnet ſays, he was much againſt accepting that employment. Mem. p. 338.

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But before I ſpeak of the ſucceſs of theſe mighty preparations, it will be proper to ſee what paſſed in Engiand.

Wales was the place where the firſt ſcene was opened. In that country were three colonels, namely, Langhorn, Powel, and Poyer, who had faithfully ſerved the parliament during the war, but unhappily found themſelves by the new eſtabliſhment, in the number of the ſupernumaries who were to be diſbanded, with which they were extremely diſſatisfied. Having communicated their diſcontents to each other, they reſolved all three to declare for the king, as ſoon as the Scotch army ſhould enter the kingdom. Langhorn even ſent a confident to Paris, to acquaint the queen and prince of Wales with this deſign, deſiring a commiſſion, with ſupplies of money and ammunition. The commiſſion was readily granted, but the circumſtances of the queen and prince, allowed them not to ſend the deſired ſupplies. Though theſe three officers had reſolved not to declare before the Scots had entered England, they were however obliged to it ſooner. Poyer, being governor and mayor of Pembroke in South-Wales, ſaw colonel Fleming unexpectedly arrive with the general's commiſſion to take the government of the caſtle. As this alteration could not but break the meaſures of the three colonels, Poyer refuſed to obey, under colour it was unreaſonable to deprive him of his government, without paying him his arrears[a]. The parliament was inflamed when they heard of this diſobedience, and declared Poyer a traytor, if he did not deliver the caſtle within four and twenty hours after the firſt ſummons. Poyer contemned this ordinance, and even defeated Fleming, to whom ſome troops had been ſent to put him in poſſeſſion of Pembroke-caſtle. As the particulars of this affair are not abſolutely neceſſary, I ſhall content myſelf with ſaying, that it became of greater conſequence than the parliament had imagined. Not only Langhorn and Powell joined with Poyer, but all South-Wales declared for the king, whilſt the lord Byron was labouring to draw North-Wales and the parts about Cheſter into a revolt.

During theſe tranſactions in Wales, there were commotions in Kent no leſs dangerous to the army. The king had always many friends in that county, but the neighbourhood of London and the army kept them in awe. Mean time, ſome gentlemen of the country having early information of the deſign of the Scots, took care to ſow the ſeeds of revolt, in hopes of producing fruit in due ſeaſon. The diſpoſition of the people of Kent began to ſhow itſelf in a great riot at Canterbury, the 25th of December 1647, about keeping of Chriſtmas-day. The multitude wounded and abuſed the mayor and others of the magiſtrates, and at laſt the cry was, 'For God, king Charles, and Kent.' The tumult being appeaſed, and ſome of the mutineers apprehended, the parliament had a mind to puniſh them with death. But they found ſo many obſtacles, that it was May before they ſent down a commiſſion to try them. The grand jury refuſed to find the bill, to the great aſtoniſhment of the commiſſioners. There were at that time commotions forming in the county, in which the grand jury were doubtleſs concerned, and that was the reaſon of their not finding the bill againſt their accomplices.

Though the directors of the affairs for the king had reſolved to delay the Kentiſh inſurrection till the army was marched againſt the Scots, it was not in their power to defer it ſo long. Roger L'Eſtrange, a Norfolkman[b], being in Kent, at the houſe of Mr. Hales, a young gentleman who was heir to a great eſtate, perſuaded him to undertake ſomething in favour of the king, and to ſound the gentry and people of the country that frequented his houſe. Matters were ſo ordered in the county, that about the middle of May, the people roſe, took up arms, and owned Hales for their general, in which they committed two very great errors. The firſt, in putting themſelves under the conduct of an unexperienced young man without authority. The ſecond, in riſing before the army was removed to ſome diſtance from London. As the general knew, the Scotch army was not yet ready, he detached Cromwell with part of his forces to reduce the Welſh to obedience, and then to march againſt the Scots at their entrance into England. For himſelf, he remained near London, as well to be ready to march againſt the Kentiſhmen, as to prevent the like inſurrection in London, which the army dreaded of all things. Beſides that he had no inclination, as it afterwards appeared, to act againſt the Scots.

The number of the male-contents in Kent being greatly increaſed, they were headed by George Goring earl of Norwich, and Sir William Waller, and, in expectation that London would not fail to declare for them, advanced towards Black-Heath. Then Fairfax ſpeedily paſſed the Thames with his army over London-bridge, to give them battle. The Londoners being too wiſe to declare at ſuch a juncture, the revolters thought fit to retire, ſome to Rocheſter, and others to Maidſtone. General Fairfax attacked theſe laſt ſo vigorouſly, that he carried the town by ſtorm, ſlew many of them, and took a great number of priſoners. At the firſt news of the defeat, thoſe at Rocheſter quitted the city, and poſted themſelves on Black-Heath, hoping ſtill that London would ſend them aſſiſtance, or receive them into the city. Theſe two refuges failing, and hearing moreover, that a detachment of the army was approaching, they took to flight, and were diſperſed; however, a great many were made priſoners. The earl of Norwich found means to paſs the Thames at Greenwich in boats, with five or ſix hundred men, and join his friends in Eſſex, who were upon the point of paſſing into Kent, if Fairfax had not been ſo diligent.

The county of Eſſex was in the ſame diſpoſition as Kent. There had been for ſome time in that county men, who were earneſtly labouring to excite the people againſt the army, and only waited an opportunity to appear openly, as ſoon as the army ſhould march to the north, not queſtioning but the approach of the Scots would oblige them to it. Of this number was ſir Charles Lucas, lieutenant-colonel Farr, ſir Bernard Gaſcoign; and at the ſame time, the lord Capel, one of the managers of the inſurrections, was labouring the ſame thing in Hertfordſhire. Though the Kentiſh inſurrection had been unſucceſsful, the Eſſex royaliſts were not diſcouraged. They ſtill hoped, either that London would declare for the king, or the Scotch army make ſo great progreſs, that the army of England would not be able to withſtand ſo many attacks from all quarters. For there was ſcarce a county, but what was to have ſome inſurrection, thoſe eſpecially, where the king's party prevailed during the war. So the parliament having ſent a general pardon into Eſſex, for ſuch as ſhould lay down their arms, moſt refuſed it by the inſtances of ſir Charles Lucas who was the moſt active royaliſt in thoſe parts.

The general remained in Kent no longer than was neceſſary to raiſe the ſiege of Dover, undertaken by Waller, and quiet the country, to which he granted very advantageous terms, conſidering their preſent circumſtances. This done, he repaſſed the Thames and marched into Eſſex[c], where the number of the revolters was increaſed by the junction of the troops brought out of Hertfordſhire by the lord Capel. Nevertheleſs, as they found themſelves unable to keep the field before a victorious as well as a ſtronger army, they reſolved to retire to Colcheſter. This was an open unfortified town: but they ſpeedily caſt up ſuch works before the avenues, that they did not fear being ſtormed. Here they reſolved to defend themſelves, and wait the event of affairs in the other counties, and particularly in the north.

The principal men who were in Colcheſter, were the earl of Norwich[d], the lord Capel, ſir George Leſlie, ſir William Compton, ſir Charles Lucas, ſir Barnard Gaſcoign, lieutenant colonel Farr, and ſeveral other good officers, with a garriſon of three thouſand men, all bent to ſell their lives dearly. This furniſhed the general with a reaſon, or perhaps a pretence, not to attack the town in form, but to block it up, and reduce the beſieged by famine. I ſay, this might be a pretence: for it ſeems, in ſuch a juncture, when all the kingdom was in a flame, and the Scotch army expected every moment, it was not proper for the general to be employed in a blockade, which would probably laſt ſome time, whilſt he left the reſt of the kingdom defenceleſs, and was in great danger from the city of London. But as he might have good reaſons to run no hazard, it is not my buſineſs to cenſure his conduct. All that can be ſaid is, that his whole proceedings ſhewed his unwillingneſs to fight with the Scots, though he always acted vigorouſly againſt the king's friends. May I venture to make one conjecture? Fairfax was a zealous preſbyterian, but hitherto had ſuffered himſelf to be guided, or rather deceived, by Cromwell. Perhaps having diſcovered the artfices and ill-deſigns of this friend, he would not have been ſorry to ſee Cromwell defeated, in expectation that if he were ſlain, or loſt his reputa-

[a] He inſiſted upon his own diſburſements and arrears, and indemnity and arrears for his ſoldiers. Ruſhworth, Tom. VII. p. 1034. His forces, with thoſe of Langhorn and Powell, made about eight thouſand. Manley, p. 175.

[b] He had been taken priſoner by the parliament, in December 1644, for attempting to betray Lynn in Norfolk to the king, and by a court-martial condemned to die; but being kept in priſon till the end of the war, was ſet at liberty. He afterwards tranſlated Joſephus, writ the Obſervators, &c. Clarendon, Tom. III. p. 104. Whitelock, p. 119, 121, 122.

[c] He was joined at Coggeſhall by ſir Thomas Honywood, with two thouſand horſe and foot. Ruſhworth, tom. VII. p. 1150.

[d] The ſame that was heretofore general Goring, governor of Portſmouth, and had been made earl of Norwich in 1644. Rapin. The lord Clarendon ſays, He had no experience or knowledge in war, nor knew how to exerciſe the office of general he had undertaken. Tom. III. p. 118.

tion, it would be eaſier to make peace, which he found to be impracticable ſo long as Cromwell could oppoſe it. According to this ſuppoſition, the blockade of Colcheſter enabled the general to wait, without any hazard, the event of the war preparing in the north. However this be, he applied himſelf to the blockade, which began the 10th of June, and laſted till Auguſt [e].

The revolted Kentiſhmen, as I ſaid, had twice advanced towards London, in hopes the city would declare for them. This hope was not altogether groundleſs. Beſides that the city was known to be very much diſpleaſed with the army, the common people had, in the beginning of April, ſhewn their readineſs for any undertaking. Some perſons playing and ſporting on a Sunday in Moorfields in contempt of the ordinance of parliament, the conſtables of that quarter would have diſperſed them: but it was not in their power. The obſtinacy of the mob went ſo far, that a party of the trained-bands were forced to be ſent for. But before the party arrived, the number of the rioters was grown ſo great, that they fell upon and diſperſed the trained-bands, wounding and killing ſeveral. This ſucceſs ſo inflamed the tumult, that the mob came from all quarters to join with the mutineers. Some ſeized Newgate and Ludgate; others went to the lord-mayor's houſe, who ſeeing them coming, ran away to the Tower, whilſt others made towards Whitehall, but were repulſed by the regiment of horſe poſted in the Meuſe for a guard to the parliament. In the night the tumult ſtill increaſed; the cry was every where, 'For God and king Charles.' The general, who was then in London, with only the two regiments at Whitehall and the Meuſe, immediately called a council, where it was debated, whether they ſhould ſtay for more forces, or attack the mutineers with theſe two regiments. The laſt was judged the moſt adviſeable, whilſt the ſeditious were yet acting with great confuſion, and had no leader to conduct them. They were therefore vigorouſly attacked when they leaſt expected it, and thought themſelves maſters of the city, and though they made an obſtinate defence, were at length diſperſed. The parliament having received the circumſtances of this commotion, believed it to have been very dangerous, and ordered public thanks to be given to God in all the churches of London for its being happily appeaſed. When I ſay the parliament, I mean the parliament ſtill directed by the independents, who dreaded nothing ſo much as to ſee London declare againſt the army. But as the army was not yet removed, the magiſtrates were too wiſe to declare ſo unſeaſonably.

I have already mentioned two of the projects againſt the army; the inſurrection in Wales, which kept Cromwell employed till the beginning of July; and that of Kent, which by too great a precipitation, miſcarried; and laſtly, of the tumult in London, which probably had been raiſed by ſome raſh and inconſiderate royaliſts, who knew nothing of the projects that were formed. I muſt now ſpeak of ſome others which were executed about the ſame time, that is, whilſt preparations were making in Scotland to ſend an army into England, and which were attended with no better ſucceſs.

The firſt was the duke of York's eſcape, the king's ſecond ſon, from St. James's palace, where he was under the earl of Northumberland's cuſtody, and his retreat into Holland, to his ſiſter the princeſs of Orange. Thus to have his two eldeſt ſons out of the power of his enemies was no ſmall advantage and ſatisfaction to the king [f].

Some days after, Langdale poſſeſſed himſelf of Berwick, and Muſgrave of Carliſle. The parliament had received ſome intelligence of the deſign to ſurprize theſe places, and might have prevented it by putting garriſons there. But as, by the late treaty with Scotland, they were to be left to the care of the inhabitants, the two houſes were unwilling by ſeizing them to give the Scots ſo juſt an occaſion to complain, at a time when they wanted pretences to ſend an army into England. They contented themſelves therefore with ordering the mayors, to take care and provide againſt a ſurprize, which however they either could not, or would not prevent.

As ſoon as Langdale was maſter of Berwick, all the royaliſts in Yorkſhire, Cumberland, and Weſtmoreland came and joined them. By this means he quickly formed a body of three thouſand foot and one thouſand horſe, which enabled him to go in queſt of general Lambert, who commanded in thoſe parts for the parliament. But he received very expreſs orders from Edinburgh not to engage in any action, what advantage ſoever he might thence expect, but to retire about Carliſle till the arrival of the Scotch army, which he obeyed. The reaſon of this order was, that as the rigid preſbyterians of Scotland were extremely jealous of the royal party, the directors of affairs were apprehenſive, that the progreſs made in England for the king, would obſtruct the levying an army in Scotland. And indeed, it was publicly ſaid, the army was intended for the king's rather than for the ſervice of the Engliſh preſbyterians.

The loſs of Berwick and Carliſle was followed ſoon after with another, which ſeemingly ſhould have embroiled the affairs of the independents. I mean the revolt of part of the fleet about the end of May. The parliament having ordered eight men of war to guard the ſeas during the ſummer, theſe ſhips lay in the Downs to take in proviſions, which was done but ſlowly, becauſe there was not much to be feared from the ſea. While this part of the fleet lay in the Downs, ſome Kentiſh gentlemen, the king's friends, frequently came on board [g]. Whether they found in the ſailors an inclination to mutiny, or raiſed it themſelves by converſing with them, it happened ſhortly after, that the ſervice was not performed in the fleet with the ſame ſubmiſſion as before. The ſailors took the liberty to contradict their officers and obey them no farther than they pleaſed. The officers perceiving this great alteration, acquainted the parliament with it, and immediately vice-admiral Rainſborough, who was to command that ſquadron, was ordered to repair to the fleet, and inquire into the cauſes of this diſobedience. Rainſborough, being naturally very ſevere, began to make ſtrict inquiſition on board the admiral's ſhip; upon which the men all roſe againſt him, and ſeizing on him, put him with ſome more of the officers into the boat, and ſent them on ſhore. This was no ſooner known to the reſt of the ſhips, but they followed their example, and uſed ſuch officers as they did not like, in the ſame manner. As the fleet was not yet well victualled, they were obliged to ſtay ſome days longer in the Downs, during which the royaliſts ſupplied them with neceſſaries in the beſt manner they could. After that they ſailed for Holland, and came to an anchor at the Brill, in order to put themſelves under the command of the duke of York, who was deſigned by the king to be lord high-admiral, as ſoon as he ſhould be of fit age for that poſt.

The duke of York repairing to the fleet, then at Helvoet-Sluys, was received with great acclamations. He declared the lord Willoughby of Parham, his vice-admiral [h], and appointed ſome other officers in the ſeveral ſhips, the ſailors having kept very few above the rank of a boatſwain or mate [i]. As ſoon as the prince of Wales, who was at Paris with the queen his mother, heard of this revolt, he reſolved to command the fleet himſelf, and employ it to the beſt advantage. But want of money detained him longer than he wiſhed, cardinal Mazarin, not being very forward to ſupply him, no more than the earl of Ormond, who waited in vain at Paris, for the performance of his promiſes concerning Ireland. The news that the duke his brother was preparing to ſail with the fleet, made him repeat his endeavours to procure money upon loan, and ſucceeding at laſt, came to Calais, and from thence by ſea to Helvoet-Sluys. He was received by the fleet with all the reſpect and joy that could be deſired, and having provided what was wanting, by the prince of Orange's aſſiſtance, ſent back the duke of York to the Hague, it not being proper to venture both at one time. His deſign was to ſeize Yarmouth, whether to go from thence and head the Scotch army, when it ſhould be in England, or to ſecure an entrance into the kingdom, when there ſhould be occaſion. In ſailing to Yarmouth, he took a ſhip of London, bound for Rotterdam, laden with cloth by the company of merchant-adventurers. It was ſaid this ſhip was worth forty thouſand pounds. He ordered the goods to be ſealed up, and continued his courſe. But he ſucceeded not at Yarmouth as he expected, the town refuſing to admit him, though great part of the inhabitants were for the king. Wherefore he reſolved to enter the Thames, as well to intercept all outward and homeward-bound ſhips, as to ſupport the king's party, and that of the preſbyterians in the parliament and city; for he was not ignorant of the projects that were formed. Beſides, the queen his mother had enjoined him to court the preſbyterians, conceiving it was only by their means, that the king could be reſtored. For this reaſon alſo, he afterwards releaſed the cloth ſhip for twelve thouſand pounds.

[e] The royaliſts did not enter Colcheſter till June 13, and the articles of ſurrender were ſigned Auguſt 27. Relat. of that Leaguer by M. C.

[f] This eſcape was managed by colonel Bamfield. Clarendon, tom. III. p. 101.

[g] Some of the king's friends were alſo on board, with ſome authority Clarendon, tom. III. p. 118.

[h] He had lately left the parliament, and withdrawn into Holland. Idem, p. 108.

[i] The caſtles of Deal and Sandwich declared alſo about this time for the king, but were reduced by colonel Rich. Ludlow, Tom. I. p. 337.

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Whilſt the prince lay in the Thames, where he ſeized ſome other merchant-ſhips, the earl of Warwick, being well aſſured of the fidelity of the reſt of the ſhips at Portſmouth, and elſewhere, aſſembled a fleet, and anchored in ſight of the prince; ſo that in all appearance the two fleets would not part without an engagement. But though the prince ſeemed inclined to it, he was adviſed to avoid it if poſſible, and not without reaſon. His ſhips were fewer, and much ſmaller than the earl of Warwick's; beſides, the earl expected others from Portſmouth every moment, which arriving the next day, rendered him very ſuperior. So the prince ſailed back to Holland, and ſecured his fleet at Helvoet-Sluys. The earl of Warwick followed him, and appeared before that port, but to no manner of purpoſe.

Thus ended the prince of Wales's expedition with the ſhips revolted from the parliament. The money he received for the prizes he had taken, was not ſufficient to pay his fleet, and provide it with neceſſaries, ſo that it procured him more trouble than advantage. Before I leave this ſubject, it will not be improper, briefly to explain ſome circumſtances in the lord Clarendon's hiſtory.

Whilſt the two fleets lay in ſight, and ſeemed to prepare for battle, the prince ſent Harry Seymour to the earl of Warwick, with a letter to invite him to return to his allegiance. The earl anſwered, that he adviſed his highneſs to put himſelf into the hands of the parliament. Notwithſtanding this diſcouraging anſwer, the prince ſent Mr. Crofts to the earl, who had married his aunt, imagining, he durſt not venture to diſcover his ſentiments to Seymour. But Crofts returned with much the ſame anſwer. Hence it appears, the prince thought he had ſome room to rely on the earl of Warwick, as the lord Clarendon inſinuates, and the ground of his hope, which was properly the effect only of his, or rather of the whole royal party's prepoſſeſſion, was briefly this. The Scotch commiſſioners, as I ſaid, did not acquaint the leading preſbyterians with the particulars of their treaty with the king in the iſle of Wight. They only told them, an army would be raiſed in Scotland to deliver the king out of the hands of the independents, and that it was neceſſary the royaliſts and preſbyterians ſhould ſecond theſe endeavours, by acting jointly or ſeparately. This propoſal being accepted, the royaliſts and preſbyterians prepared, as I have ſaid, to countenance the deſigns of the Scots by inſurrections in ſeveral parts of the kingdom. Matters ſtanding thus, Henry Rich earl of Holland, who had acted an ill part in the late war, had a mind, on this occaſion, to reconcile himſelf to the king, by labouring his reſtoration. To that end, he received a commiſſion from the prince of Wales, impowering him to raiſe forces for the king's ſervice, and his brother the earl of Warwick promiſed to aſſiſt him in his deſigns. This is what the prince knew, and what made him believe the earl of Warwick was in the ſame diſpoſition with his brother. But there was a wide difference between the views of the royaliſts, and thoſe of the preſbyterians. Theſe, of whom the earl of Warwick was one of the heads, did not pretend to reſtore the king without terms, but only to free him out of the hands of the independents, to make conditions with him afterwards, which they called ſettling the peace of the kingdom. But the prince, and the king's whole party would not underſtand this difference, and prepoſterouſly imagined, that all who had promiſed to act againſt the independents, had thereby engaged to ſerve the king without terms. Herein lay the miſtake. It is therefore evident, the earl of Warwick, who acted upon preſbyterian views, could not believe it his intereſt to deliver the fleet to the prince, ſince, notwithſtanding the preſent occaſion which induced the preſbyterians to be in a readineſs to act againſt the army, they ſtill conſidered the royal party as their real enemies.

In the beginning of June, the king's friends found means to ſurprize Pontefract caſtle in Yorkſhire, and put a garriſon there. Shortly after Scarborough caſtle revolted from the parliament, and declared for the king.

The Scotch army being at length upon the point of entering England, general Fairfax being ſtill employed in the blockade of Colcheſter, and Cromwell in the ſiege of Pembroke, and as there were but two regiments in London, Henry Rich, earl of Holland, thought he could not have a fairer opportunity to execute his deſign in favour of the king. This deſign was ſo far from being a ſecret, that it was become the common talk of the city. It was known beforehand, what day the earl of Holland was to depart, and the parliament did not ſeem to regard it. It was not for want of information; but the ſcene of affairs was much altered ſince the army's removal from London. The independents prevailed no more in the parliament, and the preſbyterians began to hold up their heads. For this reaſon, the independents did not think proper, at ſuch a juncture, to take any ſteps that might induce the city of London to declare openly. On the other hand, the preſbyterian members were far from endeavouring to prevent the earl of Holland's deſign, which they conſidered as flowing from the general combination for the delivery of the king out of the hands of the enemy. So, the earl publicly departed from London, with about one hundred horſe, and came to Kingſton upon Thames, where George Villiers the young duke of Buckingham, the lord Francis Villiers his brother, Henry Mordaunt earl of Peterborough, and the family of the earl of Northampton, met him with ſome troops[k]. As ſoon as they were joined, they ſent a letter to the lord-mayor, and common-council of London, declaring their intention was to join the forces of Surry, Suſſex, and Middleſex, to releaſe his majeſty's perſon, to bring him with honour to his parliament, and to ſettle peace in the kingdom: and deſired their aſſiſtance no farther than their deſigns were really for the good and happineſs of the king, parliament, and kingdom, 'according to the covenant.' Theſe laſt words, according to the covenant, ſeemed neceſſary, becauſe they knew the preſbyterians wiſhed for nothing ſo much as the confirmation of the covenant. But the magiſtrates of London thought not fit to chuſe for leaders, the earl of Holland, who was in no great repute, or the duke of Buckingham, an unexperienced youth, who had only the king's ſervice in view, without any regard to the public, or the covenant; or in ſhort, any of theſe lords, whoſe principles were by no means agreeable to thoſe of the preſbyterians. So, without anſwering the letter, they ſent it to the parliament, who immediately voted the lords that had ſigned it to be traitors, and their eſtates to be ſequeſtered.

The ſame day the letter was writ, colonel Leveſey, with ſome companies of the two regiments that were quartered in Weſtminſter, met theſe lords near Kingſton, and entirely routed them. But, Leveſey's foot which was left behind, not being yet arrived, and the lords having ſent theirs to Kingſton, to ſecure their retreat, the horſe only, on both ſides, were engaged. Leveſey briſkly purſued them to Kingſton, where the foot ſtood their ground, and hindered the enemy's horſe from entering the town. That ſame night they quitted Kingſton, and retired to St. Alban's, with about four hundred men.

Mean while, general Fairfax hearing of this inſurrection, ſent from the blockade of Colcheſter, colonel Scroop with a regiment of horſe, to the aſſiſtance of the parliament's troops. Scroop coming to Hertford, was informed, that the lords who had been defeated at Kingſton, were at St. Neot's in a negligent manner. Upon this intelligence, he marched thither in the night, and ſurprized them in that little town, killing ſome of their men, taking above a hundred priſoners, and diſperſing the reſt. The lord Francis Villiers was ſlain[l]. His brother the duke of Buckingham found means to eſcape, and the earl of Holland was taken, conducted to London, and afterwards ſent priſoner to Warwick-caſtle. Thus ended this ill-concerted enterprize, managed by perſons of no experience or ſkill in the art of war.

At laſt, duke Hamilton entered England at the head of the Scotch army, the 9th of July. The eleventh of the ſame month, Pembroke-caſtle ſurrendered to Cromwell, who immediately diſpatched a body of horſe to reinforce the army in the north, commanded by major-general Lambert. He departed himſelf three days after, with the reſt of his forces which were already very much fatigued by their late ſiege, and of which the greateſt part wanted ſhoes and ſtockings, though they undertook a long march, which pobably would be followed with a battle. Theſe difficulties diſcouraged not Cromwell. He purſued his march with all poſſible diligence, and yet could not join Lambert till the middle of Auguſt. We muſt now ſee what duke Hamilton was doing, whilſt Cromwell was marching towards him.

The deſign of thoſe who had prevailed for the raiſing an army in Scotland, ſeemed to be to aſſiſt the Engliſh preſbyterians, to free the parliament from the yoke of the independents, and to deliver the king out of the hands of the army. Theſe at leaſt were the moſt plauſible things that were urged to induce the parliament of Scotland to conſent to this extraordinary expedition. But it may very juſtly be doubted, whether this was the deſign of all the leaders of

[k] They made up about five hundred horſe. Ruſhworth, Tom. VII. p. 1178.

[l] He was ſlain in a ſkirmiſh at Kingſton. Whitelock, p. 318.

Duke

the party, Some, among whom were duke Hamilton and his brother the earl of Lanerick, probably, ſought only to reſtore the king without terms, or at leaſt without any other condition than what he had himſelf offered, namely, his promiſe to obſerve the ancient laws. They did not much concern themſelves about maintaining the eſtabliſhment of preſbyterianiſm in England, or the covenant between the two nations. Others, as the earls of Loudon and Lauderdale, who had been commiſſioners in England, really intended to ſerve the king, but upon theſe two conditions, that the preſbyterian-government ſhould be eſtabliſhed in the church of England, and the covenant punctually obſerved. As they thought, they had taken ſufficient care of theſe two points by the Iſle of Wight treaty, they little regarded the other conditions required of the king by the parliament of England, concerning the militia, nomination to the great offices, &c. But very likely, their deſign was to deceive one another. Theſe meant to make uſe of the king's party to procure the execution of the Iſle of Wight treaty, and the king's party, feigning to agree to what the others deſired, intended to make uſe of them to enable the king not to be forced to receive any terms. The duke of Hamilton's conduct after his entrance into England, ſeems to me a very ſtrong evidence, that he deſigned not to act in favour of the preſbyterians. If he had ſuch an intention, he ſhould not, it ſeems, have loſt, as he did, forty days in the northern counties, but have marched directly to London. Lambert would not have been able to hinder his march, being much weaker than he. Cromwell was yet employed in Wales, and Fairfax in the blockade of Colcheſter. Probably, if, without loſing time, he had marched to London, he would have arrived before Cromwell and Lambert could have joined their forces; and if Fairfax had quitted the blockade of Colcheſter, in order to throw himſelf into London, very likely, the inhabitants would have ſhut their gates againſt him, ſince they would have been ſupported by the army of Scotland. At leaſt, in caſe Fairfax had riſen from before Colcheſter, that town, the whole county of Eſſex, and doubtleſs, Suffolk and Norfolk, would have joined with the Scots. In a word, if the Scotch army had marched towards the center of the kingdom, there would, doubtleſs, have been in many places, inſurrections, which would have greatly diſtreſſed the army of the independents; and if duke Hamilton could have reached London, certainly the city and parliament would have openly declared againſt the army, and expelled out of both houſes, the independent members. It will hereafter appear, theſe are not bare conjectures, conſidering what paſſed in the city and parliament, whilſt it was expected, the Scotch army would take the courſe I have been ſpeaking of.

But duke Hamilton had doubtleſs other views, ſince he ſtaid above a month in the north, without any neceſſity. The lord Clarendon conjectures, the duke's intention was, to afford time to the Engliſh army to defeat thoſe forces which were up in ſeveral parts of the kingdom for the king, that they might not be ſo united as to obſtruct the preſbyterians deſign. But, whatever regard I may have for that noble hiſtorian, I cannot be of his opinion, for two reaſons which ſeem to me very ſtrong. The firſt is, that duke Hamilton was not a zealous preſbyterian. On the contrary, though he had taken the covenant, he was epiſcopal in his heart, as he had ſufficiently diſcovered whilſt he could do it without danger. The ſecond is, that he was the man who had moſt courted and drawn into Scotland the royaliſts, whilſt the voting of an army was in queſtion. I ſhould rather think, he had a quite contrary aim to what the lord Clarendon imputes to him; that inſtead of deſigning to countenance the preſbyterian party, he rather feared to render them too powerful, by approaching London, knowing, when the king ſhould be in the hands of the preſbyterians, his condition would not be much happier. Very likely, his long ſtay in the north, was only to give the king's friends in thoſe parts opportunity to join Langdale's forces, and thereby render the king's party ſuperior.

However this be, not to dwell too long upon conjectures, as ſoon as duke Hamilton entered England, he marched to Carliſle, from whence he drew out the Engliſh, placed there by Muſgrave, and put in a Scotch garriſon. Some days after, Langdale joined him with about four thouſand Engliſh foot, and ſeven or eight hundred horſe [m]. But theſe troops remained ſeparate, and in the marches, Langdale was always a day before the Scotch army. This was to evade in ſome meaſure the order of the parliament of Scotland, that the Engliſh who ſhould refuſe to take the covenant, ſhould not be received into the army, nor act in conjunction with the Scots. Nevertheleſs the Engliſh and Scots made but one army, under the command of duke Hamilton, from whom Langdale received orders. Lambert, who was poſted near the place where the two armies joined, or at leaſt approached each other, retired in ſuch diſorder, that probably he would have been defeated, had he been purſued, but duke Hamilton did not think fit to improve that advantage. He continued ſome days at Carliſle, after which he marched to Kendal in Weſtmoreland, where he reſted again, till finding not wherewithall to ſubſiſt his army, he was forced, as it were, to proceed to Lancaſhire with part of his army, leaving the reſt at Kendal. At length, he advanced to Preſton, where he halted, the reaſon whereof is not known, unleſs it was to ſtay for Monroe, who was coming with three thouſand men out of Ireland.

Mean while, Cromwell having reached Yorkſhire, Lambert inſtantly joined him, and they marched together directly to Preſton, where duke Hamilton lay. Langdale who made the van of the duke's army with his Engliſh troops, ſent him notice that Cromwell was approaching with a reſolution to give him battle, and conſequently it was neceſſary to keep his army together. But the duke regarded not this intelligence, believing it to be only ſome detachment of Cromwell's army. In ſhort, Langdale was attacked by the enemies horſe, who drove him to Preſton, where he brought with him ſome priſoners, who affirmed that Cromwell's whole army was near. Whereupon the duke ſent him back to his troops, promiſing to ſend him aſſiſtance, but diſappointed him. So Langdale being attacked, was forced to maintain a very unequal fight, which laſted however five or ſix hours; but at laſt he was entirely routed. Immediately after, Cromwell's horſe marched directly to Preſton, where all was in ſuch confuſion that nothing was thought of but flight. The duke himſelf thought proper to retire by the bridge, which he in vain endeavoured to guard, after paſſing it. The following letter was ſent by Cromwell to the parliament, the 20th of Auguſt, containing a particular account of what paſſed between the two armies, on the 17th, 18th, and 19th of Auguſt.

" AFTER the conjunction of that party which I brought with me out of Wales with the northern forces about Knareſborough and Wetherby, hearing that the enemy was advanced with their army to Lancaſhire, we came the 6th inſtant to Hodder-bridge over Ribble, where we had a council of war; and upon advertiſement the enemy intended ſouthward, and ſince confirmed, that they reſolved for London itſelf, and information that the Iriſh forces under Monroe, lately come out of Ireland, which conſiſted of twelve hundred horſe, and fifteen hundred foot, were on their march towards Lancaſhire to join with them, it was thought, to engage the enemy to fight was our buſineſs; and accordingly marching over the bridge that night, quartered the whole army in the fields. Next morning we marched towards Preſton, having intelligence that the enemy was drawing together thereabouts from all his out quarters; we drew out a forlorn of about two hundred horſe, and four hundred foot; theſe gallantly engaged the enemy's ſcouts and out-guards, until we had opportunity to bring up our whole army. So ſoon as our foot and horſe came up, we reſolved that night to engage them if we could; and therefore advancing with our forlorns, and putting the reſt of the army into as good a poſture as the ground would bear, (which was totally inconvenient for our horſe, being all incloſure and miry ground) we preſſed upon them through a lane, and forced them from their ground, after four hours diſpute, until we came to the town; into which four troops of my regiment firſt entered; and being well ſeconded by colonel Harriſon's regiment, charged the enemy in the town, and cleared the ſtreets. At laſt the enemy was put into diſorder, many men ſlain, and many priſoners taken; the duke with moſt of the Scots horſe and foot retreated over the bridge; where after a very ſhort diſpute betwixt the Lancaſhire regiments (part of my lord general's and them being at puſh of pike) they were beaten from the bridge, and our horſe and foot followed them, killed many, and took divers priſoners; and we poſſeſſed the bridge over Derwent, and a few houſes there, the enemy being drawn up within muſquet ſhot of us, where we lay that night, we not being able to attempt further upon the enemy, the night preventing us. In this poſture did the enemy and we lie moſt part of that night; upon entering the town, many of

[m] Duke Hamilton brought with him four thouſand horſe, and ten thouſand foot. See Burnet's Mem. p. 356.

of the enemy's horſe fled towards Lancaſter, in the chaſe of whom we had divers of our horſe, who purſued them near ten miles, and had execution of them, and took about five hundred horſe, and many priſoners: we poſſeſſed in the fight very much of the enemy's ammunition; I believe they loſt four or five thouſand arms; the number of the ſlain we judge to be about a thouſand, the priſoners we took near about four thouſand.

"In the night they marched away, ſeven or eight thouſand foot, and about four thouſand horſe; we followed them with about three thouſand foot, and about two thouſand five hundred horſe and dragoons; and in this proſecution that worthy gentleman colonel Thornhaugh, preſſing too boldly, was ſlain, being run into the body, thigh, and head, by the enemies lancers: our horſe ſtill proſecuted the enemy, killing and taking divers all the way; but by that time our army was come up, they recovered Wigan before we could attempt any thing upon them. We lay that night in the field cloſe by the enemy, lying very dirty and weary, where we had ſome ſkirmiſhing, &c. We took major-general Van Druſke, colonel Hurrey, and lieutenant-colonel Ennis.

"The next morning the enemy marched towards Warrington, made a ſtand at a paſs near Winwick; we held them in ſome diſpute until our army was come up, they maintaining the paſs with great reſolution for many hours; but our men, by the bleſſing of God, charged very home upon them, beat them from their ſtanding, where we killed about a thouſand of them, and took (as we believe) about two thouſand priſoners, and proſecuted them home to Warrington-town, where they poſſeſſed the bridge. As ſoon as we came thither, I received a meſſage from lieutenant-general Bailey, deſiring ſome capitulation; to which I yielded, and gave him theſe terms: That he ſhould ſurrender himſelf and all his officers and ſoldiers priſoners of war, with all his arms, ammunition, and horſes, upon quarter for life; which accordingly is done. Here are took about four thouſand compleat arms, and as many priſoners: and thus you have their infantry ruined.

"The duke is marched with his remaining horſe (which are about three thouſand) towards Nantwich, where the gentlemen of the county have taken about five hundred of them; the country will ſcarce ſuffer any of them to paſs, but bring in and kill divers as they light upon them. I have ſent poſt to my lord Grey and Sir Edward Rhodes, to gather all together with ſpeed for their proſecution: Monroe is about Cumberland, with the horſe that ran away, and his Iriſh horſe and foot; but I have left a conſiderable ſtrength, I hope, to make reſiſtance till we can come up to them.

"Thus you have the narrative of the particulars of the ſucceſs. I could hardly tell how to ſay leſs, there being ſo much of God; and I was not willing to ſay more, leſt there ſhould ſeem to be any thing of man; only give me leave to add one word, ſhewing the diſparity of the forces of both ſides; that ſo you may ſee, and all the world acknowledge, the great hand of God in this buſineſs: The Scots army could not be leſs than twelve thouſand foot well armed, and five thouſand horſe; Langdale not leſs than two thouſand five hundred foot, and fifteen hundred horſe; in all twenty-one thouſand: in ours, in all, about eight thouſand ſix hundred, and by computation about two thouſand of the enemy ſlain, betwixt eight and nine thouſand priſoners, beſides what are lurking in hedges and private places, which the country daily bring in, or deſtroy."

To finiſh, in a few words, the relation of the unfortunate end of duke Hamilton and his army, I ſhall add, to what is ſaid in Cromwell's letter, that the duke retiring to Nantwich, and finding himſelf purſued by Lambert with a ſtrong party of horſe, marched to Utoxeter in Staffordſhire, where Lambert was almoſt as ſoon as he, and where the Scots made not the leaſt ſhow of reſiſtance. In a word, the duke was taken with all the officers about him; and of the whole army, the horſe only eſcaped, who went and joined Monroe in Cumberland. To this came the great effort of Scotland in favour of the king. I ſay in favour of the king, for it is certain, moſt of the authors of the enterpriſe intended the king's reſtoration, though they covered their deſign with other pretences.

The defeat of the Scotch army was followed, within few days, by the taking of Colcheſter, the blockade whereof had laſted above two months. The beſieged having been forced to ſurrender at diſcretion, the general called a council of war, where it was determined, that Sir George Liſle, Sir Charles Lucas, and Sir Bernard Gaſcoigne[n] ſhould be ſhot to death. The two firſt were executed, but the general hearing, Sir Bernard was a Florentine, ſaved his life, for fear the Grand Duke ſhould revenge his death on the Engliſh gentlemen, who frequently travelled into his dominions[o].

The prince of Wales was at the Hague, when the news of duke Hamilton's defeat arrived there. On the morrow, John Maitland earl of Lauderdale waited on him with a letter from the parliament of Scotland, inviting him to come into their country, and head their army in England. But the news he had received the day before being confirmed, he did not think fit to hazard his perſon to no purpoſe, though the earl of Lauderdale preſſed him extremely to depart. So the earl was obliged to return all alone.

After the recital of the effects of the ſeveral commotions raiſed by the king's friends in the laſt ſeven or eight months, it will be neceſſary, before we proceed, to ſpeak of what paſſed the mean while in the parliament and city.

Since the two houſes had voted no more addreſſes to the king, there was a perfect union between the parliament and the army. The army no more pretended to meddle in ſtate affairs. They conſented that the ſupernumerary troops, that is, ſuch as were not upon the late eſtabliſhment, ſhould be diſbanded by companies, as money was raiſed to pay them. They promiſed to retire to the towns and garriſons as ſoon as the parliament ſhould ſettle the neceſſary funds for their regular pay. This condeſcenſion or rather ſubmiſſion to the parliament, proceeded from the independents power in both houſes, no reſolution being taken but by their direction, or at leaſt that was contrary to their views. On the other hand, though the preſbyterians were not ſorry, there were inſurrections in the kingdom capable of keeping the army employed, and obliging them to remove from London, they were in danger however that the king's party would grow too powerful before the Scotch army ſhould enter England. Upon this army it was that they founded their hope of becoming once more maſters of the parliament and kingdom. But they perceived, that before the arrival of the aſſiſtance expected from Scotland, it was not their intereſt to ſecond the endeavours of the royaliſts, whoſe views were very oppoſite to theirs, for fear of enabling them to renew the war by their own ſtrength. On the other hand, they would have acted very imprudently, if they had openly declared againſt the army whilſt it was about London: without having ſufficient force to reſiſt it. The aſſiſtance of Scotland could only enable them to hold up their heads. For which reaſon the votes of both houſes were always unanimous to condemn the inſurrections in Wales, Kent, Eſſex, as well as thoſe of the earl of Holland and the duke of Buckingham. This was alſo the reaſon, that the independents met with no obſtacle in cauſing the eleven members accuſed by the army to be declared incapable of ſerving in parliament, and the lord-mayor, aldermen of London, and the ſeven peers to be proſecuted with the utmoſt rigour for being concerned in the tumult of the 26th of July. Theſe were the reſolutions of a parliament yet governed and directed by the independents. But when once Cromwell was engaged in Wales with part of the army, Fairfax employed at the blockade of Colcheſter, and when the ſurpriſal of Berwick and Carliſle had made it neceſſary to ſend ſome regiments into the North, the face of affairs began to change. The independent members found themſelves obliged, in their turn, to diſſemble, and conſent to things which they would doubtleſs have oppoſed, had the army been near to ſupport them.

The 27th of April, before the army removed from London, upon information, true or falſe, brought to the parliament[p], that ſome officers had plotted to diſarm, and then plunder the city, the common-council preſented a petition

[n] Or rather Guaſconi, for that was the name of this Florentine, whom the Engliſh called Gaſcoigne. Rapin.

[o] The other Priſoners taken at Colcheſter were, George Goring earl of Norwich, the lord Capel, Henry Haſtings lord Louborough, Sr William Compton, Sir Ab. Shipman, Sir John Watts, Sir Lodovick Dyer, Sir Henry Appleton, Sir Dennard Strutt, Sir Hugh Oriley, Sir Richard Mauliverer, ten colonels, eight lieutenant-colonels, nine majors, thirty captains, gentlemen ſixty-five, lieutenants ſeventy-two, enſigns and cornets ſixty-nine, ſerjeants an hundred and eighty-three, private ſoldiers three thouſand ſixty-ſeven. They held out ſo long, that all the dogs and cats, and moſt of the horſes were eaten. The women and children being at the lord Goring's door, Aug. 20, crying out for bread, he told them 'They muſt eat their children, if they wanted." Whereupon the women reviling him, threatened to pull out his eyes. The town was preſerved from plunder, upon paying ten thouſand pounds. Ruſhworth, Tom. VII. p. 1232—1256. Whitelock, p. 324.

[p] One John Everard made an affidavit before the common-council, that being in bed in an inn at Windſor, he heard ſome officers talking of diſarming the city, and then make them advance a million of money, or plunder them. Whereupon the common-council informed the houſe of the ſame in their petition. Ruſhworth, Tom. VII. p. 1070—1073.

to the houſe of commons, deſiring, that the chains of the city, which had been lately pulled down, might be ſet up again: the army moved to a farther diſtance from London: and major-general Skippon appointed to command within the lines of communication, and the weekly bills of mortality. It is evident the common-council had a mind to have it in their power to act when the Scotch army ſhould enter England. For they could not imagine the Scots had other thoughts than to ſupport the preſbyterian party. The houſe granted two of their requeſts, and took time to conſider of the removal of the army.

The next day the houſe of commons having taken into conſideration the affair of ſettling the government, voted:

"1. That the government of the kingdom ſhould be ſtill by king, lords, and commons.

"2. That the ground-work for this government ſhould be the propoſitions laſt preſented to the king at Hampton-court.

"3. That any member of the houſe ſhould have leave to ſpeak freely to any votes, ordinances, or declarations, concerning the king, &c."

Theſe votes were directly contrary to the deſigns of the independents, who meant to aboliſh regal power, and eſtabliſh a common-wealth. But as their intention was yet a ſecret, or at leaſt they had not declared it, they did not think proper to diſcover it too openly, by oppoſing theſe votes.

Some days after, ſundry of the inhabitants of London preſented a petition to the common-council, praying, that the lord-mayor and ſheriffs of London might be part of the committee for the militia of the city, and that the reſt of the committee might be choſen by the common-council.

Upon this, the lord-mayor and common-council preſented a petition to the houſe of commons, ſhowing,

"That the general having by letter informed the houſe of commons of his deſigns to remove the two regiments that were at Weſtminſter, they conceived, that there was an expectation, the parliament ſhould be guarded by the forces of the city, which they were ready to do, provided they were put into a capacity to perform the ſame, by ſettling the militia of London, and being authoriſed ſo to do.

"That the lord-mayor and common-council might, by ordinance of parliament, be authoriſed to nominate and preſent to both houſes of parliament a committee for the militia of the ſaid city; whereby commanders and ſoldiers might be the better united and encouraged to perform their duties, for the ſafety and preſervation of the parliament and city.

"That the command of the Tower of London might be put into the hand of ſuch a perſon as ſhould be nominated and preſented to both houſes of parliament by the lord-mayor and common council.

"That the ſoldiers there remaining might be removed."

All this was granted againſt the intereſts of the independents, who, for a few months before, had ordered the contrary, becauſe they knew the Londoners were not for them. Thus the city endeavoured by degrees, under divers pretences, to put themſelves in a condition to act, when the ſeaſon was ripe.

It appears alſo by a declaration of the houſe of commons of the 5th of May, how much the preſbyterians began to be ſuperior in the parliament. This declaration ran: 'That the houſe is reſolved to preſerve and maintain the ſolemn league and covenant, and the treaties between the two kingdoms of England and Scotland: and that they will be ready to join with the kingdom of Scotland in the propoſitions agreed upon by the two kingdoms, and preſented to his majeſty at Hampton-court.' This was as a toothing to unite themſelves with the Scots, as ſoon as they ſhould enter the kingdom. Probably, the commons believed them to be more ready than they were, and moreover, were yet ignorant, that the aim of thoſe who had promoted the raiſing of an army in Scotland, was rather to ſerve the king, than ſupport the preſbyterian-party in England. But they ſoon perceived, the royaliſts intended not to maintain the parliament's intereſt. If the cavaliers, for ſo the king's party were called, had behaved with a little more policy, and leſs paſſion and heat, they might have done the king ſignal ſervice. But they ſo openly ſhowed, that their deſign was to reſtore the king without terms, that they obliged the preſbyterians to be upon their guard, and even to oppoſe them, inſtead of acting jointly with them, as the cavaliers expected. This paſſion, or, if you pleaſe, extreme zeal for the king's ſervice, was always the diſtinguiſhing character of that party, and often baffled their deſigns. Some of this party, inhabitants of the county of Surry, could not contain themſelves ſo long as would have been requiſite for the king's intereſt. They aſſembled in great numbers, horſe and foot, and came to Weſtminſter, where they preſented a petition to the lords, and another to the commons, worded in ſuch high and ſtrong terms, that they ſeemed to believe themſelves ſupported by the whole kingdom. They demanded:

"That the king might be reſtored to his due honour, and juſt rights, according to the oaths of allegiance and ſupremacy: that he might be forthwith eſtabliſhed in his throne, according to the ſplendour of his anceſtors: that he might for the preſent come to Weſtminſter with honour and ſafety, to treat perſonally for compoſing differences: that the free-born ſubjects of England might be governed by the known laws and ſtatutes in force in the kingdom: that the war beginning might be prevented; and that the ordinances for preventing free quarter, might be duly executed, and ſpeed made in diſbanding all armies, having their arrears due paid them."

Nothing could be more unſeaſonable than this petition in ſuch a juncture, when the buſineſs was to foment the diviſion between the preſbyterians and independents, whereas the petition tended to unite them againſt the royaliſts. The lords anſwered, 'They were now upon the conſideration of the ſettling of the kingdom, and doubted not to ſatisfy all.' Whilſt the commons were debating on the petition, ſome of the Surry-men[q] quarrelled with the parliament's guard, diſarmed two or three of the ſoldiers, and killed one. Whereupon, to hinder them from carrying their violence any farther, more horſe and foot were ſent for from the Meuſe and Whitehall, who ſlew and wounded ſeveral, before they could be diſperſed.

This attempt, and an information brought to the houſe of commons, that ſoldiers were privately liſting in London, and a plot contriving by the royal party to ruin both parliament and city, preſbyterians and independents, cauſed the parliament and city to enter into a ſtrict union together. It was equally their intereſt to guard againſt the royaliſts, who hated the city no leſs than the parliament and army, and to take meaſures to hinder the execution of the cavaliers deſigns. Thus the impetuous zeal of the cavaliers was extremely injurious to the king; whereas had it been well managed, it might have procured him great advantages. If they could have reſolved to conceal their ſentiments, and ſuffer the preſbyterians to believe, that their ſole deſign was to deliver the king out of the hands of the independents, and to act againſt the army, they would have, doubtleſs, conſiderably ſtrengthened their party; and the preſbyterians, inſtead of hurting, would have aſſiſted them. This was, probably, duke Hamilton's project, and theirs, who laboured to procure him the command of the Scotch army. But the raſh and impetuous zeal of ſome particular perſons, to whom it was not thought proper to impart the ſecret, cauſed the preſbyterians to be as much upon their guard againſt the cavaliers, as againſt the independents. So, in all the inſurrections in ſeveral parts of the kingdom, whilſt the Scotch army was expected, the preſbyterians were wholly unconcerned, except in Kent, where ſome general officers and reformados were willing to engage. But after that diſappointment, they lay ſtill in expectation of the Scots, on whoſe aſſiſtance they relied very much, though, as I before obſerved, without any foundation.

Mean while, the preſbyterians were greatly embarraſſed. The Scotch army was not yet come, and they were in no leſs danger from the king's ſucceſſes, than from the army's. They could therefore join with neither of the parties, without labouring their own ruin. The deſigns of all three were ſo oppoſite, that, whichſoever ſhould prevail, the other two would be infallibly ruined. The preſbyterians therefore reſolved at length to take advantage of the army's abſence, of the number of their voices in the parliament, and of the aſſiſtance of the city, to conclude a peace with the king. But in order to this peace, it was neceſſary the king ſhould conſent to three conditions, without which they could not reſolve to be reconciled to him. The firſt was, 'That the militia of the kingdom ſhould, for ſuch a number of years, be put into the hands of both houſes.' This point having been the immediate cauſe, or at leaſt the pretence of the war,

q They were almoſt drunk, and had been animated, as they came through Weſtminſter-hall, by ſome of the royaliſts. The quarrel began, by ſome of the countrymens aſking the guards, Why they ſtood there to guard a company of rogues? meaning the parliament. Whitelock, p. 306. Sir T. Herbert ſays, The ſoldiers firſt affronted the petitioners, becauſe they required that the army ſhould be diſbanded. Mem. p. 51.

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they could not depart fram it, without evidently ſhowing, the war had been undertaken without an abſolute neceſſity, which would have rendered them odious to the whole kingdom. For to what purpoſe had ſo much blood been ſpilt, and ſo much treaſure conſumed, if a peace could be make without that ſecurity? Beſides, in neglecting this article, they would, as I may ſay, have put themſelves in the king's mercy, whom they had mortally offended. The ſecond condition was, 'That the preſbyterian government ſhould be eſtabliſhed by authority of king and parliament.' This condition was no lefs neceſſary. It was one of the ſtrongeſt motives of their undetaking and continuing the war, wherein they had been crowned with ſucceſs, the advantages of which they were not diſpoſed to relinquiſh. What would they have gained by the war, if by a peace they were to be liable again to the juriſdiction of the biſhops and epiſcopal clergy, their mortal enemies? The third condition was, 'That the king ſhould call in all his proclamations and declarations againſt the two houſes.' The neceſſity of this condition is evident, for the king having declared the members of both houſes rebels, they could not treat with him as ſuch, without renouncing all their rights and pretenſions.

The reſolution of treating with the king being taken by the leading preſbyterians, the queſtion was, to put it in execution. General Fairfax departing from Windſor the 22d of May, to march into the North, though within a few days he was forced to take the Kentiſh route, the next day the common-council of London preſented a petition to both houſes of parliament, wherein they ſaid:

"That they thankfully acknowledged the favour of the houſe, in granting their deſires concerning the Tower, and militia of London; and in communicating to them ſeveral votes of both houſes of parliament, wherein it was reſolved not to alter the fundamental government of the kingdom, by king, lords, and commons; to preſerve inviolably the ſolemn league and covenant, and the treaties between the kingdom of England and Scotland; and to be ready to join with the kingdom of Scotland, in the propoſitions agreed upon by both kingdoms. They further deſired, that the aldermen, the recorder, and the reſt of their fellow-citizens, then in the Tower, might be diſcharged and reſtored; and that in proſecution of their ſaid votes, they would be pleaſed to improve all good opportunities in perfecting the ſpeedy ſettlement of the peace of both kingdoms."

This petition was the firſt ſtep taken by the city of London, to give the parliament occaſion to endeavour a peace. The members, as I ſaid, were for the moſt part preſbyterians, and yet the independents prevailed, becauſe they were ſupported by the army. So, from the 6th of Auguſt 1647, to the end of May 1648, the parliament muſt be conſidered as independent, becauſe the votes were directed by that party. But after the army's removal from London, the presbyterians had exerted themſelves, and, no longer fearing the army, paſſed ſuch votes as were moſt agreeable to their intereſt. From that time, therefore, the parliament is not to be conſidered as independent, but rather as preſbyterian. This remark is abſolutely neceſſary for underſtanding the reaſon of the difference between the proceedings of the parliament of which we are going to ſpeak, and thoſe from the 6th of Auguſt the laſt year.

The petition above-mentioned being read in both houſes, they ordered the recorder, and all the other priſoners, to be releaſed, except the three aldermen, who had been impeached in form, but who, nevertheleſs, were alſo diſcharged after ſome days. They farther ordered, that the ſoldiers poſted in the Tower to reinforce the garriſon, ſhould return to their regiments.

On the morrow, the commons voted, notwithſtanding the oppoſition of the independent members, That, after his majeſty's aſſent to the three bills, which ſhould be offered to him, a treaty ſhould be had with him upon the reſt of the propoſitions preſented to him at Hampton-court. Theſe three bills were for ſettling the militia, the presbyterian government, and recalling all his declarations againſt the two houſes. Theſe bills were ready the 30th of May, and ſent to the lords for their coucurrence. The ſame day, the general having drawn out the troops that were in the Tower, at Whitehall, and the Meuſe, to employ them in his expedition againſt the Kentiſh-men, the houſe empowered the militia of London to ſend guards to the parliament, from time to time, as occaſion ſhould require.

The presbyterians were very much at eaſe, ſince they were no longer checked by the army. But they ſtill wanted one thing, of which they reſolved to take care. Whilſt the two houſes were governed by the independents, the Scots thought to have cauſe to complain, and, on that pretence, they were levying an army to march into England. For this reaſon, the parliament, now become presbyterian, believed it neceſſary to remove all occaſion of complaint, by giving them ſatisfaction, and to ſhow, they meant to proceed in a different manner from what they had done, whilſt checked by the independents. They now declared, they intended to maintain the covenant, and the treaties between the two kingdoms; and to convince the Scots, the houſe of commons voted, That the three bills to be preſented to his majeſty, ſhould be communicated to the parliament of Scotland for their approbation. It is eaſy to perceive, that the aim of the two houſes was to ſecure the aſſiſtance of Scotland, and indeed it ſeems to have been Scotland's intereſt to unite with the parliament of England, ſince it was become presbyterian. But, as I obſerved, thoſe by whom the parliament of Scotland was then managed, ſought not ſo much the good of the kingdom, as the king's advantage; but of this the parliament of England was yet ignorant, or perhaps would hardly believe it. There was moreover, in the foremention reſolution, one great inconvenience, namely, loſs of time. It was the presbyterians intereſt to haſten the treaty with the king, whilſt the event of what was preparing, was yet doubtful. But, on the contrary, delay was advantageous to the independents, who, as will hereafter appear, failed not to uſe that method to break their enemies meaſures.

The next day the commons ordered that the eleven members of their houſe, and the ſeven peers accuſed by the army, ſhould be fully diſcharged, and Glyn[r] member for Weſtminſter, who had been expelled, was received into the houſe.

As the two houſes perceived, that the ſeveral inſurrections in the kingdom were wholly in favour of the king, they prohibited, on pain of death, to take up arms without their authority, They imagined to have no farther occaſion for ſuch friends to defend them againſt the independents. Mean while, as they had no army to protect their adherents againſt the attempts of the cavaliers, it was moved to raiſe forces, and oblige the officers to take the covenant. But after ſome debates, this laſt point was ordered to be laid aſide for the preſent. It was alſo propoſed to remove the king to Windſor. But nothing was determined. Probably, the houſe knew not how to compel Hammond, in caſe he refuſed to deliver the king.

Though the vote to preſent the three bills to the king paſſed the 2d of June, it was the 26th before the two houſes appointed a committee to debate upon the manner and place of treaty with the king, and their report was made the 30th. In the mean time, the lord-mayor, aldermen, and common-council of London, preſented a petition to the two houſes, deſiring,

"That a perſonal treaty might be obtained betwixt his majeſty and both houſes, in the city of London, or ſome other convenient place.

"That the Scots might be invited to the treaty. That, ſo according to the duty of their allegiance, proteſtation, ſolemn league and covenant, his majeſty's royal perſon, honour, and eſtate, might be preſerved, the power and privilege of parliament maintained, the juſt rights and liberties of the ſubjects reſtored, religion, and government of the church in purity eſtabliſhed, all differences might be the better compoſed, and a firm and laſting peace concluded, &c."

To this it was anſwered by both houſes, that they were now employed in conſiderations of peace, and doubted not but what they had done, and ſhould do therein, would be ſatisfactory to the city of London, and all others that deſired to ſee the troubles of the kingdom ended in a ſafe and juſt peace.

The report of the committee appointed to conſider of a perſonal treaty with the king, was:

"1. That the vote of the 3d of January, 1647, forbidding any addreſſes to be made to, or received from, his majeſty, ſhould be made null.

"2. That the three propoſitions ſent into the kingdom of Scotland, and to be preſented to his majeſty before a perſonal treaty be had, ſhould not be inſiſted upon.

"3. That his majeſty be removed to ſome of his houſes within ten miles of London."

The ſame day, the lords acquainted the commons, that they approved of the propoſitions reported by the committee,

[r] Recorder of London. He was diſcharged the 23d of May, upon the petition preſented that day by the common-council.

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and defired their concurrence. But the commons were not ſo expeditious as the lords. They could not reſolve to begin a negotiation with the king, without being firſt ſecure of the three conditions which were to be the foundation of the peace. I have already mentioned the reaſons. Mean while both houſes continuing in their reſpective opinions, it was almoſt a month before the diſpute was ended.

The lords urged, at a conference, that the three bills ſhould not be inſiſted on. 1. That there may be no delay in the thing, a ſpeedy perſonal treaty being ſo much defired and petitioned for. 2. Becauſe it is the deſire of the parliament of Scotland. 3. The agreement upon the treaty will be the more authentic. 4. It is probable, the king, having no army in being, will condeſcend to that which at Uxbridge and Oxford he refuſed. 5. It is not the way of treaty to confirm any particular, before all is agreed, eſpecially thoſe of moſt concernment, and which will be chiefly inſiſted upon.

The commons anſwered, 'That the diſaffected party in or near London is ſo great, that if the king grants not the militia before he comes, there will be no ſafety for the parliament, nor is the treaty like to proceed; for many will endeavour to bring in the king without any agreement, and even with deſtruction to the parliament. 2. If the preſbyterian government be not decreed, all things will grow into confuſion in the churches, and the preſent miniſters be great ſufferers. 3. If the declarations be not recalled, the parliament is not in capacity to treat, having been declared rebels and traytors, and no parliament, but a pretended one, which was never done by any of the kings of England. And whereas it may be objected, theſe things need debate; it is anſwered, the king is not ignorant of the full demand of theſe particulars, they having been over and over preſented to him; and to the two firſt he hath declared a willingneſs; nor yet is he obliged to paſs them as bills, unleſs all other things are agreed upon; and if no agreement (he being at liberty) a new war is like to enſue.'

To theſe reaſons the lords replied, 'That they could not imagine, nor was it probable, that the party about London, who had petitioned for a treaty, would put it on to the diſadvantage of the parliament. 2. They did not apprehend any prejudice to the parliament's party during the treaty. 3. His majeſty had declared, he would conſent to all together; and not to any before all was agreed. And that in caſe there were no agreement, they were in ſtate as before.'

The commons being by no means ſatisfied with theſe reaſons, anſwered[s], "There was no doubt but thoſe in the parts about London, would put forward the treaty, to the diſadvantage of the parliament and kingdom; being ſuch who had not only petitioned the re-eſtabliſhment of the king without conditions, but had taken up arms, and were now in arms for no leſs (as they ſay at Colcheſter) than to cudgel the parliament into a treaty. 2. For his majeſty's ſaying, he would not paſs any before all were agreed; it ſeems not; for he pretends to be willing to paſs theſe only upon conditions, or in any way, as that DE FACTO, he will; and DE JURE, the power ſhall be declared in him; which were, for the parliament to part with that, which will be their irreparable loſs and deſtruction. And beſides, as to ſecurity, what appears, unleſs the grant of theſe propoſitions? For it is ſuppoſed, the treaty will be in or near London. And what is ſaid, How his majeſty ſhall be? Who ſhall be with him? How the diſaffected ſhall be ordered? Moreover if this be not, why may not things ſettled by law be revived? Epiſcopacy again ſet on foot? All the miniſters turned out for ſcandal, re-enter? Others of honeſt life put to ſeek their livings? How then, in caſe no accord be made, can it be thought that the parliament will be in ſtate as before?"

This diſpute held till the 28th of July, the independent members heartily joining with the preſbyterians in whatever could retard or obſtruct the treaty. But it was not upon this point only that they endeavoured to ſpend the time to no purpoſe.

Whilſt the conteſt between the two houſes ſtill laſted, the city of London having preſented a petition, declaring, they did concur with the deſire of a perſonal treaty contained in another petition of the military officers, it was ordered, that a committee of parliament, and another of the common-council, ſhould meet together, and examine the affair. In the frequent conferences between theſe committees, the independents uſed ſeveral artifices to prolong matters. The preſbyterians concurred with them in the ſame deſign; for, as I ſaid, they were againſt treating with the king before he had conſented to the three bills. The committee of parliament put ſeveral queſtions to the committee of the common-council, which theſe were not prepared to anſwer; and, as they had no inſtructions about them, they were forced to deſire time to conſult thoſe by whom they were appointed. By that means the conferences were multiplied without any thing done; for no ſooner was one demand anſwered, but another was made, and ſo the time paſſed in vain.

At laſt the common-council, perceiving theſe queſtions were deſigned only to amuſe them, ordered it to be declared to the committee of parliament, that it was the deſire of the city, that a treaty ſhould be entered into with all expedition. They ordered likewiſe, that the engagement laſt year, to guard the king and parliament againſt all force, which had brought the army to London, ſhould be ſubſcribed by all the inhabitants, either by calling them together, or by carrying it from houſe to houſe to be ſigned. They were not contented with this; for they ſo managed, that the watermen and others preſented alſo petitions, that the perſonal treaty might be haſtened. In ſhort, they plainly ſhowed, what they could not obtain by fair means, they would have by force. Whereupon, major general Skippon was privately ordered by the commons to liſt ſoldiers in the city, and be ready to guard the parliament in caſe of any violence. The common-council complained of theſe levies which were making in the city, without the privity of the committee of militia. But the houſe approved of them, under colour the city was in danger from the cavaliers. Nay, they imparted to the common-council, certain intercepted letters, in one of which was incloſed a declaration from the prince of Wales. Another was writ from London to one at Edinburgh, intimating that the king's party was very powerful in London: that there was no danger from any but Skippon, who was raiſing troops; but however they were nothing in compariſon of thoſe who were ſecretly liſted for the king. That it ſhould be ſo ordered, that Skippon ſhould ſoon be deprived of his poſt, and expelled the city.

It is certain, in the preſent ſituation of affairs, the royaliſts conceived great hopes. Nay, many cavaliers ſcrupled not to paſs for preſbyterians, and mixed with them, to ſtrengthen the party of thoſe who intended to force the parliament to a peace. Hence aroſe the conteſt between the commons and the city of London. Among the preſbyterians many were apprehenſive, that by a too long delay, the opportunity of treating advantageouſly with the king would be loſt. They flattered themſelves, that in ſuch a juncture, the king would refuſe nothing of what ſhould be deſired, and they did not ſee the neceſſity of loſing time in requiring things beforehand, which in their opinion could not but be granted in a treaty. This opinion, entertained by the lords and common-council of London, was ſolely founded in a falſe imagination, that the king could not but think himſelf loſt, if the Scotch army ſhould once enter England, and conſequently would grant every thing, in ſo deſperate a caſe; wherein they were much miſtaken, as we have ſeen. But the commons ſtill inſiſted upon the three bills, as abſolutely neceſſary for the ſecurity of the kingdom. Whilſt the preſbyterians thus differed among themſelves, the time paſſed away without any effectual endeavours for a peace. The blockade of Colcheſter was juſt at an end: Cromwell was upon the point of finiſhing the ſiege of Pembroke-caſtle, and going to join Lambert; and Fairfax, after the taking of Colcheſter, was about to come once more and awe the parliament. Beſides, the king's party was daily increaſing in the North, where Langdale, whoſe forces were now above four thouſand, was preparing to join duke Hamilton.

The affairs of England were then in a terrible confuſion. The wiſeſt and moſt experienced could not form any probable conjecture of what was to happen, each of the parties having almoſt equal reaſon both to hope and to fear.

Indeed, the independents were no longer maſters in the parliament, but were however ſufficiently numerous to obſtruct, by ſundry artifices, or at leaſt to retard the peace, or prolong the negotiation. Moreover they were ſupported by three armies, which, though remote from London, inſpired their enemies with terror. Nevertheleſs they ſaw, it was intended to take advantage of the abſence of theſe armies to conclude a peace with the king, which could not but ruin them, if made before their forces were rejoined. They knew themſelves to be equally hated by the Scots, the

[s] By a member, for this was a free conference. Ruſhworth, Tom. VII. p. 1102.

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preſbyterians, and the royaliſts. They were therefore in danger that theſe three parties would unite againſt them, as indeed it was projected, and then the independents would have been too weak to reſiſt ſo many enemies at once. It was therefore their intereſt to hinder that union as much as poſſible, till the events of the war which was going to re-kindle, ſhould unravel the affairs of the kingdom. They confided much in Cromwell's valour and capacity, and impatiently expected, that the end of the ſiege he had undertaken, would enable him to join Lambert in the north, and oppoſe the Scots, who were ready to enter England.

The preſbyterians had no army at all. Their whole reliance was on the city of London: but their leaders were extremely troubled to ſee the magiſtrates purſuing wrong methods, whether by the artifices of the cavaliers, or by a too earneſt deſire of peace. They hoped however, the king, in his preſent circumſtances, would immediately grant their demands, in order to free himſelf out of the hands of the independents, and unite the whole kingdom againſt them. But they built upon no ſolid foundation. Had there been a treaty at the time I am ſpeaking of, the king, who knew the Scotch army was not deſigned againſt him, would have granted at moſt but what he was obliged to by his treaty with the Scotch commiſſioners, which would not have been ſufficient to content the preſbyterians, as the ſequel will ſhow.

As for the royaliſts, the leading men being informed of duke Hamilton's intentions, they muſt have entertained great hopes. They flattered themſelves, that the Scots and preſbyterians would equally aſſiſt in delivering the king from captivity, and that when he ſhould be free, and the independent party ſubdued, he would be able to withſtand the preſbyterians and renew the war, in caſe unreaſonable terms were inſiſted upon. They ſaw however with great concern their deſigns ruined in Kent, in Eſſex, and by the ill ſucceſs of the earl of Holland's and duke of Buckingham's attempt. Certainly they were in an ill ſituation, between the preſbyterians and the independents, what hopes ſoever they had entertained of deceiving the preſbyterians, and engaging them to ſerve the king, under colour of acting againſt the independents. Their whole refuge therefore lay in the progreſs to be made by duke Hamilton and Langdale, and in the expectation of inducing the city to force the parliament to conclude a haſty peace to the king's advantage.

At laſt the ſo long expected army of Scotland entered England, as hath been ſaid, about the beginning of July. When the raiſing it was reſolved, it was deſigned againſt the parliament of England, then under the direction of the army and independents. But when the Scots came into England, the face of affairs was changed and the parliament not only become preſbyterian, but had taken ſeveral ſteps to ſhow, they intended to preſerve an union and good correſpondence between the two kingdoms. Mean while, though the committee of the parliament of Scotland was not ignorant of what paſſed in England, they had not given new inſtructions to duke Hamilton, or expreſſed any deſire to join with the parliament, now freed from the dominion of the army. Thus duke Hamilton entered England as enemy to the parliament, ſince there was no alteration in his orders. He pretended, indeed, a deſign to maintain the covenant. But the parliament had alſo declared, they had the ſame intention. What then could hinder the duke from making ſome advances to the parliament, to demonſtrate, he was ſent into England to promote that deſign? At leaſt, when he entered a foreign kingdom with an army, he ſhould, one would think, have publiſhed a manifeſto to declare the intentions of his maſters. But he only writ to major-general Lambert, "That the committee of the eſtates of parliament had commanded him to enter England with an army, for maintaining the covenant, ſettling religion, delivering the king from his baſe impriſonment, freeing the parliament from the conſtraints put upon them, diſbanding the armies, whereby the ſubjects might be free from the intolerable taxes and quarter which they had ſo long groaned under, and for procuring a ſolemn peace and firm union betwixt the kingdoms under his majeſty's government." But if what paſſed before be conſidered, it will be eaſy to perceive, this army was deſigned to reſtore the king without conditions, or at leaſt upon terms very different from thoſe that were pretended to be laid on him. Though I have touched upon this ſubject in ſeveral places, I believe it will not be amiſs briefly to ſum up the reaſons, which invincibly prove that the Scotch army was ſolely intended for the king's ſervice.

1. The Scotch commiſſioners had treated with the king without being authorized by their parliament. They had treated for the affairs of England without receiving any power from the Engliſh.

2. They had engaged to endeavour to reſtore the king to the throne of England, without any other condition than the confirmation of the preſbyterian-government for only three years. As for the covenant, they had indeed obliged the king to promiſe, he would confirm it, for the ſecurity of thoſe who had taken it; that is, that they might not be proſecuted on that account: but with full liberty to every one not to ſubſcribe it. They had engaged to maintain the rights of the king and crown with reſpect to the militia, the great-ſeal, nomination to offices, choice of privy-counſellors, negative voice in the parliament. Moreover, they had concealed the contents of the treaty from the leading preſbyterians, and at the ſame time communicated them to the king's principal friends.

3. Theſe ſame commiſſioners had engaged Sir Marmaduke Langdale and Sir Philip Muſgrave to raiſe forces for the king and ſeize Berwick and Carliſle.

4. Theſe two gentlemen had repaired to Edinburgh where they had often conferred with duke Hamilton and others of the king's party, and when the commiſſioners of England complained of their being ſuffered at Edinburgh, they were only concealed, and the conferences with them continued.

5. Duke Hamilton, before his departure from London, had declared, he would do the king ſignal ſervice, and this duke was placed at the head of the army.

6. The ſame duke had entered into an engagement with Langdale, that as ſoon as the Scotch army was in England, there ſhould be no more mention of the covenant, and all the king's friends ſhould be received into the army without diſtinction. It is true, he was afterwards reſtrained by a decree of the parliament of Scotland. But he found means to evade it, by cauſing Langdale to march one day before him, as if Langdale had not acted by his orders. But the contrary plainly appeared, when he was defeated by Cromwell.

7. The parliament of Scotland was called by the credit of duke Hamilton and the commiſſioners who had treated with the king, and the members were elected by the cabals of the ſame party.

8. When the levying an army came to be debated in the parliament, it was ſtrongly oppoſed, as well by ſeveral lords, as by the general-aſſembly of the kirk. It was ſolidly proved, that at leaſt the grounds of the war ought to be declared before it was reſolved. Proteſtations were alſo made againſt it; but they were evaded, of which there can be no other reaſon given, but that the army was deſigned for the king's ſervice, though it was not thought proper to declare it.

9. Finally, when the duke had entered England, he took not the leaſt ſtep to intimate he was come to ſupport the preſbyterian-party. Inſtead of marching directly to London, whilſt Cromwell was at a diſtance, though he might be ſure the parliament and city were very deſirous to join him, he ſpent above a month in the northern counties without any neceſſity. This conduct therefore ſhows, his deſign was not to aſſiſt the preſbyterians, though he intended to act againſt the independents.

What has been ſaid clearly proves, the Scotch army came into England with deſign to reſtore the king without terms, under colour of delivering him from the independents. It is no wonder, that the parliament, where the king had few friends, ſhould declare this army enemies of the kingdom, as ſoon as their entrance was known. Nevertheleſs, as the preſbyterians were yet perſuaded, the Scots were come to ſupport them, it was with great ſtruggle that this declaration paſſed the houſe of commons. Ninety preſbyterian members oppoſed it to the utmoſt of their power, ſo far were they from imagining, the Scots had taken up arms for the king's intereſt. But it was not long before they were undeceived.

The 28th of July the commons agreed at laſt, that the king ſhould be treated with upon the Hampton-court propoſitions, without being obliged to ſign the three bills before-mentioned. In all likelihood the preſbyterians were at length ſenſible, that by deferring the treaty, they were labouring for the independents, who ſought only to waſte the time, till Cromwell, who was in the midſt of his march, ſhould have joined Lambert. But it was not poſſible to advance ſo far as would have been neceſſary to finiſh or even begin the treaty, before the revolution cauſed by duke Hamilton's defeat. The formalities which muſt be obſerved

in a parliament, ſeveral unexpected affairs, the arrival of the prince of Wales before Yarmouth, and afterwards in the Thames, afforded the independent members frequent occaſions to prolong the treaty. On all theſe occaſions, they affected to make tedious ſpeeches, which waſted many days ſitting. When they ſaw it was not in their power to ſet aſide the treaty, or oblige the houſe to inſiſt upon the three bills, they feigned to conſent freely to the negotiation: but withal, perpetually found means to delay it. In a word, to know what were the fruits of theſe artifices, it need only be conſidered, that the commons firſt reſolution to treat with the king was on the 24th of May; but they did not deſiſt from the three bills till the 28th of July; that it was the 18th of September before the negotiation began, and conſequently the affair held four months, without reckoning the time ſpent in the treaty. So, before the conferences began Cromwell had defeated duke Hamilton, and was marching, into Scotland to hinder the Scots from returning to diſturb England. On the other hand, general Fairfax having taken Colcheſter, was poſted with his army within twenty miles of London to awe the parliament. It is therefore certain, when the negotiation began, affairs were far from being in the ſame eſtate as when the treaty was reſolved. The good ſucceſs of the army made the preſbyterians more timorous, and the independents more bold. But on the other ſide, the king, loſing all hopes of aſſiſtance both from the Scots and the royaliſts, found himſelf indiſpenſably obliged to yield in a treaty what he would never have granted, if the face of his affairs had not been changed. Theſe are conſiderations which I thought requiſite, before I proceeded to what paſſed the five laſt months of the year 1648.

Since the commons had conſented to treat with the king, without obliging him to ſign the three bills, five days more had paſſed before the manner, place, and time of the treaty could be ſettled [t]. The king required that all perſons might have acceſs to him as when at Hampton-court: that the Scots ſhould be invited to aſſiſt at the treaty, and appointed the town of Newport in the Iſle of Wight for the place of conference. The commiſſioners who had been ſent to him, having reported his deſires to the houſes, the lords, who were willing to diſpatch the affair, two days after paſſed the following votes:

"1. That the votes of both houſes of parliament, againſt no farther addreſſes and applications to his majeſty, be recalled.

"2. That ſuch perſons as his majeſty ſhall ſend for, as of neceſſary uſe to him in the treaty, be admitted to wait on him: and that his majeſty be in the ſame ſtate of freedom, as he was laſt in at Hampton-court.

"3. That ſuch ſervants as his majeſty ſhall appoint, be ſent to wait on him.

"4. That the place for the treaty be in Newport, in the Iſle of Wight.

"5. That the Scots be invited to treat with his majeſty.

"6. That his majeſty be admitted to invite them.

"7. That the inſtructions given from both houſes of parliament, to colonel Hammond governor of the Iſle of Wight, be recalled.

"8. That five lords and ten commoners be choſen commiſſioners, to treat with the king.

"9. That it be referred to the committee of lords and commons for peace, to prepare all things in readineſs for the ſpeeding of the treaty."

Theſe votes being ſent to the commons, they did not think proper to paſs them without ſome amendments.

"The firſt was admitted.

"As to the ſecond, the commons ordered, That his majeſty ſhould be deſired to ſend to the houſes the names of ſuch perſons as he ſhould conceive to be of neceſſary uſe about him during the treaty; they not being perſons excepted againſt by both houſes of parliament from pardon, or that were then under reſtraint, or in actual wars againſt the parliament by ſea or land; or in ſuch numbers, as might draw any juſt cauſe of ſuſpicion; and that his majeſty ſhould be in the ſame freedom, honour, and ſafety, as he was in when he was at Hampton-court.

"Upon the third, they concurred in the vote for his majeſty's attendants, provided they were ſuch as were not in any of the former qualifications.

"The fourth was approved of.

"As to the fifth and ſixth, the queſtion, Whether the Scots ſhould be invited by the parliament, to ſend commiſſioners to treat with his majeſty upon the propoſitions preſented to him at Hampton court, it was carried in the negative. But it was ordered however, That if the king ſhould think fit to ſend for any of the Scotiſh nation, to adviſe with him concerning the affairs of the kingdom of Scotland only, the houſes would give him a ſafe-conduct.

"Concerning the ſeventh, it was reſolved, That before the recalling of colonel Hammond's inſtructions, they ſhould ſend again to his majeſty, to let him know, how far they had proceeded, as to a treaty, and to have his majeſty's approbation.

"The eighth and ninth were admitted without any difficulty."

The next day the commons ordered new inſtructions to colonel Hammond, viz.

"That the king be removed to Newport, and be in the ſame condition and freedom there, as he was at Hampton-court.

"That no perſon in the firſt exception out of mercy, nor under reſtraints of the parliament, nor of late actually in arms againſt the parliament, be admitted to the king.

"That no perſon that hath been in arms againſt the parliament, &c. or of whom there is juſt cauſe of ſuſpicion, be admitted into any fort or tower in the Iſle of Wight.

"That no perſon of any foreign nation be admitted to come into the ſame iſle, without leave of the parliament.

"If the kingdom of Scotland ſend any to treat with his majeſty, they ſhall have a paſs from both houſes, and be admitted.

"That his majeſty paſs his royal word, not to go out of the iſland during the treaty, or twenty-eight days after, without the advice of both houſes of parliament."

The next day, advice was brought of duke Hamilton's defeat. The independents thence hoped, they ſhould hinder the concluſion of the treaty [u], and the preſbyterians, that the king would grant every thing, ſince he had loſt the aſſiſtance he depended upon, and was without any reſource. Thus, this event, though of the greateſt importance, cauſed no alteration in the diſpoſition of the parties to treat. A few days after they received alſo news of the taking of Colcheſter.

The king having ſent a liſt of the perſons he deſired to have about him, the parliament excepted againſt three, namely, Aſhburnham, Legg, and Dowcet, who were then in cuſtody.

It was not only upon this point, but ſeveral others, where difficulties occurred, that they were forced to ſend expreſſes to the king. It ſuffices to ſay, that the parliament's commiſſioners departed not from London for Newport, till the 13th of September, and the conferences began not till the 18th. It was agreed, they ſhould continue forty days only.

Whilſt preparations were making for the treaty, the prince of Wales, who lay in the Downs with his fleet, ſent a letter to the houſe of peers, wherein he took notice of the progreſs made as to a perſonal treaty, and farther expreſſed his deſire,

"1. That the treaty ſhould be in ſuch place and manner, as might conſiſt with the honour, freedom, and ſafety of his majeſty his father; ſo that the agreement might not be blemiſhed with any face of reſtraint. 2. That the treaty might be between the king, and his two kingdoms of England and Scotland. 3. That during the treaty, there ſhould be a general ceſſation of arms. 4. That a moderate ſubſiſtance, during the treaty, might be agreed upon, for all armies and forces then on foot, and particularly the Scots army in England. 4. That a courſe might be taken to content him, and his ſhips in the Downs, with money and proviſion."

It does not appear, the lords took any notice of this letter, and the rather, as the prince made no mention, that it ſhould be communicated to the commons.

The ſame day the lords received the letter, a petition was preſented to both houſes from the common-council of London, deſiring,

"1. That the king's majeſty might be free from reſtraint.

"2. Invited to a treaty.

"3. That all acts of hoſtility by ſea and land, might, by

[t] Both houſes agreed, Auguſt 2, to treat with the king in the Iſle of Wight; and the earl of Middleſex, Sir John Hippeſley, and Mr. Bulkley, were ſent, Auguſt 4, to his majeſty, with the votes of the two houſes, See Ruſhworth, Tom. VII. p. 1214, 1216.

[u] Cromwell writ to his friends, That it would be a perpetual ignominy to the parliament, if they ſhould recede from their former vote of, 'No further addreſſes' to the king; and conjured them to continue firm in that reſolution. Clarendon, Tom. 3, p. 141.

commend of king and parliament, ceaſe.

" 4. That the government of the church might be ſettled according to the covenant.

" 5. That diſtreſſed Ireland might be relieved.

" 6. The people of England, by diſbanding all armies, eaſed; the liberty of the ſubjects reſtored; the laws of the land eſtabliſhed.

" 7. The members of both houſes enjoined to attend the houſe for the ſervice of the kingdom.

" 8. That the ſelf-denying ordinance might be effectually obſerved. And

" 9. Speedy conſideration had of the condition of ſuch merchants, whoſe ſhips and goods were ſtayed by thoſe with the prince; and that ſome expedient might be thought of, for diſcharge of all ſhips, that trade be not deſtroyed."

The reformado-officers preſented the ſame day a petition of the like import; praying moreover, that all officers and ſoldiers (without exception) might be paid their arrears.

The commons returned in anſwer to the common-council of London, that it was their intention to treat with the king, that they had acquainted his majeſty with it, and that there was no room to queſtion but that the king was in the ſame diſpoſition. Then they communicated to the council the votes that were paſſed in the houſe on that occaſion.

All this paſſed before the defeat of the Scotch army. But after the news of that great event, and the taking of Colcheſter, the independents in and about London, who had been quiet ſince the removal of the army and before any deciſion, began to hold up their heads. The 11th of September, two days before the departure of the commiſſioners for the Iſle of Wight, they preſented a petition to the parliament, ſubſcribed by ſeveral thouſands, openly complaining of the commons proceedings, which, they ſaid, flowed from the corruption of moſt of the members. They alſo gave them the reaſons why they firſt aſſiſted them in this war with their perſons and purſes, and let them know, they expected other ways from them than a treaty with the king, and particularly,

" 1. That they would make good the ſupremacy of the people from all pretenees of negative voices either in the king or lords.

" 2. That they would have made laws for election of repreſentatives yearly, and of courſe, without writ or ſummons.

" 3. That their time of ſitting exceed not forty or fifty days at the moſt, and to have fixed an expreſs time for the ending of this preſent parliament.

" 4. That they would have exempted matters of religion and God's worſhip from the compulſive or reſtrictive power of any authority.

" 5. That none be forced or preſſed to ſerve in war.

" 6. That they would have made both kings, queens, princes, dukes, earls, lords, and all perſons, alike liable to every law of the land.

" 7. That all commoners be freed from the juriſdiction of the lords in all caſes; and to have taken care, that all trials be only of twelve ſworn men; and no conviction but upon two or more ſufficient known witneſſes.

" 8. That none be examined againſt themſelves, nor be puniſhed for doing of that, againſt which no law hath been provided.

" 9. That the proceedings in law be abbreviated, mitigated, and made certain, the charge thereof in all particulars.

" 10. That all trading and merchandizing be made free from all monopolizing and engroſſing, by companies or otherwiſe.

" 11. That the exciſe and all kind of taxes, except ſubſidies, be taken off.

" 12. That they would have laid open all late incloſures of fens, and other commons, or have encloſed them only or chiefly to the benefit of the poor.

" 13. That they would have conſidered the many thouſands that are ruined by perpetual impriſonment for debt, and provided to their enlargement.

" 14. Have ordered ſome effectual courſe to keep people from begging and beggary, in ſo fruitful a nation, as through God's bleſſing this is.

" 15. That they would have proportioned puniſhments more equal to offences, that ſo mens lives and eſtates might not be forfeited upon trivial and ſlight occaſions.

" 16. Have removed the tedious burthen of tithes, ſatisfying all impropriators, and providing a more equal way of maintenance for our poor miniſters.

" 17. Have raiſed a ſtock of money out of confiſcated eſtates, for payment of thoſe who contributed voluntarily above their abilities, before thoſe that diſburſed out of their ſuperfluities.

" 18. Bound themſelves and all future parliaments from aboliſhing property, levelling mens eſtates, or making all things common.

" 19. That they would have declared, what the duty or buſineſs of the kingly office is, and what not; and aſcertained the revenue paſt increaſe or diminution; that ſo there might never be more quarrels about the ſame.

" 20. That they would have rectified the election of public officers for the city of London, of every particular company therein; reſtoring the commonalty thereof to their juſt rights, moſt unjuſtly with-held from them, to the producing and maintaining corrupt intereſt, oppoſite to common freedom, and exceedingly prejudicial to the trade and manufactures of this nation.

" 21. That they would have made full and ample reparations to all perſons that had been oppreſſed, by ſentences in high-commiſſion, ſtar-chamber, and council-board; or by any kind of monopolizers or projectors, and that out of the eſtates of thoſe that were authors, actors, or promoters of ſo intolerable miſchiefs, and that without much attendance.

" 22. That they would have aboliſhed all committees, and have conveyed all buſineſſes into the true method of the uſual trials of the commonwealth.

" 23. That they would not have followed the example of former tyrannous and ſuperſtitious parliaments, in making orders, ordinances, or laws, or in appointing puniſhments concerning opinions, or things ſupernatural, ſtiling ſome blaſphemies, others hereſies.

" 24. That they would have declared what the buſineſs of the lords is, and aſcertain their condition, not derogating from the liberties of other men; that ſo there might be an end of ſtriving about the ſame.

" 25. That they would have done juſtice upon the capital authors and promoters of the former or late wars.

" 26. That they would have provided conſtant pay for the army, and given rules to all judges, and all other public officers throughout the land, for their indemnity; and for the ſaving harmleſs all that have any ways aſſiſted them.

" 27. That they would have laid to heart the abundance of innocent blood that hath been ſpilt, and the infinite ſpoil and havock that hath been made of peaceable, harmleſs people, by expreſs commiſſion from the king: and ſeriouſly to have conſidered, whether the juſtice of God be likely to be ſatisfied, or his yet continuing wrath appeaſed by an act of oblivion."

Tho' the petitioners did not call themſelves independents, the principles of that party were but too viſible in theſe articles to doubt from what quarter they came.

The ſame day the maſters and commanders of ſhips preſented the like petition, complaining of the tyranny of the parliament.

The parliament thought not proper to anſwer theſe petitions [w], though two days after, the firſt preſented another to deſire an anſwer to every part of their petition. It was no proper juncture to provoke the independents, by ſuch an anſwer as this petition deſerved.

Before I enter upon the particulars of the treaty at Newport, it is abſolutely neceſſary to relate what paſſed in the North of England and in Scotland.

Monroe who was leading from Scotland three or four thouſand men [x] to duke Hamilton, had entered a good way into England, when the Scotch army was vanquiſhed and diſperſed. After the victory, Cromwell, without loſing time in purſuing the reſt of the army which was not in condition to do any miſchief, left Lambert with ſome troops to finiſh their deſtruction, and immediately marched in queſt of Monroe. The Engliſh that were with this Scotch general uſed their utmoſt endeavours to perſuade him to give Cromwell battle; but it was not poſſible to prevail with him. He choſe rather to retire northward, and always kept at ſo great diſtance, that there was no overtaking him. Nevertheleſs Cromwell continued his march, and hearing that Lambert had intirely deſtroyed the Scotch army, ſent him orders to march to Carliſle, where Muſgrave ſtill continued with ſome troops, and after clearing thoſe parts, to come and join him

[w] The houſe returned anſwer to the independents petition to this effect; "That the houſe gave them thanks for their great pains and care of the public good of the kingdom, and would ſpeedily take their deſires into conſideration." Ruſhworth, Tom. VII. p. 1258.

[x] He had, in the beginning of September, above ſeven thouſand men, Engliſh, Scots, and Iriſh, under his command. Idem, p. 1250.

They

in order to enter Scotland together. When Cromwell came near Berwick, he writ to the committee of eſtates to require them to call home Monroe, and deliver Berwick and Carliſle, otherwiſe they were to expect a war. A few days after he purſued his march towards Scotland, having left ſome regiments to block up Berwick.

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3. His majeſty will give his royal aſſent for the better obſervation of the lord's-day, for ſuppreſſing of innovations in churches and chapels, in and about the worſhip of God, and for the beter advancing of the preaching of God's holy word in all parts of this kingdom; and to an act againſt enjoying pluralities of benefices by ſpiritual perſons, and non-reſidency; for regulating and reforming both univerſities, and the colleges of Weſtminſter, Wincheſter and Eaton; for the better diſcovery, and ſpeedy conviction of popiſh recuſants, for the education of the children of papiſts, by proteſtants, in the proteſtant religion, for levying penalties againſt papiſts: to an act to prevent the practices of papiſts againſt the ſtate, and for putting the laws in execution, and for a ſtricter courſe to prevent hearing, and ſaying of maſs.

4. As to the covenant, his majeſty is not yet therein ſatisfied, that he can ſign or ſwear it, or conſent to impoſe it on the conſciences of others; nor doth conceive it proper, or uſeful, at this time, to be inſiſted on[z].

5. Touching the militia, his majeſty will conſent to an act of parliament, to be in the parliament's hand for ten years.

6. Touching Ireland, after advice with his two houſes, he will leave it to their determination, and give his conſent accordingly.

7. Touching public debts, his majeſty will give his conſent to ſuch an act, for raiſing of moneys by general and equal taxations.

8. He propoſeth, that he may have liberty forthwith to come to Weſtminſter, and be reſtored to a condition of freedom and ſafety, a thing which he ſhall never deny to any of his ſubjects, and to the poſſeſſion of his lands and revenues; and that an act of oblivion and indemnity may paſs, to extend to all perſons, for all matters relating to the late differences, which being agreed by his two houſes of parliament, his majeſty will be ready to make theſe his conceſſions binding, by giving them the force of laws by his royal aſſent[a]."

If theſe offers concerning religion are conſidered, with reſpect to the king's private opinion, they may be ſaid to be great condeſcenſions, perhaps greater than his conſcience allowed, ſince it was his real belief, there was no true church without biſhops. But if theſe offers are conſidered, with regard to the preſbyterians and independents, of whom the parliament conſiſted, they will be found to be by no means ſatisfactory. They were only a ſort of interim, which tended to make them loſe the preſent opportunity to aboliſh epiſcopacy intirely.

[y] They were held in Sir William Hodges's houſe. Ruſhworth. Tom. VII. p. 1259.——The commiſſioners were five lords, viz. the earls of Pembroke, Saliſbury, Middleſex, Northumberland, and the lord Say; and ten commoners, viz. Denzil Holles, lord Wenman, Mr. Pierrepoint, Sir Henry Vane, jun. Sir Harbottle Grimſtone, Mr. Brown, Mr. Crew, recorder Glyn, Sir John Potts, and Mr. Bulkley. Whitelock, p. 334.

[z] This was to avoid incenſing the independents, who were intirely againſt ſubmitting to the covenant. Rapin.

[a] More than this (ſays Whitelock) could not be obtained of the king, though moſt earneſtly begged by ſome of the commiſſioners (great perſons) with tears, and on their knees; particularly as to the propoſition touching religion. Whitelock, p. 340.

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I cannot forbear making another remark on this occaſion. The king artfully endeavoured, ſo to order that his own propoſitions ſhould be treated upon, which the parliament had ever refuſed, ſo apprehenſive were they of the uſual ambiguities and reſtrictions in the king's papers, and of which there is even here a freſh inſtance, in the firſt article concerning religion. But he was diſappointed now, as well as before. The parliament without taking notice of his offers[b], ordered the commiſſioners to proceed ſolely according to their inſtructions.

Whereupon the king delivered a paper to the commiſſioners, containing the reaſons why he could not conſent to the abolition of epiſcopacy, which, he ſaid, he conceived to be of apoſtolical inſtitution. That as to the ſale of church-lands, he affirmed it to be real ſacrilege, beſides, that at his coronation, he had ſworn to maintain the rights of the clergy. All theſe reaſons, with many more that might have been added, ſignified nothing to the commiſſioners, who had no power to relax on any point. All they could do, was to ſend them to the parliament, and expect their orders. But, this delayed the concluſion of the treaty, and conſumed the time which the king and parliament ought equally to have improved.

Some days after, the king being deſirous to gain the good-will of both-houſes, and ſome conceſſion in favour of epiſcopacy, which was the principal, and, as I may ſay, the only point that hindered the concluſion of the treaty, declared to the commiſſioners, "that he conſented for the ſettling the militia by ſea and land, in the parliament's hands for twenty years, and for confirming for three years by act of parliament, the form of church-government, and directory for worſhip preſented to him. But he added, that he was not ſatisfied in his conſcience, or could be content to the utter aboliſhing of epiſcopacy; the ſubſtance whereof he conceived to conſiſt in the power of ordination and juriſdiction, as they were exerciſed by the apoſtles themſelves and others, by authority derived from them, ſuperior to preſbyters and deacons in the primitive times. His reſolution being to comply with his two houſes, for the alteration and regulating of his preſent hierarchy and government, ſo as epiſcopacy reduced to the primitive uſage, might be ſettled and continued in the church of England, and if his two houſes ſhould ſo adviſe, his majeſty would be content to leſſen the extent, and multiply the number of the dioceſes.

"As to the exception that his majeſty hadnot expreſſed his conſent for ſettling of biſhops lands upon truſtees, and for the ſale of thoſe lands; it was true he had not, to alienate the inheritance of thoſe lands; and herein he believed he had the concurrent opinions of many divines, that in other points differed much among themſelves: but his former anſwer containing a large offer of ſatisfaction to all thoſe that had purchaſed or diſburſed monies upon thoſe lands, he hoped that anſwer would be ſatisfactory to his two houſes.

"For the calling and ſitting of the aſſembly of divines, his majeſty would aſſent as was deſired.

"That his majeſty will confirm the public uſe of the directory in all churches and chapels, as was deſired in the propoſition, and would conſent to a repeal of ſo much of all ſtatutes, as only concerned the book of common-prayer, and alſo the taking the ſame away out of all churches and chapels, provided thats the uſe thereof might be continued in his majeſty's chapel for himſelf and his houſehold: and that the ſame ſhould be confirmed by act of parliament for three years, provided only that a conſultation in the mean time be had with the aſſembly of divines in ſuch a manner, and for the purpoſes as were in his former anſwer expreſſed.

"Touching the articles of religion, his majeſty profeſſed, he had not had time ſince they were delivered unto him, to look into them with that deliberation which was requiſite, before he bound himſelf up and his ſubjects in matter of faith and doctrine; and therefore deſired, that part of the propoſition might be reſpited by his two houſes. But he would conſent to an act for better obſervation of the lord's-day; as alſo to prevent the ſaying of maſs.

"Laſtly, concerning the covenant, and the ordinance concerning the ſame, his majeſty's anſwer was, that he not being ſatisfied to take it or impoſe it on others, he conceived his two houſes would not inſiſt upon it at that time, and the rather, becauſe the ends thereof would be obtained by the agreement if happily concluded."

Some days after the two houſes received advice from their commiſſioners, that the king had fully conſented to the propoſitions concerning Ireland.

By a letter which came the 17th of October, they heard, the king had agreed to the propoſitions concerning the public debts, and for taking away all honours and titles conferred ſince the 20th of May 1642.

By another of the 18th, that concerning delinquents, his majeſty offered,

"That all perſons who had any hand in the plotting, deſigning, or aſſiſting the rebellion in Ireland, ſhould expect no pardon, as was expreſſed in the firſt branch of the propoſition. As to all the reſt of the propoſitions his majeſty could not conſent thereunto, as was propoſed, otherwiſe than in the following manner; viz. As for all other perſons compriſed in the ſaid firſt branch, his majeſty, for ſatisfaction of his two houſes, would give away, that they might moderately compound for their eſtates, and deſired that they might be admitted to the ſame; and for removing of diſtruſt and interruptions of the public ſettlements, his majeſty would conſent as followeth: That ſuch of them as the two houſes of parliament would inſiſt on, ſhould not be admitted to his councils, and be reſtrained from coming to court, at ſuch diſtance as both houſes ſhould think fit, and ſhould not have any office and employment in the common-wealth, without the conſent of both houſes of parliament; or ſhould abſent themſelves out of the kingdom for ſome time, if both houſes of parliament ſhould think fit. That all other perſons in that propoſition ſhould ſubmit to a moderate compoſition, and for the ſpace of three years ſhould not ſit, or ſerve as members, or aſſiſt in either houſe of parliament, without conſent of both houſes."

The time fixed for the continuance of the treaty being almoſt expired, and nothing ſettled on the article of epiſcopacy, which was properly the only point on which difficulties occurred, the two houſes found an expedient to prolong the negotiation a week, by ordering that the Sundays and Faſt-days ſhould not be accounted part of the forty days allowed for the conferences.

The 21ſt of October the king ſent a freſh meſſage to both houſes concerning epiſcopacy. Cromwell was on the road to join the army, and it was to be feared, if the treaty was not concluded before his arrival, he would raiſe invincible obſtacles to it. The king ſufficiently knew him, to believe there was no good to be expected from him. He believed therefore, that to haſten the concluſion of the treaty, to which the affair of epiſcopacy was the grand obſtacle, he ought to make ſome farther conceſſions on that point. Wherefore he acquainted the two houſes, by a meſſage:

"1. That he conſented to the aboliſhing of archbiſhops, chancellors, deans, and chapters, &c. and the whole hierarchy, except biſhops.

"2. That for three years no other but preſbyterian-government ſhould be uſed, and the exereiſe of epiſcopal government ſhould be wholly ſuſpended during that time.

"Whereas epiſcopal juriſdiction, if no other had been agreed upon in the mean time, might have riſen up after the three years, he now expreſſed his conſent, that none ſhould be exerciſed after that time other than ordination, which was reſtrained to the counſel and aſſiſtance of preſbyters, but ſuch, and in ſuch manner, as ſhould be agreed by him and of his two houſes; whereby until ſuch agreement, or if it were not otherwiſe agreed, epiſcopal juriſdiction was wholly laid aſide."

His majeſty alſo that day conſented to the following propoſitions:

"To that for nomination of the great officers of the kingdom, to be by both houſes during the term of ten years.

"To thoſe concerning the city of London, and the great ſeal.

"To that concerning the court of Wards, &c. a recompence being aſſured to his majeſty of one hundred thouſand pounds per annum to him, his heirs and ſucceſſors in lieu of the court of wards."

The commiſſioners acquainting the king that his anſwer concerning epiſcopacy would not be ſatisfactory to the two houſes, and earneſtly preſſing him to give them a fuller, he told them in writing, he could not abſolutely relinquiſh epiſcopacy. He repeated his offers on that head, adding only, that if in the ſpace of three years he was convinced, that the function of biſhops was not agreeable to the word of God, or that Chriſt commanded any other government, he would moſt chearfully embrace it: but till he was ſo convinced, he believed himſelf bound in conſcience to maintain epiſcopacy.

The commons ſpent four or five days in debates upon the king's offers and anſwers, and voted them unſatisfactory, as to the point of epiſcopacy, the lords concurring with them.

The ſame was voted concerning the king's anſwer about taking the covenant and aboliſhing popery, for that he de-

[b] They voted them unſatisfactory. See Ruſhworth, Tom. VII. p. 1282. Whitelock, p. 340.

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Concerning religion. "His majeſty will conſent, that the calling and ſitting of the aſſembly of divines at Weſtminſter be confirmed for three years by act of parliament, and confirms for three years the directory, and the form of church-government, to be uſed for the churches of England and Ireland, and dominion of Wales; provided that his majeſty, and thoſe of his judgment, or any other, who cannot in conſcience ſubmit thereunto, be not in the mean time obliged to comply with the ſame; and that a free conſultation and debate, be had with the aſſembly of divines at Weſtminſter in the mean time, twenty of his majeſty's nomination being added to them, whereby it may be determined by his majeſty, and his two houſes of parliament, how the ſaid church-government, and form of public worſhip, after the ſaid time, and how religion may be ſettled, and the articles determined, and care taken for the eaſe of tender conſciences."

Concerning the biſhops lands and revenue. "His majeſty will conſent to an act or acts of parliament, whereby legal eſtates for lives, or for years, not exceeding ninety-nine, ſhall be made for thoſe lands, towards the ſatisfaction of the purchaſers, and to others to whom they are engaged, whereby they may receive ſatisfaction; provided that the property and inheritance of thoſe lands, may ſtill remain to the church, and the reſt that ſhall be reſerved to be for their maintenance.

3. His majeſty will give his royal aſſent for the better obſervation of the lord's-day, for ſuppreſſing of innovations in churches and chapels, in and about the worſhip of God, and for the beter advancing of the preaching of God's holy word in all parts of this kingdom; and to an act againſt enjoying pluralities of benefices by ſpiritual perſons, and non-reſidency; for regulating and reforming both univerſities, and the colleges of Weſtminſter, Wincheſter and Eaton; for the better diſcovery, and ſpeedy conviction of popiſh recuſants, for the education of the children of papiſts, by proteſtants, in the proteſtant religion, for levying penalties againſt papiſts: to an act to prevent the practices of papiſts againſt the ſtate, and for putting the laws in execution, and for a ſtricter courſe to prevent hearing, and ſaying of maſs.

4. As to the covenant, his majeſty is not yet therein ſatisfied, that he can ſign or ſwear it, or conſent to impoſe it on the conſciences of others; nor doth conceive it proper, or uſeful, at this time, to be inſiſted on[z].

5. Touching the militia, his majeſty will conſent to an act of parliament, to be in the parliament's hand for ten years.

6. Touching Ireland, after advice with his two houſes, he will leave it to their determination, and give his conſent accordingly.

7. Touching public debts, his majeſty will give his conſent to ſuch an act, for raiſing of moneys by general and equal taxations.

8. He propoſeth, that he may have liberty forthwith to come to Weſtminſter, and be reſtored to a condition of freedom and ſafety, a thing which he ſhall never deny to any of his ſubjects, and to the poſſeſſion of his lands and revenues; and that an act of oblivion and indemnity may paſs, to extend to all perſons, for all matters relating to the late differences, which being agreed by his two houſes of parliament, his majeſty will be ready to make theſe his conceſſions binding, by giving them the force of laws by his royal aſſent[a]."

If theſe offers concerning religion are conſidered, with reſpect to the king's private opinion, they may be ſaid to be great condeſcenſions, perhaps greater than his conſcience allowed, ſince it was his real belief, there was no true church without biſhops. But if theſe offers are conſidered, with regard to the preſbyterians and independents, of whom the parliament conſiſted, they will be found to be by no means ſatisfactory. They were only a ſort of interim, which tended to make them loſe the preſent opportunity to aboliſh epiſcopacy intirely.

[y] They were held in Sir William Hodges's houſe. Ruſhworth. Tom. VII. p. 1259.——The commiſſioners were five lords, viz. the earls of Pembroke, Saliſbury, Middleſex, Northumberland, and the lord Say; and ten commoners, viz. Denzil Holles, lord Wenman, Mr. Pierrepoint, Sir Henry Vane, jun. Sir Harbottle Grimſtone, Mr. Brown, Mr. Crew, recorder Glyn, Sir John Potts, and Mr. Bulkley. Whitelock, p. 334.

[z] This was to avoid incenſing the independents, who were intirely againſt ſubmitting to the covenant. Rapin.

[a] More than this (ſays Whitelock) could not be obtained of the king, though moſt earneſtly begged by ſome of the commiſſioners (great perſons) with tears, and on their knees; particularly as to the propoſition touching religion. Whitelock, p. 340.

They

I cannot forbear making another remark on this occaſion. The king artfully endeavoured, ſo to order that his own propoſitions ſhould be treated upon, which the parliament had ever refuſed, ſo apprehenſive were they of the uſual ambiguities and reſtrictions in the king's papers, and of which there is even here a freſh inſtance, in the firſt article concerning religion. But he was diſappointed now, as well as before. The parliament without taking notice of his offers[b], ordered the commiſſioners to proceed ſolely according to their inſtructions.

Whereupon the king delivered a paper to the commiſſioners, containing the reaſons why he could not conſent to the abolition of epiſcopacy, which, he ſaid, he conceived to be of apoſtolical inſtitution. That as to the ſale of church-lands, he affirmed it to be real ſacrilege, beſides, that at his coronation, he had ſworn to maintain the rights of the clergy. All theſe reaſons, with many more that might have been added, ſignified nothing to the commiſſioners, who had no power to relax on any point. All they could do, was to ſend them to the parliament, and expect their orders. But, this delayed the concluſion of the treaty, and conſumed the time which the king and parliament ought equally to have improved.

Some days after, the king being deſirous to gain the good-will of both-houſes, and ſome conceſſion in favour of epiſcopacy, which was the principal, and, as I may ſay, the only point that hindered the concluſion of the treaty, declared to the commiſſioners, "that he conſented for the ſettling the militia by ſea and land, in the parliament's hands for twenty years, and for confirming for three years by act of parliament, the form of church-government, and directory for worſhip preſented to him. But he added, that he was not ſatisfied in his conſcience, or could be content to the utter aboliſhing of epiſcopacy; the ſubſtance whereof he conceived to conſiſt in the power of ordination and juriſdiction, as they were exerciſed by the apoſtles themſelves and others, by authority derived from them, ſuperior to preſbyters and deacons in the primitive times. His reſolution being to comply with his two houſes, for the alteration and regulating of his preſent hierarchy and government, ſo as epiſcopacy reduced to the primitive uſage, might be ſettled and continued in the church of England, and if his two houſes ſhould ſo adviſe, his majeſty would be content to leſſen the extent, and multiply the number of the dioceſes.

"As to the exception that his majeſty hadnot expreſſed his conſent for ſettling of biſhops lands upon truſtees, and for the ſale of thoſe lands; it was true he had not, to alienate the inheritance of thoſe lands; and herein he believed he had the concurrent opinions of many divines, that in other points differed much among themſelves: but his former anſwer containing a large offer of ſatisfaction to all thoſe that had purchaſed or diſburſed monies upon thoſe lands, he hoped that anſwer would be ſatisfactory to his two houſes.

"For the calling and ſitting of the aſſembly of divines, his majeſty would aſſent as was deſired.

"That his majeſty will confirm the public uſe of the directory in all churches and chapels, as was deſired in the propoſition, and would conſent to a repeal of ſo much of all ſtatutes, as only concerned the book of common-prayer, and alſo the taking the ſame away out of all churches and chapels, provided thats the uſe thereof might be continued in his majeſty's chapel for himſelf and his houſehold: and that the ſame ſhould be confirmed by act of parliament for three years, provided only that a conſultation in the mean time be had with the aſſembly of divines in ſuch a manner, and for the purpoſes as were in his former anſwer expreſſed.

"Touching the articles of religion, his majeſty profeſſed, he had not had time ſince they were delivered unto him, to look into them with that deliberation which was requiſite, before he bound himſelf up and his ſubjects in matter of faith and doctrine; and therefore deſired, that part of the propoſition might be reſpited by his two houſes. But he would conſent to an act for better obſervation of the lord's-day; as alſo to prevent the ſaying of maſs.

"Laſtly, concerning the covenant, and the ordinance concerning the ſame, his majeſty's anſwer was, that he not being ſatisfied to take it or impoſe it on others, he conceived his two houſes would not inſiſt upon it at that time, and the rather, becauſe the ends thereof would be obtained by the agreement if happily concluded."

Some days after the two houſes received advice from their commiſſioners, that the king had fully conſented to the propoſitions concerning Ireland.

By a letter which came the 17th of October, they heard, the king had agreed to the propoſitions concerning the public debts, and for taking away all honours and titles conferred ſince the 20th of May 1642.

By another of the 18th, that concerning delinquents, his majeſty offered,

"That all perſons who had any hand in the plotting, deſigning, or aſſiſting the rebellion in Ireland, ſhould expect no pardon, as was expreſſed in the firſt branch of the propoſition. As to all the reſt of the propoſitions his majeſty could not conſent thereunto, as was propoſed, otherwiſe than in the following manner; viz. As for all other perſons compriſed in the ſaid firſt branch, his majeſty, for ſatisfaction of his two houſes, would give away, that they might moderately compound for their eſtates, and deſired that they might be admitted to the ſame; and for removing of diſtruſt and interruptions of the public ſettlements, his majeſty would conſent as followeth: That ſuch of them as the two houſes of parliament would inſiſt on, ſhould not be admitted to his councils, and be reſtrained from coming to court, at ſuch diſtance as both houſes ſhould think fit, and ſhould not have any office and employment in the common-wealth, without the conſent of both houſes of parliament; or ſhould abſent themſelves out of the kingdom for ſome time, if both houſes of parliament ſhould think fit. That all other perſons in that propoſition ſhould ſubmit to a moderate compoſition, and for the ſpace of three years ſhould not ſit, or ſerve as members, or aſſiſt in either houſe of parliament, without conſent of both houſes."

The time fixed for the continuance of the treaty being almoſt expired, and nothing ſettled on the article of epiſcopacy, which was properly the only point on which difficulties occurred, the two houſes found an expedient to prolong the negotiation a week, by ordering that the Sundays and Faſt-days ſhould not be accounted part of the forty days allowed for the conferences.

The 21ſt of October the king ſent a freſh meſſage to both houſes concerning epiſcopacy. Cromwell was on the road to join the army, and it was to be feared, if the treaty was not concluded before his arrival, he would raiſe invincible obſtacles to it. The king ſufficiently knew him, to believe there was no good to be expected from him. He believed therefore, that to haſten the concluſion of the treaty, to which the affair of epiſcopacy was the grand obſtacle, he ought to make ſome farther conceſſions on that point. Wherefore he acquainted the two houſes, by a meſſage:

"1. That he conſented to the aboliſhing of archbiſhops, chancellors, deans, and chapters, &c. and the whole hierarchy, except biſhops.

"2. That for three years no other but preſbyterian-government ſhould be uſed, and the exereiſe of epiſcopal government ſhould be wholly ſuſpended during that time.

"Whereas epiſcopal juriſdiction, if no other had been agreed upon in the mean time, might have riſen up after the three years, he now expreſſed his conſent, that none ſhould be exerciſed after that time other than ordination, which was reſtrained to the counſel and aſſiſtance of preſbyters, but ſuch, and in ſuch manner, as ſhould be agreed by him and of his two houſes; whereby until ſuch agreement, or if it were not otherwiſe agreed, epiſcopal juriſdiction was wholly laid aſide."

His majeſty alſo that day conſented to the following propoſitions:

"To that for nomination of the great officers of the kingdom, to be by both houſes during the term of ten years.

"To thoſe concerning the city of London, and the great ſeal.

"To that concerning the court of Wards, &c. a recompence being aſſured to his majeſty of one hundred thouſand pounds per annum to him, his heirs and ſucceſſors in lieu of the court of wards."

The commiſſioners acquainting the king that his anſwer concerning epiſcopacy would not be ſatisfactory to the two houſes, and earneſtly preſſing him to give them a fuller, he told them in writing, he could not abſolutely relinquiſh epiſcopacy. He repeated his offers on that head, adding only, that if in the ſpace of three years he was convinced, that the function of biſhops was not agreeable to the word of God, or that Chriſt commanded any other government, he would moſt chearfully embrace it: but till he was ſo convinced, he believed himſelf bound in conſcience to maintain epiſcopacy.

The commons ſpent four or five days in debates upon the king's offers and anſwers, and voted them unſatisfactory, as to the point of epiſcopacy, the lords concurring with them.

The ſame was voted concerning the king's anſwer about taking the covenant and aboliſhing popery, for that he de-

[b] They voted them unſatisfactory. See Ruſhworth, Tom. VII. p. 1282. Whitelock, p. 340.

fired to have it tolerated in the queen's chapel and family. The houſes were likewiſe diſſatisfied with the anſwers about alienating biſhop-lands, and ſale of deans and chapters, and concerning delinquents. Thus, the peace ſeemed more remote than ever, eſpecially, as the lords concurred with the commons in the alienation of church-lands.

As the time limited for the conferences was about to expire, theſe reſolutions were ſpeedily ſent to the commiſſioners with orders to demand the king's final and poſitive anſwer, and by a ſpecial meſſage the commons alſo deſired of the king, that his majeſty would be pleaſed to declare expreſly againſt the Iriſh rebellion, and the ceſſation concluded with the rebels, and forbid the junction of the marquis of Ormond's forces with the Iriſh papiſts to make war upon the proteſtants. But as there remained only three days, which was not a ſufficient time to receive the king's anſwer, the lords prevailed with the commons to prolong the treaty a fortnight, and the rather, as the king had deſired to confer with Dr. Uſher archbiſhop of Armagh, and the biſhops of Worceſter and Rocheſter, upon the affairs of the church. But as much was not to be expected from this delay, the commiſſioners were allowed to return to the parliament, leaving three of their number to receive the king's final anſwer[c]. Twelve of the commiſſioners coming to London, reported to the parliament the king's final anſwer, which had been delivered to them the 9th of November, and was to this effect:

"That his conceſſions had been miſapprehended, and that he did not intend to make any more new biſhops during the term of three years.

"That whereas it might be objected, That in the end of three years the power of ordination ſhould be practiſed in the old manner as formerly, that is, the biſhops ſhould be at liberty to call what preſbyters they would to aſſiſt in ordaining, but were not bound to their counſel or conſent, his majeſty did now intend and conſent, that biſhops ſhould not receive any into holy orders without the conſent of a limited number of preſbyters to be choſen in ſuch manner as ſhould be agreed on by his majeſty and his two houſes for that purpoſe.

"That his majeſty did not intend, that after the end of three years no certain way ſhould be ſettled concerning eccleſiaſtical government, for that his majeſty did purpoſe, during the three years, to have a conſultation with the aſſembly of divines, twenty being added of his nomination, which if his two houſes ſhould reſolve to entertain, it could not be well doubted, but upon the debate, ſuch a government would be agreed on by his majeſty and his two houſes, as ſhould be beſt for the peace of the church, and moſt proper to prevent thoſe diſtractions which his two houſes apprehended might enſue.

"As to that part of the propoſition concerning the book of common-prayer; for the ſatisfaction of his two houſes, that he would not inſiſt upon any proviſion for continuance of the ſame in his majeſty's chapel for himſelf and his houſhold: nevertheleſs his majeſty declared, that he intended to uſe ſome other ſet form of divine ſervice.

"As to their requeſt, that an act be paſſed for a ſtricter courſe to prevent the ſaying and hearing of maſs in the court, or any part of the kingdom, or in Ireland, his majeſty would conſent thereunto.

"As to all other particulars mentioned in the parliament's paper, he referred himſelf to his former anſwers.

"Concluding, that ſince he had by his conceſſions brought all differences concerning the church into ſo narrow a compaſs, that the chief viſible obſtruction was, that wherein really in conſcience he was not ſatisfied, he hoped his two houſes would not put farther preſſures of ſo tender a nature upon him."

All this was not capable to induce the commons to deſiſt from the leaſt of their pretenſions. They voted, that his majeſty's anſwers concerning the church, form of prayer, hearing and ſaying maſs, were unſatisfactory; and ordered the three commiſſioners attending the king to inform him of their votes, and preſs him for a final anſwer.

As the parliament had not hitherto taken any notice of the king's propoſitions or deſires, the houſe of commons at length took them into conſideration, and paſſed the following votes:

"1. That his majeſty's coming to London ſhall be with freedom, ſafety, and honour, ſo ſoon as the conceſſions of the treaty are concluded and agreed.

"2. That his majeſty ſhould have his lands and revenues, what is legally his, made good to him, according to the laws of the kingdom.

"3. What his majeſty ſhall paſs away of his legal rights, he ſhall have allowance in compenſation thereof.

"4. That an act of oblivion be preſented to his majeſty, to be paſſed with ſuch limitations as ſhall be agreed on by both houſes of parliament."

It is certain, there never was any difficulty either about the king's return, or the reſtitution of his revenues, or the abolition of the court of wards, inſtead of which he was to have an hundred thouſand pounds a year. Theſe three articles were conſidered as a natural conſequence of the concluſion of the treaty. But as to the act of oblivion, the king and parliament did not agree. The parliament inſiſted upon excepting from pardon ſuch a number of delinquents, that is, of thoſe who had ſerved the king, and were conſidered as the authors of the troubles. They intended to confiſcate their eſtates, and baniſh them the realm. In ſhort, after long debates, the number of excepted perſons were reduced to ſeven, about whom the two houſes did not agree[d]. Nay, as to thoſe that were to be included in the pardon, the parliament pretended to inflict a pecuniary puniſhment on them, and had ranked them under ſeveral claſſes, according to which, ſome were to forfeit one half of their eſtates, others a third, others a fourth, and had aſſigned the money thence ariſing towards the payment of the public debts. The king, on the contrary, pretended, that all without exception ſhould have the benefit of the act of oblivion. He conſented only that ſome of thoſe whom the parliament termed delinquents, that is, his faithful ſervants, ſhould be liable to a moderate compoſition, a general expreſſion, on which there would have been many diſputes, had it come to be diſcuſſed. However, this article, which was conſiderable, was not yet ſettled, but it was not impoſſible to find expedients to ſatisfy the king and the parliament, if the difficulties concerning religion had not hindered the concluſion of the treaty, upon which I cannot forbear making two remarks.

The firſt is, that if the commons inſiſted ſo long upon the ſigning the three bills, it was becauſe they knew how inflexible the king was in the point of epiſcopacy, and deſpaired of concluding a treaty with him, unleſs he previouſly granted this article, upon which they were no leſs inflexible than he, as plainly appeared in the conferences. This was the principal point, without which perhaps there would have been no war, and from which the preſbyterians could not depart without loſing the fruit of their labours and ſucceſſes againſt the king.

My ſecond obſervation is, that the rigid epiſcopalians had room to ſee in theſe conferences, what prejudice their former exceſſive ſeverity againſt preſbyterianiſm now brought them, ſince it was not poſſible to find any other way to content the preſbyterians than the abolition of epiſcopacy. The preſbyterians, knowing by long experience the king's ill-intentions towards them, thought they could not truſt to conceſſions extorted from him by neceſſity, and were not to be ſatisfied ſo long as the name of biſhop ſubſiſted. They were apprehenſive, and perhaps very juſtly, that the function of biſhops, though reduced almoſt to nothing by the king's offers, would be a foundation on which the king intended to raiſe the ſuperſtructure of the hierarchy, or a toothing, which ſhowed that he meant not to leave the building in its preſent condition. The example of what had happened in Scotland farther confirmed their jealouſies and fears. In that kingdom, all the epiſcopal functions had been aboliſhed. The biſhops had retained only the bare name, with ſome temporal privileges, entirely diveſted of authority or juriſdiction. But even this had ſufficed to give king James occaſion to reſtore them to all the rights they had enjoyed before the reformation. Charles I. might intend to do the ſame thing in England; and the preſbyterians but too well remembered, that, at the very time he granted the Scots the extirpation of epiſcopacy, he wrote to the Scotch biſhops that it was only through compulſion, and till he ſhould have opportunity to reſtore the church to her former ſplendor. Without this prejudice of the preſbyterians, without this want of confidence, of which the king may be ſaid to be himſelf the cauſe, it is certain his offers with regard to epiſcopacy might have ſerved for foundation to a peace, as the parliament acknowledged when it was too late. Mean while, the two houſes, not deſpairing entirely to bring the king to their terms, continued the treaty a week longer.

Whilſt both houſes were employed in the affairs of the treaty, the officers of the army, whoſe head-quartes were

[c] The earl of Northumberland, Mr. Pierrepoint, and Mr. Denzil Holles Whitelock, p. 347.

[d] The perſons excepted by both houſes, were, the lord Digby, Sir Marmaduke Langdale, ſir Richard Greenville, judge Jenkins, ſir Francis Dodington; and inſtead of the earl of Newcaſtle, and ſir John Winter, the lords voted, ſir George Ratcliffe and the lord Byron. Ruſhw. Tom. VII. p. 1325.

[e] Forty

then at Windſor, met in a council of war, to endeavour to obſtruct the peace. They knew what had paſſed at Newport, and that the concluſion of the treaty depended but on a ſingle point, which they did not queſtion, the king would at laſt grant. Wherefore they reſolved to hinder the concluſion by force. Cromwell was not yet come to the army, but remained about Pontefract, to order the ſiege of that place, which had been ſurpriſed by the king's party, and the garriſon whereof kept the whole country in awe, and committed great violences. Colonel Rainſborough had been detached from the army, to command at the ſiege; but had been ſurpriſed in a neighbouring town by a party of the garriſon, who had killed him, not having been able to carry him off[e]. Cromwell had ever loved and eſteemed him, and therefore earneſtly wiſhed to revenge his death, beſides, that he was importuned by the committee of Yorkſhire, to employ the forces he was leading from Scotland, for the reduction of that place. This had detained him ſome time in thoſe parts. But, as he wanted not all his troops for the ſiege, becauſe he had there already a detachment of the army, he ſent part of his forces before, to join general Fairfax. This reinforcement being arrived, the army believed themſelves able to execute what had been reſolved. To that purpoſe, the 18th of November, which would have been the laſt day of the Newport conferences, if the parliament had not continued them a week longer, colonel Ewers, attended with ſome officers, preſented to the commons from the army, a remonſtrance, which plainly diſcovered the intentions of the independent party. The ſubſtance of the army's deſires was to this effect;

" 1. That the king be brought to juſtice, as the capital cauſe of all the evils in the kingdom, and of ſo much blood being ſhed.

" 2. That a timely and peremptory day be ſet for the prince of Wales, and duke of York, to come in and ſurrender themſelves; if not, that they be declared incapable of government, or any right in England, and ſtand exiled for ever as traitors; and if they render themſelves by the time, then the prince to be proceeded againſt or remitted, as he ſhall give ſatisfaction, and the duke the like, and that the revenue of the crown be ſequeſtered. Alſo the 10,000l. to be added, be diſpoſed to public uſe.

" 3. That public juſtice may be done upon ſome capital cauſers or actors in the war.

" 4. That the reſt, upon ſubmiſſion, may have mercy for their lives,

" 5. That the ſoldiers have their arrears.

" 6. That public debts be paid, chiefly to thoſe who voluntarily laid out their eſtates, and ventured their lives, and this to be done by fines of delinquents, and the eſtates of thoſe excluded from pardon.

" 7. After public juſtice thus done, then that a reaſonable certain period be put to this parliament.

" 8. That there be a certain ſucceſſion of future parliaments, annual or biennial, with ſecure proviſion, (1.) For the certainty of meeting. (2.) For equal diſtribution of elections, to render the commons houſe an equal repreſentative. (3.) For certainty of the people's meeting, and that none who have engaged in the late war, or ſhall engage againſt the right of parliament and kingdom, or adhere to the enemies thereof, be capable of electing, or being elected, during ſome years, nor thoſe who ſhall not join with them, but oppoſe this ſettlement. (4.) For clearing the power of this repreſentative, it be declared to have the ſupreme power, as to the governing and preſervation of the whole, as to the people of England, and to altering, repealing, or aboliſhing of laws, the making war or peace, the higheſt or final judgment in all civil things; and all miniſters or officers of ſtate ſhall be accountable to them, bound and concluded thereby: provided, firſt, They may not cenſure or queſtion any man after the end of this parliament, for any thing ſaid or done in reference to the late war. Secondly, They may not render up, give or take away any right, liberty, or ſafety, contained in this ſettlement or agreement: That there be a liberty of entering diſſents in the ſaid repreſentative; in caſe of corruption in theſe higheſt truſts, the people may know who are free, and who guilty, that ſo they may not truſt ſuch for the future, but with further penalty to any for their future judgment there.

" 9. That no king be hereafter admitted, but upon election of, and as upon truſt from the people, by ſuch their repreſentative, not without firſt diſclaiming and diſavowing all pretence to a negative voice againſt the determination of the ſaid repreſentative, or commons in parliament, and that to be done in ſuch form more clear than heretofore in the coronation-oath.

" Theſe matters of a general ſettlement are propounded to be done by this parliament, and to be further eſtabliſhed by a general contract or agreement of the people, with ſubſcriptions thereunto; alſo that it be provided, that none be capable of benefit by this agreement, who ſhall not conſent and ſubſcribe thereunto, nor any king be admitted to the crown, or other perſon to any other office or place of public truſt, without expreſs accord and ſubſcription to the ſame."

The parliament returned no anſwer to this remonſtrance, as well as to ſome others of the like nature, preſented to them during the treaty. I have already mentioned that of the 11th of September, from thouſands of the inhabitants in and about London, and that of the maſters and commanders of ſhips. The 30th of the ſame month they received another, in the name of many thouſands of the county of Oxon. The 10th of October, a petition was preſented to the commons, ſigned by the Newcaſtle-men, deſiring that ſpeedy juſtice might be executed upon the greateſt delinquents. The ſame day, the inhabitants of Yorkſhire petitioned for the ſame thing, ſaying, 'His majeſty had conſeſt himſelf, and his party, to be guilty of the blood that had been ſhed.' The 30th of the ſame month, the officers of Ingoldſby's regiment, garriſoned at Oxford, preſented a petition to the general, deſiring, " That immediate care be taken, that juſtice be done upon the principal invaders of their liberties, namely, the king and his party, and ſufficient caution given to future kings, for preventing the inſlaving the people hereafter. Adding, that being apprehenſive the iſſue of the treaty now in hand, could neither be juſt nor ſafe, they prayed his excellency to re-eſtabliſh a general council of the army, to conſider of ſome effectual remedies to this evil, either by repreſenting the ſame to the houſe of commons, as the petitioners of London, or by ſome other way." On the other hand, whilſt Cromwell was at Pontefract, every regiment of his army preſented petitions to him, demanding juſtice upon the king; which were all ſent to the general[f]. Hence it appears, that the army's remonſtrance was an effect of the plots laid by the independents, who, in ſeveral parts of the kingdom, infuſed theſe violent reſolutions into the people and officers, to hinder the concluſion of a treaty which could not but ruin their party. Very likely, the preſbyterians fully perceived the deſigns of the independents, and theſe petitions were but too apt to convince them of the ſame. But they hoped to amuſe them till the treaty was ended, not doubting the king would at laſt conſent to the abolition of epiſcopacy. As for the other articles, which were not yet ſettled, probably, they would have choſen rather to yield them to the king, than retard the concluſion of the treaty, which to them was ſo neceſſary. Affairs being in this ſituation, it was not proper ſtill more to provoke the independents, by anſwers which would not have pleaſed them. On the other ſide, they could not think of agreeing with the king, without obtaining the abolition of epiſcopacy, not thinking themſelves ſafe ſo long as the very name of biſhop ſubſiſted. In ſhort, it was not proper to attempt a reſiſtance of the army by force. In all appearance, their preparations would but have haſtened the execution of the army's reſolutions, whereas it was their intereſt to amuſe them only for ſome days. All their hopes therefore were grounded upon the king's compliance, which they hardly queſtioned, conſidering the manifeſt danger to which his obſtinacy would expoſe him. For it is not likely, he was ignorant of the petitions preſented againſt him, or was not ſoon informed of the army's remonſtrance, ſince every one had free acceſs to him.

Three days after the parliament had received a remonſtrance, letters came from the commiſſioners at Newport, with his majeſty's anſwer concerning the marquis of Ormond, and the biſhop's lands; namely, that he could not give any orders to the marquis before the treaty was ſigned, but then would do as both houſes deſired; and if the marquis refuſed to obey, would take ſuch meaſures againſt him as ſhould be

[e] Forty horſe ſallied out of Pontefract towards Doncaſter, where they killed the centinel; then three of them rode on to Doncaſter, and aſked for colonel Rainſborough's quarters, and coming to his chamber, there called to him, and ſaid, They had a letter from lieutenant-general Cromwell. The colonel roſe and opened his door to them (expecting ſuch a letter that morning) and preſently the three Pontefract ſoldiers fell upon him, ſhot him in the neck, another ſhot him through the heart, with other wounds, and left him dead, eſcaping without any alarm given. Whitelock, p. 346.

[f] October 18. Ireton's regiment preſented alſo a petition to the general; which, as Whitelock obſerves, was the beginning of the deſign againſt the king's perſon, p. 343.

The

ſatisfactory to the two houſes. That as to the biſhops lands, he perſiſted in his former offers. This anſwer afforded no great hopes of a ſpeedy accommodation. However, as it was delivered the 16th of the month, two days before the preſenting of the army's remonſtrance, it was hoped the next news from Newport would be more ſatisfactory. But on the 25th the parliament was informed, by letters from the commiſſioners, that the king had poſitively refuſed to add any thing to his former anſwers.[g]

This was not all. They were acquainted at the ſame time, that the general had required colonel Hammond to attend him at the head-quarters, and ſent colonel Ewers to take the command of his majeſty in the Iſle of Wight, who kept the king under very ſtrict cuſtody. Thus the precautions taken by the parliament, to hinder the king from coming to treat in perſon at London, for fear he ſhould meet with too many friends, were the cauſe that they could not be maſter of his perſon, when it would have been moſt neceſſary. Two days after, the commons received a letter from colonel Hammond, with the general's order to him to repair to the army, and reſign his command to colonel Ewers. Whereupon the commons voted, that colonel Hammond ſhould be required to ſtay in the Iſle of Wight, and the general be acquainted with this vote. But Hammond was now gone to the army, and had reſigned the cuſtody of the king to colonel Ewers. Notwithſtanding all this, the parliament ſeems not to have deſpaired of agreeing with the king, ſince the commons deferred the conſideration of the army's remonſtrance, till the 1ſt of December, in order to be better able to anſwer it when they ſhould know the king's final reſolution. The ſame day the general received petitions from the forces in the north, and in Wales, agreeable to the army's remonſtrance.

After the general had thus made himſelf maſter of the king's perſon, without the privity of the two houſes, it was not very likely he ſhould be diſpoſed to receive their orders. Nevertheleſs, the commons told him, in a letter from their ſpeaker, That his orders to colonel Ewers were contrary to their reſolutions, and colonel Hammond's inſtructions, and that it was the pleaſure of the houſe, he ſhould recal his orders, and ſuffer colonel Hammond to attend his charge in the Iſle of Wight. But the general and council of war took no notice of this order.

The next day, the king, by command of the general, was removed by lieutenant-colonel Cobbet to Hurſt-caſtle in Hampſhire, ſituated on a narrow piece of land, running into the ſea, over-againſt the Iſle of Wight, and the parliament was not informed of it till three days after[h].

Mean while, the army was not idle, being reſolved to run all hazards to prevent the concluſion of the treaty. The ſame day, November the 30th, they publiſhed a declaration or manifeſto, wherein they clearly diſcovered their deſigns, and which was to this effect:

"That the army being full of ſad apprehenſions concerning the danger and evil of the treaty with the king, and of any accommodarion with him, or reſtitution of him thereupon, they did, by a remonſtrance, make their application thereby to the houſe of commons. That they took this courſe out of an earneſt deſire, that thoſe matters of higheſt concernment to the public intereſt of the nation might be purſued and provided for, if poſſible, by thoſe whoſe proper work and truſt it was: but to their grief they found, that inſtead of any ſatisfaction, or reaſonable anſwer thereunto, they were wholly rejected, without any conſideration of them. For they were laid aſide till the monday following, by which time the treaty, as then ſuppoſed, would have been concluded; but that failing, and two days more being added to the treaty, the conſideration of their remonſtrance in the day appointed was waved and laid aſide; the treaty in the mean while, going on in the former way and terms, and like to be concluded the very next day. The army therefore having received no anſwer to their former propoſals, they could not but remain confident, that the prevailing part of thoſe to whom they did apply, had as it were their eyes wilfully ſhut, and ears ſtopt, againſt any thing of light or reaſon offered to them, ſo as not to diſcern the dangers wherewith the kingdom was threatened.

"The army then ſeeing nothing left, to which the parliament's engaging and perſiſting in ſuch ways, could rationally be attributed, leſs than a treacherous or corrupt neglect of, and apoſtacy from, the public truſt repoſed in them, they thought fit to appeal to the common judgments of indifferent and uncorrupted men, and to the more righteous judgment of God above all."

After juſtifying this extraordinary appeal in the beſt manner they could, they admoniſhed ſuch members as were upright, and had a juſt ſenſe of thoſe things, to proteſt againſt the reſolutions of the houſe, and withdraw, promiſing to look upon them as perſons that had the chief truſt of the kingdom remaining in them, and to adhere to them, and be guided by them, till the introducing of a more formal power, in a juſt repreſentative, were ſpeedily endeavoured. Then they declared, that they were ready to lay down their arms, if their remonſtrance were anſwered; but that the little notice taken of their propoſitions, made them ſenſible there was nothing to be hoped. And therefore the caſe being ſo extraordinary, and the danger ſo preſſing, they were drawing up with their army to London, there to follow providence, as God ſhould clear their way.

The firſt of December, the general writ to the city, to inform them of the army's advance towards London, on account of the parliament's contempt of their remonſtrance: that rhey had no thought of plunder, or other wrong to the city, or ſo much as troubling the inhabitants with quartering any ſoldiers: but that, for prevention of all violence, he deſired forty thouſand pounds might be provided by the next day[i]. The houſe of commons agreed, that the city ſhould ſend this ſum to the army, and acquainted the general, that it was the houſe's pleaſure he ſhould not remove nearer London.

The ſecond of this month, the houſe took the king's offers into conſideration, but without coming to any concluſion. Whilſt they were debating, the general, with ſeveral regiments, came and took up their quarters at Whitehall, St. James's, the Meuſe, and other places in the ſkirts of the city, which he judged convenient for his deſigns.

The 3d, being Sunday, the parliament did not ſit. But on the 4th, the commons reſumed the debate of the king's conceſſions, which was interrupted by the news of the king's removal to Hurſt caſtle. Whereupon they voted immediately, that the carrying the king priſoner to Hurſt caſtle, was without the advice and conſent of the houſe. After that, they debated again the king's offers, and ſat all the day and night, till five o'clock in the morning. At laſt, it was propoſed, whether the queſtion ſhould be put, and carried by a hundred and forty, againſt an hundred and four. Then the main queſtion being put, it was voted, that 'his majeſty's conceſſions to the propoſitions of parliament upon the treaty, were ſufficient grounds for ſettling the peace of the kingdom. But I csnnot think it was unanimouſly, as the lord Clarendon affirms[k]. What has been juſt ſeen ſeems to ſhew rather, there were many members not content with this reſolution.

Immediately after, the houſe appointed a committee to confer with the general, for the better procuring a good correſpondence between the parliament and the army; and then adjourned to Wedneſday. The ſame day, ſeveral other regiments came and quartered in the ſuburbs of London; and the general cauſed a proclamation to be made, requiring all delinquents, who had not perfected their compoſitions, to depart ten miles from London for a month, on pain of being proceeded againſt as priſoners of war.

Wedneſday, the 6th of December, the general ſent two regiments to Weſtminſter, and the city trained-bands were diſcharged, who had been ſet there ſome months ſince, for guards to the parliament. After the ſoldiers were drawn up in the court of requeſts, on the ſtairs, and in the lobby before the houſe, when the members offered to go in, colonel Pride, having a paper of names in his hand, ſeized upon one and forty, and ſent them into the court of wards, where they were kept under guard. The houſe having notice thereof, ſent their ſerjeant at arms to acquaint theſe members, that they ſhould forthwith attend the ſervice of the houſe. But the officer of the guard anſwered, he had order to ſecure them, which order he was to obey before any other command[l].

Not long after colonel Whaley, with other officers, preſented to the houſe a paper intitled, Propoſals and deſires of

[g] The king alone diſputed upon the ſeveral articles, with the prrliament's commiſſioners, none of his attendants being permitted to ſpeak. Warwick's Mem. p. 322.

[h] This caſtle was built by king Henry VIII. It is joined to the land by a narrow neck of ſand, which, at ſpring tides, and in ſtormy weather, is covered by the ſea. Therefore it is very moiſt and unhealthy.

[i] On the ſecurity of the arrears due to the army from the city. Whitelock. p. 358.

[k] The lord Clarendon ſays, the main queſtion was ſo clearly voted, that the houſe was not divided. Tom. III. p. 183.

[l] Many, ſays Whitelock, were glad of an honeſt pretence to be excuſed from appearing in the houſe, becauſe of the buſineſs of the army, the debates about which went extremely high. Whitelock, p. 366.

Deeds

the army in vindication of their conduct, the ſubſtance whereof was to this effect.

" 1. Whereas ſeveral members of your houſe[m], were in the year 1647, impeached by yourſelves for treaſon, or for high crimes and miſdemeanors, in relation to the treaſonable engagement in the city of London; the violence then done upon the parliament, the levying of a new war, and other evils, in maintainance and proſecution thereof; and upon clear proofs againſt them, were by your cenſure expelled the houſe, and diſabled from farther truſt therein, and upon new writs iſſued out, new members were choſen and returned in ſome of their rooms; and yet by the prevalence of their faction, when in the laſt ſummer's wars, divers faithful members were engaged abroad upon neceſſary public ſervice, and others through malignant tumults and diſturbances could not ſafely attend the houſe, the ſame perſons wete afterwards re-admitted to ſit in the houſe, and vote as formerly, without any trial or ſatisfaction in the things whereof they were accuſed.

" 2. Whereas by the confederacy of major-general Brown, now ſheriff of London, with the ſaid impeached members and others, the Scots were invited and drawn in to invade this kingdom the laſt ſummer, inſomuch as when upon their actual invaſion the houſe proceeded to declare them enemies, and thoſe that adhered to them, traitors; yet the ſaid confederators, and other treacherous members, to the number of ninety and odd, as upon the diviſion of the houſe appeared, did by their counſels and votes endeavour to hinder the houſe from declaring againſt their confederate invaders: we deſire, that the ſaid major-general Brown may be alſo ſecured and brought to judgment, and that the reſt of the ninety and odd perſons diſſenting againſt the ſaid vote, may be excluded the houſe.

" 3. Whereas in a continued ſeries of your proceeding for many months together, we have ſeen the prevalence of the ſame treacherous, corrupt, and divided counſels, through factions and private intereſts, oppoſing or obſtructing juſtice in all kinds, diverting your counſels from any thing of public good, hindering any proceedings to any ſuch ſettlement, as would conſiſt with ſecurity to the public intereſt, or put a real end to the troubles, burdens, or hazards of the kingdom, and precipitating into treacherous and deſtructive compliances and conjunctions with the acknowledged enemies thereof, as in the votes of no more addreſſes to the king, &c. the juſtneſs and neceſſity whereof you had once ſo cleared to the world; alſo in the votes for entertaining or ſeeking after all that perſonal treaty: and laſtly, in the votes declaring the king's paſt conceſſions to be a ground for the houſe to proceed upon for the ſettlement of the peace of the kingdom, notwithſtanding the viſible inſufficiency and defects of them in things eſſentially concerning the public intereſt and liberties of the kingdom, as thoſe propounded in our late remonſtrance are, and in other matters both religious and civil. We therefore moſt earneſtly deſire, that all ſuch faithful members who are innocent in theſe things, would immediately, by proteſtation and public declaration, acquit themſelves from any guilt of, or concurrence in the ſeveral votes or councils here before particularly mentioned, as corrupt or deſtructive, that the kingdom may know who they are that have kept their truſt, and diſtinguiſh themſelves from the reſt that have thus falſified the ſame; and that all ſuch as cannot or ſhall not ſo acquit themſelves particularly, may be immediately excluded or ſuſpended the houſe, and not re-admitted until they have given clear ſatisfaction therein, to the judgment of thoſe who now ſo acquit themſelves, and the grounds of ſuch ſatisfaction be publiſhed to the kingdom.

" 4. Thus, ſuch as by faithfulneſs have retained their truſt, being ſet in a condition to purſue and perform the ſame, without ſuch interruptions, diverſions, and depravations of counſels as formerly: we ſhall deſire, and hope you will ſpeedily and vigorouſly proceed to take order for the execution of juſtice, to ſet a ſhort period to your own power, to provide for a ſpeedy ſucceſſion of equal repreſentatives, according to our late remonſtrance, wherein differences in the kingdom may be ended, and we and others may comfortably acquieſce; as for our parts, we hereby engage and aſſure you we ſhall."

It would be needleſs to make any remarks and obſervations upon this paper, the injuſtice and violence whereof are ſo very obvious. But it was neceſſary to inform the reader of the contents for the following reaſon. There are hiſtorians whoſe partiality has cauſed them either to omit, or but juſt mention it, without relating the ſubſtance, for fear of convincing their readers, that the preſbyterians were not concerned in what was afterwards tranſacted, and that the independents were the true and ſole authors thereof.

December the 7th, the commons as they were repairing to their houſe, found the door within and without guarded by ſoldiers, who hindered many from going in[n]. The lord Clarendon ſays, near one hundred were denied entrance. This makes me think that ninety mentioned in the remonſtrance were of this number. So from this day, the houſe of commons is to be conſidered as conſiſting entirely of independents. Very likely from that day, very few or no preſbyterian-members were admitted any more. However, the ſtate of the houſe was once more changed by this new revolution. The preſbyterians had been ſuperior from the beginning of the war, to the 6th of Auguſt 1647. The independents had prevailed from that day, till about the end of the year 1648, when the army was forced to remove from London, after which the preſbyterians were maſters again. At laſt, on the 6th and 7th of December this ſame year, the independents entirely expelled the preſbyterians, or at leaſt diſabled them from ſupporting their party. This muſt be carefully remembered, if we deſire to have a clear idea of the hiſtory.

The ſame day, December the 7th, Cromwell, who came to London the night before[o], ſat in the houſe, and received thanks for his great ſervices.

Though the general had promiſed the city not to quarter the ſoldiers upon the inhabitants, as this promiſe was only conditional, in caſe the ſum demanded were paid, and as the city had not furniſhed the money, he ordered two regiments into the city, and on the morrow a third; after which, he took away twenty thouſand pounds from Weavers-hall, aſſuring the treaſurer he ſhould be reimburſed out of the aſſeſſments of the city due to the army.

About the ſame time was preſented to the general, a plan, intitled, 'A new repreſentative, or an agreement of the people,' for ſettling the government[p]. This plan was wholly founded upon independent principles, and agreeable to the army's remonſtrance, except that it was more large on each article. This agreement was propounded as a rule for future government, and to be ſubſcribed throughout the kingdom. But as this plan was not executed, though it was drawn with great pains by the council of war, and even ſeemed to be approved by the parliament, I do not think it neceſſary to inſert it[q].

The ſecluded members having publiſhed a proteſtation againſt the violence put upon them, both houſes declared the proteſtations to be falſe, ſcandalous, and ſeditious, and tending to deſtroy the fundamental government of the kingdom, and ordered, that all perſons who had any hand in framing or publiſhing it, ſhould be incapable to bear any office, or to ſit as members of either houſe. They further ordained, that all abſent members, upon their coming to the houſe, ſhould diſclaim their being concerned in, or giving conſent to the contriving or publiſhing the proteſtation.

After that, both houſes paſſed an ordinance, that no perſons who had been delinquents, or aſſiſted the king againſt the parliament in the firſt or ſecond wars, or been aiding in bringing in the Scots army, or ſubſcribed to the treaſonable engagements in 1647, for a perſonal treaty, or abetted the late tumults within the cities of London and Weſtminſter, or the counties of Eſſex, Kent, Middleſex, or Surry, ſhould be elected, or give their voice for electing the lord-mayor, aldermen, common-councilmen, or any other officers. But within a few days, a committee of the common-council acquainted the houſe, that the city was ſo generally concerned in the engagement for a perſonal treaty, that there would not

[m] Denzil Holles, Lionel Kopley, major-general Maſſey, &c. Ruſhworth, Tom. VII. p. 1354.

[n] Upon pretence, that ſomething was to be that day debated concerning them, and therefore they ought not to be judges in their own cauſe. Ruſhworth, Tom. VII. p. 1535.

[o] He lay in one of the king's rich beds at Whitehall. Whitelock, p. 362.

[p] One of the agitators, who was the author of this paper, was ſhot to death for it laſt year, by Cromwell's order. Clarendon, Tom. III. p. 185.

[q] It contained rules for future elections of repreſentatives of the people. They to have the ſupreme authority, and this parliament to be diſſolved in April next, and then a new one to ſit. Divers for the election of the members, officers, and malignants, to be incapable of electing, or being elected; and generally of the power and equal diſtribution of the members, to be in all three hundred perſons, &c. The frame of this agreement of the people was thought to be, for the moſt part, made by the commiſſary-general Ireton, a man full of invention and induſtry, who had a little knowledge of the law, which led him into the more errors. Whitelock, p. 361.

be a ſufficient number of perſons to ſupply the neceſſary offices of the city, if that ſtriction in the late ordinance ſhould ſtand.

The 20th of December, the general ordered fifteen or ſixteen of the members ſecured by the army to be releaſed, with liberty to reſume their places in the houſe if they pleaſed.

We have juſt ſeen how much the face of affairs was altered, by the great turn on the 6th and 7th of December. The commons were now all independents, openly ſupported by the army, and their deſign was to deſtroy equally, king, monarchy, epiſcopacy, and preſbytery. As for the houſe of lords, who had uſed their endeavour, though in vain, to haſten the peace, they ſaw themſelves, ſince this revolution, obliged to follow the ſtream, which was too rapid to be oppoſed. There were in the houſe but few peers, moſt of them indeed preſbyterians, but too weak, in their preſent ſituation, to aſſert their negative voice, and the reſt of their privileges. Whilſt the king was able to protect ſuch as applied to him, the lords retained ſome authority, becauſe they were not without a reſource, in caſe they were diſregarded by the commons. But after the battle of Naſeby it was not the ſame. The commons aſſumed ſuch a ſuperiority, that the lords had no other way to ſupport themſelves, but by approving, or feigning to approve, whatever was done by the other houſe, for fear of producing a breach which muſt have been fatal to them, ſince they would not have known what to do. If they were forced to behave in this manner, whilſt their own party prevailed in the lower-houſe, it is no wonder, they did not dare to ſwerve from this policy, when the independents had gained the advantage. To what purpoſe would it have been to reſiſt the torrents? we ſhall ſee preſently, their firſt oppoſition to a material point irrecoverably ruined them. They therefore who blame them for a too great compliance with the tranſactions ſince the 6th of December 1648, ought to remember, that this is not an occaſion, where we are to reaſon upon the general ideas of the conſtitution of the parliament, but rather upon the particular idea of the ſituation the parliament was in at that time.

Since the independents were maſters of the parliament, petitions againſt the king multiplied ſo faſt, that ſcarce a day paſſed without ſome one being preſented to the commons, eſpecially from the garriſons, which were part of the army. Lambert being returned from Scotland, the regiments under his command failed not to preſent a petition agreeable to the remonſtrance of the army. Somerſetſhire, where the king had formerly many adherents, diſtinguiſhed itſelf on this occaſion above all the reſt, by preſenting a petition, deſiring that ſpeedy and effectual juſtice might be executed upon the chief delinquents, that is, upon the king. The commons were ſo pleaſed with ſuch a petition from a whole county, to encourage the reſt to preſent the like, the petitioners were called in and received the thanks of the houſe, and the petition with the order of thanks were forthwith printed and publiſhed. It does not however appear that the other counties followed this example. Only Norfolk, a few days after, deſired by a petition, that the king himſelf might be brought to impartial juſtice.

At length, the 23d of December, the houſe of commons having reſolved, purſuant to the deſires of the army, to bring the chief delinquents to a trial, and intending to begin with the king, appointed a committee of thirty-eight to draw up a charge, and for that purpoſe to receive all informations and examinations of witneſſes for the matters of fact againſt him.

The ſame day, the fleet under the command of the earl of Warwick ſent a declaration to the general, that they concurred with the army in their remonſtrance. This did not much redound to the earl of Warwick's honour, who having been one of the preſbyterian-leaders, was the firſt that quitted his party to join with the independents.

The reſolution to try the king being taken, (a reſolution projected by ſeveral officers of the army, when he firſt retired to the Iſle of Wight) colonel Harriſon was commanded to remove him from Hurſt-caſtle to Windſor. All the time the king was in the Iſle of Wight, he kept a private correſpondence with the lord Newburgh. Since his being at Hurſt, that lord had found means to acquaint him, he was to be removed to Windſor, and as his houſe was in the road, ſent him word, to endeavour to dine with him, and complain of the going of his horſe, promiſing to ſupply him with one of the fleeteſt in England, by means of which he might attempt to eſcape. Accordingly, the king complained all the morning, that his horſe was very uneaſy, and ſo artfully managed, that he was conducted to dine with the lord Newburgh. But when his majeſty came there, he was quickly told, that the horſe ſo much depended upon, was the day before lamed with a kick. This ſtratagem failing, the king was conveyed to Windſor, where he was kept till the 19th of January 1648-9, when he was carried to St. James's.

He was no ſooner at Windſor, than the council of war ordered all the uſual ceremonies to the king to be laid aſide, as ſerving him upon the knee, and the like, and moſt of his domeſtics to be diſmiſſed. For though the council of war had no right to take then upon them, yet they daily incroached upon the privileges of the parliament, which acted entirely by their orders.

I have before ſpoken of the repreſentation of the common-council of London, concerning the election of the lord-mayor, and other officers of the city. The houſe of commons having heard the report of the committee appointed for that purpoſe, ordered, that their former ordinance ſhould be punctually executed, not regarding, that the magiſtrates of London ſhould be choſen out of the ableſt and moſt ſubſtantial citizens, provided they were of the reigning party. They further ordered, that freemen, for the future, ſhould not be obliged to take the oaths of allegiance and ſupremacy.

The ſame day, being the 28th of December, the committee appointed to conſider of drawing up a charge againſt the king, reported an ordinance for attainting him of high-treaſon, and for trying him by ſuch commiſſioners as ſhould be named in the ordinance, which being read the firſt time, was ordered to be read again the next morning. But as the houſe knew, the ordinance would be approved at the third reading, they paſſed an act for erecting a high court of juſtice, with power to try the king. The preface to which extraordinary act was as follows:

"Whereas it is notorious, That Charles Stuart, the now king of England, not content with thoſe many encroachments which his predeceſſors had made upon the people in their rights and freedoms, hath had a wicked deſign, totally to ſubvert the ancient and fundamental laws and liberties of this nation, and in their ſtead to introduce an arbitrary and tyrannical government; and that beſides all other evil ways and means to bring this deſign to paſs, he hath proſecuted it with fire and ſword, levied and maintained a cruel war in the land againſt the parliament and kingdom, whereby the country hath been miſerably waſted, the public treaſure exhauſted, trade decayed, thouſands of people murdered, and infinite other miſchiefs committed; for all which high and treaſonable offences, the ſaid Charles Stuart might long ſince juſtly have been brought to exemplary and condign puniſhment: whereas alſo the parliament, well hoping, that the reſtraint and impriſonment of his perſon, after it had pleaſed God to deliver him into their hands, would have quieted the diſtempers of the kingdom, did forbear to proceed judicially againſt him; but found by ſad experience, that ſuch their remiſſneſs ſerved only to encourage him and his complices in the continuance of their evil practice, and in raiſing of new commotions, rebellions and invaſions. For prevention therefore of the like or greater inconveniencies, and to the end no chief officer or magiſtrate whatſoever may hereafter preſume, traiterouſly and maliciouſly to imagine or contrive, the enſlaving or deſtroying of the Engliſh nation, and to expect impunity for ſo doing: be it ordained and enacted, by the commons in parliament, and it is hereby ordained and enacted by the authority thereof, That Thomas lord Fairfax, Oliver Cromwell, Henry Ireton, eſquires, Sir Hardreſs Waller, knight, Philip Skippon, (and a hundred and forty-five others) ſhall be, and are hereby appointed and required to be commiſſioners and judges for the hearing, trying, and adjudging of the ſaid Charles Stuart, &c[s]."

[1648-9.] The ordinance for trial of the king paſſed in the houſe of commons the ſecond of January, and was ſent up the ſame day to the lords for their concurrence. Since the ſixth of December, the upper houſe had conſiſted only of nine peers, the reſt having abſented themſelves, that they might not be obliged to countenance the outrageous proceedings of the commons. But upon notice that the ordinance would that day be ſent up to the lords, there came more peers than uſual, as the earls of Northumberland, Mancheſter, Rutland, the lords North, Rochford, Maynard, Dacres, in all ſixteen, and the lord Denbigh ſpeaker. The ordinance being read, was unanimouſly rejected. However, to gain time, it poſi-

[r] The lodge at the king's park at Bagſhot.

[s] Both houſes declared, on Jan. 1. That by the fundamental laws of this realm, it is treaſon in the king of England, for the time to come, to levy war againſt the parliament and kingdom of England. Ruſhworth, Tom. VII. p. 1380.

Their

ble, the lords agreed to acquaint the commons, that they would ſend anſwer by meſſengers of their own; and at the ſame time adjourned for ten days. This artifice was fruitleſs. The commons having ordered the journal of the houſe of lords to be examined, and finding the ordinance was rejected, voted, "That all members of the houſe of commons, and others, appointed to act in any ordinance wherein the lords were joined, ſhall be empowered to ſit, act, and execute, in the ſaid ſeveral committees, of themſelves, notwithſtanding the houſe of peers join not with them." And therefore they ordered the names of ſix lords, who had been appointed for judges, to be left out of the commiſſion, and others to be nominated in their room. Among theſe laſt was ſerjeant Bradſhaw, who was afterwards choſen preſident of the high court of juſtice. Then, the houſe voted:

"1. That the people under God, are the original of all juſt power.

"2. That the commons of England aſſembled in parliament, being choſen by, and repreſenting the people, have the ſupreme authority of this nation.

"3. That whatever is enacted and declared law by the commons of England, aſſembled in parliament, hath the force of law, and all the people of this nation are included thereby, although the conſent and concurrence of the king, and houſe of peers, be not had thereunto[t]."

Theſe principles, though directly contrary to the true conſtitution of the Engliſh government, were however very agreeable to thoſe of the independents, whoſe intention was to turn the monarchy into a republic.

The ordinance for trial of the king, with the amendments that were forced to be made for want of the lords concurrence paſſed the houſe of commons the 6th of January.

The following days to the 20th, were employed in preparations for the trial, the like whereof had never yet been ſeen in the world. I intend not to ſwell the hiſtory with the circumſtances of this famous trial. They are to be found in a little book, entitled, 'A true account of the trial of Charles Stewart, &c.' publiſhed at London in 1650, and tranſlated into French, wherein nothing is omitted. I imagine I ſhall do the reader no injury, to refer him to this book, which is not ſcarce, and which will inform him of all particulars[u]. I ſhall content myſelf therefore with briefly obſerving, what I think moſt material in the affair.

I. The high-court of juſtice obſerved the ſame rules in trying the king, as in judging a common malefactor, there being no precedent of ſuch a trial.

II. The principal article of the accuſation was, that the king had levied war againſt the parliament, which was undeniable. The ſieges and battles were evident proofs of it. But this ought not to have been the principal point. It ſhould have been proved, that he was the beginner and author of the war. For it is manifeſt, if the war had been only defenſive on his part, he was not to be blamed. And yet, in the charge, he was ſuppoſed to have put the parliament under a neceſſity of defending themſelves, and this point, which was the chief, not only was not proved, but even not attempted to be ſo. The depoſitions of the witneſſes tended not to ſhow, that the king had forced the parliament to take up arms, but only that he had been ſeen ſword in hand againſt the parliament, and giving orders to levy war. The queſtion, which of the two, the king or the parliament, had begun the war, ought to have been fully cleared. But though it had been ſo to the king's diſadvantage, who does not know, that the beginner of a war is not always the aggreſſor? This was a point of great diſcuſſion, and which impartial judges would have found difficult to decide. For if what has been ſaid in the hiſtory of this reign be remembered, it will be obſerved, that though it is evident the king governed in an arbitrary manner for ſome years, the ground of the war he undertook, was not in maintenance of this arbitrary power. He had fully conſented to the annulling of his uſurpations. But the grouud of the war, on his part, was the defence of the power the king enjoys by the laws of the land. On the parliament's ſide, the ground of the war was, That in a ſuppoſition, the king could not be truſted any more, they would have diveſted him of the power his legal prerogatives afforded him to return to his former courſes, and govern for the future as he had governed before. The king was unwilling to be curbed, and the parliament would ſet bounds to his power. This was the true ground of the war. It was not therefore eaſy to determine who was the firſt author of it. The king refuſed to give other ſecurity for the future than his word; and the parliament pretended to have very ſtrong reaſons to ſuſpect the word of a prince, who had ſo often broke it. To determine on which ſide juſtice and reaſon lay, the king's heart muſt have been dived into, to know whether he was ſincere, or intended to deceive the parliament. On the other hand, it was neceſſary to know, whether the directors of the parliament had not ſome other end than the public good, and whether private intereſts were not concealed under that pretence. But all theſe things could be known only to God. And yet, the parliament, being judge and party, ſuppoſed, without alleging any proof, that the king was the aggreſſor and ſole author of the war.

III. There are frequent inſtances in hiſtory of kings aſſaſſinated by their ſubjects, in conſequence either of the public hatred, or of private revenge, or of the intereſt of ſome faction. The Engliſh hiſtory furniſhes, even ſince the conqueſt, examples of two kings ſolemnly depoſed and impriſoned. But till Charles I. it no where appears, that any king was ever tried for his life, before his own ſubjects as judges. I ſhall ſay nothing here of other ſovereigns, who are poſſeſſed of a greater authority over their ſubjects than the kings of England; for there may be a wide difference between ſovereigns in that reſpect. But confining myſelf wholly to the kingdom of England, and ſuppoſing the conſtitution of the government ſuch as it was from the conqueſt to Charles I. I ſhall briefly ſet forth what has been ſaid for and againſt ſo extraordinary a trial. In the firſt place, it is demanded, On what law, natural or poſitive, was founded the right aſſumed by the parliament of England to try the king? The moſt plauſible anſwer in vindication of the parliament's proceedings, is as follows.

According to the conſtitution of the Engliſh government, the king is no leſs bound than the ſubject, to obſerve the laws to which himſelf or predeceſſors aſſented, which is the principal clauſe of the coronation-oath. If this obligation be equal on both ſides, there muſt be therefore equally means to cauſe them to diſcharge it, in caſe they come to neglect it. As for the ſubject, there is no manner of difficulty. The penalties againſt offenders are univerſally known, and the courts of juſtice are appointed to inflict them. It is true, the laws have ordained no penalty upon the kings who diſcharge not their duty, as well out of reſpect to the regal dignity, as becauſe it cannot be ſuppoſed, that the king, to whom the execution of the laws is committed, ſhould be the firſt to break them, and betray the truſt lodged in him by the people. He is nevertheleſs bound to obſerve them himſelf, and cauſe them to be obſerved by the ſubject. This is a principle generally acknowledged. But what is this obligation, if the obſervance of the laws depends ſolely on his will, and there be no juſt means to compel him to obſerve them, or puniſh them when he breaks them? Will it not be an empty ſound without any meaning? And will not the Engliſh government be as arbitrary as that of any other country in the world? Since, therefore, the laws have not decreed any penalty againſt a king that ſhould neglect his duty, or the manner to conſtrain him to diſcharge it; and as, nevertheleſs, he is bound by the ſame laws to procure the obſervance thereof, and to obſerve them himſelf, the nation's repreſentative in parliament is of courſe to call him to an account, ſince it is not poſſible to imagine any other way. Suppoſing the king has violated the moſt fundamental laws of the realm, ſhall foreigners be applied to, for to bring him to juſtice? Can it be ſuppoſed, contrary to experience, that the king is under an impoſſibility of breaking the fundamental laws of the kingdom, of endeavouring to ſubvert them, and of eſtabliſhing an arbitrary government? Will it be maintained, that he may do it with impunity? But if he is aſſured of impunity, what difference is there between the Engliſh government and the moſt deſpotic, ſince its preſervation will ſolely depend on the king's probity and will? If he runs no hazard in trying to alter the conſtitution after ten attempts, he will try again, even till

[t] Theſe votes, ſays Ruſhworth, being reported to the houſe, the houſe put them one after another to the queſtion, and there was not one negative voice to any one of them. Tom. VII. p. 1383.—At this Time Mr. Elſynge deſired to be diſmiſſed from being clerk of the parliament, becauſe (ſays Whitelock of his own knowledge) he would have no hand in the buſineſs of the king. He was a juſt and honeſt man, and a moſt excellent clerk. Mem. p. 364.——Jan. 6. The committee of eſtates in Scotland reſiding in London, writ a letter to the commons, deſiring they would not proceed to try or execute the king, without the advice of their nation. Ruſhwroth, Tom. VII p. 1384.

[u] John Bradſhaw ſerjeant at law, was preſident of the court. William Steele, Dr. Doriſlaus, and Mr. Aſke, were counſellors aſſiſtants to draw up the charge againſt the king. John Coke, ſolicitor. Serjeant Dandy, ſerjeant at arms. Mr. Phelps and Mr. Broughton, clerks to the court. Ludlow, Tom. I. p. 275.

This

he ſucceeds. As to the objection, That leſs violent means than war may be uſed to oblige the king to the obſervance of the laws, and leſs unjuſt and extraordinary, than the taking away his life, to puniſh him for the breach of them; it is anſwered, This is true, and the parliament had accordingly tried to ſecure the government by other methods, as by demanding of the king that the power of the militia might be lodged in both houſes. If the king had agreed to it, the realm would have been in peace, and the people's jealouſies have ceaſed. But he had taken up arms to prevent the parliament's uſing theſe means, a clear evidence that his deſign was to maintain himſelf in a condition to alter the government when he ſhould have opportunity. This unjuſt war had been the occaſion of infinite miſchiefs, of the death of thouſands of his ſubjects, and the ruin of the reſt; and if he was brought to a trial, it was not ſo much to puniſh him for violating the laws, as for preferring the unjuſt and violent way of arms, before the expedients offered him to prevent his breaking them for the future.

The advocates for the king ſay, 1. Though the kings of England have not ſo much authority in their realm as ſome other kings, it does not follow, that they may be put upon a level with ſubjects, and made equally accountable for their actions.

2. The principle laid down for foundation, that there is an equal obligation upon the king and ſubjects to obſerve the law, is falſe, and conſequently the whole reaſoning founded thereon, of no force. For, private perſons being entruſted only with their own conduct, nothing can exempt them from the obſervance of the laws. But the king being entruſted with the government of the ſtate, and the execution of the laws, he has conſequently power to qualify them on certain occaſions, otherwiſe this truſt would be to no purpoſe. The laws could not foreſee every thing, and there are occaſions where it is abſolutely neceſſary for the public good to act contrary to them, or at leaſt to ſuſpend the obſervance of them, and therefore the obligation of the king and the ſubject is not equal.

3. Suppoſing the king had violated ſome of the fundamental laws of the kingdom, and levied war againſt the parliament after the moſt unjuſt manner, it did not follow that he might be puniſhed with death, by reaſon he has neither ſuperior nor equal in the kingdom, and he could have none but ſubjects for his judges. Beſides, he was the fountain of juſtice, and it was abſurd to make him liable to juſtice, from whom it flows and derives its whole authority.

4. According to this ſuppoſition, the chance of war having put him in the power of his enemies, he might have been detained in priſon, and prevented from doing miſchief, till he was prevailed with to grant all the ſecurities required. But there was a wide difference between impriſonment and death: as the firſt could be conſidered as a reaſonable and neceſſary precaution, and the other as a puniſhment ſubjects were not impowered to inflict on their ſovereign, as indeed the like had never been heard of.

5. But the ſuppoſition that the king had violated the laws, and levied unjuſt war againſt his parliament, was very far from being well-grounded. In the firſt place, as to the laws, if the king, miſled by evil counſels, had, on ſome occaſions, carried his power too far, when the parliament made him ſenſible of the ill-conſequences of his conduct, he had chearfully and willingly renounced the exorbitant power which he believed himſelf before to be juſtly intitled to. He had, without delay, conſented to all the acts preſented to him on that ſubject, and agreed that his moſt intimate counſellors ſhould be brought to juſtice. The parliament had accepted this reparation, without expreſſing the leaſt deſire of cauſing him to ſuffer for his paſt faults. After that, it was abſurd to allege theſe ſame faults, ſo amply repaired, as a motive of the juſtice pretended to be executed upon him.

6. As for the war he had levied againſt his parliament, it was wrongfully aſſerted, and without the leaſt proof, that the king had raiſed and begun it on purpoſe to avoid giving his people ſecurity. And under colour of deſiring ſecurity for the future, a deſire wholly founded upon mere ſuſpicions and bare poſſibilities that the king might abuſe his power, it was pretended to ſtrip him of all his prerogatives, in a word, of the regal authority, and leave him only a ſhadow of royalty. Thus, ſuppoſing it true that the king had begun the war, which was by no means evinced, it would alſo be true, that the parliament had excited it, by attempting, under a vain pretence of peace and concord, to reduce the king to the moſt melancholy ſtate a ſovereign can poſſibly be in.

7. The juſtice, pretended to be executed upon the king, was founded intirely on two ſuppoſitions, ſupported with no proof. The firſt, that the king had undertaken the war, only to free himſelf from giving ſecurity. The ſecond, that there was reaſon to fear he would employ the power that ſhould be left him, in altering the conſtitution. All reaſonable perſons were therefore left to judge, whether there was juſtice in trampling upon all laws divine and human, and inflicting upon their ſovereign a capital puniſhment on two ſuch raſh ſuppoſitions.

8. As for the plunder, ruin, murder, and other miſchiefs occaſioned by the war, before they could be charged to the king's account, it ought at leaſt to have been well proved that he was the author of the war. But if this point were fully examined, it would doubtleſs be found, that the complainers themſelves could alone be charged with it.

9. The king was proceeded againſt for intending to change the government, and make it arbitrary and tyrannical. But every Engliſhman was convinced, that the government had never been more deſpotic, more tyrannical, and more arbitrary than ſince the meeting of this parliament. There was ſcarce a law but what had been violated. The two houſes had, for ſeveral years, uſurped the ſupreme authority contrary to the known laws. And lately the commons had voted, that all power was lodged in them, without the concurrence of king and peers, a maxim unknown to the Engliſh from the foundatſon of the monarchy.

10. The commons in eſtabliſhing, by a bare vote, that it belonged to them alone to try the king, had plainly declared, they owned neither ſuperior nor equal, which was really introducing an arbitrary government.

11. Laſtly, till 1643. the parliament had only ſuſpected the king's intentions to alter the government, but after the parliament had aſſumed the direction, the government was really and truly changed. The king was moreover ſuſpected of deſigning to alter the eſtabliſhed religion: but the parliament had indeed changed it, and reduced it to a deplorable confuſion, and the project of this unfortunate change had been the true cauſe of the war, and of all the ſubſequent calamities.

IV. The fourth circumſtance I intend to obſerve, is, that the king was brought three times before the high court of juſtice, and as often called upon to anſwer the charge entered againſt him, which was read in his hearing. But he conſtantly refuſed to own the authority of the court, and of thoſe who erected it. On the other hand, the court would never hear his reaſons for declining their juriſdiction. They always took for granted, that the authority by which the court was eſtabliſhed, was ſufficient; which was the very thing the king would have combated, but was never ſuffered. At laſt, ſeeing he could not prevail to be heard on that ſubject, he left his reaſons in writing to this effect:

"That no earthly power could juſtly call him (who was their king) in queſtion as a delinquent.

"That there were no proceedings juſt againſt any man but what were warranted, either by God's laws, or the municipal laws of the country where he lives. As for the proceedings againſt him, they could not be warranted by God's laws. For on the contrary, it is there ſaid, 'where the word of a king is, there is power; and who may ſay unto them, what doſt thou? Eccleſ. viii. 4. Then for the law of the land, no impeachment can lie againſt the king, they all going in his name: and one of their maxims is, 'That the king can do no wrong.' Beſides, the law upon which they grounded their proceedings, muſt either be old or new: if old, they ought to ſhew it; if new, they ſhould tell what authority, warranted by the fundamental laws of the land, had made it, and when.

"How the houſe of commons could erect a court of judicature, which was never one itſelf, he left to God and the world to judge.

"And it was full as ſtrange, that they ſhould pretend to make laws without king, or lords houſe, to any that had heard ſpeak of the laws of England. And admitting, that the people of England's commiſſion could grant their pretended power, he ſaw nothing they could ſhew for that: for certainly they never aſked the queſtion of the tenth man in the kingdom.

"That having concluded, as much as in him lay, a treaty at Newport, and expecting the houſe's agreement thereunto, he was ſuddenly ſurpriſed and hurried from thence as a priſoner; that the higher houſe, for any thing he could ſee, was totally excluded; and for the houſe of commons it was too well known, that the major part of them were detained or deterred from ſitting: ſo as if he had no

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other, this would have been a ſufficient reaſon for him to proteſt againſt the lawfulneſs of their pretended court.

"That the arms he took up, were only to defend the fundamental laws of the kingdom, againſt thoſe who had ſuppoſed his power had totally changed the ancient government [w]."

V. Of all the witneſſes, as I ſaid, examined againſt the king [x], there was not one which proved the king to be author of the war. But among the depoſitions, there were two which muſt not paſs unobſerved, ſuppoſing they were neither forged nor altered. The firſt ſhews, the king was much leſs incenſed againſt the independents than againſt the preſbyterians, though afterwards he had but too much cauſe to perceive, that the principles of the former, were more deſtructive to him, than thoſe of the latter. The ſecond ſeems to prove, that the king did not act with ſincerity, even in the treaty of Newport.

Richard Price a ſcrivener of London depoſed, that the committee of ſafety being informed, that the king was privately negotiating with the independents, ſent the deponent to Oxford, under colour of carrying propoſals to the king, from the independents: that he was introduced to the king by the earl of Briſtol, and received orders to ſay to the leading independents, from his majeſty, that if they would take his part againſt the parliament, he would grant them whatever freedom they deſired.

The ſecond depoſition was of Henry Gooche of Grey's-Inn, who ſaid: "That on the 30th of September laſt, having acceſs to, and diſcourſe with, the king at Newport, he told him, that ſince his majeſty had juſtified the parliament's taking up arms, by conſenting to the preface of the bill, he did not queſtion, but moſt of the preſbyterian-party, both ſoldiers and others, would ſtick cloſe to him." To which the king anſwered, "That he would have all his old friends know, that though for the preſent he was contented to give the parliament leave to call their own war what they pleaſed, yet that he neither did then, nor ever ſhould decline the juſtice of his own cauſe." Moreover, upon the deponent's ſaying, "That his buſineſs was much retarded through want of commiſſions." The king made anſwer, "That being upon a treaty he would not diſhonour himſelf, but if the deponent would go over to the prince his ſon, (who had full authority from him,) he, or any for him, ſhould receive whatever commiſſions ſhould be deſired." That, beſides, he expreſſed much joy, that his good ſubjects would engage themſelves for his reſtoration.

The king refuſing to anſwer before the high-court of juſtice, his refuſal was taken, according to the laws of England, for a confeſſion, and ſentence of death was paſſed upon him the 27th of January [y]. A little before his ſentence was pronounced, he earneſtly deſired to be heard before the two houſes, ſaying, he had ſomething of great importance to offer them. But his deſire was rejected. It is generally believed, he intended to propoſe to the parliament, that he would abdicate the crown in favour of his eldeſt ſon.

The ſentence was executed the 30th of January 1648-9, on a ſcaffold erected in the ſtreet at the windows of the Banquetting-houſe at Whitehall [z]. The king ſuffered death with great conſtancy, and without ſhewing the leaſt ſigns of weakneſs or amazement. His body, after having been for ſome days expoſed to view, in one of the rooms at Whitehall, was carried to Windſor, and buried without any pomp in St. George's chapel [a].

It is no eaſy thing to give a juſt character of Charles I. amidſt the exceſſive commendations beſtowed on him by ſome, and the calumnies wherewith others have endeavoured to blacken his reputation, If the parties born in his reign had died with him, we might find in the hiſtories of that time, compoſed after the troubles were over, an impartiality which might help to form a true judgment of this prince's character. But the ſame parties continuing in the following reigns, with a mutual animoſity, it may be ſaid, there is not an impartial Engliſh hiſtorian upon this ſubject. Some had no other view than to vindicate the king, and others, whoſe aim was to juſtify the parliament, could not do it without loading the king, and rendering him odious. We muſt therefore proceed with the utmoſt caution when we are in ſearch of this prince's character, for fear of being miſled, and drawn into error by the different repreſentations given their readers by the hiſtorians. Notwithſtanding theſe difficulties, I ſhall briefly ſpeak my thoughts, free from all party-paſſion and prejudice.

I do not find, the commendations beſtowed on Charles I. with regard to ſobriety, temperance, and chaſtity, were ever conteſted. All agree likewiſe, that he was a good huſband, a good father, and a good maſter. But ſome accuſe him, and perhaps not unjuſtly, of ſuffering his queen to have too great an influence over him, and too large a ſhare in ſtate affairs [b]. The kingdom being proteſtant, and the queen a very zealous catholic, her power, which ſhe greatly abuſed in cauſing the moſt important offices to be conferred on papiſts, muſt have been looked upon with a jealous eye. This was the chief ground of the opinion ſpread about the kingdom, that the court intended to reſtore the catholic religion in England.

"He was ſo great a lover of juſtice, that no temptation could diſpoſe him to a wrongful action, except it was ſo diſguiſed to him, that he believed it to be juſt." Theſe are the lord Clarendon's own words, which may be very true, if applied to the concerns of particular perſons. But beſides the juſtice which a king ought to adminiſter impartially to private perſons, there is another kind of juſtice due from him, to all his people in general. With reſpect to this laſt, it may juſtly be doubted, that the lord Clarendon's encomium is inconſiſtent with the project of altering the conſtitution, and aſſuming a power, which certainly was illegal. May, I do not believe, that this was one of the things diſguiſed to him, and I ſhould rather think, it was by him, that his miniſters and courtiers framed their conduct, and adapted their notions to his, in order to make their court, and advance their fortune.

Never was king perhaps ſo punctual and regular in his devotions both public and private. This was of ſome uſe to him, to repel the charge of his not being well-affected to the proteſtant religion, and he knew how to improve it on occaſion.

He abhorred all debauchery, and could not endure an obſcene or prophane word. His court was very different from his father's, where oaths, prophane jeſts, and obſcene diſcourſe were but too much in vogue. It is hard to conceive, how the duke of Buckingham, who was uſed to king James's ways, could accommodate himſelf to the gravity and ſeverity of Charles I. or how king Charles could adapt himſelf to the duke of Buckingham's manners.

James I. was laviſh, and his ſon Charles inclined towards avarice. But this failing may be excuſed by the conſidera-

[w] This, ſays the king, I intended to ſpeak in Weſtminſter-hall, on Monday, January 22, but againſt reaſon was hindered to ſhew my reaſon.

[x] See their names at length in Echard's Hiſt. Tom. II. p. 633, and their depoſitions in Ruſhworth, Tom. VII. p. 1406, &c. and in State-trials, Tom. I.

[y] The names of thoſe who were preſent, and gave their aſſent to the ſentence, were as follows: Bradſhaw, preſident; Liſle, Say, Cromwell, Ireton, Hardreſſe Waller, Bourchier, (Heveningham,) (Pennington,) Martin, Purefoy, Barkſtead, (Thomlinſon,) Blackiſtone, Millington, Conſtable, Ludlow, Hutchingſon, Liveſy, Tichbourn, Roe, Lilbourn, Smith, Edwards, Clement, Wogan, Norton, (Harvey,) Venn, Scot, (Andrews,) Fleetwood, Mayne, J. Temple, Scroope, Dean, Okey, Hewſon, Goffe, (Holland,) Carew, Jones, Corbet, (Allen,) Pelham, Blagrave, Walton, Harriſon, Whalley, Pride, Ewer, Grey of Groby, Danvers, Maleverer, Moore, Alured, Cawley, Stapley, Downs, Horton, (Hammond,) (Love,) Potter, Garland, Dixwell, P. Temple, Waite.—All theſe likewiſe [except thoſe whoſe names are within parentheſes] with Ingoldſby and Chaloner, ſigned the warrant for the king's execution. Ruſhworth, Tom. VII. p. 1416, 1426. See an account of them in Heath, p. 196, &c.

[z] Two men in diſguiſes and vizors, ſtood upon the ſcaffold for executioners. Whitelock, p. 375. William Hulet was tried and condemned on October 15, 1660, for being one of them. State-trials, Tom. II. p. 381, &c. In the ſame trial it is ſaid, That Brandon the hangman cut off the king's head, p. 385. Others ſay, it was colonel Joyce. Life of Cromwell.

[a] After the king's head was ſtruck off at one blow, his body was put in a coffin, covered with black velvet, and removed to his lodging-room in Whitehall. Being imbalmed, it was delivered the 7th of February to four of his ſervants, Herbert, Mildmay, Preſton, and Joyner, who had been appointed to wait upon him during his impriſonment, and by them, that ſame day, removed to Windſor, where came, by permiſſion, the duke of Richmond, the marquis of Hertford, the earls of Southampton and Lindſey, with Dr. Juxon biſhop of London. Colonel Whitcot, the governor, not permitting the biſhop to ſay the burial-office, according to the liturgy, the body was ſilently interred on February 9, in a vault about the middle of the choir, over againſt the eleventh ſtall on the ſovereign's ſide, near Henry VIII. and Jane Seymour, with this inſcription in capital letters, on a fillet of lead, KING CHARLES, 1648. The whole funeral charges came but to 229l. 5s. Herbert's Mem.

[b] Sir Philip Warwick ſays, that king Charles "Was always more chairy of the queen's perſon, than of his buſineſs," p. 204.

tion, that he never abounded with money, from the beginning to the end of his reign.

His enemies would repreſent him as a cruel and bloody prince; but as they have not been able to reproach him with any particular action denoting ſuch a diſpoſition, it is eaſy to perceive, this charge is founded on the ſuppoſition of his having been author of a war wherein ſo much blood was ſpilt.

Sincerity, as appears in his hiſtory, was not his favourite virtue. He made frequent uſe of mental reſervations, concealed in ambiguous terms and general expreſſions, of which he reſerved the explication at a proper time and place. For this reaſon, the parliament could never confide in his promiſes, wherein there was always either ſome ambiguous term, or ſome reſtriction that rendered them uſeleſs. This may be ſaid to be one of the principal cauſes of his ruin, becauſe giving thereby occaſion of diſtruſt, it was not poſſible to find any expedient for a peace with the parliament. He was thought to act with ſo little ſincerity in his engagements, that it was believed there was no dependence on his word. The parliament could not even reſolve to debate on the king's propoſitions, ſo convinced were they of his ability to hide his real intentions under ambiguous expreſſions. But they ſent their own propoſitions to the king, with the liberty only of ſaying content, or not content, ſo apprehenſive were they of his explications. But as I may be accuſed of loading the king too much upon the point of ſincerity, I think it incumbent on me, to juſtify what I have ſaid, by an unexceptionable evidence. I mean the earl of Clarendon.

'A law enacted by violence and force, (ſays that illuſtrious hiſtorian) is not rightfully enacted, was one of thoſe poſitions of Ariſtotle, which hath never ſince been contradicted, and was an advantage, that being well managed, and ſtoutly inſiſted upon, would, in ſpite of all their machinations have brought his majeſty's enemies to a temper of being treated with. But I have ſome cauſe to believe, that even this argument which was unanſwerable for the rejecting the bill (for taking away the biſhops votes) was applied for the confirming it; and an opinion, that the violence and force uſed in procuring it, rendered it abſolutely invalid and void, made the confirmation of it leſs conſidered, as not being of ſtrength to make that act good, which was in itſelf null. And I doubt this logic had an influence upon other acts of no leſs moment than theſe.'

Let the reader judge after this, if we may boaſt of king Charles's ſincerity, ſince even in paſſing acts of parliament, which is the moſt authentic and ſolemn promiſe a king of England can make, he gave his aſſent, merely in an opinion, that they were void in themſelves, and conſequently he was not bound by this engagement. I paſs over in ſilence the manifeſt breach of the petition of right, perhaps upon the ſame principle, and of his many aſſurances to his parliament of his intention to maintain their privileges, which he violated within a few days, becauſe theſe things have been ſufficiently ſpoken of in the hiſtory of his reign.

Some accuſe him of an inclination for the Roman catholic religion; nay, there are who carry this charge ſo far as to ſay, he intended to reſtore it in England. Theſe imputations are groundleſs. But it cannot be denied, that he gave occaſion for them by his conduct, though contrary to his intention. During the firſt fifteen years of his reign, the Roman catholics were not only ſcreened from the rigour of the law, but even encouraged and countenanced to ſuch a degree, that he made them privy-counſellors, ſecretaries of ſtate and lord-lieutenants of counties. Two things induced him to this condeſcenſion. The firſt, the queen's importunities, who was extremely zealous for her religion. The ſecond, his project to render himſelf abſolute, for the execution of which, he believed the aſſiſtance of the catholics, as well Engliſh as foreigners, to be neceſſary. But I will not affirm, that the queen, and ſome of the miniſtry had not formed, with regard to religion, more extenſive projects, which they did not think proper to impart to the king. The aſſiſtance of the catholics, whom the king had managed for another occaſion, became neceſſary for his own defence, after his breach with the parliament. How unwilling ſoever he ſeemed to receive any aid from the papiſts, it is certain, many were entertained in his ſervice, and that he was privately aſſiſted by the catholics on ſundry important occaſions.

Though it cannot be proved that he excited the Iriſh rebellion, it may however be affirmed, it was not againſt him that the Iriſh took up arms, ſince they never had leſs cauſe to complain than in this and the late reign. Beſides, the papiſts, both Iriſh and Engliſh, always looked upon this prince as their protector, and were ever ready to aſſiſt him. Had he ſucceeded in his deſigns, very likely, the condition of the catholics in England and Ireland, would have been much more happy, and the penal laws in great meaſure repealed. But it does not follow, that the king himſelf had any inclination to popery, or intended to eſtabliſh the Romiſh religion. In ſhort, that he was a ſincere member of the church of England, can hardly be doubted, ſince he affirmed it on the ſcaffold, at a time when it could be of no ſervice to him to diſſemble his belief.

Many people give him the ſirname of martyr, pretending, he ſuffered death in maintenance of the truth of the proteſtant religion againſt the preſbyterians and independents, and call the day of his death, which is ſolemnized yearly on the 30th of January, the day of his martyrdom. But in the firſt place, there was too great a complication of cauſes which brought him to this tragical end, to aſcribe his death ſolely to religion. 2. Though it were true that religion was the ſole cauſe of his death, it would not be univerſally agreed that he died for defending the truth of the proteſtant religion, ſince, among proteſtants, the Engliſh alone, or rather a great part of the Engliſh, hold epiſcopacy to be a doctrine of faith. 3. Though dying for epiſcopacy were really martyrdom, the king in his laſt propoſals at Newport, agreed to reduce epiſcopacy to a very ſmall matter. 4. Had he been condemned by the preſbyterians, he might in ſome manner be ſaid to ſuffer for epiſcopacy. But it is evident the preſbyterians had no ſhare in this ſentence, nor ever thought of bringing him to a trial. The independents were the men that condemned and executed him, and ſurely, it was not on any religious account, but to turn the monarchy into a republic. 5. If the ſcrivener's evidence be true, king Charles cannot be ſaid to ſuffer death for ſupporting religion againſt the independents, ſince, according to the depoſition, he offered to grant them all the freedom they ſhould deſire, if they would but take his part. However this be, the church of England having recovered, in the reign of Charles II. the advantage ſhe had loſt in that of Charles I. appointed the day of his death to be kept every year with faſting and humiliation, which has cauſed ſome to give him the glorious title of martyr.

To conclude, Charles I. was endued with many virtues and noble qualities. There is even room to believe, that his failings flowed intirely from his deſign to enſlave England, and if, on ſome occaſions, he followed not exactly the rules of ſincerity, it was only the more eaſily to execute what he had undertaken. Without this unfortunate project, he might be reckoned one of the moſt accompliſhed princes that ever has been on the Engliſh throne[c]. The duke of Buckingham, the earl of Strafford, archbiſhop Laud, and the queen herſelf uſed to a very different government from that of England, were the perſons that ruined this unhappy prince, whom they ſo paſſionately deſired to raiſe higher than his predeceſſors. But who can forbear making a very natural reflection on this ſubject? I mean, upon the puniſhment of thoſe evil counſellors, and of the king himſelf. The duke of Buckingham loſt his life by the hands of an aſſaſſin; Laud, Stafford, and the king himſelf died on the Scaffold, and the queen ſpent the reſidue of her days in a melancholy widowhood, being even ſlighted by her neareſt relations. She lived however long enough to ſee the prince her ſon's reſtoration, but found not in him, all the ſatisfaction ſhe expected, which doubtleſs was the cauſe of her return to France, where ſhe died in the year 1669.

[c] D. Wellwood mentions theſe particulars, in his character of king Charles, not taken notice of by Rapin. "He was a prince of a comely preſence, of a ſweet, grave, but melancholy aſpect. His face was regular, handſome, and well complexioned; his body ſtrong, healthy, and well-made; and though of a low ſtature, was capable to endure the greateſt fatigues. He had a good taſte of learning, and a more than ordinary ſkill in the liberal arts, eſpecially painting, ſculpture, architecture, and medals; he acquired the nobleſt collection of any prince in his time, and more than all the kings of England before him. He ſpoke ſeveral languages very well, and with a ſingular good grace; though now and then, when he was warm in diſcourſe, he was inclinable to ſtammer. He writ a tolerable hand for a king, but his ſenſe was ſtrong, and his ſtile laconic." Mem. p. 68, &c.

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By an indenture in the ſecond year of king Charles I. a pound weight of gold, of the old ſtandard, of twenty-three carats, three grains and a half fine, and half a grain allay, was coined into 44 l. 10s. by tale; namely, into roſe-rials at 30s. a piece; ſpur-rials at 15s. a piece, and angels at 10s. a piece. And a pound weight of crown gold, of twenty-two carats fine, and two carats allay, into 41 l. by tale; namely into unites at 20s. Double crowns at 10s. or Britiſh crowns at 5s. a piece. And a pound of ſilver of the old ſtandard, of eleven ounces, two-penny weights fine, into ſixty-two ſhillings by tale; namely, into crowns, half-crowns, ſhillings, half-ſhillings, two-pences, pence, and half-pence.

The gold coins of this king (as appears by the indenture above) are Roſe-rials, Spur-rials, Angels, Unites, Double and Britiſh crowns. The Roſe-rial has, on one ſide, the king's figure in wrought armour, crowned, and holding in his right-hand the ſcepter, reſting upon his ſhoulder; and in his left-hand the ball. CAROLUS. D. G. MAG. BRITAN. FRAN. ET. HIB. REX. Reverſe, under a crown, the arms quartered, Scotland in the firſt and fourth quarter, between C. R. crowned, HIS. PRÆSVM. VT. PROSIM. ſtruck, probably, when the king was in Scotland, and weighing ſix penny weights, eight grains, and a quarter. (Fig. 1.) The Spur-rial, weighing juſt half the other, exhibits the king's head crowned, looking the contrary way, and extending to the edge, CAR. D. G. MAG. BRIT. FRAN. ET. HIB. REX. Reverſe, the arms, as before, VNITA TVEMVR. The Unite has XX. behind the king's head crowned in ruff, CAROLVS. D. G. MAG. BRIT. FRA, ET. HIB. REX. Reverſe, arms in a ſquare ſhield crowned, CULTORES. SVI. DEVS. PROTEGIT. Another, with the falling band has a ſun for the mint mark, and reverſe, the arms in an oval ſhield crowned, C. R. FLORENT. CONCORDIA. REGNA.———The ſilver coins of this king are Crowns, Half-crowns, Shillings, Six-pences, Two-pences, Pence, and Half-pence. As alſo ten and twenty Shilling-pieces, peculiar to this king, which have his figure on horſe-back. The Crown-piece has the king on horſe-back, with his ſword in his hand, CAROLVS. D. G. MAG. BRITA. FRAN. ET, HIBER. REX. Reverſe, between C. R. the arms in an oval ſhield crowned, CHRISTO. AVSPICE. REGNO. Another has on one ſide a plain croſs, on the other V. with s above it. The Half-crowns are various; ſome with the arms in an oval, ſome in a ſquare ſhield. They have for mint-marks, a lion paſſant, and in ſome gardant, anchor, harp, Fleur-de-lis, &c. The Newark half-crown, in form of a lozenge, has C. R. on each ſide of a crown, and XXX. below. Reverſe, OBS. NEWARK. 1646. (There is alſo a Newark ſhilling, exactly in the ſame form, and with the ſame inſcription; only it has XII. inſtead of XXX.) (Fig. 6.) The Pontefract half-crown is in the ſame form as that of Newark: On one ſide C. R. crowned, DUM. SPIRO. SPERO. Reverſe, the caſtle, and a hand out of one of the towers, holding a drawn ſword, OBS. P. C. 1648. (The Pontefract ſhilling wants the ſword and hand, and has XII. inſtead of XXX. but in other reſpects it is like the half-crown.) (Fig. 5.) There is alſo a three-ſhilling piece, coined at the ſiege of Carliſle, having C. R. and III. below: Reverſe, OBS. CARL. 1645. Of the ſhillings, ſome have the king's head crowned, with the ruff, and XII. behind the head: Reverſe, the arms, and CHRISTO AUSPICE REGNO, a croſs the mint-mark. (Fig. 2.) Another is with a falling band, (Fig, 3.) One has 1637, and ARCHETYPUS. MONETÆ. ARGENTÆ. ANGLIÆ. The Carliſle ſhilling, which is an Octagone, has a crowu with C. R. XII. Reverſe, OBS. CARL. 1645. The Six-pences are ſtrictly like the ſhilling, only have VI. inſtead of XII. The Carliſle ſix-pence, has C. R. crowned, Reverſe, VI. d. The Carliſle groat, is Octagone, and has on the Reverſe IIII. (Fig. 7.) The Three-pence has the king's head, title, and arms, as the larger pieces, CHRISTO. AVSPICE, REGNO. One has the Oſtrich-feathers, (becauſe made of Welch-ſilver) with this motto EXVRGAT. DEVS. DISSIPENTVR. INIMICI. In the field, RELIG. PRO. LEG. ANG. LIBER, PAR. 1645. (Fig. 4.) The Two-pence has II. behind the king's head, with title and arms as the three-pence, legend IVSTITIA. THRONVM. FIRMAT, One has the king in ruff, bareheaded, CAR. D. G. MAG- BRIT. FRAN. ET. HIB. Reverſe, two C's, interlinked under a crown, FIDEI DEFENSOR, (Fig. 8.) The penny has I. behind the king's head.

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HISTORY OF ENGLAND.

The Hiſtory of the INTER-REGNUM, from the Death of CHARLES I, to the Reſtoration of CHARLES II.

BOOK XXII.

The Hiſtory of the Inter-regnum is divided into Three principal Parts. The Firſt contains what paſſed, whilſt ENGLAND was reduced to a DEMOCRACY. The Second, what happened during the Protectorates of OLIVER and RICHARD CROMWELL. The Third, what paſſed from the Deprivation of RICHARD CROMWELL, to the Reſtoration of CHARLES II.

PART I.

The Commonwealth of ENGLAND.

[1649.] TO underſtand the revolutions in England after the death of Charles I. we are neceſſarily to remember ſome material things which have already appeared in the foregoing reign, and of which it will not be amiſs to make here a ſhort recapitulation.

Firſt, The parliament now ſitting conſiſted properly but of a houſe of commons, who refuſed to acknowledge the negative voice of the peers. This they had manifeſtly ſhewed in erecting a court of juſtice to try the king without the concurrence of the lords, whoſe conſent was voted unneceſſary.

Secondly, This houſe of commons was compoſed of a ſmall number of members, all independents, anabaptiſts, or other ſectaries. All the preſbyterian members who ſat in the houſe the 6th of December were expelled by the army; and the abſent, whoſe principles agreed not with thoſe of the independents, durſt not reſume their places. If ever there was an uſurpation, it was this mutilated parliament's government, founded only in violence, and wholly ſupported by the army. For though the houſe of commons pretended to repreſent the people of England, it is very certain, the nation afforded but few perſons, who were pleaſed to ſee the ſovereign power lodged in the hands of ſuch repreſentatives.

Thirdly, The independents, of whom this houſe was chiefly compoſed, were diſtinguiſhed by two principles, one relating to the civil, the other to the eccleſiaſtical government. By the firſt, they aſſerted, that the republican government was not only the moſt perfect, but alſo abſolutely neceſſary for England, after ſo many oppreſſions from her kings, who had changed the government into a real tyranny. With regard to religion, though they called themſelves proteſtants, their principle was, that every particular church was independent, and might be governed as the members thought proper. Their notions concerning the vocation of the miniſters of the goſpel, were alſo very ſingular, as they believed that, without any other call, every man was free to diſcharge the office of miniſter, and uſe the talents given him by God. The other ſectaries, who had joined the independents becauſe they found in that party a full toleration, were united with them in the firſt of theſe principles, and had declared for a republican government. But with reſpect to religion, there were between them ſome differences, which the independents regarded the leſs, as they wanted to increaſe their adherents, and beſides, believed that in matters of religion, toleration was abſolutely neceſſary.

Fourthly, There was ſtill in the army a remnant of levellers, who ſtill adhered to their principles, and were always ready for any attempt to recover their credit. It is true, Cromwell, after having himſelf raiſed this faction, had in ſome meaſure diſperſed, but not entirely deſtroyed it. An able leader would have made it as formidable as ever.

Fifthly, It was with the utmoſt concern that the preſbyterians ſaw the independents in poſſeſſion of ſovereign power. By that all their meaſures were broken: their progreſs for eight years became fruitleſs, and the ſtorm they had raiſed againſt the king, returned upon their own heads, or at leaſt, it was apparent, they had all this while been labouring for others without any thing done for themſelves. For indeed the independents were equally enemies to preſbyterian and epiſcopal government. As to civil government, it is certain, the preſbyterians were not averſe to royalty in general. If they had undertaken to limit its power, it was not from a belief that the thing was evil in itſelf, as eſtabliſhed by the laws of England, but becauſe the two laſt kings had uſed their power to deſtroy preſbyterianiſm. So, whatever they had done againſt king Charles I. was not pointed ſo much againſt his dignity as his perſon, becauſe they conſidered him as their enemy, and deſpaired of eſtabliſhing a preſbyterian government in the church, ſo long as he had power to prevent it. Very likely however many of them would have complied with a republican government, notwithſtanding the tenour of the covenant, had that government not been in the hands of the independents, who were by no means inclined to ſupport preſbyterianiſm, and whoſe principles upon toleration were entirely rejected by the preſbyterians. And therefore an union between the preſbyterians and independents was morally impoſſible.

Sixthly, The royaliſts, equally enemies of both, could unite with neither of the parties, conſidering the oppoſition there was between their principles. The independents were for a common-wealth, to which the royaliſts could not conſent. On the other hand, the preſbyterians were for maintaining their government in the church, and moſt of the royaliſts could hardly believe, the preſbyterian churches, as they had no biſhops, to be true chriſtian churches. Thus the royaliſts, though perſecuted by both parties, were far from joining with either. On the contrary, they conceived ſome hopes, that the diviſion among their enemies would, one day, give them a good opportunity to reſtore the monarchy to its former ſtate. Wherefore they induſtriouſly fomented this diviſion, in expectation that the preſbyterians would at laſt be obliged to abandon their projects, and unite with the royal party, to free themſelves from the perſecutions they ſuffered.

Such were the intereſts of the parties which divided the people of England immediately after the death of Charles I. The remembrance of all this is abſolutely neceſſary for underſtanding the tranſactions during the inter-regnum.

Preſently after the king's death, the houſe of commons publiſhed an act to forbid the proclaming of Charles Stewart, eldeſt ſon of the late king, or any other perſon whatever, on pain of high-treaſon. Here was laid, as it were, the foundation of the commonwealth, which the independents meant to erect in England. The ſame day the lords deſired a conference with the commons about ſettling the government and the adminiſtration of juſtice, the judges commiſſions being determined by the death of the king. The commons, without anſwering the meſſage, voted the houſe of lords to be uſeleſs and dangerous, and therefore to be aboliſhed. They only left the lords the power of being elect-

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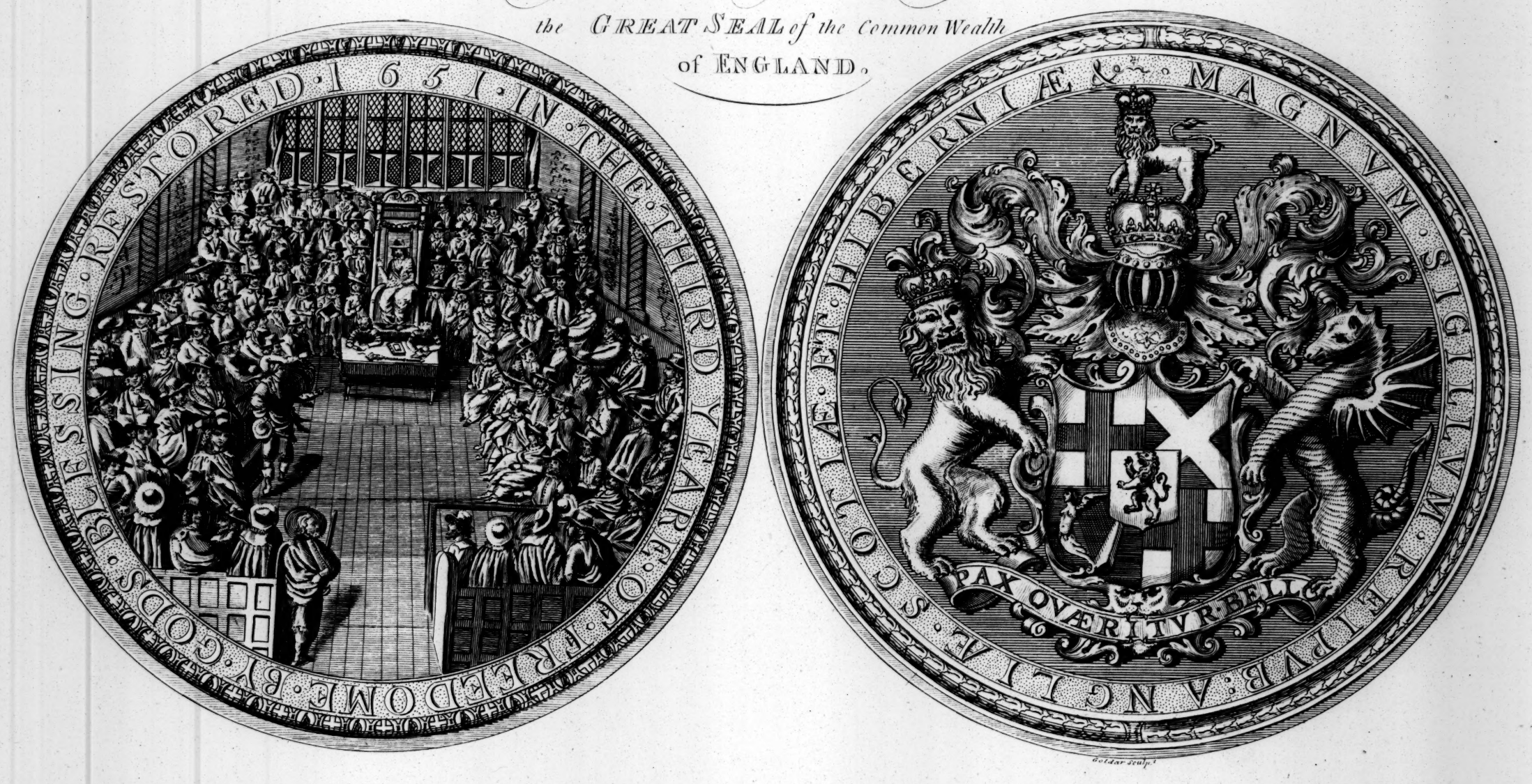
the GREAT SEAL of the Common Wealth
of ENGLAND.



From a proof Impression on Wax in the Possession of the late Dutchss of Portland.

Published as the Act directs 1st Feb.y 13. 1783.

ed members of parliament, in common with other ſubjects. This privilege was embraced by a few[a], but rejected by moſt of the peers, nay, ſome publiſhed a proteſtation againſt the power aſſumed by the commons, which was little regarded. Thus, the parliament, which at firſt was compoſed of the king, fixſcore lords, and five hundred and thirteen commoners, was reduced to a houſe of commons, conſiſting of about eighty members, of whom very few at the beginning, had five hundred pounds yearly income. And yet, theſe members, though ſo few in number, aſſumed the name of a parliament, and acted as if in their body had been united the power, which before reſided in the king, lords, and commons. This might appear very ſurpriſing, if we had not ſeen the foregoing tranſactions, and the univerſal terror inſpired by the army. Hence appears with what care and ability Cromwell and his aſſociates had, upon the ſelf-denying ordinance, filled the army with their creatures. Certainly, nothing leſs than an army entirely independent and republican could have procured a power ſo exceſſive and extraordinary to ſo inconſiderable a number of members of parliament. But it muſt alſo be confeſſed, that, of theſe new governors, ſome were men of great genius and uncommon capacity, and that if they erred in their principles, they wanted not ſkill to purſue the conſequences. Their principle was, that the ſovereign authority reſided originally in the people, by whom a part of it was committed to the kings, choſen to govern them according to law. That the king's abuſe of this truſt, had broken the original contract between king and people, and by this violation, the contract ſubſiſting no longer, the ſovereign power returned to the people as to the fountain thereof. So, conſidering themſelves as the repreſentatives of the people, they believed, they had a right to change the form of the government, without any regard to the original contract annulled by the king in his violation of the laws.

In conſequence of this principle the commons, aſſuming the name of parliament, voted, and afterwards enacted, that the kingly office ſhould be aboliſhed as unneceſſary, burdenſome, and dangerous, and that the ſtate ſhould be governed by the repreſentatives of the people in a houſe of commons without king or lords, and under the form of a commonwealth. This grand alteration in the government produced many others in things conſiſtent with monarchy, but not with a commonwealth. The oaths of allegiance and ſupremacy were to be aboliſhed[b], juſtice was no longer to be adminiſtered in the king's name[c], a new great ſeal was to be made, new money to be coined; in a word, every thing to be removed which bore any marks of royalty. A great ſeal was therefore made, on one ſide of which was ſeen the parliament ſitting, with this inſcription, "The great ſeal of the parliament of the commonwealth of England;" on the other ſide, the arms of England and Ireland, with theſe words, "The firſt year of freedom by God's bleſſing reſtored[d]." This ſeal was committed to a certain number of perſons, who were ſtiled keepers of the liberties of England. And it was ordained that for the future, all publick orders ſhould be diſpatched in the name of theſe keepers, under the direction of the parliament[e]. Laſtly, The parliament made choice of thirty-nine perſons to form a council of ſtate for the adminiſtration of publick affairs under the parliament[f]. The projects of theſe changes were formed in February, but the execution of them all required ſome months.

In the beginning of March, the parliament erected a new high court of juſtice, conſiſting of ſixty members, to try ſome perſons of diſtinction, who were in their power. It ſeems, as there was no houſe of lords, the peers of the kingdom had loſt their privileges under this new democracy, and that conſequently the impriſoned lords might have been tried by a jury, in one of the courts of juſtice. The parliament, without doubt, was apprehenſive, that a jury, impannelled as uſual, would never find perſons of quality guilty of death, for ſupporting the cauſe of their ſovereign. The independents were not ſufficiently numerous among the people, to be ſecure of a jury of their party. Beſides, they were not aſſured of the judges, ſix of whom had refuſed to accept commiſſions from the commonwealth. But in erecting a court of juſtice, the parliament could name ſuch judges as would be obedient to their orders.

Before this new court, of which Bradſhaw was preſident, as he had been of that which condemned the king, were brought duke Hamilton, the earl of Holland, the lord Goring, lately created earl of Norwich, the lord Capel, and Sir John Owen, all for the ſame crime, namely, for having appeared in arms againſt the parliament. When the king had a mind in the beginning of the civil wars, to put to death priſoners taken at Edgehill and Colebrook, the parliament thinking it unjuſt, declared, they would inflict the ſame puniſhment on their priſoners, if the condemned perſons were executed. But when victory had decided in their favour, it was found very agreeable to juſtice, to puniſh with death thoſe who had fought for the king. This will ſeem the leſs ſtrange, when it is remembered, that the king himſelf had been put to death, for making war upon the parliament.

The duke of Hamilton repreſented, that being a ſubject of Scotland, he had entered England with an army, as an open enemy, by virtue of a commiſſion from the parliament of Scotland, which he was bound to obey, and conſequently, could be treated but as a priſoner of war. As this objection had been foreſeen, he was told, he was not proceeded againſt as duke of Hamilton in Scotland, but as earl of Cambridge in England; and ſince he had accepted that title, and as ſuch, taken a ſeat in parliament, he was thereby become a ſubject of England: that if the title of duke of Hamilton obliged him to obey the parliament of Scotland, that of earl of Cambridge ought to have engaged him to refuſe the commiſſion. Beſides, they were informed, that his accepting the command of the Scotch army, was not owing to mere obedience, but to his own ſollicitation, and that he had been the principal author of the war.

The earl of Holland ſpoke but little in his defence. Beſides, the ſteps he had taken, and his frequent changing ſides, did not much favour his cauſe.

The lord Goring (earl of Norwich) repreſented, that he had been educated in the court from his cradle, having been a page to king James I. that he had never ſerved any other maſter than the king, whom he had followed without examining the juſtice or injuſtice of his cauſe, not having had opportunity to be informed in ſuch points, which were above his capacity.

The lord Capel, ſtedfaſt to his principles, and zealouſly attached to the cauſe of his ſovereign, defended himſelf with more courage and reſolution. He refuſed, at firſt, to own the authority of the court, alleging, that if he had committed any crime he ought to be tried in the uſual form, and not before a court unſupported by any law. But the condemnation of the king himſelf, by a court of the like nature, might have convinced him of the unſerviceableneſs of ſuch a defence. He ſaid afterwards, that having ſurrendered himſelf priſoner at diſcretion, he was, by the law of nations, exempted from death, if not inflicted within ſo many days, which were long ſince expired. He urged, that when after the taking of Colcheſter, the council of war had condemned Lucas and Liſle to be ſhot, general Fairfax promiſed life to the other priſoners, and therefore he demanded the benefit of that promiſe. The court being a little embarraſſed, ſent to the general, to know what promiſe he had made the lord Capel. His anſwer was, that as general, he had promiſed the priſoners an exemption from military execution, to which three had been condemned, and that his intention reached no farther. Upon this anſwer it was decided, that the general's promiſe did not exempt the priſoner from the juſtice of the parliament.

Sir John Owen ſaid only, he was obliged in conſcience to ſerve the king according to his oath of allegiance.

[a] The earl of Saliſbury, and the lord Edward Howard of Eſcrick, ſigned the engagement, to be true and faithful to the commonwealth, as it was eſtabliſhed, without a king or houſe of lords, and took their ſeats in parliament by virtue of an election from the people, Ludlow, tom. I. p. 293. ——And alſo, April 16, 1649, upon the death of ſir Francis Pile, a writ iſſued out for a new election, and the earl of Pembroke, with all his titles, was returned for knight of the ſhire for Berks, primæ impreſſionis, and his lordſhip was accordingly admitted into the houſe with great reſpect. Whitelock, p. 396.

[b] Inſtead thereof a new oath was prepared, called the engagement, whereby every man ſwore, That he would be true and faithful to the government eſtabliſhed, without king or houſe of peers. Clarendon, Tom. III. p. 204.

[c] The name, ſtile, and teſt, of the writs were to be, cuſtodes libertatis Angliæ, authoritate parliamenti.——And in indictments, inſtead of, contrary to the peace of——the king, it was to be——againſt the peace, juſtice, and council of England, Whitelock, p. 371, 374.

[d] The lord Clarendon ſays, on one ſide was engraven the arms of England and Ireland, viz. a red croſs and harp, with this inſcription, The great ſeal of England; and on the other the portraiture of the houſe of commons circumſcribed, In the firſt year of freedom, by God's bleſſing reſtored, 1648. Tom. III. p. 202. This ſeal, and the inſcriptions, were the fancy of Henry Martin. Whitelock, p. 367.

[e] Widdrington and Whitelock were firſt appointed keepers of the new great ſeal; but Widdrington deſiring to be excuſed, and his excuſe being admitted, an act paſſed, appointing Bulſtrode, Whitelock, Richard Keeble, and John Liſle, lords commiſſioners of the great ſeal, quamdiu ſe bene geſſerint. Whitelock, p. 387, 379.

[f] See a liſt of this council in Whitelock, p. 381.

Notwithſtanding their defence, they all received ſentence of death[g]. But as they had many friends, petitions were offered to the parliament in their name for a pardon. Theſe petitions were examined in the houſe, and thoſe of duke Hamilton, the earl of Holland, and lord Capel rejected. The votes were equally divided upon that of the earl of Norwich, and as, according to cuſtom, the ſpeaker's vote was to decide, he declared for pardon, ſaying, He had formerly received from the earl ſome civilities, and therefore voted in his favour[h]. The execution of ſir John Owen was ſuſpended, becauſe, as a commoner, he ought to have been tried before an inferior court. This ſaved his life. The three firſt were executed on a ſcaffold, erected before Weſtminſter Hall.

Duke Hamilton complained, when on the ſcaffold, that he was condemned to die for obeying the parliament of Scotland, which if he had not done, he muſt have been put to death there. But it was with little reaſon that he inſinuated a danger of being put to death in Scotland, for a refuſal to accept the command of an army raiſed by his intrigues and authority. He intimated, that if he would have confeſſed who invited the Scots army into England, it would probably have ſaved his life. Before his proceſs was formed, he had been ſtrongly ſollicited to make this diſcovery, which he utterly refuſed to do[i]. The character of this duke is not eaſy to be conceived. All that can be inferred from what has been ſaid for or againſt him, is, that he had the art to adapt himſelf to the times. And the earl of Clarendon plainly inſinuates, that when he was employed by the king, he was ſecretly making friends in the contrary party, in caſe affairs ſhould turn to the king's diſadvantage.

The lord Capel maintained, That he had acted nothing contrary to the laws, and conſequently was unjuſtly ſentenced to die. He ſpoke of king Charles I. as of a ſaint, and enlarged upon the great underſtanding, excellent nature, and exemplary piety of the prince, to whom he gave the title of king, affirming, he would never be ſhaken in his religion. In all appearance, the lord Capel ſpoke his real ſentiments. But the ſequel diſcovered, either that he did not ſufficiently know Charles the IId, or that prince had other principles when reſtored to the throne, than thoſe he had imbibed in his youth.

At or about the ſame time, many others were executed for the ſame crime in ſeveral parts of the kingdom; and amongſt the reſt were Morrice and Blackbourn, who had ſurpriſed the caſtle of Pontefract for the king. Poyer, Powell, and Langhorn, who had drawn into a revolt from the parliament the principality of Wales, caſt lots for their lives, and the firſt was executed.

When the army drove from the houſe above an hundred members, who were unacceptable to them, thoſe only were expreſsly excluded, which were then preſent: but many were abſent, againſt whom nothing had yet been determined. Indeed, theſe had never ſince taken their ſeats in the houſe, being apprehenſive of the ſame fate. But poſſibly they might return in great numbers, whenever a favourable opportunity offered. This the houſe reſolved to prevent, by an act, which excluded for ever, all who had not ſat ſince the trial of the king, unleſs they gave the houſe an entire ſatisfaction. At the ſame time, a committee was appointed to examine thoſe who ſhould offer themſelves. This committee received, without ſcruple, thoſe who were of independent principles, and found reaſons to exclude their enemies. This indeed was a good expedient to prevent diviſions in the parliament, becauſe the members were all of one party. But this precaution bred an inconvenience, which called for other meaſures. The parliament conſiſted of ſo few members, that they perceived the ridiculouſneſs of ſtiling themſelves the repreſentatives of the commonwealth. It is true, the vacant ſeats might have been filled by new elections, but the parliament did not care to run that riſque, knowing, their party was yet too inconſiderable, to hope for new members of their own principles. The houſe therefore reſolved, in order to increaſe their authority by a greater number of members, to permit all who had ſat in the preſent parliament, to reſume their places, on condition of ſigning an inſtrument called the Engagement, by which, "they rejected all conceſſions made by the king in the treaty of Newport; approved of all the proceedings againſt him; and engaged themſelves to be true and faithful to the commonwealth, as eſtabliſhed without king or houſe of lords." By this engagement were excluded all the royaliſts, and the preſbyterians, who were the moſt rigid obſervers of the covenant. But however, a good number of the latter ſigned, and took their ſeats in the houſe, being either leſs ſcrupulous than their brethren, or in hopes to recover ſome influence in the parliament. Notwithſtanding, thoſe who were known to be moſt incenſed againſt the independents, were excluded by the committee. Edmund Ludlow, a member of this committee, freely owns in his memoirs, that an expedient was found to admit only thoſe, from whom it was believed, there was no danger.[k].

The prince of Wales received at the Hague the melancholy news of the tragical death of his father, and immediately aſſumed the title of king, being then eighteen years of age. Within two or three days, the ſtates general, the ſtates of Holland, and the miniſters of the Hague[l], paid him their compliments of condolence. He cauſed thoſe of his father's council, who attended him, to be ſworn of his privy council, with the addition of only one perſon[m]. He had no ſooner eſtabliſhed his council, than he received a letter from the queen his mother, who, after expreſſions of her extreme affliction, adviſed him to retire into France, and form no council till ſhe had ſpoke with him, but her advice came too late. Probably, the queen deſigned to govern her ſon, as ſhe had governed his father, though the power of the new king was inſignificant. His condition was deplorable, not having wherewithal to maintain his houſhold, or any table but that of the prince of Orange his brother-in-law, and ſubſiſting entirely by his aſſiſtance, which too could not laſt very long. The ſtates of Holland, foreſeeing the parliament would ſhortly ſollicit the king's removal out of their dominions, would have been very glad to be freed, by his voluntary retreat, from the neceſſity of deſiring him to depart. Some of the ſtates deputies were even of opinion, to prevent the deſires of the parliament. The king was informed of this diſpoſition, and wiſhed to be gone, but knew not whither. He had been ill received in France whilſt his father was alive, and had no reaſon to expect a better reception. He knew too well the queen regent and cardinal Mazarin, to imagine, they would prefer his friendſhip to that of the new commonwealth of England. So, though he had reſolved to withdraw into France, it could have been but for a very ſhort ſpace. On the other hand, he had no great inclination to be with the queen his mother, knowing, ſhe would hold him in a ſort of ſervitude, which he could neither brook, nor avoid without a quarrel. Ireland alone ſeemed to promiſe him an honourable retreat, by reaſon of the ſituation of affairs in that kingdom, which it is neceſſary to deſcribe.

In the year 1646, the marquis of Ormond, by expreſs orders from the king, concluded a peace with the Iriſh rebels, in hopes of receiving ſufficient forces to drive from that Iſland the Engliſh parliamentarians and the Scots. But however advantageous this peace was to the catholic religion, the pope's nuntio did not think fit to conſent to it. The pretence was, that the catholics found in it neither ſufficient advantages, nor ſecurity. But the true reaſon was, that by this peace he would have loſt all his credit, ſince the marquis was to be acknowledged governor by the Iriſh. He caballed therefore with ſuch ſucceſs among the people, that, not only they deſerted the marquis, but alſo by their inſults obliged him to retire to Dublin, unprovided of every thing to defend that

[g] When ſentence paſſed, that they ſhould all loſe their heads, ſir John Owen made a low reverence, and humbly thanked them; and being aſked by a ſtander-by, what he meant? he ſaid aloud, "It was a very great honour to a poor gentleman of Wales, to loſe his head with ſuch noble lords; and ſwore a great oath, that he was afraid they would have hanged him." Clarendon, Tom. III. p. 206.

[h] Upon this occaſion Whitelock obſerves, this may be a caution againſt the affectation of popularity, when the earl of Holland, who was as full of generoſity and courtſhip to all ſorts of perſons, and readineſs to help the oppreſſed, and to ſtand for the rights of the people, as any perſon of his quality in the nation, was given up by the repreſentatives of the people; and the lord Goring, who never made profeſſion of being a friend to liberty, either civil or ſpiritual, and exceeded the earl as much in his crimes, as he came ſhort of him in his popularity, was ſpared by the people, p. 386.

[i] Rapin, miſled by Baker's Continuator, ſays, "he offered to diſcover what had been deſired, if his life might be ſpared," which contradicting all the hiſtorians, is altered by the tranſlator from Whitelock, &c.—Inſtead of quoting Edward Phillips, Baker's Continnator, Rapin has all along in the margin quoted Baker himſelf; but that is rectified every where. Sir Richard Baker died in 1644, in the Fleet.

[k] To ſupport their authority, the powers in being ordered, that there ſhould be twenty eight thouſand horſe and foot kept up in England, and twelve thouſand in Ireland, whoſe pay ſhould be 80,000l. a month. Whitelock, p. 386.

[l] The body of the clergy in a Latin oration delivered by the chief preacher of the Hague, lamented the misfortune in terms of as much aſperity and deteſtation of the actors, as unworthy the name of chriſtians, as could be expreſſed. Clarendon, Tom. III. p. 216. For which reaſon perhaps the ſtates inhibited their miniſters from inſiſting upon matters of ſtate in their pulpits, and particularly not to meddle with England's, or other kingdoms proceedings. Whitelock, p. 392.

[m] Mr. Long his ſecretary.

This

London, Engraved for Harrison's Edition of Rapin.

I. Taylor Junr. sculp!

CHARLES II. KING of ENGLAND. &c.

Published as the Act directs. March 17. 1788.

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capital, which they were preparing to beſiege. In this extremity, he choſe rather to deliver Dublin and Drogheda to the parliament, than ſee them fall into the hands of the rebels. He capitulated therefore with the parliament, and ſurrendered theſe two places to colonel Jones, who took poſſeſſion the 17th of June 1647. After that the marquis withdrew into England, where he had frequent leave to viſit the king, then a priſoner of the army, till at laſt he was forced to paſs into France.

After the marquis had quitted Ireland, the nuntio exerciſed a tyranny, which grew intolerable to the Iriſh. They therefore ſent to the queen and prince then at Paris, that they were diſpoſed to ſhake off the nuntio's yoke, and if the marquis of Ormond were ſent to them with a ſupply of arms and ammunition, they would put him at the head of an army capable of expelling all the king's enemies out of the iſland. The nuntio had notice of this plot, and excommunicated the authors; but for this once, he proved not the ſtrongeſt. He was forſaken by all his adherents, and even forced to aſk as a favour, the liberty to withdraw.

The marquis of Ormond long waited at Paris for the performance of a promiſe made him by the cardinal, of a ſupply of money, arms and ammunition. But finding at laſt, he was only amuſed, he departed without any aſſiſtance, and arrived in Ireland the beginning of October 1648. Three months after, he concluded a new treaty with the grand council of the Iriſh aſſembled at Kilkenny[n]. At the ſame time the proceſs was forming in England againſt the king. But this peace was not general. Owen Roe O'Neal, who commanded in Ulſter, rejected it, becauſe, as he pretended, it was not advantageous enough to the catholic religion. Much time was ſpent to gain him, without ſucceſs. At laſt, the marquis of Ormond, not to loſe the opportunity of making progreſs in Ireland, while the parliament was erecting their new commonwealth, reſolved to take no farther notice of O Neal, but act ſingly with the army which the council of Kilkenny had at their diſpoſal. He put himſelf therefore at the head of that army, and advancing towards Dublin, took Dundalk, Newry, Trim, Drogheda, and ſome other towns and caſtles, which facilitated his intended ſiege of Dublin.

On the other hand, prince Rupert, admiral for the king, being purſued by the parliament's fleet, put into Kingſale, where he was ſecure, and in a condition to favour the marquis of Ormond's deſigns. This diſpoſition of affairs made the king judge that Ireland was a convenient retreat, where at the head of an army, he might make himſelf maſter of Dublin, and then of the whole iſland. After which he hoped, that with his Iriſh ſuccours and his friends in England, he might recover his throne. But news from Scotland made him ſuſpend his reſolution of going to Ireland. And this it will be neceſſary to explain.

Since Cromwell's expedition into that kingdom, after the defeat of duke Hamilton, the face of affairs was entirely changed. The marquis of Argyle, with all the rigid covenanters who oppoſed the war againſt England, had regained the advantage they had loſt. The new parliament had declared incapable of all employments, thoſe who were concerned in the engagement formed by duke Hamilton, and the kirk had excommunicated them: ſo that they were conſidered as enemies of God and the ſtate. Of this number were William earl of Lanerick, brother of duke Hamilton, the earl of Lautherdale, and many others, who formed a faction, which I ſhall call Hamiltonian, and which was entirely cruſhed. By this revolution Scotland remained united with England, ſo long as the Engliſh parliament continued preſbyterian, that is, to the 6th of December 1648.

The revolution in England, upon the army's expelling the preſbyterian members from the parliament to leave only independents, changed the intereſts of Scotland. The independents mortally hated the Scots on account of their attachment to the covenant, and theſe again looked upon the independents as enemies, no leſs formidable than the royaliſts. This might have ſunk the credit of Argyle, which partly ſubſiſted upon his friendſhip with Cromwell and Vane, the chiefs of the independents. But the Scots had a confidence in him, becauſe in religion he was an approved preſbyterian, though in politicks he leaned to the republican ſcheme. When the parliament of England had erected a court of juſtice for the trial of the king, the Scots found themſelves extremely embarraſſed. To ſuffer the independents to remain maſters of England after the death of the king, which was viſibly their deſign, could not but be very diſadvantageous to them. They perceived, that a parliament ſo compoſed would diſregard Scotland, and infallibly ruin the covenant between the two kingdoms, which it was of the utmoſt importance for the Scots to maintain, becauſe the preſbyterians might poſſibly one day recover the ground they had loſt. But on the other hand, they could not take up arms for the king without manifeſt danger. After their late loſs, they were hardly able to raiſe another army to fight the independents; and though they had done it, they would not have ſaved the king's life. They therefore reſolved to ſhew the Engliſh and all Europe, that they highly diſapproved the proceedings of the parliament of England, which was all they could do on that occaſion.

Purſuant to this reſolution, commiſſioners were ſent to London, where they arrived the beginning of January 1648-9, and preſented a memorial to the parliament, ſetting forth the reaſons which ought to divert them from their purpoſe of trying the king. But this memorial produced no effect. At laſt, after the king had been twice brought before the high court of juſtice, they gave in their proteſtation, in which they put them in mind, "That they had, near three weeks before, repreſented to them, what endeavours had been uſed for taking away the king's life, and for the change of the fundamental government of the kingdom, and introducing a ſinful and ungodly toleration in matters of religion; and that therein they had expreſſed their thoughts, and fears, of the dangerous conſequences that might follow thereupon; and that they had alſo earneſtly preſſed, that there might be no farther proceeding againſt his majeſty's perſon, which would certainly continue the great diſtractions of the kingdom, and involve them in many evils, troubles, and confuſions; but that by the free counſels of both houſes of parliament of England, and with the advice and conſent of the parliament of Scotland, ſuch courſe might be taken in relation to the king, as might be for the good and happineſs of both kingdoms; both having an unqueſtionable and undeniable right in his perſon, as king of both; which duly conſidered, they had reaſon to hope, that it would have given a ſtop to all farther proceedings againſt his majeſty's perſon. But now underſtanding, that after the impriſonment and excluſion of divers members of the houſe of commons, and without and againſt the conſent of the houſe of peers, by a ſingle act of their own, and theirs alone, power was given to certain perſons of their own members of the army, and ſome others, to proceed againſt his majeſty's perſon, in order whereunto he had been brought before that extraordinary new court; they did therefore, in the name of the parliament of Scotland, for their vindication from falſe aſperſions and calumnies, declare, that though they were not ſatisfied with his majeſty's late conceſſions in the treaty at Newport, in the Iſle of Wight, eſpecially in the matters of religion, and were reſolved not to crave his reſtoration to his government, before ſatisfaction ſhould be given by him to that kingdom; yet they did all unanimouſly with one voice, not one member excepted, diſclaim the leaſt knowledge of, or occaſion to the late proceedings of the army here againſt the king; and did ſincerely proteſs, that it would be a great grief to their hearts, and lie heavy upon their ſpirits, if they ſhould ſee the truſting his majeſty's perſon to the two houſes of the parliament of England, to be made uſe of to his ruin, contrary to the declared intentions of the kingdom of Scotland, and ſolemn profeſſions of the kingdom of England: and to the end that it might be manifeſt to the world, how much they did abominate and deteſt ſo horrid a deſign againſt his majeſty's perſon, they did, in the name of the parliament and kingdom of Scotland, declare their diſſent from the ſaid proceedings, and the taking away his majeſty's life; proteſting, that as they were altogether free from the ſame, ſo they might be free from all the miſeries, evil conſequences, and calamities, that might follow thereupon to the diſtracted kingdoms."

The parliament anſwered this proteſtation, but after the king's death, ſaying, "They had heretofore told them, what power this nation had in the fundamentals of government: that if Scotland had not the ſame power and liberty, as they went not about to confine them, ſo they would not be limited by them; but leaving them to act in theirs as they ſhould ſee cauſe, they reſolved to maintain their own liberties, as God ſhould enable them. And as they were very far from impoſing upon them, ſo they ſhould not willingly ſuffer impoſitions from them, whilſt God gave them ſtrength or lives to oppoſe them." They, ſaid, "The anſwer they made to their firſt and ſecond letter was, that after a long and ſerious deliberation of their own intrinſical power and truſt, (derived

[n] This treaty is to be met with in Bate's Elenchus Motuum, p. 145, and was very advantageous to the Roman catholicks. Rapin.

preſently

to them by the providence of God, through the delegation of the people) and upon the like conſiderations, of what themſelves and the whole nation had ſuffered, from the miſgovernment and tyranny of that king, both in peace, and by the wars; and conſidering, how fruitleſs, and full of danger and prejudice the many addreſſes to him for peace had been, and being conſcious how much they had provoked and tempted God, by the neglect of the impartial execution of juſtice, in relation to the innocent blood ſpilt, and miſchief done, in the late wars, they had proceeded in ſuch a courſe of juſtice, againſt that man of blood, as they doubted not the juſt God (who is no reſpecter of perſons) did approve, and would countenance with his bleſſings upon the nation; and though perhaps they might meet with many difficulties, before their liberties and peace were ſettled, yet they hoped they ſhould be preſerved from confuſion, by the good will of him who dwelt in the buſh, which burned and was not conſumed; and that the courſe they had taken with the late king, and meant to follow towards others, the capital enemies of their peace, was, they hoped, that which would be for the good and happineſs of both nations; of which, if that of Scotland would think to make uſe, and vindicate their own liberty and freedom, (which lay before them, if they gave them not away) they would be ready to give them all neighbourly and friendly aſſiſtance, in the eſtabliſhing thereof; and deſired them to take it into their moſt ſerious conſideration, before they eſpouſed that quarrel, which could bring them no other advantage, than the entailing upon them, and their poſterities, a laſting war, with all the miſeries which attended it, and ſlavery under a tyrant and his iſſue."

Shortly after, the Scotch commiſſioners were recalled. But after their departure, an anſwer was in their name preſented to the parliament, which charged the ſitting members with unfaithfulneſs, breach of promiſes and oaths, and other things very offenſive. This was ſo ill received by the parliament, that they ordered them to be arreſted on the road, and put under guard, till it ſhould be known whether they were avowed by their principals. But, the Scotch parliament juſtifying them, and complaining of the violation of the law of nations, they were immediately diſcharged.

In ſo nice a juncture, the Scots had but two ways to prevent their falling into a dangerous anarchy. They were either, with the Engliſh, to change their government into a common-wealth, or elſe acknowledge the eldeſt ſon of the late king for their ſovereign. But each of theſe ways had its difficulties. A republican government was directly contrary to their antient conſtitution, the two covenants, and the inclination of the people. Beſides it was not ſeen what advantage could accrue to the nation from ſuch a change. The ſecond way was likewiſe very embarraſſing, conſidering the circumſtances of Scotland for many years paſt. Had James I. and Charles I. not invaded the privileges of Scotland, by introducing the religion of England, contrary to the inclinations of the people: had the differences between Charles I. and his Scotch ſubjects produced no civil war: had not the treaty which ended that war, and reſtored to the Scots their antient religion, been extorted from the king: had not the invincible diſtruſt of the Scots, with regard to Charles I. armed them to leſſen his power in England, and diſable him to revoke his conceſſions to Scotland: had not the Scots ſworn two covenants, the one national, and the other common to both nations, to maintain preſbyterianiſm: had theſe things, I ſay, never happened, the Scots might, nay, ought to have acknowledged for ſovereign the next heir of the crown, according to the immemorial cuſtom of Scotland. But in the recognition of this new king, the maintenance of their laws, their privileges, their religion, was concerned. Herein lay the difficulty, for the acceſſion of a new king to the crown, was no reaſon to oblige them to relinquiſh things, which had coſt them a ten years war. They knew, prince Charles, eldeſt ſon of the late king, had the ſame principles as his father, concerning religion, and civil government; and had never entertained, nor did now entertain, any perſons about him, but what were mortal enemies to their nation and religion. Wherefore, in receiving him for king without any previous condition, they ran the riſk of being replunged into their former ſtate under Charles I. who by artifices, and, as they thought, by deceit, and at laſt by open violence, had undertaken to reduce the kirk of Scotland to a perfect conformity with the church of England. As therefore, agreeably to the laws and cuſtoms of the kingdom, it was natural to acknowledge for ſovereign him, to whom the crown was to devolve, it was no leſs proper, in the preſent juncture, to take care to preſerve what they had with ſo much difficulty recovered. Was it reaſonable for them, to deliver themſelves to the mercy of a young prince, yet a ſtranger to them, and cauſe their peace and happineſs to depend on his ſole will, notwithſtanding their ſuſpicions, that he had no more affection for them than his father? Nevertheleſs, as his affairs were almoſt deſperate, they imagined the offer of their crown, might engage him to become a good Scot, and diſmiſs his Engliſh counſellors, who were not proper for Scotland; in a word, would think himſelf very happy to recover one of his kingdoms, and ſee himſelf in the ſame ſtate in which his anceſtors were, before his granfather's acceſſion to England. They reſolved, therefore, to acknowledge and proclaim him, but however with reſtrictions, which left them at liberty to capitulate with him. The proclamation was thus worded:

"The eſtates of parliament preſently [o] convened in this ſecond ſeſſions of this ſecond triennial parliament, by virtue of an act of the committee of eſtates, who had power and authority from the laſt parliament, for convening the parliament; conſidering, that foraſmuch as the king's majeſty, who lately reigned, is, contrary to the diſſent and proteſtation of this kingdom, removed by a violent death; and that by the lord's bleſſing, there is left unto us a righteous heir, and lawful ſucceſſor, Charles prince of Scotland and Wales, now king of Great-Britain, France, and Ireland; we the eſtates of the parliament of the kingdom of Scotland, do therefore moſt unanimouſly and chearfully, in recognition and acknowledgment of his juſt right, title, and ſucceſſion to the crown of theſe kingdoms, hereby proclaim and declare to all the world, that the ſaid lord and prince Charles is, by the providence of God, and by the lawful right of undoubted ſucceſſion, king of Great-Britain, France, and Ireland, whom all the ſubjects of this kingdom are bound, humbly and faithfully to obey, maintain, and defend, according to the national covenant, and the ſolemn league and covenant betwixt the two kingdoms, with their lives and goods, againſt all deadly enemies, as their only righteous ſovereign lord and king."

"And becauſe his majeſty is bound by the law of God, and the fundamental laws of this kingdom, to rule in righteouſneſs and equity, to the honour of God, the good of religion, and the wealth of his people: it is hereby declared, that before he be admitted to the exerciſe of his royal power, he ſhall give ſatisfaction to the kingdom, in thoſe things that concern the ſecurity of religion, the unity betwixt the kingdoms, and the good and peace of this kingdom, according to the national covenant, and the ſolemn league and covenant; for which end we are reſolved, with all poſſible expedition, to make our humble and earneſt addreſſes to his majeſty. For the teſtification of all which, we the parliament of the kingdom of Scotland, publiſh this our acknowledgment of his juſt rights, title, and ſucceſſion to the crown of theſe kingdoms, at the market-croſs at Edinburgh, with all uſual ſolemnities in like caſes, and ordain his royal name, portrait, and ſeal, to be uſed in the public writings and judicatories of this kingdom, and in the mint-houſe, as was uſually done to his royal predeceſſors, and command this act to be proclaimed at all the market-croſſes of the royal burghs, and to be printed, that none may pretend ignorance."

When the proclamation was publiſhed, the council diſpatched ſir Joſeph Douglas, to give the king notice of it, and the ſtates ſent alſo two commiſſioners [p], only to inform him of what had been acted in his favour, but without any order or inſtruction to treat with him. Before the conditions on which he was to be inveſted with the royal authority were propoſed to him, it was neceſſary to know, if he would accept the crown upon terms not yet known, but eaſy to be gueſſed [q]. The commiſſioners found the king at the Hague, where there arrived at the ſame time, but in another ſhip, the earls of Lanerick and Lautherdale, and ſome time after the earl of Montroſe alſo from France. When the late king, after his retreat to the Scotch army, ordered Montroſe to lay down his arms, he retired into Germany, and ſerved in the emperor's army. Afterwards he went into France, where the queen and prince of Wales gave him a reception very different from what he expected, after his great ſervices in Scotland. This coldneſs was owing to his arrival in France, at the very time the queen was uſing her

[o] Preſently in the Scotch papers is uſed for now, or at preſent.

[p] The commiſſioners of the kirk ſent alſo four of their miniſters. Clarendon, tom. III. p. 217.

[q] The kirk declare, that he ſhould firſt ſign the covenant, ſubmit to the kirk's cenſure, renounce the ſins of his father's houſe, and the iniquity of his mother. Ibid, p. 222.

He

endeavours to perſuade the king her huſband, to throw himſelf upon the preſbyterians and Scots, and grant all their demands, imagining, he had no other refuge. It was therefore no proper ſeaſon to careſs a man, who was extremely hated in Scotland. He had been very ſucceſsful in ſerving the king, but had uſed his advantages with ſuch barbarity, that he had been degraded by the parliament, and excommunicated by the kirk; ſo that in Scotland he was conſidered as an enemy to the nation, and to preſbyterianiſm. As his reſidence in France was very diſagreeable, he no ſooner heard of the death of Charles I. than he repaired to the Hague to offer his ſervice to the new king. In his retinue were ſome Scottiſh lords and gentlemen attached to his fortune.

The king received very coldly the news of his being proclaimed, by reaſon of the reſtriction in the proclamation. There was however nothing ſtrange in it, ſince the Scots pretended only to require what had been aſked of Charles I. agreeable to their covenant, and the covenant of the two kingdoms. But the king and his council, it ſeems, were perſuaded, that the Scots had not the leaſt right to exact ſuch conditions. That is to ſay properly, the Scots in their recognition of the new king, ought at the ſame time to acknowledge the injuſtice of their covenants, and depart from all their pretenſions. Theſe were two contraries which they thought to be irreconcileable, namely, that the Scots ſhould own the king's undoubted right, and yet deſire to capitulate with him. In a word, they pretended that the tranſactions of the laſt ten or twelve years, ought to be entirely buried in oblivion. Charles I. Charles II. and their counſellors, were prepoſſeſſed with an opinion which often deceived them, namely, that there was no mean between an abſolute attachment to the king, and a total enmity to him. The lord Clarendon's hiſtory abounds with inſtances of this prepoſſeſſion. But to confine myſelf to the preſent occaſion, this illuſtrious hiſtorian in repreſenting the Scotch nation, as animated with a juſt indignation againſt the Engliſh parliament, for the king's death, would infer, that Scotland, was inclined to accept the prince his ſon for ſucceſſor without any condition. But as this did not happen, he aſcribes it to the artifices and credit of the marquis of Argyle. He ſays, the marquis would have been glad to prevent the king's being proclaimed, but as he durſt not oppoſe the general ſentiment of his country, he was forced to conſent to it. According to him, the marquis of Argyle was the ſole cauſe of the reſtriction in the proclamation. This ſuppoſes the proclamation to have been the general ſenſe of the people, and the reſtriction the effect of Argyle's intrigues. But if this reſtriction was agreeable to the intereſts and ſentiments of the ruling party, as I have ſhewn, why is it aſcribed to the marquis alone? Was it impoſſible for the people of Scotland to acknowledge king Charles II. without an entire confidence in him? But the Scots acted with him only in the ſame manner as they acted with his father, as appears in the covenant itſelf, wherein they ſhewed an extreme diſtruſt of the late king, even when they engaged to defend his perſon and rights. The reſtriction therefore contained nothing new, or extraordinary. It was a natural conſequence of the troubles begun in 1637.

However this be, Charles believed, that no great regard was due to what had yet been done for him in Scotland. He underſtood, that in the intended capitulation, things would be demanded which he had reſolved not to grant, as the confirmation of the covenant and the preſbyterian government. He wiſhed however to juſtify his diſinclination to Scotland, by the advice and opinion of the Scotch lords who were with him at the Hague. For this purpoſe he would have had them appear together before his council, and upon being conſulted, diſſuade him from going to Scotland, and the council thereupon form their reſolution. The marquis of Montroſe approved of this proceeding; but the earl of Lautherdale, and the earl of Lanerick who took the title of duke Hamilton, on hearing at the Hague the tragical death of his brother, would not conſent to it. They thought it too nice a proceeding, for Scotch lords to appear before an Engliſh council. By that the earl of Traquaire had been ruined. On the other hand, they were ſo enraged againſt the marquis of Montroſe, that they would have no communication with him. When the king found he could not bring them together to conſult upon this ſubject, he declared however, he would not go into Scotland, and perſiſted in his reſolution for Ireland. Thus, upon a bare information that Scotland would not receive him without conditions, he reſolved to refuſe the crown of that kingdom. And, what is more, he gave commiſſion to the marquis of Montroſe to raiſe forces in Germany, and make a deſcent upon Scotland. So, receiving with acknowledgment, the offer made him by the Scots, he ordered a war to be levied upon them, as upon enemies, becauſe they refuſed to admit him for their ſovereign, without a previous engagement. Nothing is more proper to demonſtrate the neceſſity of the precautions taken by the Scots, though ſome hiſtorians are pleaſed to repreſent them as very unjuſt.

The king could not reſide any longer in Holland, where it was intimated to him, that the dread, the ſtates were under, of a quarrel with the new commonwealth of England, made his ſtay there very unwelcome. Beſides, they received advice, the parliament was to ſend an agent, to propoſe between the two commonwealths a ſtrict alliance: and the affair was not to be negotiated whilſt the king remained at the Hague. This agent, named Doriſlaus, arrived indeed before the king left the place. But the ſame evening that he came to the town, as he was at ſupper in his inn, with ſome other perſons, ſix Scots of the marquis of Montroſe's retinue entered the room, and dragging him from the table murdered him[r]. The aſſaſſins were neither arreſted, nor immediately purſued; and though afterwards ſome pains were taken to apprehend them, the ſtates ſhewed on that occaſion a great regard for the king, which offended the parliament. Nevertheleſs the king knew, after this action, there was no remaining at the Hague, and the prince of Orange adverti ſed him, that he would be deſired to depart. He therefore ſent his heavy baggage and ſome of his domeſtics to Ireland, with a reſolution to follow them, after he had paid a viſit to his mother in France. But as he was not yet ready, he prevented the ungrateful compliment he was to receive, by preſenting himſelf to the ſtates a memorial of the ſtate of his affairs, and aſked their opinion, whether he ought to go to Ireland or Scotland. The ſtates obſerving he was about to depart, thought it not convenient to preſs him, and thereby he gained time to be prepared.

While the king was deliberating at the Hague, concerning the offer from Scotland, the ſtates of that kingdom were ſettling the terms on which he was to be received, not doubting his inclinations and readineſs to accept the offered crown. But he had friends in Scotland, who, better informed of his ſentiments, reſolved to diſturb the publick deliberations, by an inſurrection, in hopes that a happy ſucceſs would cauſe the king to be admitted without any condition. With this view Middleton, Monroe, the Gordons and others, aſſembled ſome forces in the north, and ſeized the town of Inverneſs. But the parliament having before received intimation of their deſign, had already raiſed forces, which immediately marched to the north, under Straughan and Kerr, and diſperſed the mutineers before they could aſſemble all their forces.

Though the king had firmly reſolved to go into Ireland, it was impoſſible for him to execute his deſign, by reaſon of the turn in his affairs in that iſland. After the parliament was become maſter of Dublin, it had been often moved in the houſe to ſend a powerful reinforcement to Ireland: but the oppoſite intereſts of the preſbyterians and independents hindered the taking any reſolution. The firſt were for ſending ſir William Waller to command there, and the latter were as earneſt for major-general Lambert. The diviſion between the parliament and army which aroſe quickly after, brought new obſtacles to the affair. At laſt, the revolt of Wales, the inſurrections in other counties, and the preparations of the Scots to invade England, diſcharged all thoughts of Ireland. If, in this interval, the Iriſh could have come to an union amongſt themſelves, and have joined the marquis of Ormond, they might have expelled the parliament's forces, and rendered themſelves maſters of the whole kingdom. But their diviſions hindered them from improving ſo favourable an opportunity. It was not, as I obſerved, till the end of the year 1648, that they made peace with the marquis of Ormond, and the oppoſition of O'Neal kept the marquis from taking the field till April 1649, when the king was dead, and the government of England modelled into a commonwealth.

The union of the Iriſh with the royaliſts, the progreſs of

[r] He was doctor of the civil law, born at Delft in Holland, and bred at Leyden, but afterwards lived long in London, having been received into Greſham college, as a profeſſor in one of thoſe Chairs, which are endowed for public lectures in that ſociety: and had been from the beginning of the troubles, in the exerciſe of the judge advocate's office in the earl of Eſſex's army. The lord Clarendon ſays, they were Scots, and dependents upon the marquis of Montroſe, that murdered him, tom. 3, p. 226. But Whitelock ſays, that they were twelve Engliſh cavaliers who ſtabbed him in ſeveral places, and cut his throat, one of them ſaying at the ſame time, thus dies one of the king's Judges. Whitelock, p. 401. Ludlow ſays, they were Engliſh and Scots. tom. 1. p. 291.

the marquis of Ormond, the extreme weakneſs of the parliament's party in that nation, brought at laſt the houſe to a reſolution of ſending thither a good army with all poſſible diligence. Waller, who was a preſbyterian, was no longer conſidered as a proper general to ſerve the parliament; and Lambert, till then ſupported by Cromwell, was now ſupplanted by him. Cromwell believed, the government of Ireland was a poſt not unworthy of himſelf, and ſo managed by his intrigues, that he was unanimouſly choſen to fill the dignity of lord-lieutenant of that kingdom. But before his troops could be ready for that expedition, he had a difficulty to overcome, which might have had dangerous conſequences.

Beſides the cavaliers and preſbyterians, the parliament had other enemies, who only waited an opportunity to declare and were in the army itſelf. Theſe were the levellers, who were diſſatisfied, for that after they had ſerved as inſtruments to ruin the preſbyterian parliament, they were not only diſregarded, but even called ſeditious and rebels. This occaſioned their aſſembling upon Cromwell's being appointed to command in Ireland, under a pretended neceſſity of enquiring what troops were proper to ſerve in that kingdom[s]. To that end they met at Burford, to the number of five thouſand, and without any precaution continued there, pretending a promiſe from Cromwell, that no part of the army ſhould approach within ten miles. But Raynolds, by the command of general Fairfax, unexpectedly fell upon them with five or ſix thouſand men, and gave them an entire defeat. Nine hundred horſe, and four hundred foot were ſent priſoners to London, and ſome of them executed. Others obtained their pardon by Cromwell's mediation. This affair being thus happily ended, the army was prepared which Cromwell was to lead into Ireland.

While this army was aſſembling, the marquis of Ormond approached Dublin to beſiege it. Whereupon, Cromwell immediately ſent about three thouſand men to reinforce the garriſon which was very weak. Mean while, as he believed he could not arrive ſoon enough to ſave that city, he reſolved to land his army in Munſter, where he hoped to find no obſtacle, becauſe he knew, the lord Inchiquin, preſident of that province, was departed with his Engliſh troops, to reinforce the army under the marquis of Ormond. But the marquis having notice of his intention, immediately diſpatched the lord Inchiquin with the forces under his command to prevent his landing, by which he conſiderably weakened his army. He however continued his march, and began the blockade of Dublin about the middle of June. He ſtayed ſome time at Finglas, five miles from Dublin, in expectation of freſh troops, and at laſt paſſed the river, and poſted himſelf at Rathmims, to lay the ſiege in form. While he was in this camp, the ſuccours ſent by Cromwell arrived in Dublin. A few days after, the marquis of Ormond reſolved to repair an old caſtle, which by its ſituation was proper to hinder any freſh relief from entering the town. Then colonel Jones the governor, who from a lawyer was become a good officer, perceiving how much theſe fortifications might annoy him, reſolved to prevent their being finiſhed. For that purpoſe he put the garriſon under arms in the night, and at break of day making a ſally, marched directly to the caſtle, and carried it ſword in hand. This ſucceſs cauſed him to advance towards the enemy's camp. He met by the way a body of horſe, which ſtopped him ſome time. But the body being diſperſed brought ſuch terror to the Iriſh army, that they fled in confuſion without ſtriking a blow. The marquis of Ormond was forced to follow them, for fear of falling into the hands of his enemies. After the defeat, he was obliged to retire to ſome diſtance, to wait for the ſuccours he had been promiſed.

Cromwell informed of this good ſucceſs whilſt he was embarking his army, altered his deſign, and inſtead of going to Munſter, ſailed to Dublin, where he ſafely arrived about the middle of Auguſt with about fifteen thouſand men. When the marquis of Ormond knew that Cromwell was at Dublin, he retired to a ſtill greater diſtance, and left in Drogheda a numerous garriſon[t], under the command of ſir Arthur Aſton, an officer of reputation, who had been governor of Reading, and afterwards of Oxford. About the ſame time Londonderry, the moſt conſiderable city in the north of Ireland, which was beſieged by the king's forces, was relieved by a ſally made by ſir Charles Coot, much in the ſame manner as Dublin was by Jones[u].

From what has been ſeen, it is manifeſt the king could not venture into Ireland, where he had no other ſuccours to carry but his perſon, while Cromwell was aſſembling his army on the coaſt, and ſtill leſs after Ormond's defeat. But as, on the other hand, he was looked on with no good eye in France, where, ſince his arrival, the court had made him no offers of ſervice, he reſolved to withdraw into the iſle of Jerſey, as the only place where he could hope to be favourably received[w]. He retired therefore to that iſle with his brother the duke of York and his ſmall court, where he continued ſome months[x].

The commotions raiſed by the king's friends in Scotland being appeaſed, the committee of eſtates aſſembled to prepare the conditions to be demanded of the king. It ſeems, they were not informed in Scotland of the king's ſentiments, ſince they continued to deliberate upon that ſubject, which doubtleſs they would not have done, had they been acquainted with his reſolution. In all probability, as the eſtates had not yet expreſsly invited him to come and receive the crown, he did not think himſelf obliged to communicate his thoughts to them, and if the envoys of the eſtates and council had received an anſwer from him, it was too general for any thing to be inferred from it. However this be, the committee of eſtates having learned, the king was in Jerſey, ſent mr. George Windram to acquaint him, they were deſirous to treat with him concerning his eſtabliſhment in Scotland: but as the iſle of Jerſey was neither ſafe, nor commodious, he was deſired to name ſome town in the Low Countries, where he might receive their commiſſioners. For that purpoſe, it was required of him as a preliminary, without which there could be no negotiation, to acknowledge the authority of the preſent parliament, and particularly of the two laſt ſeſſions. Windram left Edinburgh the 25th of September, but was not with the king till towards the end of October, being detained by contrary winds: ſo that the king was fully informed of what had paſſed in Ireland, where Cromwell having taken Drogheda by aſſault, had put the garriſon to the ſword, and was continuing his progreſs with wonderful rapidity. This news made the king look upon Scotland with another eye than before. He knew, he ſhould be unwelcome both to France and Holland. From Ireland he was entirely excluded, nor could Jerſey long afford him ſubſiſtence. Beſides, he was told, the parliament had given orders for a fleet to reduce that iſland, which was not in a condition of defence. Scotland therefore was the only place where he could find ſafety and ſubſiſtence. For this reaſon, he received Windram very graciouſly, and named Breda for the reception of the Scotch commiſſioners, promiſing, he would be there the 15th of the following March. It was not however without ſome uneaſineſs that he came to this reſolution. Beſides his little affection for the Scots, whom he regarded as the principal authors of his father's misfortunes, not one counſellor adviſed him to put himſelf into their hands, though it was impoſſible to direct him to another retreat. So it was meer neceſſity which cauſed him to reſolve to liſten to the propoſitions the Scots were to make him. That this was his only motive, can hardly be doubted, when it is conſidered, that on the 30th of January 1649-50, he writ to the marquis of Montroſe, that the Scots had ſent Windram to him, and that their commiſſioners were to repair to Breda in March, to treat with him. Wherefore he preſſed him to haſten his preparations for a deſcent into Scotland before the affair ſhould be ſettled, in order if it was poſſible, and ſhould pleaſe God to favour him with ſucceſs, to prevent the concluſion thereof[y].

Windram being returned with the king's anſwer, the committee of eſtates laboured inceſſantly to finiſh the propoſitions to be ſent to the king. The draught was laid before the parliament, and after ſome amendments, ordered to be com-

[s] Or rather upon the parliament's voting, that eleven regiments, moſtly conſiſting of levellers, ſhould by lot be choſen for the ſervice of Ireland. Heath, p. 233.

[t] Of three thouſand foot, and two or three troops of horſe. Clarendon, tom. III. p. 251.

[u] Rapin, by miſtake, ſays, ſir Richard Coot, but it was ſir Charles, who was afterwards earl of Montrath.

[w] He had been lately proclaimed king there, by ſir George Carteret the governor. Whitelock, p. 386.

[x] This year, upon information, that the Turkiſh alcoran was printing in England, it was ordered, on March 10, to be ſuppreſſed.—May 8, the queen of Bohemia's penſion of 12000l. was ſuſpended.——June 7, at an entertainment in the city, the earl of Pembroke refuſed to ſit above mr. Whitelock, the ſenior commiſſioner of the great ſeal, ſaying, "As much honour belongs to that place under a commonwealth, as under a king." Whitelock, p. 390, 400, 406

[y] The earl of Clarendon ſays nothing of this letter from the king to the marquis of Montroſe; but Phillips, Bates, and others, are poſitive that it was writ. Rapin.——The lord Clarendon owns, the king had given the marquis a commiſſion to raiſe a force together. See tom. III. p. 269. And Warwick's Mem. p. 355.

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municated to the general assembly of the kirk, where it was approved. Hence it appears, that these propositions were settled with the common consent, since they had the concurrence of both parliament and kirk, though some have been pleased to ascribe them solely to the marquis of Argyle, as if they were more agreeable to his interest than that of the kingdom. After that, the parliament and general assembly named commissioners to carry them to the king. These commissioners arrived at Breda at the time appointed [z], and presented the conditions to him, on which the Scots would admit him to the exercise of the regal power. They consisted of these four articles:

1. That all those who have been, and continue excommunicate by the kirk of Scotland, may be removed from having any access to the court.

2. That he would be pleased to declare, that he would by solemn oath under his hand and seal, allow the national covenant of Scotland, and the solemn league and covenant of Scotland, England and Ireland; and that he would prosecute the ends thereof in his royal station.

3. That he would ratify and approve all acts of parliament, enjoining the solemn league and covenant, and establishing presbyterian government, the directory of worship, the confession of faith and catechism in the kingdom of Scotland, as they are already approved by the general assembly of the kirk, and by the parliament of that kingdom, and that he would give his royal assent to the acts of parliament enjoining the same in the rest of his dominions, and that he would observe the same in his own practice and family, and never make opposition therein, or endeavour any change thereof.

4. That he would consent and agree that all matters civil might be determined by the present and subsequent parliaments of the kingdom of Scotland, all matters ecclesiastical by the ensuing general assemblies of the kirk, as was formerly condescended and agreed to by his late father.

After hearing these conditions, the king demanded, whether these papers they had delivered to him, contained all the particulars which they had to propound or desire? Whether they had power to recede from any particular article, or to treat with him concerning the assistance of Scotland, to place him on the throne of England? They answered, their commission extended only to the offering of these propositions, and to receive either his consent or refusal.

These conditions, which appeared to the Scots very just, lawful, and absolutely necessary for the safety of Scotland, seemed to the king very hard and unreasonable. This contrariety will not appear strange, if it is considered, that the king and the Scots reasoned upon different principles, and with opposite views. And this it will not be improper to unfold.

The people of Scotland were persuaded, they had been oppressed by James VI. in the establishment of episcopacy in Scotland by that prince, which had been abolished by the reformation: that this had been effected by address, by artifice, by violence, whilst corrupt parliaments were employed to enact new laws concerning religion, without consulting the kirk, contrary to her will and express declarations: that Charles I. by a fraud supported with force, had invested himself with a power of ordaining whatever he pleased in matters of religion, by virtue of an act supposed by him to be granted by a plurality of voices, though it was rejected: that by this pretended power, he had not only restored bishops to their revenues and government in the church, but also given them a jurisdiction more extensive than ever: that he had established a high commission to support that injustice, and entirely suppressed the general assemblies. In a word, that he had changed the presbyterian government, established by the reformation, into an hierarchy, exactly like that of the church of England: that he had also attempted to impose upon them a liturgy and canons, unknown to their ancestors, and to reduce the worship of the church of Scotland, to a perfect conformity with that of England: that the people of Scotland, for their own preservation, and the maintenance of their rights, so manifestly invaded, had judged it proper to unite in a covenant, intended for the preservation of the king's just rights and privileges of the people and kirk: that the king, not contented with what of right belonged to him, had twice made war upon his Scotch subjects to maintain his usurped power, and render Scotland dependent upon England: that the war had been ended by a treaty, to which the king would not have consented, if he had not been forced to it by the affairs of England: that after the treaty he came into Scotland, where he granted his subjects whatever they demanded, and even those things which before he had haughtily and obstinately refused: that therefore it was to be suspected, he had only accommodated himself to the times, till a favourable opportunity offered, to revoke his concessions: that it was not strange the Scots should entertain that suspicion, since the king, by the same conduct in England, had destroyed all confidence in him: that it was therefore absolutely necessary to reduce him to a state, which would remove all danger of his retracting: that to this end, the Scots had made with the English a solemn league, as having the same common interest, and that the sword had decided in favour of the allies against the king: that notwithstanding the decision, the Scots had never thought of withdrawing from the obedience due to the king, but only of obtaining other security than his bare word: that the tragical death of Charles I. had not changed the state of affairs in Scotland, or procured them the so long desired security: that they required no more of the new king, than they had a right to demand of his father: that their desires were not unjust, since they expected only to be maintained in the state, which they enjoyed before the two last kings had attempted to alter the established religion according to their caprice, and the pleasure of their English counsellors: that they had run all hazards to restore themselves to the condition from whence they were fallen: that God having granted them a happy success, they saw no sufficient reason to oblige them to desist, and expose their repose and religion to the caprices of a young prince, who was known to be of the same sentiments and principles as his father and grandfather: that the conditions offered him, limited not his prerogative as king of Scotland, but only put it out of his power, to tread in the steps of his father: that in offering him the crown of Scotland, it was lawful to require, that he should govern according to the true interest of the kingdom: that if these conditions appeared to him contrary to his interest with regard to England, he was at liberty to reject them; but his interest with respect to England, was not a good reason to engage the Scots to venture their happiness, in leaving him to govern as he pleased: that it was not yet fifty years since James VI. became king of England, and that Charles I. having lost that crown by his ill conduct, and Charles II. being utterly unable to recover it, he ought to esteem himself happy, that his Scotch subjects had offered him the crown of his antient kingdom, on the same terms it had been enjoyed by his ancestors for many ages; and that in becoming a good Scotsman, he would be restored to what his predecessors, kings of Scotland, had formerly been: that it was not reasonable to suffer persons excommunicate, and conspirators against the state, in attempting, by force, to restore the late king, to approach the new king with their pernicious counsels, tending to sow division between him and his subjects.

But the king reasoned upon other principles. The offer of the crown of Scotland was no farther regarded by him, than as a means of restoring him to the throne of England; that was the principal object of his attention. He little cared to be king of Scotland, if he could not use the forces of that kingdom to procure him the English crown. Mean while, his power was to be so limited that it should not be possible to receive any advantage from Scotland to that end. Those who were esteemed by him as his best friends, and had used their utmost endeavours to free his father and restore him to the enjoyment of his rights, were to be removed from his person and council, yet these were the men he designed to employ for the recovery of England. In accepting the crown of Scotland, he was to forget, he had any just claim to England, he was to govern Scotland as his ancestors governed it before their accession to the English throne; that is to say, he was to look upon his English friends with continual distrust, and consequently renounce all hope of a re-establishment in England. He was to swear to the national covenant, made against the king his father, the intent of which was to prevent for ever the introducing the church government and worship of England into Scotland, which alone in his opinion were lawful. He was to swear to the covenant of the two kingdoms, the sole design of which was to maintain presbyterianism already established in England, which was an infallible way to make him lose all his friends. He was, lastly, not only to approve and protect presbyterianism in the two kingdoms, but also promise a sincere and constant profession of it himself. But this was directly contrary to his sentiments and conscience, since he hardly believed the presbyterian to be any part of the christian church.

[z] The commissioners from the estates were, the earls of Cassils and Lothian, the lord Burley, and sir John Windram; and those from the kirk were, Levilton, Wood, and Broady. Phillips, p. 594.

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Hence it appears that the intereſts of the king and thoſe of the Scots were no leſs oppoſite than during the life of Charles I. and that the ſame difficulties ſtill ſubſiſting, could be ſurmounted only by the arms or acquieſcence of one of the parties. The king was unable to uſe force, and yet the terms to be impoſed upon him appeared ſo hard, that he would have immediately rejected them, if he could have taken any other courſe. But his melancholy circumſtances, not knowing where to ſubſiſt or even to be ſafe, obliged him though very unwilling, to diſſemble his reſentment, and to treat with the Scotch commiſſioners upon propoſitions which to him ſeemed moſt unjuſt. There were two articles which he could not digeſt. The firſt was, the obligation to ſwear to the covenant. He ſaid, the covenant was made for the ſubjects, and not for the prince, ſince the taker ſwore to be faithful to the king, and it was abſurd to make him ſwear allegiance to himſelf. This objection would have been unanſwerable, had the covenant contained only this article. But there were others, in which it was ſaid, the king was no leſs concerned than his ſubjects. The ſecond related to religion. He was willing, he ſaid, to conſent to the eſtabliſhment of preſbytery in Scotland by act of parliament: but, as to his own perſon, he could not with juſtice be required to renounce the religion for which the king his father had died a martyr; however, he would content himſelf with only three chaplains to celebrate divine ſervice in his preſence after the manner of the church of England. But all he could allege was ineffectual; the commiſſioners had not power to recede from any article. Thus had the parliament of England offered to treat with his father, without leaving him other liberty than to accept or refuſe their propoſitions. But though the king perceived it would be to no purpoſe to diſpute upon the articles, he deſired however to prolong the negotiation as much as poſſible, in hopes of good news from Scotland, where he knew the marquis of Montroſe would ſhortly make his appearance. This was his laſt refuge; and had the marquis been attended with his former ſucceſs, the treaty of Breda would ſoon have ended, ſince it was in the king's power to reject abſolutely the offered conditions. But the marquis's progreſs did not anſwer the king's expectations.

[1650] After that lord had left the king at the Hague, he went into Germany to endeavour to raiſe forces and money, the king having only given him a bare commiſſion without other aſſiſtance. The king of Denmark, as Charles's near relation, furniſhed him with a ſum of money, and the Engliſh ſettled in Sweden aſſiſted him to the utmoſt of their power. With this relief he was enabled to buy arms and ammunition, and to liſt five hundred ſoldiers, which he ſent in March to one of the iſles of Orkney. He followed them himſelf in April, and from thence repaired with his troops to Cathneſs in the north of Scotland. This was at the very time the Scotch commiſſioners were with the king at Breda. As the king was informed that Montroſe was now gone for Scotland, he waited the ſucceſs of the expedition, before he would conclude with the commiſſioners, whom he nevertheleſs entertained with hopes of granting their demands.

After the marquis's arrival at Cathneſs, he ſeized a caſtle where he might ſecure his arms and ammunition, and then writ to his friends to join him. At the ſame time he publiſhed a manifeſto, declaring, "That he was come with a commiſſion from the king to protect his good ſubjects; but "with no deſign to obſtruct the negotiation at Breda; on the "contrary, he hoped to haſten the concluſion of it by means "of his army. If the treaty ſucceeded, he ſhould readily lay "down his arms on the firſt command from his majeſty."

The Scotch parliament then ſitting at Edinburgh was ſurpriſed to hear of Montroſe's arrival in that juncture, with the king's commiſſion. It was not difficult to perceive that, whatever was pretended, this was not to advance the treaty, but rather to obſtruct it, and force the parliament to deſiſt from conditions which were thought neceſſary for the ſafety of the kingdom. It may well be imagined, this tended not to breed a good opinion of the king's ſincerity.

Mean while, as Montroſe was very formidable, by reaſon of his former great ſucceſſes in favour of the late king, the parliament gave immediate orders for raiſing, with all poſſible expedition, an army of ſix thouſand men, under the command of David Leſley. Till the army was ready, colonel Straughan was detached with three hundred horſe to the northward, in order to awe the country, and prevent the king's friends from riſing and joining Montroſe. This precaution had a ſurpriſing effect. The king's adherents, whether through fear of falling into the hands of Straughan, or becauſe of the ſix thouſand men which were to follow, durſt not ſtir, and Montroſe was joined only by ſome ill armed and worſe diſciplined highlanders. So, his little army, if it deſerves that name, compoſed of ſoldiers of different nations, ſtrangers to one another's language, and in a barren country, could make no great progreſs. Beſides, as Montroſe had no cavalry to ſend out for intelligence, he knew not what paſſed in other places, and particularly Straughan's march, vainly expecting the king's adherents to come and join him. To this ignorance was owing his being ſurpriſed by Straughan's little troop, which, after a long march, fell upon him when leaſt expected. At the approach of the enemy, the highlanders deſerted and fled; the foreigners made more reſiſtance, but were routed at laſt[a]. The marquis himſelf being forced to fly, threw away his ribband and george, diſguiſing himſelf like a peaſant to prevent a diſcovery. He wandered ſome days in that habit, and at laſt put himſelf into the hands of a gentleman, named Aſton, who had formerly ſerved under him, and promiſed to conceal him. But, whether through the hope of the reward publiſhed for taking him, or the fear of being rigorouſly puniſhed if he did not diſcover him, it is certain, he delivered him to Leſley, who immediately ſent him to Edinburgh[b]. The parliament now ſitting reſolved to try him themſelves; and as, ſince his degradation, he was called only James Graham, and was univerſally hated, no regard was paid to his birth. He was condemned to be hanged on a gallows thirty feet high; with this addition to his ſentence, that, after he was dead, his head ſhould be ſevered from his body, and ſet on Edinburgh talbooth; his arms and legs ſent to four ſeveral towns, to be expoſed as a ſpectacle, and his body buried under the gallows. He met death with extraordinary courage, and before his execution, made a ſpeech to the people, in which, far from owning himſelf worthy of death, he teſtified, on the contrary, an entire perſuaſion of the juſtice of the cauſe he had ſupported. He ſaid that Charles I. died a martyr, and aſſured the people, the new king would obſerve all his promiſes to the Scots, wherein he was as falſe a prophet as the lord Capel had been in England. Thus fell the marquis of Montroſe, who had rendered himſelf famous by his great actions for the late king in Scotland, but withal, odious to his countrymen, by his inhumanity to them, when he had the advantage.

The tragical death of the marquis of Montroſe diſappointed all the king's hopes, who was thereby deprived of his laſt refuge. He complained loudly to the commiſſioners of the execution of that lord, during the negotiation, affirming it to be a breach of faith. He writ in the ſame ſtrain to the committee of eſtates, but was ſilenced by their anſwer, and told, it would be much better not to inſiſt upon that affair. The anſwer imported, that papers were found upon Montroſe, which it was more for his honour to conceal than to publiſh. The king eaſily underſtood, that by this was meant his commiſſion to the marquis after the news of his being proclaimed, and his letter of the 30th of January, after the time and place of conference were fixed. This juſtified the parliament of Scotland from breach of faith, of which he himſelf was not entirely guiltleſs.

The death of Montroſe leaving the king without refuge or retreat, he at laſt accepted the conditions preſented to him by the commiſſioners. Only the ſigning of the covenant was deferred till his arrival in Scotland, upon his promiſe however of compliance, in caſe it was judged proper to preſs him when he ſhould be at Edinburgh. The commiſſioners were willing to grant him this favour, knowing, the eſtates would never deſiſt from that article. It is certain, the king ſubmitted to theſe conditions only becauſe he had no other courſe to take, and it is, perhaps, no leſs certain, that he meant to obſerve them but whilſt he ſhould be forced. This plainly appears in the hiſtory of thoſe times, penned by the king's adherents. For they could not forbear to think it ſtrange that the king, when in Scotland, ſhould be obliged to a ſtrict obſervance of what he had promiſed by oath. As if his promiſe and oath had been only formalities, which were not to bind him.

When the king had ſigned the conditions, he went to Scheveling near the Hague, and embarked, being attended by duke Hamilton, the earl of Lautherdale, and ſome other Scots, who gave him hopes that his preſence in Scotland would remove all ſuſpicions, and that an exact obſervation of what he had promiſed would be diſpenſed with. But at his arrival, before he was ſuffered to land, the covenant was ſo preſſed upon him, that he could not avoid taking it. He

[a] There were about three hundred ſlain, and five hundred taken priſoners. Whitelock, p. 454.

[b] Bates in his Elenchus Motuum aſſures us, that Aſton received two thouſand pounds, in reward of his treachery. Rapin.

Biſhop

had positively promiſed it at Breda, and no man durſt adviſe him to break his word. This ſtrictneſs of the eſtates convinced duke Hamilton and the earl of Lautherdale, that it was not ſafe for them to appear publicly in Scotland. Wherefore, finding means to land with the king, they retired to their own eſtates, or their friends, in expectation of a more favourable juncture.

The marquis of Argyle received the king with extraordinary reverence and outward marks of reſpect. But within two days, all his Engliſh domeſtics were removed, except the duke of Buckingham. Some were obliged to return into Holland, others withdrew at a diſtance from the court, to friends who were willing to entertain them. This rigour at firſt appears very ſtrange, and by ſome is ſo repreſented. But it muſt be conſidered, the Scots were for receiving the king on thoſe terms only, on which they would have admitted his father, had he happily eſcaped from captivity, and retired into Scotland. Certainly they would never have ſuffered about him, men whoſe principles and maxims were directly oppoſite to the intereſts of Scotland, and who were the kingdom's reputed enemies. Why then were they to repoſe more confidence in Charles II? Precaution was not more neceſſary under the laſt, than under the preſent reign.

When the friends and confidents of the king were thus removed from his perſon, he ſaw himſelf in the hands of men whom he knew not, and whoſe principles were entirely different from thoſe in which he had been educated; ſo that he was extremely uneaſy, though outwardly he received all the reſpect due to his rank. What troubled him moſt, was the importunity of the miniſters, who thought it their duty to inſtruct him in the preſbyterian religion, and ſcrupled not to brand the hierarchy and worſhip of the church of England with the name of doctrine of devils. They pretended, the king's promiſe and oath to profeſs preſbyterianiſm obliged him to receive their inſtructions. His embarraſſment on this occaſion was a natural conſequence of the promiſe he had made, without intending to keep it. To be rid as well as he could of this trouble, he was preſent at their ſermons and prayers, but with ſo little attention, that it was plainly againſt his will[c]. The reluctance he ſhewed upon this article bred in the Scots a very ill opinion of him, being perſuaded, he had ſworn againſt his conſcience, and with an intention to break his promiſes, when freed from reſtraint. It ought not therefore to ſeem ſtrange, that they had no confidence in him, and that thoſe who were at the helm, imparted not to him all the affairs. He was not conſidered as a prince attached to the intereſts and religion of the kingdom, but as intending to eſtabliſh other maxims if it was in his power. But if the tranſactions of ſome years paſt, and the occaſion of the troubles, be conſidered, it will not be thought ſo ſtrange, that the Scots took precautions with regard to their new king, and refuſed him a confidence, which in that juncture, appeared to them very dangerous.

It was quickly perceived how neceſſary theſe precautions were, by the king's endeavours to reconcile to the ſtate and the church, thoſe who had entered into the late duke Hamilton's engagement to raiſe an army, which under colour of acting againſt the independents, was deſigned to reſtore the late king to the throne of England without any condition. The authors of that deſign had thereby plunged Scotland into a war not only unneceſſary, but directly contrary to her intereſts. Beſides, their ill conduct had occaſioned the loſs of a numerous army, and a great effuſion of blood. What might not the Scots have added in aggravation of the crimes of the Hamiltonians, had they known the ſecret treaty made with the late king in the Iſle of Wight, ſo contrary to the covenant of both kingdoms? It is not therefore ſtrange, that men who had acted with views ſo oppoſite to the intereſts of the kingdom, or at leaſt of the prevailing party, were regarded by that party as enemies of the ſtate and religion. And yet theſe were the men for whom the king laboured ſo ſtrenuouſly, under the pretence of procuring a happy union amongſt his ſubjects. But at the ſame time he clearly diſcovered his averſion to the maxims by which Scotland was then governed, and his intention to enable his friends to oppoſe the marquis of Argyle, who was the head of the contrary faction and of the government. That lord eaſily fathomed the king's deſign. And therefore, whereas he had hitherto conſtantly attended him, he gradually withdrew himſelf from him, as from a ſecret enemy who only waited an occaſion to ruin him.

While theſe things paſſed in Scotland, the parliament of England were not idle. When they learned that commiſſioners from Scotland were to confer with the king at Breda, they imagined, Charles would accept the crown of Scotland on any terms, in order to uſe the forces of that kingdom to invade England, in which they were not miſtaken. This war, which the parliament deemed unavoidable, could not but be very dangerous to the independent party, if it was brought into England. The independents, though uppermoſt, had no ſupport but the army, with the preſbyterians, the royaliſts and the city of London for their enemies. It was therefore very likely, that if the king entered England with a Scotch army, he would be joined by the royaliſts, and favoured by the preſbyterians. To prevent therefore this danger, the parliament reſolved to carry war into Scotland. This reſolution was founded entirely upon policy, foraſmuch as the parliament had no cauſe to complain of the Scots, who in recognizing for their ſovereign, the eldeſt ſon of their late king, did not injure England. Nay, it was a conſequence of the covenant between the two kingdoms, though manifeſtly violated by the Engliſh parliament. But on this occaſion, the parliament believed themſelves not bound to a ſcrupulous obſervance of the rules of equity, for fear of the prejudice with which ſuch ſcruples might in time be attended. Intereſt therefore was ſolely regarded, which required, that the war ſhould rather be carried into Scotland than expected in England.

After this reſolution, Cromwell was haſtily recalled out of Ireland to take the command of the army which was to act againſt Scotland. In the late Scotch invaſion under duke Hamilton, the behaviour of general Fairfax had given occaſion to judge, that he would unwillingly accept of the conduct of the new war, which was really the caſe. Cromwell's ſucceſs in Ireland had been ſuch as the parliament could have wiſhed. After the taking of Drogheda, he ſeized Kilkenny and many other places, and in a little time reduced the greateſt part of the iſland to the obedience of the parliament. The marquis of Ormond was little capable of reſiſting him, becauſe of the diviſion ſtill reigning amongſt the Iriſh. This diviſion went ſo far, that O Neal had at laſt concluded a treaty with Monk, one of the parliament generals, commiſſioned by the council of ſtate. But the parliament refuſed to ratify the treaty as being too favourable to the catholics, and therefore O Neal had begun to treat with the marquis of Ormond, and was upon the point of joining him, when his death prevented the execution of his deſign. His troops diſperſing upon his death, were of no advantage to the marquis of Ormond. In the mean time, Cromwell continued his conqueſts with ſurpriſing rapidity, and to prevent the agreement and junction of the Iriſh amongſt themſelves, he thought of an expedient which ſucceeded. He publiſhed by proclamation a permiſſion to all the Iriſh officers to liſt, in the ſervice of foreign princes, what ſoldiers they pleaſed of their own nation, with a promiſe to give them no diſturbance or moleſtation. More than twenty five thouſand immediately choſe to ſerve France and Spain, and afterwards a much greater number[d]. This precaution prevented the marquis of Ormond from bringing an army into the field capable to reſiſt that of the parliament. So, when Cromwell was recalled, the Iriſh affairs were in ſo good condition, that his ſon-in-law Ireton, whom he left there as his lieutenant, had but little to do.

Cromwell being returned to London, took his ſeat in the parliament, where, by order of the houſe, the ſpeaker thanked him for his late ſervices. After that, the Scotch war being the moſt preſſing affair, the parliament cauſed Fairfax to be aſked, whether he would take upon him the conduct of the war? He replied, if the Scots entered England with an army, he would endeavour to repel them; but deſired to be excuſed from attacking them in their own country. Some endeavours were uſed to convince him of the juſtice and neceſſity of the war, but without any ſucceſs. Cromwell acted his part ſo well, that though he paſſionately wiſhed to be commander in chief, he gave his opinion in favour of Fairfax, and pretended he ſhould be well ſatisfied to ſerve as his lieutenant. Fairfax perceived that being a preſbyterian (though he had but too faithfully ſerved the independents) the parliament would have had no great confidence in him, and that the zeal ſhewn on his behalf was only ceremony. He therefore ſent his commiſſion to the houſe, which

[c] Biſhop Burnet ſays, that in one faſt day there were ſix ſermons preached before the king without intermiſſion:——And adds, the great rigour the kirk uſed towards him, contributed not a little to beget in him an averſion to all ſorts of ſtrictneſs in religion. Tom. I. p. 53.

[d] The lord Clarendon obſerves, that Cromwell found a way to ſend above forty thouſand men out of that kingdom, for the ſervice of foreign princes; when the marquis of Ormond, notwithſtanding all the promiſes, obligations, and contracts of the Iriſh with him, could not draw together a body of five thouſand. Tom. III. p. 280.

was chearfully received, and an annual penſion of five thouſand pounds was ſettled on him in acknowledgment of his ſervices. Immediately Cromwell was declared general of the armies of the commonwealth, and his commiſſion preſently diſpatched [e].

While the army, which was to act againſt Scotland, was raiſing, the parliament appointed a committee to draw up a manifeſto, concerning the intended war. This precaution appeared the more neceſſary, as the houſe was not ignorant, that the cavaliers and preſbyterians would induſtriouſly repreſent this war, as the moſt unjuſt that ever was, ſince the Scots had given no provocation. The committee employed about the manifeſto, being unwilling to publiſh the true reaſon of the war, namely, to ſupport the independents, contented themſelves with ſuppoſing, that the Scots deſigned to force the Engliſh to acknowledge king Charles II. though hitherto they had not moved one ſtep towards it. It was nevertheleſs, very likely the king would attempt to engage them in a rupture with the Engliſh parliament; but there was no probability of ſucceſs, conſidering his manifeſt averſion to become a good preſbyterian.

The Scots hearing of the preparations againſt them in England, raiſed an army with all poſſible diligence [f], and gave the command to general Leſley, not daring to truſt the king for the reaſons above-mentioned. He was even ſuffered to ſee the army but once, for fear of gaining the officers and ſoldiers by his intrigues. David Leſley formed his camp between Leith and Edinburgh, and fortified it with ſuch intrenchments, that he was not to be attacked without manifeſt danger.

About the middle of July, Cromwell put himſelf at the head of the Engliſh army, conſiſting of eighteen or nineteen thouſand men, and marched to the frontiers of Scotland, where he publiſhed his manifeſto. As the enemy's army lay encamped near Edinburgh, he entered Scotland without any difficulty. But he found the country deſtitute of inhabitants, and every thing capable to ſubſiſt his army conveyed away; ſo that he was obliged to maintain it with ſupplies from his fleet. He advanced, however, and came in ſight of the enemy's army; but found it too well intrenched to be attacked. He choſe therefore to retire towards Muſſelborough, whereupon Leſley detached a large body of horſe, which fell upon the Engliſh rear, commanded by Lambert, with ſome advantage [g]. The day after, there was a ſharp ſkirmiſh, in which the Scots beat ſome Engliſh regiments; but at laſt were repulſed to their camp with conſiderable loſs. Then, Cromwell once more attempted, by his approach, to draw the Scotch army out of their intrenchments, but his endeavours were fruitleſs. At laſt, after the two armies had remained almoſt in ſight ſeveral weeks, Cromwell, for want of proviſion and forage, was forced to retire. His deſign was to embark his foot, and return into England with only his horſe. To execute this reſolution, he marched towards Dunbar, where his fleet expected him, his army being much diminiſhed, and reduced to about twelve thouſand men.

The Scots, advertiſed of Cromwell's reſolution, imagined the Engliſh were ſeized with terror, and that a more favorable opportunity could not offer to fight them, and therefore they left their camp to follow them cloſely. The firſt day, they encamped upon a hill, about a mile from Dunbar, ſo that it was impoſſible for Cromwell to embark his foot, without expoſing himſelf to the danger of a defeat. General Leſley was not for attacking the Engliſh, but only for watching an opportunity to engage them with advantage. But the clamours of the miniſters who were in his army, and promiſed a certain victory, as if by ſome revelation [h], obliged him the next day to draw nearer to the enemy. Cromwell, who obſerved them with a perſpective glaſs, ſeeing them deſcend the hill, cried out, "that God had delivered them into his hands." He immediately went to prayers, and then told ſome of his officers, that he had felt, in praying, ſuch a repoſe in his mind, that he doubted not but God would give him the victory. Perhaps this was his real belief, or elſe an artifice to inſpire his ſoldiers with courage, who were moſt of them fanatics. The two armies remained in ſight all the reſt of the day, Leſley ſtill alleging ſome excuſe to delay fighting. But in the night, Cromwell reſolved to attack the Scots at break of day. It was his frequent and ever ſucceſsful maxim, not to expect, but attack the enemy, without any regard to number, being perſuaded, the aſſailants have always a great advantage.

This reſolution being taken, he drew up his army in the night, and, not to be prevented, begun the fight an hour before day. The Scotch cavalry on the right wing behaved well at firſt, but were at laſt put to flight. The left wing fled, without charging once. Three regiments of Scotch infantry fought with ſuch bravery, that they were almoſt all ſlain on the ſpot, without offering to fly. The reſt ſeeing themſelves deſerted by the horſe, fled in confuſion, leaving the field, and an undoubted victory to the Engliſh. It is ſaid, the Scots loſt three thouſand men [i], beſides ſeven or eight thouſand priſoners, with twenty ſeven pieces of cannon; and that the Engliſh loſt but three hundred. The Scots after their defeat, abandoned Leith and Edinburgh, of which Cromwell made himſelf maſter, but the Caſtle of Edinburgh held out till the end of December.

This misfortune to the Scots was advantageous to the king, as it obliged them to alter their behaviour to the Hamiltonians. When the army lately defeated at Dunbar was raiſed, great care was taken not to admit any who had been concerned in the engagement of the late duke Hamilton, or were ſuſpected to be of the king's party. In a word, the rigid preſbyterians, who were then at the head of affairs, would have no ſociety with thoſe whom they called the luke-warm, that is, men who were not ſufficiently zealous for the covenant. After the defeat at Dunbar, a new army was to be raiſed, to oppoſe Cromwell, who threatened Scotland with entire ruin the next ſpring. The parliament was therefore convened at St. Johnſtoun's, where the king had retired [k]. But as a new army was not eaſily to be formed of the zealous, it was propoſed in parliament, to receive into this, thoſe who had hitherto been called luke-warm, and who offered their ſervice to their country in its preſent diſtreſs. This affair being debated, the parliament was forced to reſolve, that all who had been excluded from places, ſhould be allowed to produce proofs of their repentance, and then be employed in the ſervice of their country. In conſequence of this reſolution, thoſe who had till then oppoſed the marquis of Argyle, who had wanted zeal for the covenant, who had ſhewn an inclination for the king, who had ever been employed by Charles I. readily gave outward marks of their repentance, in a diſavowal of their paſt conduct, and a reconciliation with the kirk. After that they were admitted, as well into the parliament as to publick employs, and eſpecially to poſts in the army to be raiſed. Hence the king at laſt obtained, what he had ſo paſſionately deſired, namely, to ſee thoſe who were attached to his intereſts, in a condition to ſerve him, when occaſion ſhould offer.

But the reſolution of the parliament, of which neceſſity had been either the motive or the pretence, was not agreeable to all. The zealots could not bear the admiſſion of malignants (as they called them) to employments, under colour of a reſolution obtained from the parliament by intrigue and cabal, in the ſame manner as the levying an army had before been obtained, to ſerve againſt the intereſts of Scotland. They ſaid, it was mocking God, to receive the guilty to a hypocritical repentance, in order to re-admit them to employs, from which they had been juſtly excluded. But it was anſwered, it was ſtrange cruelty to remove from employs, men who offered their ſervice to their country, at ſo critical a juncture, and had profeſſed a repentance, for not having been ſufficiently zealous for the common cauſe. In a word, the firſt proteſted ſolemnly againſt the reſolution of the parliament, and formed a party called the proteſtors, whilſt thoſe who adhered to it formed another called the reſolutioners. Five

[e] Whitelock ſays, the lord Fairfax being adviſed with, ſeemed at firſt to like well of carrying the war into Scotland, but afterwards, being hourly perſuaded by the preſbyterian miniſters, and his own lady, who was a great patroneſs of them, he declared it was againſt his conſcience. Whereupon the council of ſtate appointed Cromwell, Lambert, Harriſon, St. John, and Whitelock, to confer with Fairfax, and endeavour to ſatisfy him of the juſtice of the undertaking. Whitelock gives us the conference at length in his memorials; wherein, though Cromwell and the reſt of the ſoldiers were very earneſt with him not to lay down his commiſſion; yet, ſays Whitelock, there was cauſe to believe, they did not much deſire he ſhould continue. Mem. p. 460—462.

[f] Conſiſting of ſix thouſand horſe, and fifteen thouſand foot. Phillips, p. 609. Thirty ſix thouſand men in all, ſays Whitelock, p. 466.

[g] Auguſt 26. In a ſkirmiſh, one of the Scots fired a carabine at Cromwell; upon which Cromwell called out to him, and ſaid, "If he had been one of his ſoldiers, he would have caſhiered him for firing at ſuch a diſtance." Whitelock, p. 469.

[h] Auguſt 26. Cromwell ſent word in a letter, that the Scotch miniſters in their prayers ſaid, "that if God will not deliver them from the ſectaries, he ſhall not be their God." Whitelock, p. 465.

[i] Between five and ſix thouſand, ſays the lord Clarendon, Tom. III. p. 294.—In Whitelock, it is ſaid, there were four thouſand killed in the field, and in the purſuit. The Engliſh army conſiſted of twelve thouſand, and the Scottiſh of twenty ſeven thouſand men. Mem. p. 470.

[k] In this parliament, the king made a ſpeech, on January 25, expreſſing much joy, "that he was the firſt covenanted king of the nation." Whitelock, p. 485.

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weſtern counties [l] joined the proteſtors, and entering into an aſſociation, publiſhed a remonſtrance, which being offered to the parliament, was voted ſeditious. But this did not hinder ſeveral officers of reputation, as Straughan, Kerr, and ſome others, from adhering to the party of the proteſtors.

It is certain, if the people of Scotland had been conſulted, this reſolution had never paſſed in the parliament. The people were ſo attached to the covenant, that there was no likelihood of their departing from their rigidneſs at once, in favour of perſons who had not ſubſcribed it, or ſcrupled to violate it. It is therefore very probable, this reſolution was owing to the artifices and cabals of the enemies of Argyle, on pretence of the neceſſity of raiſing new forces. Nothing is a clearer evidence of its being contrary to the general ſenſe of the people, than the condition of profeſſing a repentance, required of all who were to be admitted to any employs. This ſhews a condeſcenſion for the people, who were perſuaded, that a luke-warmneſs for the covenant, was the moſt heinous of crimes. Accordingly, it was publicly ſaid, that the defeat at Dunbar was the juſt puniſhment of having called in the king, before any proofs were given of his repentance. This was the moſt general ſentiment, though the parliament had decided the contrary. But neither in Scotland nor England are the reſolutions of parliament to be always conſidered, as the ſenſe of the nation. It is a defect in the conſtitution of both the ſtates, that the members of parliament receive no inſtructions from their electors. The moment they are met, they become maſters and ſovereigns of thoſe by whom they are choſen, and palm upon the nation their own deciſions for thoſe of the public, though they are often contrary to the ſentiments and intereſts of the people repreſented. Inſtances are ſo frequent, that I need not ſtay to prove what I advance.

The managers of this affair in the parliament, knew, that the party of the proteſtors was much more numerous than that of the reſolutioners. Wherefore, it was thought convenient to give an appearance of ſatisfaction to the former, to prevent their obſtructing the deſigns formed in favour of the king. Their project was, to put the king at the head of an army, almoſt wholly at his devotion, that he might, upon occaſion, march into England, where it was not doubted, he would find many friends, and a powerful aſſiſtance. The rigid preſbyterians were therefore not to be alarmed at ſeeing the king at the head of the army, for fear of their concerting meaſures to hinder the execution of the project. For this purpoſe it was thought proper, that the king ſhould publiſh a declaration of a ſtrange nature, where he was made to ſpeak a language agreeable to the ſentiments of the people, but very contrary to his own. In the declaration, "he owned the ſin of his father, in marrying into an idolatrous family: he acknowledged, the blood-ſhed in the late wars lay at his father's doors: he expreſſed a deep ſenſe of his own ill education, and the prejudices he had drank in againſt the cauſe of God, of which he was now very ſenſible: he confeſſed all the former parts of his life to have been a courſe of enmity to the work of God: he repented of his commiſſion to Montroſe, and of every thing he had done that gave offence: and with ſolemn proteſtations he affirmed, that he was now ſincere in his declaration, and that he would adhere to it to the end of his life, in Scotland, England, and Ireland." When this declaration was offered him to ſign, he appeared at firſt bent to reject it; ſaying, "that if he paſſed it, he could never look his mother in the face." But upon a repreſentation of its abſolute neceſſity to gain the confidence of the proteſtors, without which he could never execute his deſigns, he ſwallowed the bitter pill, and the declaration was publiſhed.

This declaration procured not all the advantage the king was made to expect. No man could believe he had voluntrily ſigned a paper ſo ſcandalous, and ſo prejudicial to the memory of his father. The proteſtors, on the contrary, imagining, he concealed ſome deep deſign in this ſtrange proceeding, united ſtill more cloſely againſt him, and at laſt declared, they would have no communication with the reſolutioners, nor with Cromwell and the independent party in England.

Charles was extremely troubled, to ſee that his declaration produced no other effect, than the loſs of the confidence of both parties, and of his own reputation. It was univerſally believed, ſo ſcandalous a diſſimulation was intended to deceive the people. At laſt, this falſe ſtep, taken ſo contrary to his own opinion, joined to the ſad life he had led, made him liſten to propoſitions offered by ſome of his friends, in the highlands [m], who would receive no employs at the price of an hypocritical repentance. Theſe gentlemen ſent a meſſage to him, that if he would come and head them, they would ſend to a place appointed, a good body of troops to receive him, Dr. Frazier, Charles's phyſician, was the conductor of this intrigue, and took care to convey the letters. The king therefore conſented to join the malecontents, being extremely deſirous to withdraw from the preſbyterians, who had put ſo many hardſhips upon him. He had prepared a declaration, ſhewing the ill treatment he had received from the marquis of Argyle, and the cruel ſervitude in which he had been held ſince his arrival in Scotland. The duke of Buckingham, having diſcovered this ſecret, by letters left upon the king's table, informed the marquis of Argyle, who would not believe the execution of the project was ſo near. Nevertheleſs two days after, the king withdrawing from St. Johnſtoun, repaired to the place appointed, where he found only a very inconſiderable body, inſtead of the good number of troops he had been promiſed. But while he was deliberating what to do, the committee of eſtates diſpatched major-general Montgomery to him, who very rudely preſſed his return to St. Johnſtoun, to which he at laſt conſented, believing, doubtleſs, that thoſe who had wiſhed him among them, were not in ſo good a condition to receive him, as they had made him believe [n].

This deſign, however imprudent, produced a good effect for the king, though withal, it loſt him the confidence of the preſbyterians, who ſaw plainly, his heart was not with them, and that he little regarded his promiſes at Breda. Mean while, the marquis of Argyle, and the committee of eſtates perceived, a too great rigour might throw the king upon deſperate reſolutions, and, in the preſent juncture, great diſorders might happen, if the king ſhould deſire to head the malecontents. This procured him better treatment, and a larger ſhare in the public affairs. The king, on his part, ſaw alſo, he ſhould never be eaſy in Scotland, or able to execute his deſigns, without the aſſiſtance of Argyle, who was at the head of the kirk party. He therefore courted him extremely, making him great offers, and even talking of marrying his daughter. But the marquis, knowing his ſentiments, looked upon theſe offers as ſo many ſnares, and was upon his guard, though he outwardly paid the king all due reſpect. The lord Lorn his ſon, captain of the king's guards, did him many ſervices, and privately brought to him thoſe perſons, whoſe company he deſired [o].

At laſt, the king was crowned at Scone, the firſt of January 1650-1 [p], and from that day all perſons had acceſs to him. After this, the Scots were wholly intent upon raiſing an army, into which all who deſired it were received without diſtinction of party. [1651] The army was ready the beginning of June, before Cromwell could take the field for want of forage. It conſiſted of fifteen thouſand foot, and three thouſand horſe, which the king headed himſelf with David Leſley for his lieutenant general [q]. As they were moſtly new-raiſed troops, the king judged it not proper to go in queſt of Cromwell, who was formidable for his courage and experience, and was beſides at the head of a diſciplined and victorious army. He poſted himſelf therefore very advan-

[l] Cliddiſdale, Renfrew, Air, Galloway, and Nithiſdale. Burnet's Hiſt. p. 56.

[m] The marquis of Huntley, the earls of Athol, and Seaforth, the lords Ogleby, Gordon, and Middleton, &c. Bates. p. 111.

[n] This ſudden withdrawing of the king's, was afterwards called, the Start. Clarendon, tom. III. p. 307.

[o] In the courſe of this year, (on March 25,) died John Williams, archbiſhop of York, formerly lord-keeper; and the learned antiquarian ſir Simonds D'ewes. As alſo, October 27, William prince of Orange, father of the late king William III.—This year, the Engliſh merchants were commanded by the Czar of Muſcovy, to depart his dominions, and not come thither, unleſs in the king's name, and by his patents; and this was fomented by the Dutch.—Five drunkards in Berkſhire agreed to drink the king's health in their blood, and that each ſhould cut off a piece of his buttock, and fry it, which four of them did, but the wife of the fifth coming into the room, and taking up a pair of tongs, laid about her ſo, that ſhe ſaved the cutting her huſband's fleſh,—May 14. The act for ſuppreſſing inceſt, adultery, and fornication being paſſed, Henry Martin declared his opinion, "that the ſeverity of the puniſhment being death, would cauſe theſe ſins to be more cautiouſly committed, and ſo being undiſcovered, would be more frequent."—July 2. An act paſſed for preventing and ſuppreſſing curſing and ſwearing; whereby it was enjoined, that (for the firſt offence) a lord ſhould pay 30s. a baronet and knight 20s. an eſquire 10s. a gentleman 6s. 8d. every other perſon 3s. 4d. And double for the ſecond offence, and ſo to the tenth. Then to be bound to his good behaviour. Whitelock, p. 427, 453, 455, 462.

[p] And then he renewed again the covenant. Burnet, p. 51.

[q] Duke Hamilton was lieutenant-general, David Leſley major-general; Middletoun lieutenant-general of the horſe, and Maſſey major-general of the Engliſh. Whitelock, p. 486.

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tageouſly at Torwood, between Edinburgh and Sterling, having behind him[r] a large and deep river, of which the paſſes were all ſecured, and by that means he received proviſions out of the plentiful county of Fife, whereas the country before him was entirely laid waſte. The army in the front was ſo ſtrongly intrenched, that it would have been raſhneſs to attack it. Here he reſolved to wait the enemy's motions, and take his meaſures accordingly.

Cromwell, having aſſembled his army, marched directly to the king with deſign to give him battle, but found him ſo ſtrongly intrenched, that he did not think fit to attack him. The armies remained in their reſpective camps about ſix weeks, all Cromwell's artifices to draw the king out of his intrenchments, proving ineffectual. The laſt year's experience had taught the Scots greater circumſpection. At laſt, Cromwell, unable any longer to ſtay in his camp by reaſon of the difficulty of getting proviſions, whilſt the county of Fife plentifully ſupplied the king, reſolved to deprive the king of that advantage. For he ſaw plainly, it was in the king's power to avoid fighting as long as he pleaſed, and oblige him to ſpend the whole campaign in a ſtate of inaction.

Wherefore he detached ſixteen hundred men under colonel Overton, who marched towards Edinburgh to a place provided with boats, and paſſing the frith, took his poſt in the county of Fife[s]. Overton was immediately followed by Lambert with a more conſiderable body. At the ſame time, Cromwell with the reſt of the army, advanced towards the king's intrenchments as if he intended to attack them, in order to prevent any detachment from the king's army to oppoſe the landing of his forces. As ſoon as the king was informed that the Engliſh were in Fife, he detached major general Brown with four thouſand men to fight them. Brown was routed, and Cromwell thereby free to tranſport his whole army into Fife. By this means he deprived the king of any farther ſupplies from that country.

It was indeed an advantage to Cromwell to put the king under a neceſſity of quitting a poſt where he could not be attacked. But withal, he had made it impoſſible to fight him, becauſe there was a deep river between the armies which joins the lake of Lomund to Edinburgh-Frith. The king might have paſſed the river, becauſe he was maſter of all the paſſes, but it was not thought proper to purſue Cromwell, who was now at a diſtance, having taken St. Johnſtoun, and threatened Sterling. On the contrary, the king ſuddenly reſolved to march into England, ſince he had no oppoſition before him, being pleaſed, that Cromwell had given him opportunity to form and execute a deſign ſo agreeable to his intereſt. He ſaw himſelf at the head of eighteen thouſand men, and doubted not that his army would be greatly increaſed in England, by the junction of the royaliſts and preſbyterians equally oppreſſed by an independent parliament. This was the idea the king and his council formed of this expedition. The marquis of Argyle was alone of the contrary opinion, and ſo far incurred the ſuſpicion of diſloyalty, that the king was adviſed to put him under an arreſt. But it was not thought proper to follow this advice, from which no advantage could be reaped. The marquis therefore was left in Scotland, and the king began his march to Carliſle with extraordinary diligence. He had now marched ſome days[t] before Cromwell heard of it, and entered England the ſixth of Auguſt, where he was proclaimed by his army.

The news of the king's march greatly ſurprized Cromwell who never expected it. He believed, he had gained a conſiderable advantage in forcing his way into Fife, but this had given the king opportunity to march into England, where, very likely, he would be joined by a great number of adherents. The avoiding of this, was the ſole aim of the parliament in carrying the war into Scotland. It may therefore be ſaid, that Cromwell was guilty of an error, which might have been attended with very ill conſequences to the new modelled commonwealth, and the governing party. Accordingly, his greateſt care was to prevent the miſchiefs that might follow. As he doubted not, the parliament would be alarmed at the news of the king's march, he ſpeedily informed them of it, and withal, of his intention cloſely to purſue him. He adviſed them alſo to put the militia in arms in all the counties of the kingdom, with all poſſible diligence, to keep the king's party in awe, and prevent their joining his army. He gave himſelf the ſame orders in the northern counties, as well to hinder the cavaliers from riſing, as to find ſeveral bodies of the trained bands ready to reinforce his army on his arrival in England. At the ſame time he detached major general Harriſon with three thouſand horſe, which were to be followed by Lambert at the head of another body of cavalry, to retard the king's march as much as was poſſible. After theſe precautions, he left major general Monk in Scotland with five thouſand men, with orders to endeavour to make himſelf maſter of Sterling and Dundee. At laſt, he put himſelf upon the march, three days after the king's departure, making all poſſible haſte to reach the king before he ſhould arrive at London, not queſtioning but he would march thither without halting.

The king entered England full of hopes that all the enemies of the independents, as well preſbyterians as royaliſts, would eagerly join him. For that purpoſe he ſent colonel Maſſey before with a detachment to receive all who were willing to ſerve him[u]. He writ likewiſe to the earl of Derby, then in the iſle of Man[w], to repair to him, greatly relying on his credit in Lancaſhire. But many things conſpired to diſconcert his projects. 1. As he advanced, the Scotch ſoldiers deſerted in ſuch numbers, that it was computed four or five thouſand returned to Scotland. Theſe deſerters were probably the zealous preſbyterians, who believed, they could not in conſcience aſſiſt the king in the recovery of England by force of arms, which was the opinion of moſt of the Scots. 2. The militia, every where in arms, hindered the king's friends from aſſembling, by guards placed on all the public roads. 3. The committee of the kirk, which had followed the army, feared, if the king's forces were augmented with too great a number of royaliſts, their ſuperiority might oblige the Scotch army not only to aſſiſt in the ruin of the independents, but moreover in the reſtoration of the king without any conditions, which was directly contrary to the intereſts of Scotland. In this belief the committee ſent Maſſey a declaration, with orders to publiſh it, ſignifying, that the king being zealous for the covenant, no perſons were to be received into his army who refuſed to ſign it. This was done without the king's privity, who was extremely troubled at the news. He even forbid Maſſey to publiſh the declaration. But the import of it being now every where ſpread, the king's friends thought proper to conceal themſelves, not daring to mix with the Scotch army, becauſe they could not reſolve to take the covenant. 4. The Engliſh preſbyterians were indeed enemies to the independents; but not ſuch friends of the king, as to reſtore him to the throne without a previous aſſurance of his ratifying the conceſſions made by the king his father at the treaty of Newport. But this not being a proper ſeaſon to enter into ſuch a negotiation, they did not appear very eager to ſerve him. 5. The earl of Derby, who had been ſent by the king into Lancaſhire, and had there raiſed twelve hundred men, was defeated by colonel Lilburn at the head of ten troops of horſe brought from York to join Cromwell. It was with great difficulty that the earl eſcaped to the king after the loſs of his forces, the lord Widdrington and ſir Thomas Tildeſly being left dead upon the ſpot. This defeat much diſcouraged the king's friends of thoſe parts, who intended to repair to his army.

At laſt, after a very fatiguing march, the king arrived at Worceſter, where he was honourably received by the magiſtrates, and ſolemnly proclaimed. He reſolved to refreſh his weary troops in the neighbourhood of that city, as they were not able to continue their march without ſome repoſe. Probably his deſign was to have marched directly to London, if his army, according to his expectation, had been conſiderably ſtrengthened on their rout. But on the contrary he ſaw it ſo diminiſhed by deſertion, as to be reduced to twelve or thirteen thouſand men, without any hopes of its being augmented for the forementioned reaſons. It is therefore likely, he durſt not farther advance, and thought the ground about Worceſter proper for defence in caſe of an attack.

Whilſt the king's army refreſhed themſelves at Worceſter, Cromwell was advancing with ſpeed. His orders for aſſembling the forces and militia of the north were ſo well obeyed, that on his arrival in England, his army was daily increaſed

[r] The lord Clarendon ſays, the river was between the two armies, but it is a miſtake; for the king had the river behind him. Rapin.

[s] That paſs was defended by major-general Brown, with a body of four thouſand men. Clarendon, tom. III. p. 309.

[t] Only a whole day, ſays lord Clarendon, tom. 3, p. 309.

[u] Captain Cecil Howard, ſon of the lord Howard of Eſerick, brought him a troop of horſe. Phillips, p. 606.

[w] Where he had ſecurely repoſed himſelf ſince the end of the former war. Clarendon, tom. III. p. 309.

by parties from all quarters. By this means, after his junction with Lambert and Harriſon, he found his army much ſuperior to the king's, which lay encamped about a mile from Worceſter, with a reſolution to ſtand upon the defence. Cromwell before he attacked the king's army, thought proper to make a diverſion on the other ſide the Severn. For that purpoſe he detached Lambert, who marched directly to Upton, where was a bridge guarded by Maſſey. This paſſage was ſo vigorouſly attacked, that after a ſharp engagement, Maſſey was obliged to abandon it. Immediately after, Cromwell ordered part of his army to go over to the weſtern ſide of the Severn, which forced the king to ſend ſome of his forces the ſame way, and ſo to weaken that part of his army which was to ſuſtain Cromwell's attack.

The 3d of September, a day fortunate to Cromwell by the defeat of the Scots at Dunbar the year before, he charged the royal army on both ſides the Severn. After an engagement of ſome hours the king's forces were repulſed on both ſides the river, and forced to retire into the town in ſuch confuſion, that the entrance was forgot to be defended. The king's ſolicitations were fruitleſs, to inſpire his now vanquiſhed troops with reſolution to reſiſt any longer the conqueror. At laſt, his cavalry ſeeing the enemy breaking into the town, fled, and left the infantry to the mercy of the Engliſh. The king himſelf was forced to fly through St. Martin's gate, and with great difficulty avoided falling into the enemy's hands. The foot were almoſt entirely killed or taken; and the horſe being warmly purſued, were eaſily diſperſed: ſo that moſt of the officers were made priſoners. It is pretended, of the Scots there were ſlain about two thouſand, and ſeven or eight thouſand taken priſoners [x], who being ſent to London, were ſold for ſlaves to the plantations of the American iſles. Duke Hamilton, mortally wounded, died nine days after. Amongſt the principal perſons were general Leſley, the earls of Lautherdale, Rothes, Carnwarth, Kelly, Derby and Cleveland [y].

The king, though happily eſcaped from the defeat, was under great difficulties. He was to avoid his purſuers; that was his only concern, but the thing was not eaſy. He found himſelf in the middle of England, which he could conſider but as an enemy's country, though he had in it ſtill ſome friends. He was under a neceſſity to quit it, and find ſome way to convey himſelf beyond ſea, which ſeemed impracticable. It was ſtill more dangerous to attempt a return into Scotland, becauſe he would probably be ſearched for moſt carefully on that road, and though he ſhould ſafely reach that kingdom, the danger would be almoſt the ſame there as in England. The parliament army, victorious in Scotland, as we ſhall ſee preſently, would not have afforded him a ſecure retreat there. He reſolved therefore to go that night as far as poſſible. After that, he diſmiſſed his attendants, who could only ſerve to diſcover him the more eaſily, and put himſelf into the hands of a truſty guide, by whom he was diſguiſed like a peaſant, and conducted through by-roads. In this melancholy ſtate he ſpent a whole day in a tree near the road [z], from whence he ſaw and heard people as they paſſed by, talking of him, and wiſhing he would fall into their hands. He travelled only in the night, his guide concealing him by day in cottages where he was not known, and where his diet generally was only a little milk. At laſt, after two months great fatigues, after infinite dangers eſcaped, after a great part of the kingdom traverſed from Worceſter to the county of Suſſex [a], he embarked, and ſafely arrived in Normandy the 22d of October. The curious are referred to the earl of Clarendon, who, from the mouth of the king himſelf, has given a circumſtantial account of the means of his eſcape, and the adventures in his flight [b].

We muſt now return to the tranſactions of Scotland, ſince the two armies left that kingdom. While Cromwell was in purſuit of the king, Monk, in obedience to his orders, laid ſiege to Sterling, which reſiſted but few days. This place, one of the ſtrongeſt of Scotland, where the public records were kept, ſurrendered the 14th of Auguſt [c]. All the papers and records were ſent to London, from whence they never returned, the ſhip which was bringing them back, after the reſtoration, being caſt away. After the ſurrender of Sterling, Monk beſieged Dundee, where the inhabitants of Edinburgh had conveyed their beſt effects, after the battle of Dunbar. During this ſiege, ſome Scotch gentlemen aſſembling ſome forces to relieve the town, they were ſurpriſed and diſperſed by a detachment from Monk, and their leaders taken priſoners. Notwithſtanding this misfortune, major Lumſdale the governor made a ſtout defence, till the town was taken by ſtorm the firſt of September, two days before the battle of Worceſter. The taking of Sterling and Dundee were followed by that of Aberdeen, St. Andrews, and all the reſt of the towns and caſtles, capable of making reſiſtance. Thus, in a ſhort time, Monk reduced the whole kingdom of Scotland to the obedience of the Engliſh parliament. And this was the remarkable conſequence of the king's reſolution to conduct the Scotch army into England.

The victory of Worceſter and the reduction of Scotland gave ſuch a reputation to the new republic, that every ſtate in Europe, either courted its friendſhip, or dreaded its arms. For this reaſon, moſt of the ſovereigns excuſed themſelves from making offers to the king, or ſupplying him with money, for fear of being ſuſpected by the parliament. So, the king ſaw himſelf reduced to great extremities, and even to a want of common neceſſaries. He lived at Paris, maintained by his mother, who had a penſion from the crown, but cardinal Mazarin making his court to the parliament of England, took no notice of the diſtreſs of her unfortunate ſon.

On the other hand, Cromwell's glory and credit were ſo increaſed ſince the battle of Dunbar and Worceſter, that as he was maſter of the armies of the three kingdoms, he was in effect, maſter of the reſolutions of the parliament, no man daring openly to oppoſe him. He had, beſides, in the houſe ſo great a number of creatures, that it was eaſy for him to procure what reſolutions he pleaſed. So, it may be truly ſaid, that he was the head of the common-wealth, whilſt he had only the title of general.

This common-wealth was very powerful from its beginning. This appears ſtrange at firſt, conſidering the great ſums that were expended, and the blood that was ſhed, during the civil war. But it is to be conſidered with regard to the expence, that the money had not been carried out of the kingdom. The only alteration was, that the rich were become poor, and the poor rich, which had not ſunk the capital of the kingdom. And as to the number of men killed in the war, it muſt alſo be conſidered, that England ſwarmed with people in the year 1642, having had no wars ſince the death of Elizabeth. So the effuſion of blood had not diminiſhed the inhabitants ſo as to weaken the kingdom to any degree. This is evident, from the eaſineſs wherewith, in the ſpace of one year, the parliament raiſed an army for Ireland, and another more conſiderable for Scotland, beſides the forces remaining in England. The navy, having had no enemies to engage during the war, was in a flouriſhing condition. In a word, England was not leſs powerful than under Elizabeth, or than it might have been under James I. and Charles I. had thoſe princes thought proper to engage in foreign wars. Nothing therefore was altered but the government, and that was in the hands of the moſt able men England had for a long while produced, though their uſurpation was the moſt unjuſt. In this reſpect, England found itſelf in a very different ſtate from what it was under the two foregoing kings, whoſe capacities to govern cannot be greatly commended by the impartial.

Cromwell returned to London the 21ſt of September, leading with him, in triumph, his principal priſoners, who were committed to the Tower, from whence Maſſey, ſome time after, found means to eſcape [d]. A majority of the parliament, with the ſpeaker at their head, attended by the lord mayor and aldermen of London, met him as far as Acton. Eight days after, the earl of Derby was tried and ſentenced by a council of war, and beheaded at Bolton in the county of Lancaſter [e].

While theſe things paſſed in England, the parliament's fleet became maſter of the iſle of Jerſey, Cornet caſtle in the iſle of Guernſey, and the Iſle of Man. In January following,

[x] Of the king's ſide there were three thouſand ſlain, and ten thouſand taken priſoners; and of Cromwell's army one hundred ſlain, and three hundred wounded. Among the priſoners were three Engliſh earls, ſeven Scotch lords, ſix hundred and forty colonels, and other officers; the king's ſtandard, and one hundred and fifty eight colours were alſo taken. Whitelock, p. 508.

[y] Leſley reached Lancaſhire before he was apprehended, and the reſt were overtaken and made priſoners at Newport in Cheſhire, by a detachment of Lilburn's horſe. Phillips, p. 608, 609.

[z] This tree grew in the thickeſt part of the wood, which was ſearched with the greateſt exactneſs.——This wood was either in, or on the borders of Staffordſhire. Clarendon, tom. III. p. 321.

[a] He went in a little bark from Brighthelmſted, a ſmall fiſher town in Suſſex. Whitelock ſays, the king and the lord Wilmot went to London, where they ſtaid three weeks, and the king went up and down in a gentlewoman's habit, and at Weſtminſter-hall he ſaw the ſtate's arms, and the Scotch colours. Mem. p. 488.

[b] See likewiſe Bates's Elenchus, and a little book called Boſcobel. Rapin.

[c] Over the door of the chapel belonging to Sterling caſtle, this motto in the reign of king James I. was written, J. C. R. nobis hæc invicta dederunt centum ſex proavi. 1617. Phillips, p. 611.

[d] As did alſo the earl of Middleton. Phillips, p. 610.

[e] James Stanley, earl of Derby, confeſſed upon his trial, the plot for a

ſir George Aſcough reduced the Iſle of Barbadoes, then governed by the lord Willoughby of Parham for the king; and the iſles of Nevis and St. Chriſtopher ſubmitted without oppoſition.

England enjoying a profound tranquillity, and Ireland being almoſt reduced, the parliament thought of means to unite Scotland with the commonwealth of England. As they had conquered that kingdom, they believed they had a right to do with it as they pleaſed, without conſulting the Scots, who were no longer able to oppoſe their will. An act therefore paſſed in the Engliſh parliament, which entirely aboliſhed kingly power in Scotland, and united that kingdom to the Engliſh commonwealth, with a power to ſend a limited number of repreſentatives to the parliament. Commiſſioners were afterwards ſent into Scotland, to adjuſt the particulars of the union. Moſt of the Scotch nobility ſeeing themſelves unable to reſiſt the parliament, ſubmitted to their pleaſure. The marquis of Argyle became one of the moſt zealous adherents of the commonwealth, but the clergy were very much diſſatisfied with the union.

Since the independents had openly appeared, they had made a great progreſs. They had beheaded king Charles I. aboliſhed the houſe of lords, turned the monarchy into a commonwealth, quelled the faction of the levellers, humbled the preſbyterians, ſubdued Scotland, and almoſt finiſhed the conqueſt of Ireland. By the victory at Worceſter, they ſeemed to have deprived the king of all refuge, and to have nothing more to fear from him. Nevertheleſs, the royaliſts were ſtill a thorn in their ſide, and gave them continual apprehenſions. Indeed, that party appeared too weak to recover by their own ſtrength, but they were not without a poſſibility of receiving aſſiſtance from foreign powers. Of theſe powers, they dreaded neither France nor Spain, becauſe they were ſatisfied, that the managers of the affairs of theſe two kingdoms had no deſign to attempt the reſtoration of king Charles, and though they ſhould have attempted it, their naval forces could not withſtand the navy of England. But there was another power which inſpired them with fear. This was the republic of the United Provinces, who could ſtrongly aſſiſt the royaliſts: nay, it was likely, the prince of Orange, brother-in-law to the king, would uſe his great credit in thoſe provinces, to engage them in the quarrel between the king and the parliament. It was therefore no leſs important, to prevent any aſſiſtance to the king from Holland, than it had been to hinder the Scots from aſſiſting the preſbyterians.

For this purpoſe, the parliament, in the year 1649, ſent Doriſlaus to Holland, to propoſe a ſtrict union betwixt the two republics. The aſſaſſination of that agent at the Hague, made the leſs noiſe in England, becauſe the parliament intended to prevent the danger which might come from that quarter by a ſtrict alliance with the ſtates. The prince of Orange dying October 1650, the parliament judged the occaſion favourable to treat with the ſtates, becauſe the intereſt of that prince could no longer obſtruct the negotiation. They ſent therefore, in March 1651, Oliver St. John and Walter Strickland to the Hague, to negotiate, not a bare alliance, but ſuch an union, as might render them one commonwealth. This propoſal met with great oppoſition from the ſtates. Firſt, the Engliſh pretended, the ſtates ſhould renounce all their alliances, except thoſe common to them with the republic of England. Secondly, the conditions propoſed by the Engliſh were of ſuch a nature, that all the advantages were on their ſide, and the forces of the United Provinces were properly but to ſerve for augmentation of thoſe of England. Thirdly, if the time of the arrival of the two envoys at the Hague be conſidered, it will be eaſily ſeen, that the affairs of the parliament were not yet in a ſituation to oblige the ſtates to be contented with conditions, ſo little advantageous. Indeed, Cromwell had, the year before, gained the battle of Dunbar: but that was not a deciſive victory, ſince the king was going to head a new army, as he afterwards did before the Engliſh envoys left the Hague. The ſtates would therefore have acted with too much precipitation, had they concluded this union before a deciſion between the king and the parliament. Laſtly, the party of the houſe of Orange not being yet entirely ſuppreſſed, ſtrongly oppoſed the union of the two republics, which would have deſtroyed all the hopes of the young poſthumous prince of Orange. On all theſe accounts, the Engliſh envoys returned in July, diſſatisfied not only at their ill ſucceſs, but alſo at ſome inſults on their perſons from the rabble at the Hague[f]. By that they perceived, the ſubjects of the ſtates were more inclined to the king, than to the parliament, and were confirmed in the ſuſpicion, that the ſtates waited only a favourable opportunity to eſpouſe openly the king's intereſts, ſo, their report to the parliament contributed to exaſperate them againſt the ſtates. Their reſentment would perhaps have been immediately ſhewn, had they not been engaged in the war with Scotland. Wherefore, it was judged proper to diſſemble, till that war was ended, to which the battle of Worceſter and Monk's ſucceſs in Scotland gave at laſt a proſperous concluſion.

But if the happy end of this war enabled the parliament to undertake another againſt Holland, it ſeems, on the other hand, to have removed the motives of a freſh war. For after the parliament was become maſter of Scotland and Ireland, there was no likelihood, the ſtates of the United Provinces would think of aſſiſting the king. Beſides, as the prince of Orange was dead, it was not even probable, the ſtates would contribute to the king's reſtoration, uncle of the young prince, whom they deſigned to reduce to the condition of a private perſon. Nevertheleſs, the parliament's reſentment againſt the ſtates was ſo great, that a war was reſolved[g]. Pretexts were ſought from injuries ſaid to be done to the Engliſh by the Dutch thirty years before at Amboyna, and other places in the Indies. It is pretended, Cromwell conſented to this war, of which he ſaw no neceſſity, in pure complaiſance to St. John, and ſome others, who appeared extremely incenſed againſt Holland.

The ſtrong deſire ſhewn by the parliament to engage in this war upon ſuch remote pretences, gives room to conjecture, there were other motives than what publicly appeared. Very probably, even then ſome members, ſecret enemies or enviers of Cromwell, ſought means either to ruin him, or at leaſt conſiderably to leſſen his power. This power in a private perſon ſeemed to them too dangerous for a commonwealth. They had participated in his counſels and deſigns to ſubvert the preſbyterian parliament, and therefore knew his genius, and of what it was capable. Wherefore they could not help dreading, that inſtead of labouring for the common-wealth, he was labouring for himſelf, however careful he was to hide his ambition under the maſk of the public good. They ſaw at leaſt with uneaſineſs, that if he was forming his own advancement, nothing could hinder him from executing his deſigns as long as he was maſter of the army. The ſupport was therefore either to be taken from him, or the common-wealth expoſed to his ambitious deſigns. But it was difficult to obtain his conſent to diſband an army which was at his devotion, and his great credit in the parliament afforded no hopes of effecting it there, without a preſſing neceſſity. It was believed therefore, that if the republic could be engaged in a ſea war, the great expence of which was foreſeen, the parliament would by degrees be induced to diſband a land army, to avoid an unneceſſary charge. This policy perhaps may appear at firſt too refined, but three things ſtrengthen this conjecture. Firſt, The cauſes alleged for the war appear not of ſufficient weight to engage the parliament in ſo great an expence, at a time when it would have been on the contrary very advantageous to let the people enjoy the fruits of peace, in order to make them reliſh the late eſtabliſhed republican government. Secondly, It will appear in the ſequel, that all the ſubmiſſions of the Hollanders were ineffectual to procure them a peace, and that the parliament would ſcarce hear their propoſals. This plainly ſhews, the parliament had ſome ſecret motive for the continuation of the war; and it is difficult to diſcover any other than what I have

general riſing of the preſbyterians in Lancaſhire, to join with the king; but it was diſappointed by the apprehending of Mr. Birkenhead. He confeſſed alſo the matter of treaſon charged againſt him, and ſubmitted to the mercy of the parliament. And for plea, 1. He alleged, he had quarter given him, and therefore was not to be tried by a court martial. 2. He pleaded ignorance of the acts of treaſon ſet forth by the parliament. But theſe pleas were over-ruled; and he was ſentenced to loſe his head at Bolton. Whitelock, p. 511. He married the daughter of the duke de la Tremouille in France. What reward his ſon had for this famous earl's loyalty, will apppear by the following inſcription, fixed by the preſent earl of Derby, on a building erected at Knowſley, his ſeat in Lancaſhire:

"James earl of Derby, lord of Man, and the Iſles, grandſon of James
"earl of Derby, and of Charlotte daughter of Claude duke de la
"Tremouille, whoſe huſband James was beheaded at Bolton, xv.
"Octob. mdclii. for ſtrenuouſly adhering to Charles II. who refuſed
"a bill paſt unanimouſly by both houſes of parliament, for reſtoring
"to the family the eſtate loſt by his loyalty to him. mdccxxxii."

[f] And from ſome of the Engliſh there. Clarendon, tom. III. p. 355.

[g] Hoſtilities began between the two nations in October 1651, when an Engliſh man of war, meeting with ſome Dutch fiſhermen, demanded of them the tenth herring, as an acknowledgment of England's ſovereignty in thoſe ſeas (or elſe, inſiſted upon their ſtriking ſail) which the Dutch refuſed; whereupon they fell from words to blows, and the Dutch ſhooting firſt at the Engliſh, the Engliſh man of war ſunk one of their ſhips, and all the men were loſt. Whitelock, p. 512.

They

mentioned. Thirdly, It is certain, Cromwell at laſt perceived, as will hereafter appear, this war was continued only to give the parliament occaſion to diſband the army, and that this made him reſolve to deſtroy a parliament which ſought his ruin. I own, it is not eaſy to prove, that the authors of the war againſt the United Provinces, had at firſt the deſign I have aſcribed to them; and that with reſpect to the beginning, it is only a conjecture. But this conjecture is confirmed, when it is conſidered, that the principal members joined together to humble the power of Cromwell, and that the war was only continued to make the expence of it a proper reaſon for diſbanding the land army as uſeleſs, but which was neceſſary to Cromwell's ſupport.

However this be, Cromwell returning victorious from Worceſter, as he had before done from Ireland and Scotland, his credit ſo increaſed, that he became as it were the ſoul of the parliament and commonwealth. Whether he did not at firſt perceive the ſecret motives of the projected war, or for ſome other reaſon, he readily conſented to the deſign of humbling Holland, which was conſidered as the only foreign power the parliament had to fear. But as the people were to be managed, who would not have been eaſily perſuaded of the neceſſity of this war, it was reſolved to force the Hollanders to be the aggreſſors, or at leaſt to furniſh a pretence for the war. To that end the parliament, under colour of encouraging navigation, made an act prohibiting the importation of all foreign commodities except upon Engliſh bottoms, or ſuch as were of the country from whence the commodities came. By this act, which was to commence the firſt of December 1651, all commerce between England and Holland was deſtroyed, ſince that commerce conſiſted only in foreign merchandizes imported from Holland in their own veſſels. Beſides this, the parliament granted letters of mart to ſeveral private men, who complained of an unjuſt confiſcation of their ſhips in Holland.

The ſtates eaſily perceived the parliament's deſign, but inſtead of beginning hoſtilities, as was expected by the Engliſh, they ſent an embaſſy to London, to ſolicit a revocation of the act. The parliament received the embaſſadors with marks of reſpect, and granted them ſeveral audiences, their aim being to intimate, that it ſhould not be their fault if the peace between the two republics were not preſerved. But when the particular articles came to be diſcuſſed, it was plain the parliament was bent upon war. Inſtead of revoking the navigation act, ſeveral ſtale pretenſions were revived. Satisfaction was demanded for the maſſacre of the Engliſh at Amboyna in the year 1622; for the loſſes ſuſtained from the Dutch ſince the year 1618 in the Indies, Perſia, the Mogul's dominions, Muſcovy, Greenland, and the iſle of Poleron. Theſe loſſes, according to the parliament's eſtimation, amounted to ſeventeen hundred thouſand pounds ſterling. A ſuitable reparation was alſo inſiſted on for the murder of Doriſlaus committed at the Hague, under the eye of the ſtate, who had taken no proper meaſures to bring the authors to puniſhment. In fine, it was pretended, that ſatisfaction ſhould be given for the ſecret intelligence which the laſt embaſſadors from the ſtates had held with the late king during the civil war. For theſe ſatisfactions and reparations, the parliament offered to make an alliance with the United Provinces upon the terms propoſed by their envoys at the Hague[h].

[1652] Theſe propoſitions convinced the ſtates that they were to prepare for war. Accordingly, with great care and expence a fleet was put to ſea of a hundred and fifty ſail. They were unwilling however to declare war againſt the parliament, and reſolved, if poſſible, to cauſe the Engliſh to be the aggreſſors. For this purpoſe, while the ſtates ambaſſadors were ſtill at London, their admiral Martin Van Trump, one of the braveſt and moſt experienced ſea officers in Europe, appeared in the channel with a fleet of forty-five ſhips of war, pretending to convoy ſome merchantmen, and came and anchored in Dover road, probably with deſign to give the Engliſh a provocation to begin hoſtilities. Admiral Blake, who commanded the Engliſh fleet conſiſting only of twenty-ſix ſail, appearing in ſight, the Dutch weighed anchor, and put to ſea without ſtriking their flag, whereupon Blake fired three guns without ball for a ſignal to ſtrike, to which Trump anſwered no otherwiſe than by drawing up his ſhips in line of battle, and in contempt of the ſignal, diſcharged one ſingle gun, and coming up to the Engliſh admiral gave him a broad ſide. So, the fight began without any certainty which ſide was the aggreſſor[i]. The two admirals had poſitive orders ſo to behave, as not to come to an engagement without apparent neceſſity. The Engliſh ſay, Trump had orders from the ſtates not to ſtrike to the Engliſh, to oblige them to begin hoſtilities. This is not improbable, though the Dutch authors do not mention it[k]. Blake being reinforced with eight ſhips, the engagement laſted from four in the afternoon till night. The Engliſh, if their hiſtorians are to be credited, had not a ſingle ſhip damaged, and the Dutch loſt two, one taken, and one ſunk. They ſay farther, that night coming on, Trump drew his fleet to the back of the Goodwin Sands, and the next morning ſailed for Zealand. The Dutch own the loſs of two ſhips, but affirm the Engliſh had ſix ſunk, and that the night only ſaved their fleet from entire deſtruction. It is difficult exactly to diſcover the truth in ſuch contradictory accounts, particularly concerning ſea engagements. It ſeems however, that the conſternation at London, occaſioned by this battle, and the inſults offered to the Dutch embaſſadors from the populace, which obliged the parliament to give them a guard, ſhew, the people were not pleaſed with the ſucceſs.

The Dutch embaſſadors, knowing the intention of their maſters, endeavoured, in an audience obtained of the parliament, to ſhew, the battle was a pure effect of chance. On the other hand, the ſtates ſent to the parliament an embaſſador extraordinary, to propoſe an agreement. This was Adrian Paw, who had been plenipotentiary at the peace of Munſter. But the parliament not receding from any of the articles propoſed before the rupture[l], the ſtates recalled the embaſſadors, and reſolved to continue the war, ſince there was no other way to procure a peace. A manifeſto was publiſhed, in which they pretended to demonſtrate, the parliament attacked them without any provocation; and the parliament anſwered in another, declaring all the occaſions of complaint above-mentioned. To this was added the refuſal of ſtriking the flag, a right they were reſolved to maintain at all hazards. The ſtates replied, it was true, their republic, in its infancy, had paid that compliment to the royal dignity, when England was under the dominion of a king, but they could not believe themſelves obliged to the ſame reſpect ſince the monarchy was changed into a commonwealth. After all, this was by no means the real cauſe of the war. But theſe manifeſtos were neceſſary on both ſides for an intimation to the people, that they were not engaged without neceſſity in extraordinary expence to ſupport a war.

The war being ſufficiently declared, as well by the manifeſtos, as by a battle, Van Trump put to ſea with a fleet of ſeventy ſhips, whilſt Van Gallen ſailed to the Mediterranean to fight the Engliſh there. Trump's deſign was to engage admiral Aſcough who lay in the Downs with part of the Engliſh fleet. But, while he was waiting an opportunity, admiral Blake with forty ſhips ſailed to the northward, to attack the herring fleet, and their convoy[m], Trump being informed of it, follows and overtakes him near Newcaſtle. But while he was preparing for the fight, a furious tempeſt ſo diſperſed his fleet, that he returned to Holland but with forty ſail. The reſt that eſcaped ſhipwreck, arrived not at the Texel till ſome weeks after.

About the ſame time, Ruyter convoying a fleet of merchantmen with thirty four ſhips[n], was met by ſir George Aſcough, and a furious engagement enſued, which was bravely fought on both ſides, till Aſcough at laſt was forced to retire to Plymouth, and leave Ruyter free paſſage to convoy his fleet into Holland.

Mean while, the Engliſh putting to ſea with a formidable fleet, made themſelves maſters of the channel, the Dutch not daring to appear. During that time, a conſiderable number of Dutch veſſels returning to Holland, without being informed of the war, fell into the hands of the Engliſh, and amongſt others, a fleet of forty ſail from Portugal, and ſix India ſhips richly laden.

Whereupon the Dutch, not to expoſe their merchants to greater loſſes, gave notice to the merchantment, homeward bound, to ſail to the iſle of Rhé, where a fleet ſhould be

[h] They alſo inſiſted upon a free trade upon the Schelde from Middleburgh to Antwerp, Heath, p. 308.

[i] The refuſal of ſtriking the flag, and the broadſide given by Trump to Blake, ſeems to put it out of all doubt, that the Dutch were the aggreſſors. Though Rapin takes this account from lord Clarendon, yet either himſelf, or the French tranſlator has ſo mangled this paſſage, that I thought beſt to inſert it, as it is in the author he quotes.

[k] The lord Clarendon ſays, the council of the admiralty of Holland, who govern the maritime affairs without communication with the ſtates general, ordered Trump not to ſtrike. Tom. III. p. 356.

[l] They would hear of no propoſitions, without being firſt ſatisfied for their charges and damages. See Whitelock. p. 537.

[m] Which conſiſted of twelve men of war. Clarendon, Tom. III. p. 35

[n] Our hiſtorians ſay, there were ninety ſail of them, whereof thirty were merchantmen. Aſcough had but thirty-eight ſail. Whitelock, p. 541, 452.

With

ready to convoy them. Purſuant to this project, Trump left the Goree in November, with ſeventy men of war, and ſix fire ſhips, and met Blake, who expected him in the channel. The fight laſted from eight in the morning till night, when part of the Engliſh fleet returned to the Downs, and part into the Thames. A wound received by Blake having thrown his fleet into ſome diſorder, he could not hinder Trump from purſuing his courſe [o].

Since the death of Charles I, the duke of Glouceſter, his third ſon, had been confined in the iſle of Wight, and educated as a private gentleman, they who had the charge of his education, being expreſsly commanded to ſhew him no reſpect, that might put him in mind of being a king's ſon. At laſt, the parliament reſolved to ſend them out of the kingdom, for which purpoſe he was conducted to Dunkirk, from whence he viſited his ſiſter the princeſs of Orange at Breda, and then repaired to the king his brother at Paris.

In February, Blake again put to ſea with a fleet of eighty ſail, being aſſiſted, at his own requeſt, with Monk and Dean, newly arrived from Scotland for that purpoſe. The intention of the three admirals was to fall upon Trump in his return from the iſle of Rhé, with three hundred merchant ſhips, he was to convoy to Holland. The ſtates being informed of the great preparations in England, had equipped twenty ſhips to join their admiral in his paſſage, but they were hindered by contrary winds. In the mean time Trump entering the channel, and conducting the merchantmen along the coaſts of France, met the Engliſh fleet, much ſuperior to his own in number of ſhips. But finding himſelf too far advanced to recede, a furious engagement began, which laſted three days, and would have been renewed the fourth, had the ſhips on either ſide been able to ſuſtain a freſh charge. The Dutch loſt in this engagement eighteen men of war, and eight merchantmen [p]. But their hiſtorians pretend, that one and twenty ſhips of the enemy were ſunk, and three ſtranded. Each ſide challenged the victory. However that be, Trump convoyed his three hundred merchantmen into Holland, the eight excepted, which fell into the hands of the Engliſh, After he had ſecured the merchantmen, he engaged the Engliſh four ſeveral times, but not in ſo important a manner.

[1653] Shortly after, the king imagining, he had many friends amongſt the commanders of the Engliſh fleet, offered the ſtates to put himſelf on board their fleet, without any command, except of ſuch Engliſh ſhips as ſhould come and join him. But the ſtates thought not fit to accept his offer. It was conſidered by them as a ſnare, to engage them to declare for him, to which, in their preſent circumſtances, they had no inclination. They wanted peace, and were unwilling to remove or render it impoſſible, by eſpouſing the king's cauſe. They even found a way to convey privately to Lenthal the ſpeaker, a letter from the ſtates of Holland, to propoſe an agreement. Some ſay, this was owing to a private intimation from Cromwell, who began to diſcover, that the peace was now proper for his intereſts. He had the addreſs to obtain from the parliament a civil anſwer to the letter received by Lenthal; but the anſwer was directed to the ſtates general. This drew from the ſtates a letter of the 30th of April, in which it was openly deſired, the parliament would pleaſe to name a place for the treaty.

Cromwell at laſt perceived, the continuation of the war was a contrivance of his enemies, that the expence might render it neceſſary to diſband the army, now become uſeleſs, to which he ſaw the houſe was inclined. This tended manifeſtly to undermine his authority. For though he had excellent qualities, and by his valour and capacity had raiſed the common-wealth to its preſent grandeur, he was, however, ſtill feared. Had he not been ſupported by the army, his ruin had been infallible, the parliament fearing that his credit, already too great, would become ſtill greater, to the prejudice of the common-wealth. Cromwell had even private information, that a conſpiracy was forming againſt him, in which were engaged not only ſeveral preſbyterians and royaliſts, but alſo ſome conſiderable members of the houſe, though of the independent party. Affairs therefore were in ſuch a ſituation, that the parliament was either to be ſubdued, or himſelf ruined. Such a choice does not long amuſe the ambitious. Cromwell, diſpleaſed at a deſign to requite his ſervices with ingratitude, eaſily determined to riſque every thing to make himſelf maſter of the parliament, rather than become their ſlave, who properly owed all their power to him.

The parliament, as I obſerved, was entirely ſupported by the army, and by their means held the nation in ſubjection. But ſince the battles of Dunbar and Worceſter, Cromwell had ſo acquired the eſteem and affection of the officers and ſoldiers, that they ſupported the parliament, only as its intereſts were confounded with thoſe of their general. The leading members perceived it, and therefore had formed the project of diſbanding the army, to ruin Cromwell with the more eaſe. But ſuch a project was not to be long concealed from one of Cromwell's penetration. As ſoon as he diſcovered the deſign of his enemies, he judged, there was no other way to ſupport himſelf, than by withdrawing the confidence of the army from the parliament; after which, it would not be difficult to deſtoy them. This was the very method practiſed by himſelf and the other independents, to ruin the preſbyterian parliament. He therefore cauſed the officers of the army, in a general council, to frame a petition, and preſent it to the parliament; in which they demanded, "The arrears of their pay, that they might not be compelled to take free quarter upon their fellow ſubjects, who already paid ſo great contribution and taxes, which, they were well aſſured, if well managed, would defray all the charges of the war, and of the government."

The parliament, as Cromwell had foreſeen, complained of the inſolence of this petition, and ordered a reprimand to the officers for their preſumption, to intermeddle in affairs which belonged not to them, and to arraign the parliament's management of the treaſury. This drew from the army a ſecond petition, which put the houſe in mind of ſome former profeſſions they had made, That they would be glad to be diſſolved, and that there might be ſucceſſive parliaments, to undergo the ſame trouble they had done. They therefore deſired them to remember, how many years they had ſat, and though they had done great things, yet it was a great injury to the reſt of the nation, to be utterly excluded from bearing any part in the ſervice of their country, by their ingroſſing the whole power into their hands: and thereupon beſought them, that they would ſettle a council of war for the adminiſtration of the government, during the interval, and then diſſolve themſelves, and ſummon a new parliament; which, they told them, would be the moſt popular act they could perform.

This remonſtrance, though intended to exaſperate the parliament, appeared however very juſt in itſelf, and agreeable to the general ſentiment of the nation. This will be evident, when it is conſidered, in what manner the members, which compoſed this parliament, had poſſeſſed themſelves of the ſupreme authority. The violence they had uſed to their colleagues, the late king's tragical death, the change of the monarchy into a common-wealth, and the taxes impoſed on the people for an unneceſſary war, had rendered them odious to the whole kingdom. They were themſelves ſenſible of theſe things; but, beſides that it was very mortifying to them to diveſt themſelves of an authority which had ſo many charms, they had reaſon to fear, that an account would be demanded of their actions. They were therefore unwilling to quit poſſeſſion, and yet, could not avoid ſolemnly deliberating upon the petition, which was of a nature not to be neglected. In this debate, all the members, who were officers in the army, ſtrenuouſly ſupported the petition. The preſbyterians who had been received into the houſe upon their ſwearing to the engagement, were alſo of opinion, that the parliament ought to diſſolve themſelves, ſince it could not be doubted, that it was the nation's deſire. But the negative was carried by a majority of voices. It was therefore reſolved, that it was not yet time to diſſolve the parliament, while affairs were depending that could not be left unfiniſhed, and particularly the important war with Holland. That nevertheleſs, the ſpeaker ſhould iſſue out writs for filling the vacant ſeats in the houſe. At the ſame time, a committee was appointed, ſpeedily to prepare a bill, by which all perſons were forbid to preſent ſuch petitions, under pain of being declared guilty of high treaſon.

This was what Cromwell expected from the parliament. After ſo expreſs a declaration, it could not be doubted, that the members who had ſat more than twelve years, and had but too much abuſed their power, would always retain the ſupreme authority in their hands, under colour of being the repreſentatives of a republic, which properly conſiſted only

[o] With a broom on his main-top-maſt, as if he had ſwept, or would ſweep, all the Engliſh ſhipping out of the channel. Phillips, p. 615.——This year prince Maurice was loſt in a hurricane in the Weſt Indies. In September died Ralph lord Hopton, at Bruges in Flanders.—And this year alſo died Jacob lord Aſtley, and John Digby earl of Briſtol. Heath.

[p] Some ſay, that they loſt in the three days engagement eleven ſhips of war, thirty merchantmen, and had fifteen hundred men killed. Burcher, p. 383.

Whitelock

of themſelves. Cromwell being therefore very certain, the parliament was odious to the people, and not leſs diſagreeable to the army, believed, he owed no farther regard to men, who only ſought his ruin. When things were concerted with the principal officers, he came to the houſe, the 20th of April, with ſome officers and ſoldiers, and without any ceremony, told the members, he was come to put an end to their power of which they had made an ill uſe; and therefore they were immediately to be diſſolved. The officers and ſoldiers entered at the ſame time, and ſtayed at the door till the members walked out. Cromwell, as they came by him, reproached one with drunkenneſs, another with corruption, not ſparing any of thoſe whom he knew to be his enemies. After that he gave the mace to one of his officers, and locked the door [q]. This was an extraordinary action, but no more than was done a few years before by general Fairfax, when he expelled and impriſoned the members, who were diſagreeable to the army.

It cannot yet, however, be affirmed, that Cromwell, by this proceeding, had pulled off the maſk. He might ſtill be thought to have good intentions to the public, ſince he had only delivered the nation from a parliament, which had long held them in ſervitude. And had he, after this, called a free parliament, and ſubmitted to it himſelf, the people would have loaded him with bleſſings. But the ſequel clearly diſcovered, he was only labouring for himſelf [r]. And yet, if it is conſidered that the nation was then divided into three parties, each mortally hating the other two, it is not eaſy to conceive, how a parliament, though ever ſo free, would have been able to ſettle the peace of the nation. It was hardly poſſible to find expedients to content the three parties, whoſe intereſts and principles were ſo oppoſite, as well concerning government as religion. Only force, by giving a ſuperiority to one of the three, was capable of awing the other two. This doubtleſs was conſidered by Cromwell, and therefore he reſolved to model the government after his own way, ſupport his ſettlement by force, and regard not the chimerical project of contenting every man. He ſaw the neceſſity of a ſupreme authority capable of commanding obedience, without which all would run into confuſion, and that this authority was to be ſupported by the army; and doubtleſs, he believed himſelf more capable than any other, to manage the reins of the government. I pretend not here to juſtify all the actions of this great man, whoſe ability was never conteſted; but only to ſhew, that, in this juncture, he could have taken no other courſe, without throwing the ſtate into the moſt terrible confuſion that can be imagined. Since therefore, as matters then ſtood, England was to be governed by force, was it more inconvenient to ſee the nation ruled by the greateſt general and ſtateſman the kingdom had for many years produced, than by a parliament, independent or preſbyterian, or by a king intoxicated with arbitrary power? The people had made trial of theſe three ſeveral governments, and found them inſupportable. A fourth therefore was to be tried, things being in ſuch a ſtate, that it was neither poſſible nor proper to ſubmit to any of the other three. This ſuppoſed, it is not to be denied, that Cromwell was more capable to govern this great State, than any other man then in England. No objection could be raiſed againſt him, which might not, with more juſtice, have been urged againſt any other man who ſhould have ſeized the government, or any body of men inveſted with the ſupreme power. If, on certain occaſions, he abuſed his authority; if, in his actions, he had only a view to his own glory and intereſt, that is what I pretend not to vindicate. It is however certain, that things have been greatly aggravated, and ſome of his actions miſrepreſented, which with diſintereſted and unprejudiced perſons, are capable of being eaſily juſtified. All the difficulty concerning this affair, lies in the ſuppoſition made by each of the three parties, that their ſcheme of government was the beſt and moſt perfect. But as Cromwell diſregarded all the three ſchemes, he was equally exclaimed againſt by the three parties. The independents, fond of their democracy, which was, however, but an empty name, were enraged at him, for overturning a building which he himſelf had erected. The preſbyterians could have wiſhed, he would have reſtored the parliament to the ſtate it was in, at the beginning of the year 1648, when they were maſters; and could not forgive him, for not taking that courſe, which, in their opinion, was the moſt natural. The cavaliers or royaliſts were well pleaſed that Cromwell had diſſolved the independent, without reſtoring the preſbyterian, parliament. But to ſatisfy them, he muſt have reſtored the king to his throne, and the church of England to all her rights. The reader is left to judge, whether, in the preſent ſituation of affairs in England, what the three parties deſired, was either juſt, proper, or practicable. It is no wonder therefore, if theſe three parties were equally diſpleaſed with Cromwell's proceedings, and loaded him with invectives.

A little after, Cromwell publiſhed a declaration to juſtify the diſſolution of the parliament, and as his deſigns were not yet manifeſted, this declaration was ſubſcribed by the colonels of the army, and all the ſea-captains, and met with a general approbation.

The parliament being diſſolved, the ſovereign power was neceſſarily to be lodged ſome where. Cromwell might have taken the adminiſtration of the government, by the ſame authority that he had diſmiſſed the parliament. But he had no deſign to uſurp it ſo notoriouſly. He had contrived, that it ſhould be given him by a parliament, in order to dazzle the eyes of the public with ſo venerable an authority. The council of officers, who had preſented the petition to the parliament, being ſtill aſſembled, Cromwell cauſed them to reſolve, that a hundred forty-four perſons ſhould be intruſted with the ſupreme power. In the choice of theſe perſons, Cromwell at once diſplayed his abilities, and diſcovered, that he had ſome ſecret deſign, which, would at a proper ſeaſon manifeſt itſelf. They were all men of no birth, illiterate, with no particular merit, unexperienced in affairs, in a word utterly incapable of an employ of that conſequence [s]. Cromwell eaſily foreſaw, they would ſoon be weary, and forced to put the government into his hands, and ſo furniſh him with a pretence to aſſume it to himſelf. This notable choice being made, he writ to each in particular, to require them to aſſemble at Whitehall the 4th of July in order to take upon them the adminiſtration of the government [t].

Theſe new ſovereigns meeting on the day appointed, Cromwell made a ſpeech, and when it was ended, gave them an inſtrument ſigned by himſelf and the principal officers of the army, by which the ſupreme power was lodged in their hands. This inſtrument imported, that all theſe members, or any forty of them, were to be held and acknowledged the ſupreme authority of the nation, to whom all perſons were to yield obedience and ſubjection till the 3d day of November, in the year 1654, that is, during one year and four months. That three months before their diſſolution, they were to make choice of other perſons to ſucceed them, whoſe authority ſhould not exceed one year, and then they likewiſe were to provide and take care for a like ſucceſſion in the government. But it will preſently appear, that Cromwell did not intend, this regulation ſhould be exactly obſerved. Theſe members, thus empowered, made no ſcruple to call themſelves a parliament, and choſe one Rouſe [u] for their ſpeaker. The whole nation was ſurpriſed to find themſelves under the dominion of ſuch men, moſt of whom were artificers, or retail merchants [w]. Amongſt theſe members was one Barebone a leather-ſeller, who in his neighbourhood paſſed for a notable ſpeaker, becauſe he uſed to entertain them with long harangues upon

[q] Whitelock, who was preſent, ſays, Cromwell led into the houſe a file of muſqueteers with him, and in a furious tone bid the ſpeaker leave his chair, and told the houſe, "They had ſat long enough, unleſs they had done more good; that ſome of them were whore-maſters, (looking toward Henry Martin, and ſir Peter Wentworth,) others of them were drunkards, and ſome corrupt and unjuſt men, and ſcandalous in the profeſſion of the goſpel; and that it was not fit they ſhould ſit any longer, and deſired them to go away." Whereupon, among all the parliament-men of whom many wore ſwords, and would ſometimes talk big, not one offered to draw againſt Cromwell, but all tamely departed the houſe. He bid one of his ſoldiers "Take away that fool's bauble the Mace." Whitelock, p. 554.

[r] It is probable, he had formed the deſign of invading the government, juſt after the battle of Worceſter. For he had a meeting at the ſpeaker's with ſeveral members of parliament, and principal officers of the army, to conſider of the ſettlement of the nation. The ſoldiers were for a republick, the lawyers for a mixed monarchy, and many for the duke of Gloceſter to be made king; but Cromwell ſtill put off that debate. And it is thought, his deſign in that conference, was only to ſound thoſe great men, that he might manage accordingly. See Whitelock, p. 516.

[s] The lord Clarendon ſays, there were amongſt them divers of the quality and degree of gentlemen, and who had eſtates, credit, and reputation. Tom. III. p. 376.

[t] After a ſhort preamble, the letter run thus, "I Oliver Cromwell, captain-general, and commander in chief of all the armies and forces raiſed, or to be raiſed within this common-wealth, do hereby ſummon and require you (being one of the perſons nominated) perſonally to appear at the council-chamber at Whitehall, within the city of Weſtminſter, upon the 4th of July next enſuing the date hereof, then and there to take upon you the truſt unto which you are hereby called and appointed, to ſerve as a member of the county of—and hereof you are not to fail." Oliv. Cromwell.

Given under my hand and ſeal the 8th day of June 1653.

Whitelock, p. 558.

[u] An old gentleman of Devon, provoſt of Eaton, and member of the long parliament.

[w] It was much wondered by ſome, that theſe gentlemen, many of them being perſons of fortune and knowledge, would at this ſummons, and from theſe hands, take upon them the ſupreme authority of this nation, conſidering how little authority Cromwell and his officers had to give it, or theſe gentlemen to take it; but it was accepted by them. Whitelock, p. 559.

the times. From this man the people, in deriſion, called them Barebone's parliament[x]. I ſhall leave this ridiculous aſſembly for a moment, which did nothing worth remembering, to reſume the recital of the war and the affairs between England and the united Provinces.

The letter writ by the ſtates-general to the parliament the 20th of April, the day on which the parliament was diſſolved, was referred to the council of ſtate, eſtabliſhed by Cromwell and his officers till the new parliament ſhould aſſemble. This council, under the direction of Cromwell, gave a favourable anſwer to the ſtates, with hopes of peace, upon ſending plenipotentiaries to London.

The Engliſh affairs were then in a ſtate of uncertainty, of which it was difficult to foreſee what would be the event. Cromwell had, by his ſole authority, diſſolved the parliament, and named a council of ſtate which governed the kingdom, with no other right than what was derived from the officers. It was therefore not very proper for the ſtates either to treat of or conclude a peace with men ſo little authorized. But the provinces of Holland and Zealand, the greateſt ſufferers by the war, wiſhed to end it at any rate. At laſt, after great conteſts, the ſtates general named four embaſſadors to negotiate a peace at London.

Whilſt their inſtructions were preparing, the fleets of England and the ſtates met the 2d of June, and came to an engagement, which was renewed the next day. In this laſt engagement, Trump fighting with great diſadvantage, was obliged to retire in diſorder, having loſt many ſhips, which were ſunk or taken by the Engliſh[y].

After this battle, the Engliſh fleet being reinforced to the number of a hundred ſhips, ſaw itſelf, ſome time, miſtreſs of the ſea, and gave frequent alarms to the coaſts of Holland. At laſt, Trump having repaired his fleet as much as poſſible, though it was inferior to the Engliſh both in the number and largeneſs of the ſhips[z], attacked the enemy's fleet again near the Texel. The fight laſted from morning to night without any conſiderable advantage to either ſide. It was renewed the next day with the ſame fury, Trump being reinforced with twenty-ſeven ſhips, nor did this ſecond day decide the victory. The third day opened with a freſh engagement, in which Trump was killed by a muſket ball. But vice-admiral de Witzen continued the fight, till the two fleets, as if by conſent, retired to their own coaſts, unable to fight any longer. The loſs on both ſides was very conſiderable [a], and neither could juſtly boaſt of the victory; but the loſs of admiral Trump was irreparable to Holland.

Cromwell took care ſpeedily to repair the Engliſh fleet, in hopes of receiving ſome advantage from the conſternation cauſed by the death of Trump, the loſs of ſo many ſhips, and the diviſion then reigning amongſt the United Provinces. But a violent ſtorm ſo damaged his fleet, that he was under a neceſſity of either making a peace, or loading the people with new taxes, which, in his preſent ſituation, was very improper. He liſtened therefore to the propoſitions of the ſtates, and the whole following winter was ſpent in the negotiation.

Barebone's parliament did nothing conſiderable in a ſeſſion of more than five months[b]. nor was it called for that purpoſe. At laſt, the 12th of December, the ſpeaker, with a good number of the members, who knew Cromwell's intentions, being aſſembled ſooner than uſual, one of them roſe up and ſaid, that they were unequal to the burden laid upon them, and therefore propoſed a diſſolution of themſelves, and a reſignation of the ſovereign authority into the hands from whom it was received. This propoſal met with a ready and unanimous approbation. Then the ſpeaker and all the preſent members, without waiting for thoſe who were not yet come, left their ſeats, and went directly to Cromwell and the council of officers: To whom they declared, that they found themſelves incapable of the truſt repoſed in them, reſigned the inſtrument they had received, and beſought them to take care of the government. Thus Cromwell and his council of officers were once more inveſted with the ſupreme power, by that parliament on which themſelves had conferred their pretended authority. It is manifeſt, this had been reſolved from the calling of the parliament, in order to derive a parliamentary authority to thoſe, who had by their own power diſſolved the former parliament. This artifice was ſo groſs, that Cromwell's belief to impoſe upon the people, is amazing. But an abſurdity is ſwallowed by means of an irreſiſtible power.

Two days after, the council of officers, by virtue of the authority lately given them by the parliament, declared, that for the future the government of the republic ſhould reſide in a ſingle perſon, namely, Oliver Cromwell, captain general of the forces of England, Scotland and Ireland, who ſhould have the title of protector of the three kingdoms, and be aſſiſted by a council of twenty-one perſons.

The 16th of December the council of officers ſent for the commiſſioners of the great ſeal, with the lord mayor and aldermen of London, and informing them that Cromwell was made protector, cauſed to be read in their preſence a writing called the inſtrument of government, the ſubſtance whereof was: I. A parliament to be called every three years by the protector. II. The firſt to aſſemble on the 3d of September 1654. III. No parliament to be diſſolved till they have ſat five months. IV. Such bills as are offered to the protector by the parliament, if not confirmed by him in twenty days, to be laws without him. V. That his council ſhould not exceed the number of one and twenty, nor be leſs than thirteen[c]. VI. That immediately after the death of Cromwell, the council ſhall chuſe another protector before they riſe. VII. That no protector after the preſent ſhall be general of an army. VIII. The protector ſhall have power to make war and peace. IX. That the protector and his council may make laws, which ſhall be binding to the ſubject, during the intervals of parliament. After the reading of this inſtrument, Cromwell took an oath to obſerve it to the utmoſt of his power. Then he was conducted to Whitehall with great ceremony, Lambert carrying the ſword of ſtate before him, and from that time the title of highneſs and lord protector was given him. Immediately after, he was proclaimed as ſuch at London, and then in the three kingdoms, which formed but one commonwealth. The city of London invited him to a ſplendid entertainment, where the ſolemnity of his reception was ſuch as had been at any time performed to the king.

Thus Cromwell, whoſe birth ſeemed to have placed him at an infinite diſtance from ſovereignty, found means to be inveſted with the ſupreme power. When the proceedings of the long parliament againſt the late king, the methods uſed to effect his ruin, their obſtinate refuſal of peace without the abolition of epiſcopacy and reduction of the regal power, the policy of the independents in concealing themſelves many years among the preſbyterians, and in not diſcovering themſelves, till the king was unable to hurt them, their artifices to gain the army, their tyranny againſt the preſbyterians and the king himſelf, and laſtly, Cromwell's early adherence to that party, (when theſe things I ſay) are conſidered, one is apt to believe, the project of his advancement was formed from the beginning of the long parliament, and that the ſubſequent tranſactions flowed ſolely from that project. Accordingly this is inſinuated by ſome, their aim being to ſhew, that Charles I. was perſecuted only to render that project the more practicable. But when it is conſidered, on the other hand, that it was almoſt impoſſible for Cromwell to have any ſuch views, at a time when he had but little credit, and was ſcarce known in the parliament; that his reputation increaſed by a ſeries of contingent events entirely out of his power, and by battles which he might have loſt, it is difficult to believe he could have formed ſuch a deſign before his victory at Worceſter. He had, very probably, even before that battle, his own advancement in view, but not to the ſupreme power. There were in his party men of too great a penetration not to diſcover ſuch a deſign, had it been entertained by him. But as they thought not of his ruin till after that victory, very likely, his deſigns were not ſooner perceived, and that it was only from that time, or perhaps not ſo early, that he began to ruminate on his grand project. For being then general, he had leſs way to go, than if he had formed the deſign while he was but lieutenant-general[d].

[x] His name was Praiſe-God Barebone, from whom, he being a great ſpeaker in it, the parliament was called as above.

[y] There were ſix ſunk, and twelve taken, with thirteen hundred and fifty priſoners. The Engliſh fleet was at firſt commanded jointly by Blake, Monk, and Dean. Dean was killed, and in the engagement which followed, Monk commanded alone. Clarendon, Tom. III. p. 380. Whitelock, p. 558.

[z] The Dutch had ninety men of war, and the Engliſh one hundred and ſix. See Whitelock, p. 562. Phillips, p. 619.

[a] Twenty-ſeven Dutch ſhips were fired or ſunk and above one thouſand priſoners taken. The Engliſh loſt four ſhips, four hundred common ſailors, and eight captains. And had above ſeven hundred men, and five captains wounded. Clarendon, tom. III. p. 388.

[b] They made an act for marriages, ordering the banns to be publiſhed in the next market, three ſeveral days, and the ceremony to be performed by a juſtice of the peace. And that there ſhould be a regiſter appointed in every pariſh to keep an account of them. Scobell.

[c] The firſt council choſen in purſuance of this inſtrument, were colonel Montague, colonel Lambert, viſcount Liſle, colonel Deſborough; Gilbert, Pickering, Anthony Aſhley Cooper, Charles Wooliey, baronets; major general Skippon, Walter Strickland, colonel Sydenham, colonel Jones, Francis Rouſe, John Lawrence, Richard Major. Phillips, p. 620. The reader may ſee the inſtrument of government at large in Whitelock's Mem. p. 571, &c.

[d] Cromwell ſaid to Mr. Bellievre: L'on ne montoit jamais ſi haut, que quand on ne ſcait ou on va. That is, a man never riſes ſo high, as when he knows not where he is going. Retz, Mem. Tom. III. p. 385.

THE

THE HISTORY OF ENGLAND.

BOOK XXII.

PART II.

OLIVER CROMWELL *Protector.*

[1654] THE peace be tween England and the United Provinces was at laſt concluded, and the treaty ſigned the 5th of April 1654. By the treaty Cromwell made great advantage of the neceſſity the ſtates were under to make peace. They could not obtain it without promiſing to pay large ſums for the damages done to the Engliſh thirty years ſince [b]. They conſented to ſtrike to the ſhips of the common-wealth, as they had before done to thoſe of the king. They entirely abandoned the intereſt of Charles II. and obliged themſelves to receive no exile from England into their dominions. They promiſed to reſtore to the Engliſh twenty-two merchant ſhips confiſcated by the king of Denmark, or to pay their full value. In this treaty I find no mention of the Navigation act, which had been the cauſe of the war [c]. It is likely, either that article was adjuſted in a private and particular treaty, or the ſtates were contented with a bare promiſe, that they ſhould not be diſturbed on account of that act. Laſtly, by a ſeparate article the ſtates bound themſelves never to admit the young prince of Orange to be their Stadtholder, general, or admiral. But this article was ratified only by the province of Holland, the other provinces refuſing it, and Cromwell not judging it proper to continue the war to force them to it. Thus ended a war which had been very warm on both ſides, and inexpreſſibly deſtructive to both nations. It is ſaid, the two provinces of Holland and Zealand loſt in it fifteen hundred ſhips, which fell into the hands of the Engliſh. And this very war, which had been undertaken to ruin Cromwell, ſerved to advance him, as it obliged him to diſſolve the parliament for his own preſervation.

Though the new protector met with a general ſubmiſſion, it was however with pretty open complaints of his uſurping the ſupreme power by a pretended title conferred on him by men without authority. The royaliſts conſidered Cromwell's advancement as a mortal wound to the king. The preſbyterians were not much more pleaſed with it: for though their government ſtill ſubſiſted in the church, they could hardly endure the liberty of conſcience enjoyed by all the proteſtants. Beſides, they were excluded from the beſt poſts, which it was Cromwell's care to fill with men of approved fidelity to himſelf. The preſbyterians were nevertheleſs careſſed by him, becauſe their aſſiſtance was needful to accompliſh his project of being confirmed in his dignity by a free parliament, where he foreſaw they would have conſiderable influence. But he hated the cavaliers, and kept them very low. This occaſioned many conſpiracies againſt him, the authors of which were rigorouſly puniſhed [d], particularly Mr. Vowell and Mr. Gerard [e], the firſt of whom was hanged in London, and the other beheaded in the Tower.

At the ſame time, and upon the ſame ſcaffold, Don Pantaleon Sa, knight of Malta, and brother of the Portugueſe embaſſador, loſt his head. That gentleman having quarrelled with the ſame Mr. Gerard on the New Exchange, returned next day with a ſtrong retinue. Unhappily, he fingled out a man in the crowd whom he miſtook for Gerard, and entering into a new quarrel, killed him, and others were wounded by his ſervants; after which, he retired to his brother the embaſſador's. This tumult drew the people together, who ſurrounded the embaſſador's houſe, and threatened to drag the criminals to juſtice. Cromwell being informed of it, diſpatched an officer, with ſome ſoldiers, to demand the murderers. The embaſſador loudly complained of the inſult offered him, and demanded an audience of the protector, but was refuſed, and told, that if the criminals were not delivered, the people would not be eaſily appeaſed, nor could the protector anſwer for the conſequences: that as a man had been killed, and ſeveral wounded, juſtice muſt be ſatisfied. In the mean time, the people continued their noiſe and menaces; ſo that the embaſſador, ſeeing himſelf too weak to reſiſt, was at laſt forced to deliver up his brother, and the reſt that were concerned, in expectation of afterwards obtaining their pardon. But Cromwell continuing inflexible, the Portugueſe gentleman was beheaded in the Tower, and his accomplices hanged at Tyburn. I pretend not to decide, whether this act of juſtice could be done, without a violation of the privilege of embaſſadors, or whether Cromwell had not done better, in conniving at the priſoner's eſcape. I ſhall only ſhew very briefly, that the preſent juncture was not favourable to the embaſſador or the king his maſter.

Don John IV. king of Portugal, formerly duke of Braganza, had, in 1640, ſeized the crown of Portugal, pretending, it was unjuſtly wreſted from his anceſtors by Philip II. of Spain. This had engaged him in a fierce war with Spain, during which Charles I. had, in a treaty ſigned at York, the 22d of May 1642, owned him for king of Portugal. Thus the two crowns of England and Portugal were in peace and alliance, before the war between Charles and the parliament was declared. Upon this foundation, the two princes palatine, Rupert and Maurice, the firſt of which commanded the king's navy, being obliged in 1650, to leave Ireland, where they could no longer continue in ſafety, ſailed into the river of Liſbon, They were no ſooner there, than a fleet from the parliament arrived in the mouth of the Tagus, and immediately the admiral required of the king of Portugal the delivery of the ſhips commanded by prince Rupert, ſaying, they belonged to the commonwealth of England. This demand extremely embarraſſed the king. He had made an alliance with the king of England; but on the other hand England was the king's enemy, and in that juncture, Don John was under a neceſſity of declaring for one or the other. Policy required a declaration for the parliament, but honour and hoſpitality demanded a protection for the king's ſhips, which were come for refuge to Portugal. This queſtion was warmly debated in his council. The majority adviſed him to relinquiſh a king, expelled his dominions, who could do him neither good nor hurt, and thereby gain the friendſhip of a powerful commonwealth, from which he might expect great aſſiſtance againſt Spain: whereas, in declaring againſt the parliament, he would perhaps engage himſelf in freſh difficulties, at a time when all his forces were hardly ſufficient to reſiſt his enemies. But the king, by his reaſons and authority, cauſed it to be decided, that the king of England's ſhips ſhould be protected. Purſuant to this reſolution, a ſquadron was immediately equipped of thirteen men of war, to join prince Rupert's. The two ſquadrons ſailed together with deſign to fight the Engliſh, if they were between the two capes [f]. For the Portugueſe ſquadron had orders to ſail no further, that it might appear the king intended only to

[b] To deliver up the iſland of Poleron in the Eaſt Indies, taken from the Engliſh in the reign of king James, and to pay, it is ſaid, three hundred thouſand pounds for the affair of Amboyna (85,000l. whereof to the Engliſh Eaſt India company) for which the two laſt kings could never get any ſatisfaction. Clarendon, tom. III. p. 382. The ratifications of the peace were preſented in a ſilver box to the protector. Whitelock, p. 588. Collect. of treaties, tom. III. p. 384.—The demands of the Engliſh amounted to two millions, ſix hundred ninety five thouſand, nine hundred ninety nine pounds, fifteen ſhillings. And thoſe of the Dutch to two millions, ſixty nine thouſand eight hundred ſixty one pounds, three ſhillings and ſixpence. Ibid. p. 127, 130.

[c] The author of Cromwell's life, ſays, one of the articles was, "That the Dutch ſhould comply with the act of navigation," p. 280.

[d] There was a high court of juſtice erected on purpoſe, "To try ſuch as were accuſed of holding a correſpondence with Charles Stuart, and of having a deſign againſt the life of the protector, &c." Clarendon, tom. III. p. 383.

[e] Rapin calls him colonel, but he was a young gentleman, and had been only enſign in the king's army. Ibid.

[f] Cape Finiſterre, and cape St. Vincent.

It

ſecure the entrance of the Tagus. Upon notice of this junction, the Engliſh admiral ſailed away. But to be revenged for the protection granted to prince Rupert's, he fell upon a Portugueſe fleet, returning from Brazil, and took fifteen ſhips. The approach of winter obliging him to return to England, the two princes palatine ſailed to America, after cauſing a ſort of a rupture between England and Portugal. To adjuſt this difference, the king of Portugal had ſent to London the conde de Panaguaio; his circumſtances, during a war with Spain which had now laſted thirteen years, not ſuffering him to remain in a ſtate of hoſtility with the commonwealth of England. Probably, for the ſame reaſon he did not think proper to recall his embaſſador, after the execution of Don Pantaleon Sa. I do not know whether this accident did not retard the peace between England and Portugal, which was not ſigned till two years after in 1656[g].

Since Charles II's arrival in France, after his miraculous eſcape from the battle of Worceſter, he had lived in extreme want, not having wherewithal to ſubſiſt. The court of France took no notice of his neceſſities, whether in complaiſance to Cromwell, or from a deſire of making a ſtrict alliance with him, or through dread of his declaring in favour of Spain. So, the king was in a melancholy ſtate. He had even the mortification to ſee Monſieur de Bourdeaux, who till then had been his reſident in England, appointed embaſſador by the French court[h], upon Cromwell's being declared protector. This alteration convinced the king, that France deſigned an alliance with Cromwell, and he did not doubt but the treaty would be followed with a requeſt to him to depart the kingdom. Wherefore, to prevent this compliment, he let cardinal Mazarin know, that he intended to withdraw, which was welcome news to the cardinal. To facilitate the execution of this deſign, the cardinal promiſed him the arrears of a penſion of ſix thouſand livres a month, which had been granted him, but never regularly paid, and the continuance of the ſame, as long as he ſhould be out of France. At the ſame time, the king received another ſmall relief which enabled him to diſcharge his debts. Prince Rupert arrived ſafely at Nantes with the fleet, after having loſt his brother Maurice in a ſtorm. Beſides that the ſhips were extremely damaged, and the king unable to repair them, he was in great want of money, which determined him to ſell the ſhips, with the ordnance and tackling. Cardinal Mazarin was the purchaſer, though at a very cheap rate, if we may believe the lord Clarendon, and paid him the money without delay. After that, prince Rupert repaired to Paris, and taking leave of the king, withdrew into Germany. The king, as ſoon as he had received the money, left Paris, and choſe Cologne for his retreat, where he continued many years.

The king, before his departure from France, ſent Wilmot, now earl of Rocheſter, embaſſador to the emperor, and ſome other princes of Germany, to procure a ſupply of money. He even applied to the pope, by the mediation of cardinal de Retz, and it is pretended, that in order to ſucceed, the cardinal prevailed with him to change his religion, and privately received his abjuration. At leaſt, dr. Burnet, in the hiſtory of his own times, aſſures, that the king embraced the catholic religion before he left France, where he returned no more, after the time I am ſpeaking of. But others, who think themſelves better informed, aſſign this change of his religion to the year 1659.

While the king was in this ſtate of adverſity, Cromwell was honoured, reſpected, and feared by all the powers of Europe, who equally courted him. In England, his enemies durſt not look up; Scotland was entirely ſubdued, and Ireland reduced to the laſt extremity. But before I return to the affairs of England, it will be neceſſary briefly to relate what paſſed in Ireland and Scotland, to midſummer 1654.

Since Cromwell had left Ireland in 1650, Ireton his ſon-in-law, who commanded there as his deputy, treated the Iriſh rebels, who fell into his hands, with great ſeverity, the parliament having ordered no mercy to be ſhewn to the maſſacrers. But this was not capable to lead the Iriſh to an union with the marquis of Ormond. On the contrary, a religious zeal prevailing among them, by the perſuaſions of their monks and clergy, they could not bear to be under a proteſtant commander. Nay, they conſpired againſt the life of the marquis, and in an inſurrection at Limerick, raiſed by a monk, he was in danger of being killed. At laſt, the Iriſh biſhops, in a full aſſembly, publiſhed a declaration, proteſting, they would have no communion with heretics, nor obey the marquis of Ormond. Then, they required him to reſign his command to a catholic, on whom they could better rely. The marquis being thus expoſed to the ſuſpicions and treacherous deſigns of the Iriſh, and utterly unable to reſtore the king's affairs, made the marquis of Clanrickard his deputy, and retired into France, from whence, afterwards, he accompanied the king to Cologne.

Ireton dying of the plague in 1651, the parliament gave the command of their forces in Ireland to lieutenant-general Edmund Ludlow, a great republican, and one of Charles the firſt's judges.

The Iriſh were not more obedient to Clanrickard than to Ormond. The catholic Clergy, and all Ulſter, refuſed to have any ſociety with the Engliſh, under the command of the marquis, though a catholic. It was ſufficient that he had received his commiſſion from a proteſtant, to render him odious. A certain number of men were therefore choſen to form a council for the adminiſtration of their affairs. This council judged it expedient to call to their aſſiſtance a foreign catholic prince, who might be capable to conduct them, and put him in poſſeſſion of the government of their iſland. They caſt their eyes on the duke of Lorrain, then at Bruſſels, and reſolved to ſend deputies to treat with him. This reſolution being taken, they demanded of the marquis of Clanrickard a commiſſion for the deputies, fearing, they would be ill received, if not authorized by the king's governor in Ireland. But the marquis refuſed to give ſuch a commiſſion, till he knew the king's pleaſure. This refuſal inflamed their animoſities againſt him. He was exclaimed againſt with great bitterneſs, and their deputies were ſent notwithſtanding his oppoſition[i]. The duke of Lorrain judged it not proper to engage in ſuch an undertaking, without better information of ſome particulars, which it concerned him to know. He ſent a certain abbot into Ireland, who having learned, that the affairs of the Iriſh were almoſt deſperate, and this reſolution taken without the conſent of the king's lieutenant, refuſed to treat with them. The Iriſh, enraged with the marquis of Clanrickard for oppoſing their deſign, perſecuted him ſeveral ways, and at laſt, treated with Ludlow, by means of a certain monk, without the marquis's privity, who ſeeing himſelf unable to ſerve the king, informed him of what paſſed, and deſired leave to retire. The king readily granted his requeſt, as ſeeing no way to ſave Ireland, and left the Iriſh to their own meaſures, whoſe affairs from that time daily grew worſe.

It was then, and in the following years, that the Iriſh, wholly unable to reſiſt the parliament forces, were expoſed to the utmoſt ſeverity of the Engliſh commanders. The barbarity they had exerciſed upon the Engliſh proteſtants, ſettled in Ireland, was juſtly retaliated upon them. Many were executed, and others, to the number of a hundred thouſand, moſt of whom periſhed with hunger and miſery, had leave to go into the ſervice of foreign princes. The families which remained in the country, were for the moſt part removed into Connaught, where ſome lands were aſſigned them for their ſubſiſtence, while the reſt was delivered to the adventurers, who advanced money for the Iriſh war. Part alſo of theſe confiſcated lands was given to the officers and ſoldiers in payment of their arrears, and part was ſold to the beſt bidders. From that time, the nation has been kept ſo low, that there is no appearance of its ever recovering. In 1654, Fleetwood, who had married Ireton's widow, Cromwell's daughter, was made governor of Ireland, and two years after, was ſucceeded by Henry Cromwell, younger ſon of the protector.

Though Scotland was ſubdued, it was not entirely free from diſturbances. The general aſſemblies of the kirk had been ſuppreſſed by Cromwell, knowing, that from thence flowed all the troubles which had been for ſo many years in Scotland. Beſides, as it was his intention to introduce in that kingdom a liberty of conſcience as well as in England, he knew, it would be impoſſible to execute his deſign ſo long as theſe aſſemblies ſubſiſted. The people of Scotland were enraged at a liberty ſo contrary to their covenant, and the maxims of the kirk. They ſufficiently diſcovered their ſentiments, though to no purpoſe, ſince they had neither

[g] It was ſigned July 10, 1654. See Collect. of treaties, tom. III. p. 97. Life of Cromwell, p. 288.

[h] He made his entry into London in great ſtate, being attended with no leſs than ſixty coaches. Whitelock, p. 584.

[i] The lord Clarendon ſays, after he had been inveighed againſt with great virulency, he could not withſtand the importunity of the aſſembly of confederate catholics, but gave his credentials to the perſon recommended to him. However, the commiſſioners were reſolved to follow the inſtructions of the aſſembly, and not the marquis's. Clarendon, c. III. p. 364.

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places, nor forces, nor arms, nor leaders, to enable them to attempt a deliverance. On the other hand, ſome lords and gentlemen of the king's party ſtill kept in the high-lands, with troops under the command of the earl of Glencarn. But theſe troops, neither well armed nor diſciplined, were defeated by colonel Morgan[k]. Neverthelefs, with the remains of their troops, they ſtill kept in ſome inacceſſible places, where it was impoſſible to attack them. But at laſt, diſcord ariſing among them, they were forced to ſend to the king for colonel Middleton and obtained his conſent. On Middleton's arrival, Glencarn quitted them, and made his own peace. Middleton ſupported the remains of this party about a year, and then was obliged to forſake it, ſeeing it was not poſſible to do the king any notable ſervice in that country. It is time now to return to the affairs of England.

As, by the inſtrument of government, a parliament was to aſſemble the 3d of September, Cromwell called one for that day. But in his writs for election of members, there was a ſtrict order not to elect any perſons, or their ſons, who had borne arms for the king; and this was punctually obeyed. A new regulation was likewiſe made to proportion the number of repreſentatives to the largeneſs of the boroughs and counties, and to their reſpective ſhares of the public expences. This regulation, as being very juſt in itſelf, met with univerſal approbation[l].

The parliament being aſſembled, Cromwell made a ſpeech in the Painted Chamber, where the houſe waited on him. He briefly touched upon the diſorders of the preceding government, and endeavoured to juſtify the preſent eſtabliſhment. After an aſſurance of his good intentions, he repreſented to them his ſervices for the nation, ſince the diſſolution of the long parliament, and told them, he had called a free parliament, agreeably to the deſire of all good Engliſhmen: adding, that he did not ſpeak to them as one that would be a lord over them, but as one that would be a fellow ſervant, in the great affair of ſettling the government.

Cromwell hoped, this parliament, free indeed, excepting the excluſion of the royaliſts, who could not have been admitted with ſafety, would confirm his protectoral dignity, and that the confirmation of a free parliament, would ſtop the mouths of his enemies. Upon his own recommendation, Lenthal, ſpeaker of the long parliament, was choſen again to that poſt. It appeared very ſoon, that the parliament had many members who were enemies of tyranny, and having ſerved in the long parliament, had imbibed maxims very contrary to thoſe eſtabliſhed by Cromwell. The firſt thing propoſed, was to examine by what authority they were aſſembled; a queſtion unexpected by Cromwell. In all appearance, his enemies deſigned to give him a mortal blow, by a deciſion that his authority was imaginary and illegal, as indeed it was. Perhaps too, the parliament intended to ſeize the ſovereign power, though convened by an unlawful authority. Cromwell himſelf had given them an inſtance of what could be done with the aſſiſtance of force. But as he had friends, as well as enemies, in the houſe, he found means to make them loſe time, by the oppoſition they met with, from the officers and others who eſpouſed his intereſt, whether through friendſhip or fear. So though he could not hinder the frequent debates on this queſtion, he gave his enemies cauſe to apprehend, that they ſhould not carry it, when it came to be decided. At laſt, perceiving they only waited a favourable opportunity to put the queſtion, he ſent for the members to meet him in the painted chamber. Though in his firſt ſpeech he told them, that he would only be their fellow ſervant, in this he ſpoke as their lord, and told them they were too free in calling an eſtabliſhed government into queſtion, from which themſelves had derived their authority, ſince if they were not lawfully convened, they had no power to debate. At their return to the houſe they found a guard at the door, refuſing entrance to any perſon, who would not firſt ſign an engagement in theſe words——"I A. B. do hereby freely promiſe and engage myſelf, to be true and faithful to the lord protector, and to the common-wealth of England, Scotland, and Ireland, and ſhall not (according to the tenor of the indenture, whereby I am returned to ſerve in this preſent parliament) propoſe or give any conſent to alter the government, as it is ſettled in one ſingle perſon and a parliament." Many refuſing to ſign this engagement, were excluded from the houſe[m].

Notwithſtanding all this, the members themſelves, who had ſigned the engagement, were not more tractable, and ceaſed not to ſhew their ill will to Cromwell. They had only ſigned to have it in their power to deſtroy him, when a favourable occaſion offered, which they hoped would not be long. [1654-5] A plot was formed chiefly by the cavaliers, but with the privity of many members of parliament, to raiſe an army in ſeveral parts of the kingdom. Cromwell being informed of it by his ſpies, prevented the deſign of his enemies, by a diſſolution of the parliament eleven days before the time fixed for its continuance, by the inſtrument of government[n], namely, on the 22d of January. At the diſſolution he told the members, he was not ignorant of their projects, and that ſeveral were engaged in a conſpiracy againſt the government[o].

It was not without foundation that he mentioned a conſpiracy, which was now ready to open. Though he was not informed of all the particulars, he knew, however, in general, that an inſurrection was intended in ſeveral places, and had the names of ſome that were to be the principal actors. Two days after the diſſolution of the parliament, major Wildman was arreſted by his order, and a declaration was found in his houſe, containing the reaſons which obliged the Engliſh to take up arms againſt Cromwell[p]. Some others, as well republicans as royaliſts, were alſo apprehended.

Since the king's retreat to Cologne, he had received frequent expreſſes from his friends, informing him of the general diſlike of Cromwell's government, and of the favourable opportunity for a general riſing. What they ſaid concerning the general diſcontent, was very true. But they built upon a falſe principle, which had often deceived Charles I. and now likewiſe deceived them. They imagined, that all who were diſpleaſed with the government, were diſpoſed to ſerve the king, and reſtore him without any condition. Indeed, the preſbyterians would have gladly reſtored the king, provided it was on the terms granted by the king his father in the treaty of Newport, that is, with the limitation of the royal power, and the eſtabliſhment of the preſbyterian government in the church. But it was not likely, Charles II, being at liberty, would grant the ſame conditions as were accepted by Charles I. under confinement. On the other hand, it is alſo true, that in general, the independents, anabaptiſts, and in a word, all the zealous republicans, were enemies of Cromwell ſince his ſeizing the government, and that in the army itſelf there was a ſtrong party againſt him. But nothing was farther from theſe men's thoughts, than the king's reſtoration, and yet the royaliſts imagined, all Cromwell's enemies would ſtrive to reſtore the king to the throne, as if there was no poſſibility of being enemy to the protector, without being devoted to the king. Upon this foundation it was, that they formed the project of an inſurrection in the weſt, and of another in the north, not doubting of the army's joining, or at leaſt ſuffering the cavaliers to act undiſturbed againſt Cromwell. This project was communicated to the king, who approved of it as well as of the day appointed for the execution, namely the 18th of April. The king diſpatched the neceſſary commiſſions, and privately came into Zealand to be ready to paſs into England if the undertaking ſhould be crowned with ſucceſs. At the ſame time, Wilmot earl of Rocheſter repaired ſecretly to London[q], with ſir Joſeph

[k] The Scots had eight hundred horſe, and three thouſand foot; and Morgan eight hundred and fifty horſe, and ſixteen hundred foot. Whitelock, p. 588.——The Scots ſent an invitation to king Charles to come among them, but he did not think proper ſo to do. Burnet, p. 60.

[l] By the ninth and 10th articles of the inſtrument of government (which ſee in Whitelock, p. 552.) It was provided, that the perſons to be choſen in England and Wales, ſhould not exceed four hundred. Thoſe for Scotland and Ireland (for the three kingdoms united in one commonwealth, and the iſles of Jerſey and Guernſey were alſo included) were to be thirty for each kingdom. Then the perſons to be choſen in England and Wales were to be in a certain proportion there ſet down at large. A proportion, which it would have been well for England, had it been always obſerved, the little inſignificant boroughs being omitted, and the number of the knights of the ſhire increaſed from four to twelve, according to the extent of the county. This (ſays the lord Clarendon) was then generally looked upon as an alteration fit to be more warrantably made, and in a better time. Tom. III. p. 387.

[m] This year (on November 30) died the learned John Selden.——As alſo Mr. Doddeſworth, who had the chief hand in compiling the Monaſticon Anglicanum. And Henry Elſynge, clerk of the long parliament.

[n] By the VIIIth article of the inſtrument of government, the parliament was not, during the ſpace of five months, to be accounted from the day of their firſt meeting, to be adjourned, prorogued, or diſſolved, without their own conſent. Whitelock, p. 572.

[o] See his long ſpeech in Whitelock, p. 610.——618. He ſays the parliament was diſſolved January 31. p. 610.——Before their diſſolution they voted him and his ſucceſſors, a revenue of two hundred thouſand pounds a year p. 609.

[p] The title of it was, "The declaration of the free and well affected people of England, now in arms againſt the tyrant Oliver Cromwell, Eſq." See it in Whitelock, p. 618. who ſays, "many who viewed it, knew there was too much truth in it."

[q] For fear ſomebody ſhould be general before him, in caſe the plot ſucceeded. Clarendon, tom. III. p. 431.

Wagſtaff, who had been major-general in the army of the late king. At London their friends were conſulted, and it was reſolved, Wagſtaff ſhould conduct the inſurrection which was to be in the weſt, and the earl of Rocheſter that in the north [r].

[1655] On the day appointed, Wagſtaff came within two miles of Saliſbury, where he found Penruddock, a Corniſh gentleman, Jones, Grove, and ſome others, who had aſſembled about two hundred horſe. With this ſmall force, they entered Saliſbury without any oppoſition. For as it was then the time of the aſſizes, little notice was taken of thoſe who entered the city. The market place was immediately ſeized, and all the ſtables locked up, that the horſes might be at their devotion. After this, the judges were ſeized, with the ſheriff, and were in great danger of being hanged for their refuſal to proclaim the king, who notwithſtanding was proclaimed. But ſoon after, the conſpirators perceiving, that the inhabitants remained in their houſes, without offering to join them, they were diſcouraged, and leaving the town, took the weſtern rout. A troop of horſe, accidentally quartered in the neighbourhood, purſued and inſpired them with ſuch terror, that at their approach, they laid down their arms. Wagſtaff fortunately eſcaped, but Penruddock, Grove and Jones were taken. The two firſt were beheaded, and the other hanged [s]. Notwithſtanding the great hopes conceived by the royaliſts of a general riſing throughout the kingdom, the people no where attempted to favour the enterpriſe. It is impoſſible to know what would have been the behaviour of the army, ſince there was no neceſſity of their being aſſembled, this affair being ended in two or three days. One may here remark, what commonly happens on theſe occaſions, namely, that the contrivers of ſuch projects, keeping company for the moſt part with only men of their own party, are apt to believe the whole nation to be in the ſentiments of thoſe with whom they converſe, wherein they are frequently miſtaken. This was, as it were, the peculiar weakneſs of the royaliſts, of which the earl of Clarendon's hiſtory furniſhes various inſtances.

The inſurrection in the north vaniſhed before it was begun to be executed. The earl of Rocheſter repaired to the county of York, where he found ſome gentlemen zealous for the king's ſervice. But after an inquiry into what they could perform, he thought it not proper to make any attempt, but returned to the king with an account of what had paſſed.

The king, having loſt the hopes he had been made to conceive, returned to Cologne. Soon after his arrival, it was diſcovered, that one of his domeſtics, named Manning, lately come from England, held a ſecret correſpondence with Thurlo, Cromwell's ſecretary, and acquainted him with the tranſactions of the king's court. He was apprehended and ſhot to death in a caſtle belonging to the duke of Newburg. It is now time to ſpeak of Cromwell's affairs with France and Spain.

In the reign of Charles I. cardinal Richelieu, as hath been ſaid, was concerned in the troubles of Scotland in the year 1637, from which thoſe of England were afterwards produced. The court of France all along ſeemed to eſpouſe the intereſt of Charles I. during his life, but never gave him any real aſſiſtance. Cardinal Richelieu believed, that nothing could more advance his project of humbling the houſe of Auſtria, than to prevent England from aſſiſting Spain, in order to preſerve the balance of Europe, as the intereſt of England required. For this reaſon, that able miniſter, inſtead of aſſiſting Charles I. thought only of fomenting the troubles of England. Cardinal Mazarin his ſucceſſor, under the minority of Lewis XIV. followed the ſame maxim, and never gave any real aſſiſtance to Charles. But it may be ſaid, he carried this policy too far, ſince inſtead of keeping the balance even between the king and the parliament, he gave the parliament room to acquire a ſuperiority, which might become very prejudicial to France. After the death of Charles I. the common-wealth of England grew ſo powerful, that it was too late to endeavour to weaken it, eſpecially as France was then engaged in a war with Spain. If France had aſſiſted Charles II. ſhe would have run the riſk of ſeeing the parliament in alliance with Spain, which in that juncture was not to be hazarded. For this reaſon, the intereſts of Charles II. were entirely abandoned by France, and all his aſſiſtance from thence was a penſion too inconſiderable for his ſubſiſtence. And even this was privately, leſt the parliament ſhould be jealous. The Engliſh feared her ſo little, that in 1652, their fleet made no ſcruple to attack that of France, ſent to the relief of Dunkirk beſieged by the Spaniards, and taken by them the ſame year. Notwithſtanding that affront, France ſent an embaſſador to the parliament to deſire their friendſhip. Cromwell, when advanced to the protectorate, held, for ſome time, the two crowns of France and Spain in ſuſpence, equally flattering both kingdoms with hopes of the friendſhip of England. But it appeared afterwards, he only intended to amuſe Spain, being reſolved to make an alliance with France.

Spain had given no more aſſiſtance to Charles I. than France. On the contrary, Don Alenzo de Cardenas, the Spaniſh embaſſador in England, had ſhewn a partiality for the parliament, which was conſidered by Charles as a ſort of declaration againſt him. After the death of Charles I. the king of Spain paid great regard to the parliament, and gave them no juſt cauſe to make war upon him. All that England could reproach him with, was his receiving, though very coldly, in 1649, lord Cottington, and Mr. Hyde as embaſſadors from Charles II. but without entering with them into any negotiation, that might create jealouſy in the parliament. The ſole deſign of this embaſſy was, to procure ſome money from the Spaniſh court for the king's ſubſiſtence, in which the embaſſadors were unſucceſsful. The murder of Aſcham, the parliament's envoy at Madrid, by ſome Iriſh, and the little zeal ſhewn by the court of Spain to puniſh the murderers, might be another cauſe of complaint. But things of this nature are liable to ſo many diſcuſſions, that it is difficult to know, whether it was in the king of Spain's power to give the parliament an entire ſatisfaction. However that be, theſe cauſes of complaint did not ſeem of ſufficient weight to breed a war between the two nations. Nevertheleſs, Cromwell, now made protector, had no ſooner concluded a peace with Holland, than he reſolved to attack Spain. The grounds of this war are not eaſy to be gueſſed [t], but what may be conjectured is this: Cromwell, as I obſerved, intended to be confirmed by a parliament, in his protectoral dignity received only from the officers of the army. It concerned him therefore firſt, to render ſome ſignal ſervice to the ſtate, in order to make his uſurpation paſs the more peaceably. Secondly, as Spain was then upon the decline, he believed perhaps, it would be eaſy to make ſome conqueſt upon that crown, which might render his protectorate famous, and ſhew the Engliſh that if he ſought to advance himſelf, it was in order to be more ſerviceable to the republic. Thirdly, it is likely, Mazarin was concerned in this reſolution, in order to give a powerful diverſion to Spain.

However this be, Cromwell on his advancement to the protectorſhip, ſent out two fleets, one under the command of Blake, to the Mediterranean to chaſtiſe the Algerines, who frequently took Engliſh veſſels, and the other under Penn, with thirty ſhips, and about five thouſand land ſoldiers commanded by Venables [u]. The two laſt commanders had ſealed orders from Cromwell, which were to be opened at a prefixed time [w]. This fleet ſailed from Portſmouth the 27th of December, and arrived at Barbadoes the 28th of January, from whence they ſailed again the 30th of March 1655. By the ſealed orders, the two commanders were to proceed to Hiſpaniola and take St. Domingo the capital of the iſland. Cromwell's inſtructions for this undertaking were ſo particular and circumſtantial, that they appeared to be drawn by men thoroughly acquainted with the country [x]. At the approach of the Engliſh fleet the Spaniards abandoned St. Domingo. But Venables, inſtead of landing his troops [y], according to his inſtructions, within a mile of the place, diſembarked them at a much greater diſtance [z]. This gave the inhabitants time to come to themſelves, return to the town, and put it in a poſture of defence. The Engliſh, when they approached Domingo, were ſo fatigued, by a long march, by the exceſſive heat, by hunger and thirſt, that they were eaſily re-

[r] He ſent ſir Marmaduke Darcy, a gallant gentleman, and nobly allied in thoſe parts, to prepare the king's party there. Ibid. p. 433.

[s] Others ſay, Jones was reprieved. Rapin, by miſtake ſays, Grove was hanged, but he was beheaded at Exeter, with Penruddock. Clarendon, tom. III. p. 435.

[t] It is probable, the chief motive of it was, that he might be able, with the help of Spaniſh gold, to carry on his deſign in England, without depending upon a parliament for money. Welwood, p. 100.

[u] A gentleman of a good family in Cheſhire, Clarendon, Tom. III. p. 451.

[w] People could not imagine where the fleet was to go. Some fanſied it was to rob the church of Loretto, which occaſioned a fortification to be drawn round it: others talked of Rome itſelf; others of Cadiz, &c. Burnet, p. 75.

[x] 'Tis ſaid Thomas Gage, who had been a prieſt, and was come from the Weſt-Indies, engaged him in this deſign, by giving him an account of the weakneſs as well as riches of the Spaniards in thoſe parts. Burnet, p. 74. Whitelock, p. 621.

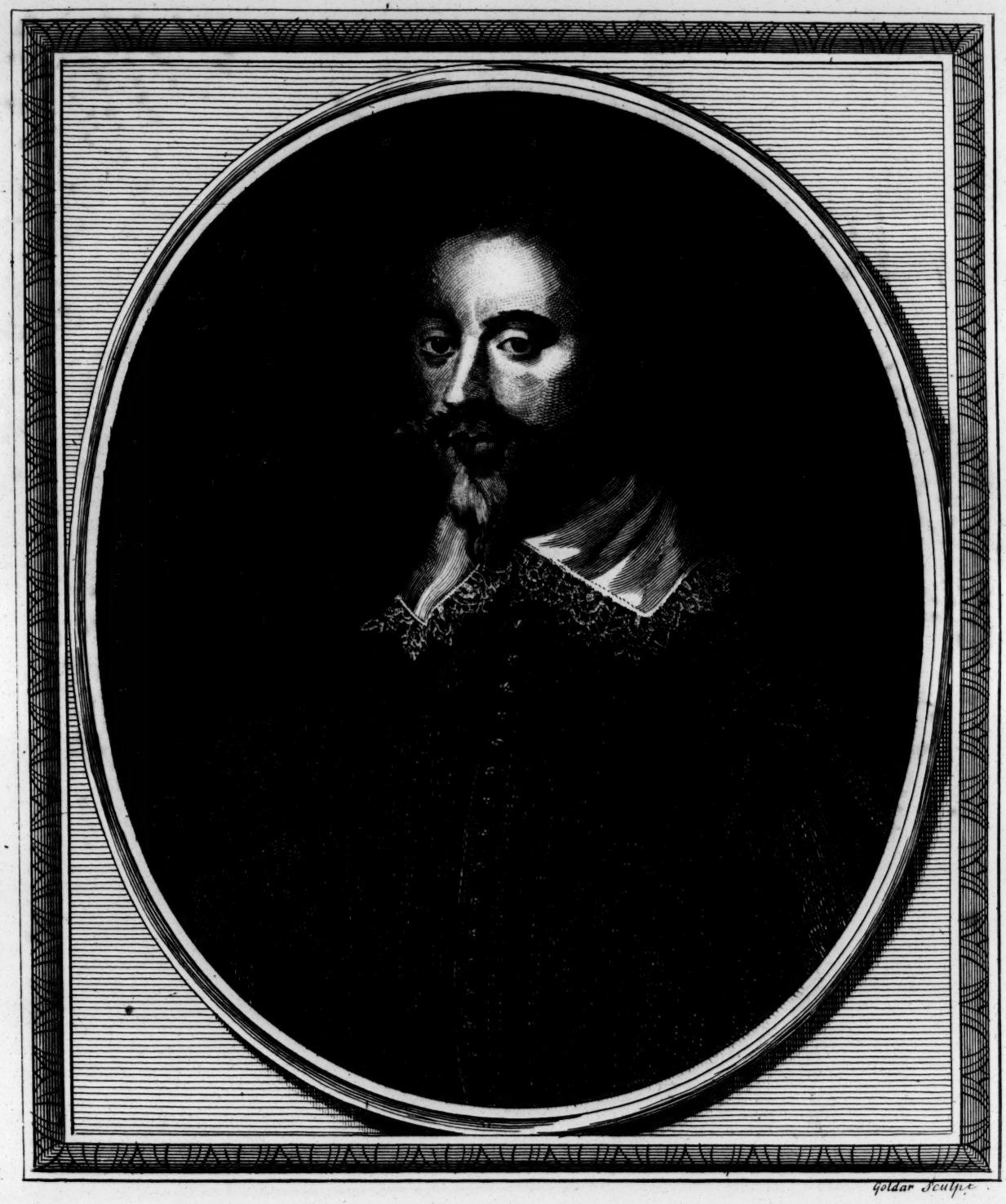
[y] Venables had in all, reckoning the forces he took up at Barbadoes, above nine thouſand men; with a troop of horſe. Clarendon, Tom. III. p. 453.

[z] Ten leagues more weſtward. Whitelock, p. 627.

This

London Engrav'd for Harrison's Edition of Rapin.

FRANCIS LORD COTTINGTON.



Goldar Sculpt.

In the Possession of Francis Cottington Esqr.

Published as the Act directs. June. 11. 1785.

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IOHN THURLOW.
Secretary to Oliver Cromwell

Cooper Pinx.

Goldar Sculp

In the Collection of Lord James Cavendish

Publish'd as the Act directs Nov.r 13. 1784

BRITISH
13 JY 60
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pulſed, and forced to retire to their ſhips, leaving many dead and wounded in the iſland.

This attempt miſcarrying, the Engliſh fleet ſailed to Jamaica, and ſeized the iſland with little oppoſition. Some troops were left there, which were afterwards re-inforced by Cromwell, in order to preſerve this conqueſt, where the Engliſh have ſince eſtabliſhed a rich colony. Venables was ſent to the Tower on his return to London, but ſoon diſcharged. The war being ſufficiently declared by this attempt which the Spaniards had no cauſe to expect, the king of Spain ordered the effects of the Engliſh merchants in all his dominions to be ſeized, which was a very conſiderable loſs to them. Nor did the miſchief ſtop there; for by this war ſo unjuſtly undertaken, the Engliſh forfeited the Spaniſh trade, which transferred to the Dutch, helped them to repair the loſſes ſuſtained in the laſt war.

The war with Spain was ſoon followed by a peace with France, proclaimed at London the 23d of October. This peace was eaſily made, ſince France was willing to forget the injury received from the Engliſh in 1652. The point was only to renew the ancient treaties, to which there was no obſtacle, after Cromwell's declaration againſt Spain [z].

Beſides the inſurrections and conſpiracies from the cavaliers and preſbyterians, Cromwell was alſo in danger from the malecontents of his own party, who had effectually ſerved him, without knowing what were his deſigns, but who were extremely provoked at their having been tools to his private ambition. The republicans were incenſed againſt him. The republican government was as much their idol as the covenant was that of the preſbyterians. So Cromwell by being inveſted with the protectorſhip, had offended them no leſs than the cavaliers and preſbyterians. It was not eaſy to curb three parties, which, if they could have reſolved to unite, would have been ſtrong enough to ruin him. But he knew ſuch an union was very difficult, and yet it was not impoſſible, that particular men of each party, whether openly or privately, might combine for his deſtruction. The army was his only ſupport, in which too there were republicans who hated him mortally, as appears in the memoirs of Ludlow, one of the moſt inveterate againſt him. Nay very likely, if he had been obliged to aſſemble the diſperſed army, and the officers could have communicated their thoughts to one another, they would not have entirely obeyed him. As to the royaliſts, he never wanted pretences to perſecute them, which not only pleaſed the other parties, but was agreeable to their intereſts. As for the preſbyterians, as they were equally enemies of the cavaliers and independents, in keeping them low, he obliged theſe two parties, who knew if the preſbyterians ſhould again be ſuperior, they would treat them no better than Cromwell. But the rigid republicans were his moſt dreaded enemies, becauſe he had no pretence againſt them. They had the more cauſe to complain, and ſpeak freely, as Cromwell, being their head, had made uſe of them, under colour of acting for the public, and brought them to labour for his own private advancement. So, to hold all theſe parties in ſubjection, he divided England into eleven diſtricts, and eſtabliſhed in each, officers, whom he called major-generals, with an almoſt abſolute power, that they might be always ready to prevent or diſperſe inſurrections. In this eſtabliſhment his principal view was to awe the republicans, though the pretence was to curb the cavaliers. Theſe major-generals became true tyrants, and ſo oppreſſed the people, that Cromwell at laſt was forced to reduce their power within much narrower bounds[a].

Though Cromwell's ambition inclined him to ſupport by force the dignity conferred on him, he ſaw the ridiculouſneſs of exerciſing an authority given by men who had no lawful power to beſtow it. He eaſily perceived it to be a fertile ſource of plots and conſpiracies againſt his perſon and government. There was no law by which he could puniſh the conſpirators, ſince his dignity, far from having any ſolid foundation, was a mere uſurpation. On ſuch occaſions therefore it was neceſſary to uſe a tyrannical power, and ſuch violences might produce in the end very ill effects. To remedy this inconvenience, he had called a free parliament in expectation of having his authority confirmed, but was diſappointed. He reſolved therefore, inſtead of a free parliament, to call one, on which he might depend, and to uſe their authority to eſtabliſh his own.

The parliament, according to the natural meaning of the word, is the repreſentative of the nation, whoſe deciſions and laws are looked upon as conformable to the ſentiments of the people in general. The extreme reſpect, veneration, and attachment which the Engliſh have for the parliament, are therefore not to be thought ſtrange, ſince in ſupporting its privileges, they maintain their own liberty. But this ſuppoſes a parliament agreeable to the conſtitution, compoſed of king, lords, and commons, with an entire freedom in the elections. A parliament thus compoſed may truly be called the nation's repreſentative. It is unneceſſary here to obſerve, that artifices, intrigues and cabals have ſometimes altered this happy conſtitution. The frequent inſtances which have occurred in this hiſtory, render it unqueſtionable. We have ſeen parliaments regardleſs of their country's good, and devoted entirely to the will of the prince. By others, kings have been depoſed, and their ſovereigns deprived of their moſt lawful prerogatives. But without being obliged to look ſo far back, it needs only be conſidered, what paſſed in the late reign, particularly ſince December 1648. A parliament reduced by force and violence to leſs than a hundred members, brought the ſovereign to the ſcaffold, aboliſhed the houſe of lords, deſtroyed monarchy, changed the government into a common-wealth, and inveſted themſelves with a ſupreme authority, under the ſpecious pretence of repreſenting the nation, tho' without king and houſe of peers. Nevertheleſs, though the conſtitution of the parliament was entirely ſubverted, and though the name of parliament, one would have thought, ſhould not have deceived the people, that venerable name was ſtill uſed to force them to obedience, on a groundleſs ſuppoſition, that an aſſembly with only the name of parliament was inveſted with all the authority of the moſt legal parliament. Upon this foundation, theſe tyrants claimed a right to enact laws, to ordain, to decree, as the moſt regular parliament might have done. I ſhall not ſtay to ſhew the extravagance of this pretenſion. Very probably, thoſe that claimed it, were not themſelves ſatisfied with it. But as they were deſtitute of all other foundation, they built upon this, though weak and unſecure.

Cromwell's authority was no better ſupported. His uſurpation was ſo viſible, that a man muſt have wilfully ſhut his eyes not to ſee it. He himſelf was ſo convinced of the unlawfulneſs of his power, that he would fain have had it confirmed by a free parliament, being the only way which could furniſh him with a plauſible pretence to exerciſe it. But failing of ſucceſs, he continued where he was, that is, inveſted with the dignity of protector, by men who had no power to confer it. Wherefore, the authority of a parliament appeared to him abſolutely neceſſary to confirm him in his own. But, as he had experienced what was to be expected from a free parliament, he reſolved to call one which might be more at command. [1656] He therefore ſummoned a parliament to meet the 17th of September; but he took ſuch juſt meaſures, that though the people ſeemed to enjoy a perfect freedom in the choice of their repreſentatives, he ſecured a majority of voices. Beſides, he would admit no man into the houſe, who had not firſt promiſed under his hand, to do nothing againſt the eſtabliſhed government. This parliament, compoſed of the repreſentatives of the three kingdoms, met on the day appointed[b]. But above a hundred members refuſing to ſign the engagement, were denied their ſeats in the houſe. The reſt appeared ready to perform Cromwell's deſires. An act was forthwith paſſed, for renouncing the title of Charles Stuart, (for ſo they called the king) which was ſigned by all the members. By another act it was declared high treaſon to attempt the life of the protector. In ſhort, in the ſpace of ſome months, the parliament liberally granted all the money deſired by Cromwell, as well for the maintenance of the army and government, as for the continuation of the war againſt Spain.

Some days before the parliament met, Blake and Mon-

[z] This confederacy was dearly purchaſed on the part of England, for by it the balance of the two crowns of France and Spain was deſtroyed, and a foundation laid for the future greatneſs of the French, to the unſpeakable prejudice of all Europe in general, and of the Engliſh nation in particular, whoſe intereſt it had been hitherto accounted to maintain that equality as near as might be, Ludlow, Tom. II. p. 559.—It is very remarkable, that in this treaty, Cromwell would not allow the French king to call himſelf king of France, but of the French; when he himſelf aſſumed the title of protector of England and France. And, what is more, in the inſtrument of the treaty, Cromwell's name was put before the French king's. Welwood, p. 99.

[a] Bates makes the number of diſtricts to be fourteen. The major-generals were, Kelſey, Goff, Deſborough, Fleetwood, Skippon, Whaley, Butler, Berry, Worſley, Lambert, Berkſtead, who was alſo lieutenant of the Tower. They had all the authority which was before divided among committee-men, juſtices of peace, and other officers. They could commit to priſon all ſuſpected perſons; levied monies; ſequeſtered thoſe who refuſed to pay; had power to liſt horſe and foot upon occaſion; and from them lay no appeal, but to the protector himſelf. Clarendon ſays, there were twelve, tom. III. p. 458.——This year died James Stuart, duke of Richmond, and the learned James Uſher, primate of Armagh.

[b] Sir Thomas Widdrington was choſen ſpeaker. Whitelock, p. 651.

He

tague, their admirals, falling in with eight Spaniſh ſhips, returning from the Weſt-Indies richly laden, took two, and ſtranded ſome others. This action was performed near Cadiz, where the Engliſh admirals had long expected that fleet. Cromwell ordered the two prizes to be brought to Portſmouth, and the money and goods to be conveyed in waggons, in a ſort of triumph to London.

[1656-7] In January, a conſpiracy againſt his perſon, was diſcovered by Cromwell, by one Sindercomb, diſcharged out of his guards. This man being convicted, and condemned to die, was found dead in priſon, the day on which he was to be executed[c].

[1657] About two months after, ſome anabaptiſts were diſcovered, who had projected to kill Cromwell. Major-General Harriſon, vice-admiral Lawſon, colonel Rich, major Danvers, and ſome others, all anabaptiſts, on ſuſpicion of being concerned in the conſpiracy, were put under an arreſt.

Since Blake and Montague had taken the two prizes, they had continued cruizing off Cadiz, in expectation of the Spaniſh fleet returning from Peru. As this fleet did not appear, though it ſhould now have been arrived, Blake had notice, it was retired to Teneriff, one of the Canaries, till the Engliſh fleet ſhould be ſailed from Cadiz. Whereupon, he ſtood for the Canaries, the beginning of April, and found there the Spaniſh fleet conſiſting of ſix galleons richly laden, and ten other ſhips of leſs burthen. The commander of this fleet had anchored in the bay of Santa Cruz, and taken all imaginable care to ſecure himſelf againſt an attack. The ten ſmaller ſhips were moored cloſe to the land, and defended by two forts well mounted with guns, and ſeveral batteries erected on the ſhore. But the galleons drawing more water, could not come ſo near the land, but lay farther off, with their broadſides towards the ſea. Blake ſeeing no poſſibility of approaching the ten ſhips, reſolved, notwithſtanding the raſhneſs of the undertaking, to attack the galleons. Accordingly, with a fair wind, he approached the galleons, received their fire and boarded them. The particulars of this engagement are very confuſedly related by the hiſtorians. Thus much, however, is certain, that Blake, after an obſtinate fight, poſſeſſed himſelf of the galleons, and as the wind, which had brought him into the bay, would not ſerve to carry them out, ſet them on fire. Immediately after, a land breeze ariſing, put him ſafe to ſea again. The Spaniards on this occaſion ſuſtained a very great loſs, in ſhips, money, men, and merchandize: but the Engliſh acquired nothing but glory. Blake dying in his return to England, was pompouſly buried by Cromwell, in Henry the VIIth's chapel, among the monuments of the kings[d].

The parliament, which met the 17th of September, continued their ſeſſion without interruption, being employed in the moſt important affair that could ever come under their conſideration. Whether Cromwell had now formed the project of his higher advancement, or the diſpoſition of the houſe in his favour, inſpired him with the thought, he ſuddenly became more popular than ever. He careſſed all parties alike. The preſbyterians were told, he was not far from their ſentiments; the nobility met with great reſpect from him; and he appeared leſs incenſed againſt the king's party. At laſt, after his friends and creatures had been long labouring to diſpoſe men in his favour, Mr. Pack a member of parliament, and one of the city aldermen, propoſed, in direct terms, that he might be inveſted with the title of king. This propoſition was immediately ſeconded by a great many members[e], and it was even obſerved, that his known enemies very readily gave their conſent to it. Theſe imagined, there was no better way to ruin him, and excite plots againſt his life. But for the ſame reaſon, his principal friends oppoſed it with all their power. It is, nevertheleſs, very probable, he was privy to this propoſal, though he thought not fit to tell it to Deſborough his brother-in-law, or Fleetwood his ſon-in-law, from whom it met with the greateſt oppoſition. This contraſt, between Cromwell's friends, held thoſe in ſuſpence, who only intended to make their court to him, and cauſed them to be irreſolute. Wherefore the propoſal was debated in the houſe two days ſucceſſively. In all appearance, the irreſolute were informed, in this interval, what they were to do. However that be, it was at laſt carried by a majority of voices, that the crown ſhould be offered to Cromwell. Purſuant to this reſolution, the houſe immediately appointed a committee, to acquaint his highneſs with what had been reſolved for the public good. He ſeemed ſurprized at the offer, and told the committee, he thought it very ſtrange, the parliament ſhould entertain ſuch a deſign: That he did not believe it proper for them to offer, nor would his conſcience give him leave to accept it. The committee expecting this anſwer, replied, they did not queſtion but he would grant their deſire, when he ſhould be informed of the reaſons which had induced the parliament to take this reſolution, and which they beſought him only to hear. Whereupon, he appointed a day to hear what they had to ſay to him[f].

The committee[g], on the day appointed, entertained him with long diſcourſes, concerning the reaſons on which the parliament founded their requeſt, of which the principal were: "that the people of England had for many ages been accuſtomed to the government of kings: that in changing this government, there had neceſſarily been an abolition of many laws, cuſtoms, and formalities, and an eſtabliſhment of others, which would never be endured by the people on account of their novelty: that according to the laws of England, there could be no ſecurity to any act concerning the government, without the intervention and authority of a king: that hitherto thoſe concerned in the war, and the late changes, could not be ſafe, but would remain liable to dangerous inquiſitions, agreeable to the laws of the land: that the daily conſpiracies againſt the preſent government, clearly ſhewed, the people were inclined to a king, nor would be ſatisfied without one: in a word, that the kingdom would never be in peace, till things were brought back to their antient channel. That it was very true, the royal family had been rejected on account of their tyrannies; but this was no objection to the choice of a king of another family, nor could any kingdom be produced, where the like had not happened, as well as in England."

Theſe ſame reaſons had been alleged in the debates in the houſe, and were anſwered by the republicans to this effect: "that an oath had been taken to be faithful to the commonwealth without a king; and to make a new king, was returning to Egypt. Where was the neceſſity of recurring to kings, ſince it was agreed, they invaded the rights of the ſubject? that it was advantageous that all the ſubjects ſhould be equally liable to be called to an account, that they might be more united amongſt themſelves. That if a king was at laſt neceſſary, they would chuſe rather to have the true heir to the crown." Cromwell was not unacquainted with the reaſons alleged on both ſides in the houſe, and therefore to ſhew, he would neither accept nor refuſe the offer without deliberation, he appointed the 8th of May for his final anſwer.

It is pretended, that in this interval, he was in the utmoſt diſtraction, not knowing what to determine. His ambition prompted him to accept the offered crown, the whole intrigue probably being directed by himſelf. But the diſpoſition of his relations and principal friends made him tremble. For how could he promiſe himſelf allegiance from ſtrangers, when he ſaw his own moſt intimate friends determined to abandon him? Nay, it is ſaid, ſome of them threatened to kill him, and that he was informed of a plot to aſſaſſinate him, the moment he accepted the crown. The very day he was to give his anſwer, Deſborough and Fleetwood, walking with him in St. James's Park, told him, if he accepted the crown, they could ſerve him no longer. He was diſcouraged by all theſe things, at the very inſtant the crown was going to be placed on his head. His anſwer therefore to the committee was, that he could not accept the government under the title of a king[h]. Whether this refuſal was for or againſt his intereſt, is a problem that admits of great diſpute. For my part, I believe, that being ſo able a politician, he did not think the advantages equal to the inconveniences, of accepting the crown.

[c] He was tried at the upper-bench-bar. The court declared, "that by the common law, to compaſs or imagine the death of the chief magiſtrate, by what name ſoever he was called, whether lord protector, or otherwiſe, is high treaſon, and that the ſtatute 25 Edward III. was only declaratory of the common law." Whitelock, p. 655.

[d] He was (ſays Whitelock) a man of much gallantry and ſincerity as any of his time, and as ſucceſsful.

[e] Particularly by Charles Boyle lord Broghill, chief juſtice Glynn, &c Life of Cromwell, p. 363.

[f] Whitelock's account is thus: the parliament had been long about the ſettling of the nation, and had framed a writing, which they ſtiled the humble petition and advice of the parliament of England, Scotland, and Ireland, to his highneſs. The firſt buſineſs of it was, for the protector to have the title of king. This petition and advice was preſented to his highneſs by the houſe, and he deſired that a committee might be appointed to confer with him about it: which was named, and Whitelock one of the committee was made chairman. When the committee attended his highneſs, Whitelock ſpake to him upon the title of king, giving reaſons why he ſhould accept of it. The Protector urged his reaſons againſt it, and Whitelock replied. The whole debate is in print. Whitelock, p. 655.

[g] Of this committee Whitelock was chairman, and the chief ſpeakers were the Lord Broghill, Mr. St. John, Glynn, Fiennes, Lisle, Lenthal, Sir Charles Wolſey, Sir Richard Onſlow, and Colonel Jones. Life of Cromwell, p. 364.

[h] Though a crown was actually made, and brought to Whitehall. Wilkinſon, p. 100.

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LIEUTENANT GENERAL FLEETWOOD

Walker pinxt. *Goldar Sculp.*

In the Possession of Tho.s Cook Esq.r

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Nevertheleſs, to reward in ſome meaſure ſo great a moderation, the parliament confirmed his dignity of protector, with more power than was annexed to it by the council of officers. This was done by a ſolemn inſtrument, called the humble petition and advice [i], the parliament thereby ſhewing it was not a law to be impoſed on him but an advice, which was ſubmitted to his judgment and diſcretion, with freedom to accept or refuſe it, as he ſhould think proper. The ſubſtance of it was:

"That his highneſs Oliver Cromwell ſhould, under the title of protector, be pleaſed to execute the office of chief magiſtrate, over England, Scotland and Ireland, and the territories and the dominions thereunto belonging, and to govern according to all things in that petition and advice. And alſo that he would in his life time appoint the perſon that ſhould ſucceed him in the government: that he would call a parliament conſiſting of two houſes once in a year [k], at fartheſt: that thoſe perſons who are legally choſen by a free election of the people to ſerve in parliament, may not be excluded from doing their duties, but by conſent of that houſe whereof they are members: that none but thoſe under the qualifications therein mentioned, ſhould be capable to ſerve as members in parliament: that the power of the other houſe be limited as therein is preſcribed: that the laws and ſtatutes of the land be obſerved and kept; no laws altered, ſuſpended, abrogated, or repealed, but by new laws made by act of parliament: that the yearly ſum of a million of pounds ſterling be ſettled for the maintenance of the navy and army; and three hundred thouſand pounds for the ſupport of the government; beſides other temporary ſupplies as the commons in parliament ſhall ſee the neceſſities of the nation to require: that the number of the protector's council ſhall not exceed one and twenty, whereof ſeven ſhall be a quorum [l]. The chief officers of the ſtate, as chancellors, keepers of the great ſeal, &c. to be approved by parliament: that his highneſs would encourage a godly miniſtry in theſe nations; and that ſuch as do revile and diſturb them in the worſhip of God, may be puniſhed according to law; and where laws are defective, new ones to be made: that the proteſtant chriſtian religion, as it is contained in the Old and New Teſtament, be aſſerted and held forth for the publick profeſſion of theſe nations, and no other; and that a confeſſion of faith be agreed upon, recommended to the people of theſe nations; and none to be permitted, by words, or writing, to revile or reproach the ſaid confeſſion of faith."

The general terms in which the three laſt articles concerning religion are expreſſed, plainly ſhew, that the intention of the parliament, or rather of Cromwell who directed them, was, to oblige equally the preſbyterians and independents. The firſt, by ſupporting the miniſtry, upon the preſent eſtabliſhment, and the others, by introducing into religion, a latitude which left every man free to believe and practiſe as he pleaſed, and both parties, by equally flattering them with a confeſſion of faith, in which each party ſhould find their account. The epiſcopalians alone could not expect any advantage.

Cromwell having ſolemnly ſworn the punctual obſervation of theſe articles, appointed the 26th of June for the day of his inauguration, which was performed with great pomp [m]. He was, doubtleſs, of opinion, that this ſecond inauguration was neceſſary to ſupply the defects of the firſt, which had been made without any lawful authority. This done, the houſe adjourned to the 20th of January 1657-8.

Since the renewal of the antient treaties between France and England, another negotiation was begun for a league offenſive and defenſive againſt Spain. This negotiation ſet on foot by the embaſſador of France in 1656, at London, was concluded at Paris the 13th of March 1657, by a treaty of league, importing, that Cromwell ſhould join ſix thouſand men with the French army; that Mardyke and Dunkirk ſhould be beſieged, and when taken, delivered to the Engliſh.

King Charles being informed of this negotiation, ſent a truſty meſſenger to archduke Leopold, ſtill governor of the Low Countries, to offer a league with Spain. The king's deſign was to give himſelf ſome reputation by a league with that crown; and, beſides, he wiſhed to reſide in the Low Countries in order to be nearer England, in caſe his preſence there ſhould be neceſſary. The archduke accepted the propoſal, believing, if the king of England was attached to Spain, he would have credit enough to draw the Iriſh forces from the French, into the Spaniſh ſervice. This was all the advantage Spain could expect from a junction with a prince, who had properly nothing to offer. Beſides he was to be ſubſiſted, when he ſhould be deſerted by France. However this be, the king and the archduke concluded a treaty, by which the king's reſidence at Bruges was only to be connived at by Spain, which was little able to maintain him according to his dignity. Spain was moreover to furniſh him with ſix thouſand men, as ſoon as he ſhould be poſſeſſed of ſome good port in England. The king, ſatisfied with theſe conditions, becauſe he had nothing to offer to procure better, ſigned the treaty which was ratified by the king of Spain. With the ratification, Philip ſettled upon the king a monthly penſion of ſix thouſand guilders, and another of three thouſand upon the duke of Gloceſter, who had been ſent for out of France by his brother the king, where his mother was perſuading him to change his religion. So, the king left Cologne in April 1657, and retired to Bruges, at the ſame time that archduke Leopold reſigned the government of the Low Countries to Don John of Auſtria, natural ſon of Philip IV. Afterwards the king prevailed with the lord Muſkerry, colonel of an Iriſh regiment in the ſervice of France, to deſert that ſervice, and join the Spaniſh army with his regiment. He alſo found means to cauſe four regiments of Engliſh, Scots and Iriſh, to come in ſingle companies, and offer him their ſervice. Theſe regi, ments, though not in very good order, ſerved in the Spaniſh army.

As ſoon as the treaty of league between France and England was ſigned, cardinal Mazarin ſignified to the duke of York, that he was to retire out of the dominions of France. All the Engliſh of the king's party, in the ſervice of France, had the ſame orders, and amongſt the reſt the lord Digby, now become earl of Briſtol upon the death of his father, and a convert to the catholic religion. All theſe Engliſh, diſmiſſed from France, retired into the Low Countries, ſome to their king, and the reſt to Don John of Auſtria, to ſeek employment in his army.

In conſequence of the league, Cromwell ſent ſix thouſand men of his beſt troops into France under the command of Reynolds, who had concluded the treaty at Paris in quality of his embaſſador. In this campaign, the French took ſeveral places from the Spaniards, and amongſt the reſt Mardyke which was delivered to the Engliſh. Reynolds was unhappily drowned in his return to England, and was ſucceeded in the command of the Engliſh forces in the ſervice of France, by Lockhart a Scotchman and embaſſador to that crown.

As by the 2d article of the humble petition and advice, the protector was every year to ſummon a parliament conſiſting of two houſes, Cromwell reſolved to obſerve that article, which had been inſerted in the inſtrument by his ſole direction. He therefore choſe a certain number at his own pleaſure, to compoſe the other houſe. Moſt of theſe were officers, or other perſons devoted to him, to whom he added ſome of the antient peers: but they refuſed to take their ſeats with theſe men [o]. This choice being made, he iſſued out writs for their meeting in parliament, in a ſeparate

[i] The reader may ſee it at large in Whitelock's Mem. p. 657.

[k] Once in three years, or oftener. Ibid.

[l] This expreſſion is taken from the clauſe inſerted in moſt commiſſions, in which, after the number of commiſſioners is fixed, the king appoints ſome particular perſons amongſt them, who are to be preſent to give a validity to all acts done in virtue of the commiſſion, and this he does by ſaying, a quorum eſſe numero volumus, &c. Rapin.

[m] A place being prepared at the upper end of Weſtminſter-hall, in the midſt of it was ſet a rich cloth of ſtate, with a chair of ſtate under it, upon an aſcent of two ſteps. Before it a table and chair for the ſpeaker, and on each ſide of the hall covered ſeats one over another, for the members. About two a-clock his highneſs came, the earl of Warwick carrying the ſword before him (and being the only nobleman that was preſent at that ſolemnity, ſays Ludlow, tom. II. p. 592.) and the lord mayor of London, with the city-ſword. His highneſs ſtanding under the cloth of ſtate, the ſpeaker preſented to him a robe of purple velvet lined with ermines, which ſir T. Widdrington the ſpeaker, aſſiſted by Whitelock, put upon him. Then he delivered to him the bible richly guilt and boſſed; after that he girt on his ſword, and delivered into his hands the ſcepter of maſſy gold, and then made a ſpeech to him, and gave him the oath. After this, the people gave ſeveral ſhouts, and the trumpets ſounded; the protector ſat in the chair of ſtate, holding the ſcepter in his hand; on his right ſide ſat the embaſſador of France, on the left the embaſſador of the United Provinces: near him ſtood his ſon Richard, Fleetwood lord deputy of Ireland, Claypole maſter of the horſe, the council and others of ſtate. The earl of Warwick held the ſword on the right, and the lord mayor the city ſword on the left ſide of the chair. Near the earl of Warwick ſtood viſcount Liſle, general Montague, and Whitelock, each of them with a drawn ſword in their hands. Then the trumpets ſounded, and a herald proclaimed his highneſs's title, and proclamation was made to the people, crying, God ſave the protector. The ceremonies being ended, he went in ſtate to Weſtminſter-hall gate, where he took coach, and went to the houſe, and paſſed ſome bills. Whitelock, p. 662.

[n] Some authors, by confounding theſe two treaties, the one of the 23d of October 1655, and the other of the 3d of March 1657, have fallen into ſome miſtakes. Rapin. See Collect. of treaties, tom. III.

[o] Ludlow ſays, none of the ancient nobility, except the lord Eure, ſat in the other houſe. The earl of Warwick himſelf, though his grandſon had married one of Cromwell's daughters, would not be perſuaded to ſit with colonel Hewſon, and colonel Pride, whereof one had been a ſhoemaker, and the other a drayman. Mem, tom. II. p. 595.

houſe, the 20th of January 1657-8. His intention was to have this houſe conſidered as a houſe of peers, and inveſted with the ſame privileges, the peers had formerly enjoyed. He durſt not however give it that name, but contented himſelf with calling it the other houſe, till a more proper name could be given it [p].

Cromwell, as hath been obſerved, had created himſelf many enemies, not only amongſt the royaliſts and preſbyterians, but even among the independents themſelves. Theſe were extremely provoked at his having made uſe of them for his advancement, under colour of labouring with them to eſtabliſh a republican government. The ſequel had ſhewn them, that in ſuppreſſing kingly power, he had never intended to aboliſh the monarchy, ſince under the name of protector, he had ſeized the ſupreme power. They therefore looked upon him as the moſt perfidious of men, and were not leſs his enemies than the preſbyterians and royaliſts. He was ſupported only by the army, filled by himſelf with fanatics and enthuſiaſts who imagined the time was come to erect a fifth monarchy, or the reign of Jeſus Chriſt upon earth. Cromwell was not ignorant, his enemies had deſigned to deſtroy him, on pretence of raiſing him higher, and this had made him refuſe the title of king. It was alſo to break their meaſures, that he had aſked and obtained a power of erecting another houſe, to oppoſe it occaſionally to the houſe of commons, where he knew he had but too many enemies, of which he had cauſe very ſoon to be ſtill more ſenſible.

His enemies having had time to concert their meaſures during the adjournment, took another courſe to deſtroy him when the parliament re-aſſembled. As by the IIId article [q] of the humble petition and advice it was ſaid, the members legally choſen, ſhould not be excluded without the conſent of their houſe, a motion was made to admit all the elected members, who had refuſed to ſign the engagement. This motion was ſo ſuddenly received and approved, that Cromwell had not time to oppoſe it, and he could have done it ſo much the leſs, as it was founded on a ſolemn act, which he had ſworn to obſerve. By this means above a hundred members, republicans and preſbyterians, all enemies to the protector, were admitted into the houſe of commons [r]. From that time, the face of affairs began to change, Cromwell's enemies having gained the ſuperiority in the very houſe which would have made him a king. As they had formed great projects againſt him, their firſt care was to hinder the other houſe, wholly conſiſting of his creatures, from uſing their pretended negative voice to break their meaſures. The authority therefore of the other houſe was called in queſtion, and it was affirmed to be abſurd, that they ſhould have a negative voice, ſince the commons, by whom they were created, never pretended to make peers of men who had no other power than what they voted them. It was added, that therefore it was ſaid in the humble petition and advice, that the power of the other houſe ſhould be limited. Cromwell, perceiving to what all this tended, ſent for the parliament to Whitehall, and in a ſpeech maintained the authority of the other houſe with ſuch vehemence, that the commons fearing an immediate diſſolution, found it neceſſary to acknowledge the other houſe as an eſſential part of the parliament [s].

Notwithſtanding this, the commons took into conſideration the humble petition and advice, and many were of opinion, it was null and void, becauſe it was made when many members were excluded from the parliament, without any lawful cauſe. This manifeſtly tended to a revocation of the act, and withal of the ſubſequent confirmation of Cromwell's protectorſhip. Cromwell was too quickſighted not to ſee how much it concerned his intereſt, not to ſuffer the parliament to ſit any longer. Wherefore he came to the other houſe and ſending for the commons, ſpoke to them in theſe terms:

"I had very comfortable expectations that God would make the meeting of the parliament a bleſſing: and the Lord be my witneſs, I deſire the carrying on the affairs of the nation to theſe ends. The bleſſing which I mean, and which we ever climbed at, was mercy, truth, righteouſneſs, and peace, which I deſire may be improved.

"That which brought me into the capacity I now ſtand in, was the petition and advice given me by you, who, in reference to the antient conſtitution, did draw me to accept of the place of protector. There is not a man living can ſay I ſought it; no, not a man, nor woman treading upon Engliſh ground; but I, contemplating the ſad condition of theſe nations, relieved from an inteſtine war unto a ſix or ſeven years peace, I did think the nations happy therein. But to be petitioned thereunto, and adviſed by you to undertake ſuch a government, a burden too heavy for any creature, and this to be done by the houſe that then had the legiſlative capacity, I did look that the ſame men that made the frame, ſhould make it good unto me: I can ſay in the preſence of God, in compariſon of whom we are but like poor creeping ants upon the earth, I would have been glad to have lived under my wood ſide, to have kept a flock of ſheep, rather than undertook ſuch a government as this is; but undertaking it by the advice and petition of you, I did look that you that had offered it unto me ſhould make it good.

"I did tell you, at a conference concerning it, that I would not undertake it, unleſs there might be ſome other perſon that might interpoſe between me and the houſe of commons, who then had the power to prevent tumultuary and popular ſpirits, and it was granted I ſhould name any other houſe; and I named it of men that ſhall meet you whereſoever you go, and ſhake hands with you, and tell you it is not titles, nor lords, nor party, that they value, but a chriſtian and an Engliſh intereſt, men of your own rank and quality, who will not only be a ballance unto you, but to themſelves, while you love England and religion.

"Having proceeded upon theſe terms, and finding ſuch a ſpirit as is too much predominant, every thing being too high or too low, when virtue, honeſty, piety and juſtice are omitted: I thought I had been doing that which was my duty, and thought it would have ſatisfied you; but if every thing muſt be too high or too low, you are not to be ſatisfied.

"Again, I would not have accepted of the government, unleſs I knew there would be a juſt accord between the governor and the governed, unleſs they would take an oath to make good what the parliament's petition and advice adviſed me unto; upon that I took one oath, and they took another oath upon their part anſwerable to mine; and did not every one know upon what condition they ſwore? God knows, I took it upon condition expreſſed in the government: and I did think we had been upon a foundation, and upon a bottom; and thereupon I thought myſelf bound to take it, and to be adviſed by the two houſes of parliament. We ſtanding unſettled till we were arrived at that; the conſequences would neceſſarily have been confuſion, if that had not been ſettled. Yet there are not conſtituted hereditary lords, nor hereditary kings; the power conſiſting in the two houſes and myſelf. I do not ſay, that the meaning of your oath was to you, that were to go againſt my own principles, to enter upon another man's conſcience: God will judge between me and you: if there had been in you any intention of ſettlement, you would have ſettled upon this baſis, and have offered your judgment and opinion.

"God is my witneſs, I ſpeak it, it is evident to all the world and people living, that a new buſineſs hath been ſeeking in the army againſt this actual ſettlement by your conſent; I do not ſpeak to theſe gentlemen or lords (pointing to his right hand) whatſoever you will call them, I ſpeak not this to them, but to you; you adviſed me to run into this place to be in a capacity by your advice; yet inſtead of owning a thing taken for granted, ſome muſt have I know not what; and you have not only diſjoined yourſelves, but the whole nation, which is in likelihood of running into more confuſion in this fifteen or ſixteen days that you have ſat, than it hath been from the riſing of the laſt ſeſſion to this day, through the intention of deviſing a common-wealth again, that ſome of the people might be the men that might rule all, and they are endeavouring to engage the army to carry that thing; and hath that man been true to this nation, whoſoever he be, eſpecially that hath taken an oath, thus to prevaricate? Theſe deſigns have been upon the army, to break and divide us: I ſpeak this in the preſence of ſome of the army, that theſe things have not been according to God, nor according to truth (pretend what you will). Theſe things tend to no-

[p] The form of the writs was the ſame with thoſe which were uſed to be ſent to ſummon the peers in parliament. There were in all ſixty (ſeventy, ſays Ludlow, tom. II. p. 584.) among whom were divers noblemen, knights and gentlemen of antient families, and good eſtates, and ſome colonels and officers of the army. This is Whitelock's account, who was one of them, and who has given us the names of all the ſixty. Among whom were four earls, two viſcounts, and ſeveral lords, as the reader may ſee, p. 665, of Whitelock's Mem. And here again, there is reaſon to wiſh Rapin had ſeen Whitelock's Memorials.

[q] Rapin ſays the IVth. See the petition in Whitelock, p. 657.

[r] Among whom particularly were ſir Harry Vane, Hatſell, and many others of great credit and intereſt.

[s] Among the acts paſſed in this parliament was one for preventing the multiplicity of buildings in and about London, and within ten miles thereof. Whitelock, p. 662.

He

thing elſe, but the playing the king of Scots his game, if I may ſo call him; and I think myſelf bound before God, to do what I mean to prevent it. That which I told you in the Banquetting-houſe was true, that there were preparations of force to invade us; God is my witneſs it hath been confirmed to me ſince within a day, that the king of Scots hath an army at the water ſide ready to be ſhipped for England. I have it from thoſe who have been eye-witneſſes of it. And while it is doing, there are endeavours from ſome who are not far from this place, to ſtir up the people of this town into a tumulting: what if I ſaid into a rebellion? and I hope I ſhall make it appear to be no better, if God aſſiſt me; it hath been not only your endeavour to pervert the army, while you have been ſitting, and to draw them to ſtate the queſtion about a common-wealth, but ſome of you have been liſting of perſons by commiſſion from Charles Stewart, to join with any inſurrection that may be made: and what is like to come upon this (the enemy being ready to invade us) but even preſent blood and confuſion? And if this be ſo, as I do aſſign to this cauſe your not aſſenting to what you did invite me to by the petition and advice, as that which might be the ſettlement of the nation, and if this be the end of your ſitting, and this be your carriages, I think it high time that an end be put to your ſitting, and I do diſſolve this parliament: and let God judge between me and you." At which many of the commons cried Amen.

[1658] When the parliament was diſſolved, Cromwell ſuſpecting, or perhaps being informed, that Lambert was one of the principal authors of the plot formed againſt him, diſmiſſed him from all his employments [t]. Fleetwood was recalled from Ireland to ſucceed Lambert in the lieutenant generalſhip, and Henry Cromwell, younger ſon of the protector, was ſent into Ireland in Fleetwood's room. Since Cromwell had been confirmed in the protectorate, he had called his eldeſt ſon Richard to court [u], and made him chancellor of the univerſity of Oxford. He had married his ſecond daughter to the lord Falconbridge, and his third to Mr. Rich, grandſon to the earl of Warwick. His eldeſt had been long ſince married to Mr. Claypole, and a fourth lived unmarried, if I am not miſtaken, till the reign of William III. [w]. Soon after the diſmiſſion of Lambert, Cromwell ſo reduced the authority of the major-generals, that they had no longer the power, as they had before, of oppreſſing the people. In all appearance, they were deeply concerned in the plot to gain the army, mentioned by Cromwell in his ſpeech to the parliament. It is pretended, he meant to make a greater reform in his army, and was reſolved to diſmiſs every perſon of ſuſpected fidelity. But he had not time to execute that project.

It was not without reaſon that Cromwell ſpoke of a conſpiracy forming in England in favour of the king. The royaliſts ever believing, that all who were enemies either of Cromwell's perſon or government, were the king's ſecret friends, built upon that foundation to place him on the throne by the aſſiſtance of his greateſt enemies. This would appear incredible, if they had not given frequent inſtances of their prejudice. The project was, as uſual, to raiſe inſurrections in ſeveral parts of the kingdom, in the belief that the king's private friends would not loſe the occaſion of joining thoſe who ſhould be in arms. The principal managers of this plot were John Mordaunt brother of the earl of Peterborough, ſir Henry Slingſby a rich and popular man in the county of York, and Dr. Hewet a miniſter of the church of England. This plot had been repreſented to the king in ſo advantageous a manner, by reaſon of the general diſcontent under the preſent government, that he conceived hopes of ſucceſs. And therefore he had himſelf made ſome preparations in the Low Countries, and the four regiments raiſed by him, and after the miſcarriage of the deſign, added to the Spaniſh army, were intended for his ſervice. He had moreover ſent commiſſions into England, for thoſe who would engage in his intereſt. One of theſe commiſſions to raiſe a regiment of horſe had been granted to Mr. Stapley, whoſe father had been Cromwell's great friend, and one of the king's judges. Cromwell, upon ſome intimation, ſent for Stapley, and artfully drew from him a confeſſion of whatever he knew, and that he had received his commiſſion from Mr. Mordaunt. He alſo told him, the marquis of Ormond had been at London, and ſtaid there three weeks to concert meaſures with the conſpirators, and give them his directions; which was true. The earl of Clarendon intimates, the marquis had not found things in England ripe for the execution of what was intended, and yet the great number of commiſſions ſhew, that the court had a better opinion of the undertaking. However this be, the marquis had the good fortune to leave England, and return to the king, before Cromwell knew he had been there. Immediately after the diſſolution of the parliament, Mordaunt, Slingſby and Hewet were committed to the Tower, and many of their accomplices, were apprehended in all parts of the kingdom. After which, Cromwell erected a high court of juſtice [x] for trial of the criminals, and eſpecially of the three principal. Mr. Mordaunt eſcaped death by means of his wife, who bribed ſome of the judges, and prevailed with colonel Mallory [y], one of the two witneſſes againſt her huſband, to make his eſcape. Sir Henry Slingſby and Dr. Hewet were condemned and executed [z]. Before the ſame court were tried, condemned, hanged, and quartered for the ſame crime, Aſhton, Stacy, and Battely. Some others were condemned, and pardoned by Cromwell, not to multiply any more the number of his enemies. It is certain he had a great many, and that thoſe who had been moſt attached to him while he was believed to be in their views, hated him mortally, when they found themſelves deceived.

The earl of Clarendon relates on this occaſion a long addreſs to the king, from ſeveral independents, quakers and anabaptiſts, brought him by a young gentleman [a], wherein they ſuppoſed the death of Cromwell to be near, which ſeemed to intimate a deſign to aſſaſſinate him. To this addreſs were annexed ſome conditions required of the king, with which certainly he could not comply. Wherefore he contented himſelf with returning a general anſwer, that he did not intend to perſecute or trouble any for their opinions, if their actions were peaceable, and that they might hope for his favour, if he received ſervice from them; by which he ſeemed to encourage them to execute their deſign. It is certain, theſe men abhorred Cromwell, but depended too much on their own ſtrength, and filled their heads with chimerical deſigns. After all, though their projects ſhould have ſucceeded, the king would have received no advantage, their principles being ſo oppoſite to his. Probably, their intention was to make uſe of the king to accompliſh their aim, but not to place him on the throne in the manner he deſired, accordingly this project came to nothing.

In June, this year, marſhal Turenne, general of the French army, beſieged Dunkirk, contrary to the opinion of Don John of Auſtria, who expected that he would have opened the campaign with the ſiege of Cambray. As this belief had made him neglect to provide for the defence of Dunkirk, he was forced to hazard a battle to ſave that place, which was not in a condition to make a long reſiſtance. But this battle proved fatal to the Spaniards, who were entirely defeated [b], and the ſiege was continued by Turenne, who made himſelf maſter of Dunkirk the 26th of June. The town, in purſuance of the Treaty with England, was ſurrendered to Cromwell, who placed a ſtrong garriſon in it, and made Lockhart the governor [c].

Cromwell had for ſome time, appeared more uneaſy and

[t] But however, allowed him two thouſand pounds a year. Ludlow, Tom. II. p. 594.

[u] He had till this time lived privately at Hurſly in Hampſhire, upon the fortune brought him by his wife, who was Dorothy, eldeſt daughter of Richard Major, eſq. Clarendon, Tom. III. p. 469.

[w] The marriages of his daughters; Mary to the lord Falconbridge, and Frances to Mr. Rich, the earl of Warwick's grandſon, were celebrated firſt according to the ceremonies then in uſe, but privately afterwards, according to the rites of the church of England, Ibid. Bridget had two huſbands, Ireton and Fleetwood; and Elizabeth (whom Rapin by miſtake ſays lived unmarried) was wife to Claypole. The lady Falconbridge lived to extreme old age.

[x] Of which Whitelock was one of the commiſſioners; but never ſat with them, it being againſt his judgment. He was for trying the conſpirators in the ordinary courſe of common law; but, ſays he, his highneſs was too much in love with the new way, which he thought to be more effectual, and would the more terrify the offenders. Mem. p. 673.

[y] He had been truſted by Mr. Mordaunt in the buſineſs of Suſſex, and apprehended about the ſame time with Stapley. He was brought from the Tower in cuſtody, to give in evidence againſt Mr. Mordaunt, but was prevailed with, when he was brought to the hall, to withdraw from his guard, and ſlip away in the crowd. Clarendon, tom. III. p. 486.

[z] They were both beheaded on Tower-hill, June 8. State Trials, tom. II. p. 296. Hewet's greateſt crime was collecting and ſending money to the king, and diſperſing his commiſſions. Mrs. Claypole uſed all her intereſt with her father the protector, to ſave the doctor's life, but without ſucceſs; which denial ſo afflicted her, that it was reported to be one cauſe of her death; ſhe dying Auguſt 6. Idem. p. 485. Ludlow, tom. II. p. 607.

[a] Sexby was not the perſon ſent with the addreſs (as Rapin ſays by miſtake) though he was an agent both for theſe people and the Spaniards. He was an illiterate but ſenſible man, of no family, and at firſt only a common ſoldier in Cromwell's troops. The perſon that brought the addreſs, was, the lord Clarendon ſays, a young gentleman of an honourable extraction. Clarendon, tom. III. p. 488, 489.

[b] Chiefly by means of Lockhart (who had married Cromwell's niece) and his ſix thouſand Engliſh foot. Clarendon, tom. III. p. 502.———There were twelve hundred Spaniards ſlain, and two thouſand taken priſoners. Whitelock, p. 673.

[c] The French general had ſecret orders not to deliver that place to the Engliſh. But Cromwell had an information of it, though it was known but to four perſons, and rendered that order ineffectual, as the reader may ſee in Welwood, p. 96.

Whitelock

fearful than ever. This is not very ſtrange, ſince he had informations from divers parts, of a deſign to aſſaſſinate him, by ſome of his former moſt zealous adherents. This cauſed him to uſe new precautions, as not to lie two nights together in the ſame chamber, nor appear in public without a ſtrong guard. But all theſe precautions to avoid a violent, could not ſecure him from a natural death. In Auguſt, this year, he was ſeized with a fever at Hampton-court, which at firſt had no dangerous ſymptoms, but his diſtemper daily increaſing, he was removed to Whitehall, where, after nominating his eldeſt ſon Richard for his ſucceſſor, he expired in the 60th year of his age, on the 3d of September, on which day he had gained the two great battles, of Dunbar in 1650, and of Worceſter in 1651 [d].

Cromwell's family was originally of Glamorganſhire in Wales, and called Williams, one of which marrying a ſiſter of Cromwell, vicar-general in the reign of Henry VIII. aſſumed the name of Cromwell, and tranſmitted it to his poſterity. Oliver Cromwell was born at Huntington, April 25, 1599. His education had nothing extraordinary [e]. nor is it known how he ſpent his time before he arrived at the age of thirty-five years, when he began ſeriouſly to reform his manners and lead a very regular life, without indulging himſelf in any indecent or ill action. Probably he then, if not ſooner, engaged in the preſbyterian party [f]. The reputation he had acquired of an honeſt man and good chriſtian, and doubtleſs his principles concerning the government, were the cauſe of his being returned for the town of Crambridge, to the parliament which met the 3d of November 1640 [g]. He ſat two years without being diſtinguiſhed, not having a genius for ſpeaking to place him upon a level with ſome of the members of that parliament. His delivery was ungraceful, and his ſpeeches prolix and confuſed. It was, probably, in theſe two years that he was gained by the independents, and liſted in their party, though concealed under the name of rigid preſbyterians. Agreeable to the views and intereſts of that party, Cromwell affected an extraordinary zeal for preſbyterianiſm, and the liberty of the nation againſt the uſurpations of the court, in which he followed the directions of the then leading members of the houſe, So, when the civil war began in 1642, he had a poſt in the army, as a man entirely devoted to the houſe of commons, of which he was a member. He was at firſt a major of horſe, and though he was two and forty years old before he had drawn a ſword, he was ſo diſtinguiſhed by his valour in that office, that he had ſoon after a regiment given him. There was not in the army an officer that faced danger with more intrepidity, or that more ardently ſought occaſions to ſignalize himſelf. His reputation increaſed to ſuch a degree, that he became major-general, then lieutenant-general under Fairfax, and at laſt his ſucceſſor. His great talents for war gave him occaſion to ſhew that he had no leſs genius for civil affairs. He entered into the deepeſt deſigns of his party, and at laſt became one of the principal leaders, advancing here with the ſame rapidity as in the army. It was he, who accuſing the earl of Mancheſter of not having done his duty in the ſecond battle of Newbury, broke the ice, and gave occaſion to the new model of the army, which was the firſt ſtep to the triumph of the independents. From that time, he was looked upon as the chief of the independent party, and, properly as general of the army, Fairfax acting only as directed by Cromwell. I ſhall no farther inſiſt upon what has been related at large, but only obſerve, that the troops believed themſelves invincible under his command, and that he was never once forced to turn his back. The victory gained over prince Rupert at Marſton Moor, was chiefly aſcribed to his valour. The reduction of Ireland in leſs than a year, greatly increaſed his fame, and the battles of Dunbar and Worceſter carried it to the higheſt degree.

Let us now view him in his government after he was protector. If his government be compared with thoſe of the two laſt kings, there will appear a very great diſparity with regard to the glory and reputation of the Engliſh nation. James I. and Charles I. ſeemed to have ſtudied to diſgrace the Engliſh name, whereas Cromwell, in the ſpace of four or five years carried the glory of his nation as far as poſſible, and in that reſpect was not inferior to Elizabeth [h]. He made himſelf equally dreaded by France and Spain, and the United Provinces. Theſe three ſtates courted his alliance and friendſhip with ſuch ardour, that they may be ſaid to cringe to him beyond what was becoming. Charles Guſtavus, king of Sweden, thought himſelf honoured in being his ally and particular friend. His greateſt enemies cannot help praiſing him on this account.

As for his morals and conduct, as a private perſon, they may be ſaid to have been very regular. He was guilty of none of the vices to which men are commonly addicted. Gluttony, drunkenneſs, gaming, luxury, avarice, were vices with which he was never reproached. On the contrary, it is certain, he prompted virtuous men: as, on the other hand, he was inflexible in his puniſhments of vice and ill actions. It is true, his own preſervation obliged him ſometimes to employ men of ill principles, but this is not uncommon to thoſe, who are at the head of a government.

Though, as to his religion, he was an independent, his principle was to leave every man at liberty in the religion he had choſen, and never perſecuted any perſon on that account. He even connived at the private meetings of thoſe, who remained attached to the church of England, though he was well informed of them. If they were not favoured with the free and publick exerciſe of their religion, it was becauſe they were conſidered by him as royaliſts, always ready to form plots in the king's favour, and from whom, conſequently, he had great reaſon to ſecure himſelf. Though he was in the ſentiments of the independents, and therefore averſe to all union with the national church, he however conſidered all proteſtant churches, as part of the proteſtant church in general; and without aiming to eſtabliſh independency and fanaticiſm by force and violence, he expreſſed, on all occaſions, an extreme zeal for the proteſtant religion. Dr. Burnet, in the hiſtory of his own times, ſays, that if Cromwell had accepted the title of king, he intended to eſtabliſh a council, in imitation of the congregation de propagandâ fide at Rome, to have an eye to what paſſed all over the world, with regard to the intereſts of the proteſtant religion. He adds, that a fund was to have been ſettled upon this council of ten thouſand pounds a year, for ordinary emergencies, beſides a ſalary of five hundred pounds apiece to four ſecretaries.

It may alſo be added, to Cromwell's honour, that never man was better acquainted with the inward ſprings of human actions, though he ſeemed not to have made it his particular ſtudy. Never man had more addreſs to manage people, and lead them to his ends, nor more natural capacity for affairs, which had received no aſſiſtance from learning; for he ſcarce remembered the little Latin he brought from ſchool; in a word, never man choſe at once his moſt advantageous courſe with more judgment, or executed a deſign with more vigour and readineſs. Such, in ſhort, were the virtues and ſhining qualities of Cromwell; but we muſt not conceal the faults and imperfections with which he is charged.

This charge turns ſolely upon three points. The firſt, that through a boundleſs ambition, he ſeized a government to which he had no right. The ſecond, that he maintained himſelf in his poſt, by an exceſſive diſſimulation. The third, that he put to death many of his private enemies, without any regard to laws immemorially practiſed in England. Upon theſe three articles I ſhall offer ſome conſiderations to the reader, to aſſiſt him in forming a juſt idea of Cromwell's character.

Upon the firſt, it muſt be conſidered, that though the royaliſt authors traduce Cromwell's memory as much as poſſible, and though in particular, the action by which he was poſſeſſed of the government, is the principal foundation of all their complaints, it is certain, the king was no way intereſted in the change it produced. It was not Charles II. but a republican parliament, that was deprived of the ſupreme power by Cromwell. Though he had been ſubjected to this parliament; though he had miſcarried, and himſelf been ruined by his ambition, the king's affairs would have received no advantage, ſince the parliament was not leſs his enemy than Cromwell. Of what therefore do they complain with reſpect to the king? It muſt be one of theſe two things,

[d] Whitelock ſays, Cromwell went to reſt in the grave the ſame day he had obtained the victories at Dunbar and Worceſter: after his many great actions and troubles, he now died quietly in his bed. Some were of opinion he was poiſoned. Mem. p. 674.——There was that day one of the greateſt ſtorms of wind that ever was known, Clarendon, Tom. III. p. 505.

[e] His education was ſuitable to his birth, he being firſt ſent to Cambridge, and then to Lincoln's-inn.

[f] In 1637, Cromwell, Haſlerig, Hampden, and ſome others, reſolved to take refuge in New England (on account of the perſecution raiſed by archbiſhop Laud againſt the puritans) and were actually embarked for that purpoſe; but they were prevented, by a proclamation againſt tranſporting his majeſty's ſubjects to the plantations in America; and by an order of council, for ſtopping eight ſhips in the river of Thames, prepared to go for New England, in one of which Cromwell was. Life of Cromwell, p. 3.

[g] The reaſon of his being choſe, was, becauſe he oppoſed the draining the fen-lands in the iſle of Ely, which was then propoſed, and not liked by the town of Cambridge. Ibid.

[h] He ſaid once in parliament, "That he hoped he ſhould make the name of an Engliſhman, as great as ever that of a Roman had been." Burnet, p. 81.

He

rather that Cromwell was too wiſe, to ſuffer himſelf to be ſupplanted by all the efforts of the royaliſts; or that, after ſeizing the ſupreme power, he did not reſtore it to the king, to whom alone it belonged; that is, that Cromwell did not at once turn royaliſt, and entirely change his principles. But this charge lies no more againſt Cromwell, than againſt all the independents and preſbyterians, who were at leaſt three parts in four of the kingdom, and who, no more than Cromwell, thought it proper to declare for the king.

As for the republicans, they have not left us many writings on their ſide. The only memoirs of that party, which I know of, are thoſe of Edmund Ludlow. It appears there, that the republicans were enraged againſt Cromwell, and deemed him the moſt perfidious of men. This is not very ſtrange, ſince he had wreſted from that parliament the ſovereign power, ſeized by theſe republicans without any lawful authority. But, what was this parliament? It was an aſſembly of independents, anabaptiſts, fanatics, enthuſiaſts, and others of no religion, who, under colour of eſtabliſhing a free common-wealth, held the nation in ſervitude; who, to confirm their own authority, had treated their fellow members with unheard of violence, and dared to imbrue their hands in the blood of the late king, at a time when he had almoſt granted every thing that was deſired; who, in ſhort, were induſtrious to break the union of the church, to ſubvert all religion, or introduce the moſt ridiculous and extravagant one. Was it therefore more eligible for England to be governed by theſe men, than by a Cromwell? If, therefore, Cromwell be blameable, it is not for diſſolving a parliament, which certainly deſerved to continue no longer, and had ſtrangely abuſed the power they had aſſumed. But if, after the diſſolution of that parliament, Cromwell had reſtored the king (for this, in all appearance, is what the royaliſts would have) he had drawn upon himſelf the hatred and curſes of all England, which, at that time, was by no means diſpoſed to ſuch a reſtoration, whatever the royaliſts may ſay. He was, therefore, to do one of theſe three things; either to reſtore the king, contrary both to his own principles, and to thoſe of the preſbyterians and independents; or to abandon the ſtate to a horrible anarchy, which muſt have followed, if he had left things in the ſtate they were in after the diſſolution; or to take himſelf the adminiſtration of the government, unleſs he had intruſted it with ſome other perſon, which, in reſpect of the juſtice of the action, had been the ſame. Let it now be examined, which was moſt advantageous for England, conſidering her circumſtances, and whether it was not better, he ſhould himſelf take the government, than attempt a reſtoration, in which he could never have ſucceeded? Since his whole ſupport was the army, which at that time was very oppoſite to the king, not to mention the oppoſition he would have met from the republicans and preſbyterians. On ſuppoſition that he was in the right to diſſolve the parliament, was it not alſo better for him to aſſume the government, than relinquiſh the ſtate to a fatal anarchy? Thoſe who pretend, he had long before projected his advancement, ſpeak only by conjecture. They conſider not, that he had never been in a condition to form ſuch a deſign, before the battle of Worceſter; nor that this parliament, which he diſſolved, had, in ſeeking to ruin him, reduced him to a neceſſity of deſtroying them for his own preſervation.

But what cannot be juſtified in his conduct, is, his throwing himſelf, from the beginning of the parliament, into a violent party, which aimed at the ruin of church and ſtate; his directing afterwards that party; and his being the chief author of the violences put upon the parliament and the king. This, however, is ſlightly paſſed over, becauſe it is common to him with the whole independent party; and yet, it is, in my opinion, the only thing he can juſtly be reproached with, and on which it is hardly poſſible to excuſe him.

The ſecond charge againſt him is, his exceſſive diſſimulation; but here we are to diſtinguiſh. If it be true, as is pretended, though without proof, that he carried his diſſimulation ſo far, as to mock God and religion, by expreſſing a piety and devotion which he had not, and by making long prayers, full of ſeeming zeal. If it be true, that his mouth uttered what his heart never meant, no man ought to endeavour to vindicate him. But his ſtrong biaſs to enthuſiaſm is well known; and who can affirm, it was rather out of hypocriſy than real perſuaſion? We are not raſhly to aſcribe to men inward motives, which no mortal can know. His diſſimulation, practiſed for the better management of the ſeveral parties, all equally his enemies, has nothing that I can ſee, very blameable in it, unleſs it was a crime, not to leave it in the power of his enemies to deſtroy him with eaſe. I ſhall juſt mention ſome of his methods to maintain himſelf in his dignity, by which it may be judged whether Cromwell's diſſimulation is to be juſtly imputed to him as a crime.

The parliament he diſſolved, was compoſed of independents, republicans, enthuſiaſts, or fifth monarchy men. If this parliament had continued longer, things would have been carried to the laſt extremity. They began to talk of pulling down the churches, diſcharging the tithes, deſtroying the clergy, and every thing that looked like the union of a national church. The preſbyterians, who knew this, were in continual apprehenſions of their executing their deſigns, and conſequently, the diſſolution of this parliament was conſidered by them, as a great happineſs. Cromwell, to gain their confidence, poſitively promiſed, he would maintain their miniſtry on the foot of the preſent eſtabliſhment, and kept his word, though he was far from being preſbyterian. By this means, the preſbyterians were attached to his intereſt, by reaſon of their dread to fall again under the tyranny of the independents.

In the republican party were two ſorts of men, whom it was very difficult to govern. The one were deiſts, or men very indifferent as to religion, who acted only upon the principles of civil liberty. The others were enthuſiaſts, who expected every day when Chriſt ſhould appear to reign upon earth. Theſe were the moſt difficult to manage, becauſe they would not hear reaſon, when it contradicted their headſtrong and violent zeal. Cromwell's accepting the protectorſhip was conſidered by them as a ſtep to kingſhip, to which they were ſuch enemies, that they affirmed it to be the great antichriſt, that hindered Chriſt's reign upon earth. Cromwell found means ſo to divide theſe two parties, that all combinations betwixt them for his ruin became impoſſible. To the deiſt, he made himſelf merry with the extravagant zeal of the fanatics; and to theſe, he talked of the others as of heathens and infidels. But as the enthuſiaſts were the moſt obſtinate, he intimated to ſome of them, that he would rather have taken a ſhepherd's ſtaff than the protectorſhip, had it not been to prevent every thing from running into confuſion: that he would reſign this dignity with more joy than he accepted it, as ſoon as things ſhould be ſettled: that nothing was more contrary to his inclination and principles, than a grandeur which obliged him to aſſume an outward ſuperiority over his fellow labourers. To convince them of what he ſaid, he frequently called them into his cloſet, and ſhutting the door, made them ſit covered, familiarly talking with them as his equals. Commonly theſe diſcourſes ended in a long prayer. It is not to be doubted, but there was in this much diſſimulation. The queſtion is, whether it was ſo criminal as it is pretended?

He had likewiſe chaplains of all ſorts. So, hinting ſometimes to one, ſometimes to another, that he was not averſe to their principles; the report was ſpread throughout the whole party, and made each hope for an advantageous change.

He took care to have ſpies amongſt all the parties, and was thereby fully informed of what was contriving againſt his perſon or government[1]. Among others, he gained ſir Richard Willis, chancellor Hyde's agent for conveying the king's orders to his friends in England. All the royaliſts confided in Willis, knowing he received the king's orders, and yet he betrayed them. But to keep the correſpondence more ſecret, Cromwell aſſured him, that the informations from him ſhould only be uſed to diſconcert the plots of his enemies, that none might ever ſuffer for them; and if he impriſoned any of them, it ſhould only be for a little time, and on other pretences. By that means he defeated their deſigns, as by accident, in committing them to priſon for ſuppoſed crimes, and releaſing them when their meaſures were broken.

He ſometimes intimated a willingneſs to treat with the king. Probably, his aim was to engage the royaliſts to offer propoſitions, which would have given him opportunity to

[1] He laid it down for a maxim, to ſpare no coſt or charge in order to procure intelligence. When he underſtood what dealers the Jews were every where in that trade, that depends upon news, the advancing money upon high or low intereſt, in proportion to the riſque they run, or the gain to be made as the times might turn, and in the buying and ſelling of the actions of money ſo advanced, he brought a company of them over to England, for which ſome ſay, he received a conſideration of two hundred thouſand pounds, and gave them leave to build a ſynagogue. Burnet, p. 71.——Among other good regulations, he alſo appointed a council of trade, to conſider how to improve, order and regulate, the trade and navigation of the common-wealth. Whitelock, p. 632.

amuſe them and prevented any conſpiracies againſt his perſon: for he was informed from ſeveral parts of deſigns to aſſaſſinate him. Wherefore he affected to ſpeak publicly of aſſaſſinations with the utmoſt deteſtation, and to declare, he would never begin them, but if an attempt was made upon his life, and miſcarried, he ſhould not ſcruple to uſe the ſame method, and that he did not want inſtruments to execute it, nor money to reward them, This declaration kept the royaliſts in awe, through a fear of their own danger, or that of the king and royal family.

If this conduct of Cromwell be conſidered impartially, it will, doubtleſs, appear, that his diſſimulation and artifices for his own preſervation, were not ſo criminal as they have been repreſented. What has moſt offended thoſe who ſpeak of them with moſt paſſion, is, that they were proper to diſconcert the projects of his enemies. The diſſimulation of queen Elizabeth, for the ſame reaſon, has been extolled, though ſhe uſed it only for her own preſervation.

The third and laſt charge againſt Cromwell, is cruelty, for having, whilſt protector, put ſome men to death for conſpiring againſt his perſon and government. That is, according to this reproach, he ſhould have patiently ſuffered the plots againſt him, and when one failed, liberty ſhould have been given for a ſecond and a third, till ſome one had ſucceeded. This deſerves no confutation. But to ſhew, that Cromwell was not for an unneceſſary effuſion of blood, we need only recite what is owned by the earl of Clarendon in his hiſtory, who aſſures, that when it was propoſed in a council of officers, that there might be a general maſſacre of the royaliſts, Cromwell would never conſent to it.

To finiſh Cromwell's character, I will add, that in the beginning of the long parliament, he was a preſbyterian. After that, he threw himſelf into the independent party, and was even one of their leaders, and affected to be of the number of the enthuſiaſts. But when he had accepted the protectorſhip, he was neither preſbyterian, nor independent, nor republican, nor enthuſiaſt. As he had to manage all theſe different parties, who were equally oppoſite to him, he was not to appear an enemy to any in particular, and this management furniſhes convincing proofs of his great ability.

It is, nevertheleſs, certain, that Cromwell was very much hated, while he lived, by all the parties then in England, though they could not help fearing and eſteeming him. But if it be now conſidered, that the prejudices againſt him are not ſo ſtrong as they were then, it will be found that the hatred of him was owing to intereſt, and founded chiefly upon his ability to diſconcert the meaſures and deſigns of all the parties. This general hatred is ſolely referred to his principal action; that is, to the uſurpation of the government, which equally diſguſted the royaliſts, preſbyterians, and republicans. The royaliſts thereby ſaw their hopes more deſperate than ever of the king's reſtoration. The preſbyterians could hardly expect, by their intrigues, to render themſelves once more ſuperior in the parliament, after the diſſolution. The republicans were enraged to ſee the ſupreme power, which they had aſſumed, wreſted from them. It is therefore no wonder, that he has incurred ſo much cenſure, ſince all the people of England, that is theſe three parties, were equally concerned to aſperſe him. It was not for the enormity of the action, but becauſe, by his advancement, each party deſpaired of acquiring the ſuperiority over the reſt. This is what has drawn from many writers, expreſſions ſo injurious to his memory. The lord Clarendon ſpeaks thus of him and his uſurpation. "Without doubt no man with more wickedneſs ever attempted any thing, or brought to paſs what he defired more wickedly, more in the face and contempt of religion, and moral honeſty. Yet wickedneſs, as great as his, could never have accompliſhed thoſe deſigns, without the aſſiſtance of a great ſpirit, an admirable circumſpection and ſagacity, and a moſt magnanimous reſolution." It is eaſily ſeen, that this wickedneſs is referred only to his uſurpation of the government. "In a word, (continues the ſame author) as he was guilty of many crimes, againſt which damnation is denounced, and for which hell-fire is prepared, ſo he had ſome qualities which have cauſed the memory of ſome men in all ages to be celebrated, and he will be looked upon by poſterity as a brave wicked man." Here the author, no doubt, has an eye to the murder of Charles I. in which Cromwell was too deeply concerned for me to pretend to excuſe him. I ſhall only obſerve, that this accuſation is not peculiar to him, but is common to him with the whole independent parliament.

To form a juſt and rational idea of Cromwell's character, his conduct and actions in themſelves muſt be examined, and joined to the juncture of the time, independently of the opinions of his enemies. We have no other hiſtorians of thoſe times than the royaliſts, who have laid down certain principles, by which he is condemned. But, it muſt be obſerved, theſe principles were not generally received in England, during his life. What can never be entirely excuſed in him, is the death of Charles I. to which he contributed to the utmoſt of his power, and which will be an indelible blot upon his memory. Another principle, and of which he made great uſe, is likewiſe to be condemned in him: which was, that moral laws were only binding on ordinary occaſions, but might be diſpenſed with upon extraordinary caſes; which is abſolutely falſe. His uſurpation of the government has been already conſidered, and the reader is left to his judgment. I ſhall only obſerve, that the confuſion which prevailed in England, ſoon after the death of Cromwell, clearly ſhews the neceſſity of that uſurpation.

In general it can't be denied, that Cromwell was one of the greateſt men of his age, if it is conſidered, that without the advantages of birth or fortune, he roſe ſo near a throne, that it was in his power to mount it. Hiſtory furniſhes very few inſtances of this kind[k].

Cromwell's death was followed with ſo many alterations in the government, that the interval between that and the reſtoration, may be juſtly called a time of true anarchy. Cromwell ſhould have had a ſucceſſor like himſelf, to finiſh what he had ſo ably begun. But two ſo great men are not commonly found ſo near one another, nor often in the ſame age.

[k] The wife of Oliver Cromwell, was Elizabeth daughter of Sir James Bourchier. Life. p. 2.——His mother, who was daughter of ſir Richard Steward, muſt have lived to a very great age, for ſhe was buried in Weſtminſter Abbey, November 17, 1654. Whitelock, p. 608.

THE

THE HISTORY OF ENGLAND

BOOK XXII.

PART III.

RICHARD CROMWELL *Protector.*

[1658] IN the laſt days of Cromwell's illneſs, ſome of his moſt intimate friends, ſeeing him in danger, aſked him twice concerning the ſucceſſion, and he readily anſwered, he would have his ſon Richard to ſucceed him. He had however, in the time of his protectorſhip, ſigned an inſtrument by which he appointed Fleetwood his ſon-in-law for his ſucceſſor; but probably he had burnt that paper, for it could never be found[1]. An hour after his death, the privy council met, and upon the report made of the will of the deceaſed, as alſo upon the inſtrument of government, impowering them to chuſe a protector, they immediately elected Richard Cromwell. Fleetwood even relinquiſhed before them the right he might have, in caſe the paper ſigned in his favour ſhould be found. Preſently after, the lord mayor of London was acquainted with the election, and the day following Richard was proclaimed protector of the commonwealth of England, Scotland, and Ireland. The ſame proclamation was made in all the principal towns of the three kingdoms, without the leaſt oppoſition. On the contrary, addreſſes were preſented to Richard from all parts, ſigned by many thouſands to congratulate him upon his acceſſion to the dignity of protector, and to aſſure him, they would willingly hazard their lives and fortunes to ſupport him. But ſuch addreſſes are not always to be depended upon, experience having often ſhewn, they are far from being ſincere, though generally expreſſed in the ſtrongeſt terms. Thus Richard was inſtalled ſucceſſor to his father Oliver, and took the ſame oath. The firſt care of the new protector, after his inſtallation, was to gain Monk, governor of Scotland, to his intereſts. After the voluntary reſignation of Fleetwood his brother-in-law, of Deſborough his uncle and all the officers of the army, as well republicans as preſbyterians, he ſeemed to have nothing to fear from England. Henry Cromwell his brother, then governor of Ireland, held that iſland in ſubjection. Scotland therefore only remained to be ſecured to his intereſts. Monk had commanded in that kingdom ever ſince his reduction of it, and had ſo artfully managed the Scots, ſometimes by rigour, ſometimes by gentleneſs and the exact diſcipline of his army, that he had acquired their eſteem and affection, who were never more happy than under his government, though the earl of Clarendon inſinuates that he ruled like a tyrant, which ſeems to have no other foundation, than his diſabling the Scots to withdraw their obedience from the parliament or the protector, by means of forts erected in convenient places. However this be, it is certain, Monk was maſter of Scotland, and Cromwell himſelf would have found it difficult to deprive him of that government againſt his conſent. Many blamed the confidence Cromwell repoſed in Monk, who had borne arms for the late king, and only engaged in the ſervice of the parliament, to free himſelf from captivity after the battle of Nantwich, where he was taken priſoner. It was, perhaps, for theſe ſuſpicions, that Richard thought himſelf obliged to neglect nothing to gain him to his intereſts. For this purpoſe, knowing Monk's eſteem and affection for Clarges his brother-in-law, he ſent him to deſire his friendſhip. But Clarges, as well as Monk, had been zealouſly attached to the king, and was ſtill ſo in his heart, though outwardly he complied with the times. So, in the diſcharge of this commiſſion, he took occaſion to ſound him, and eaſily found he was far from being the king's enemy. From that time Monk and Clarges held a ſtrict correſpondence. Clarges informed Monk of the tranſactions of London, and, in all appearance, deſigned then to ſerve the king, though perhaps he did not yet think proper to explain himſelf to Monk, who was very reſerved. Clarges, according to his inſtructions, acquainted Monk with the new protector's great eſteem for him, in which he followed the ſentiments of Oliver his father, who had expreſsly charged him to be entirely directed by his advice. Monk readily ſubmitted to Richard's government. He obligingly acknowledged his civilities, and only told him, in general, that having no particular advice to give him, by reaſon of his diſtance, he recommended to him to encourage a learned, pious, and moderate miniſtry in the church, to permit no councils of officers, a liberty they had too often abuſed, and to endeavour to be maſter of the army.

At the beginning of his protectorſhip Richard had, as I ſaid, the pleaſure of receiving addreſſes from boroughs, cities, and counties, to the number of fourſcore and ten, and afterwards, he had the like compliment paid him from all the regiments, without any exception, ſo that he had reaſon to believe his power ſufficiently eſtabliſhed. Mean while, preparations were making for Oliver's funeral, which was ſolemnized with great magnificence, large ſums of money being borrowed for that purpoſe by the new protector[b]. After the ceremonies uſually paid to deceaſed ſovereign princes, his body was depoſited in Henry VII's chapel, amongſt thoſe of the kings and queens of England[c].

Though the late protector was both careful and capable to preſerve himſelf amidſt the parties then in England, and to keep them in awe, it was not however in his power to extinguiſh them. When he was taken out of the world, each party hoped to gain the advantage under the protectorate of Richard, who had not his father's qualities, and to theſe hopes perhaps muſt be aſcribed, their ready concurrence in declaring him protector. The royaliſts juſtly flattered themſelves, that the different parties into which their enemies were divided, having no longer a common head capable to govern them all together, would diſunite, and that diſunion be ſerviceable to the king, and perhaps procure his reſtoration. Thoſe who had approved of the government by a ſingle perſon in the deceaſed protector, and had been moſt truſted by him, hoped to preſerve the ſame credit under the ſon, which they had enjoyed under the father, and to direct the new protector according to their pleaſure. Theſe were the principal members of the council, though they had alſo amongſt them a mixture of republicans and fanatics.

If the republicans had conſented to acknowledge Richard, it was becauſe they were unprepared to make any oppoſition. The army chiefly compoſed of that party, being diſperſed in ſeveral counties, the officers had neither time nor opportunity to conſult together. But they deſpaired not of finding an occaſion to diſplace the new protector, and reſtore the common-wealth to the ſtate it was in till the year

[1] Some ſay, Oliver had actually made Fleetwood his heir; but one of his daughters knowing where his will was, took it away, and burnt it, before Fleetwood could come at it: and a few minutes before Cromwell's death, when he was aſked, "Who ſhould ſucceed him?" He replied, "In ſuch a drawer of the cabinet, in my cloſet, you will find it." Life of Cromwell, p. 405.

[b] The charges of it came to ſixty thouſand pounds. Manley, p. 279.

[c] The corps was removed, September 26, privately in the night, from Whitehall, to Somerſet-houſe; where it lay in ſtate till the 23d of November; and then it was carried, in a very ſolemn and magnificent manner, to Weſtminſter Abbey, where it was depoſited.——Some ſay, that it was depoſited, as to outward appearance there, but that in reality, it was carried below bridge, and thrown into the Thames.—And again, others affirm, that it was buried in Naſeby fields. See Compl. hiſt. and the life of Cromwell, p. 418.—422. Old colonel Barkſtead, who lived to the year 1720, and had an office in the tower when Cromwell died, conſtantly affirmed the truth of his being buried in Naſeby field, and that he attended the corps thither privately in the night in a coach and four. He related many circumſtances of the affair to a friend of one of the tranſlator's correſpondents, who ſent him theſe particulars.

The

1653, when Oliver diſſolved the parliament which had formed it.

The anabaptiſts were all of the republican party, becauſe they perceived the impoſſibility of eſtabliſhing their fifth monarchy under a protector. Theſe were the moſt zealous republicans, and the hardeſt to be managed, on account of their ſingular notions, which cauſed them to refer every thing to their extravagant religion, and rendered them deaf to any reaſons not drawn from their principles.

There was another ſet of republicans, who regardleſs of religion, were governed by political views. They were accuſed of having no religion, or of being properly deiſts.

As for the preſbyterians, who were very numerous in England and Ireland, beſides the Scots, who were almoſt all of this ſect, they had not changed their principles, ſince their expulſion from the parliament in 1648. They would have gladly admitted the king with a limited power, and the firm eſtabliſhment of preſbyterian government in the church. This principle had always cauſed them to remain by themſelves, without being able to unite either with the royaliſts, who would hearken to no limitation upon the king's power, and were averſe to their church government, or with the republicans, who would have neither king nor protector. Beſides, theſe granted an entire liberty to all ſects, which had joined the independent party, a liberty which was inconſiſtent with the principles of the preſbyterians. For, though the preſbyterians had under the reigns of Elizabeth, James I. and Charles I. taken it very ill to be denied the free exerciſe of their religion, they were by no means inclined to grant others the ſame liberty they had demanded for themſelves. Nevertheleſs, as their number was conſiderable, and they might at laſt find a leader capable to conduct their affairs, the deceaſed protector thought it proper to manage them, and preſerve their government in the church, but without obliging any perſon to conform to it. This moderation kept the preſbyterians quiet under Oliver's government, and the more, as they could expect no aſſiſtance from the army, as it was then modelled. But in remaining thus ſeparate from all the other parties, they diſabled themſelves from making any great progreſs againſt the independent party, who took care to keep them low. This gave the royaliſts room to hope, the preſbyterians would at laſt be obliged to unite with them, to free themſelves from the ſervitude in which they were held by the independents and republicans. The ſequel will ſhew, this hope was not groundleſs.

This ſhort recapitulation of the intereſts of the ſeveral parties, plainly demonſtrates Cromwell's capacity, who could keep them all in awe, without a poſitive declaration in favour of any one party. Richard propoſed to begin his protectorate with his father's maxims. He formed the deſign of making himſelf maſter of the deliberations of his council, and of reducing the army to receive his orders with ſubmiſſion. By theſe two things Oliver maintained his authority, and if he had lived, he would not have left an officer in the army of ſuſpected fidelity. But to purſue theſe maxims and execute this project, Richard ſhould have had his father's capacity for civil and military affairs, his bravery and reſolution, and, in a word, by a ſeries of victories, ſhould have been able to ſtrike terror into all who could oppoſe his deſigns. But Richard had none of theſe great talents to command fear and reſpect, or to inſpire his friends with hopes of a powerful protection. So, heading no party, and being incapable to govern all, he ſtood expoſed to their ambition and violence, without being ſure of an effectual aſſiſtance when he ſhould want it. Mean while, knowing that the bare election of his perſon by the council, and the addreſſes preſented to him, were inſufficient to eſtabliſh his authority, he believed it expedient to have his dignity confirmed by parliament, and accordingly ſummoned one to meet the 27th day of January 1658-9. This parliament was to conſiſt of two houſes, namely, a houſe of commons, containing four hundred Engliſh, thirty Scotch, and thirty Iriſh members; and of the other houſe (for as yet it had no other name) which was inſtead of a houſe of peers, and conſiſted chiefly of officers. They were generally men of no birth, who had advanced themſelves by military poſts, during the laſt war.

Richard had made no change in his father's council, but he was ſoon ſenſible, that this council, which was entirely directed by Oliver, was aſpiring to more power under his ſucceſſor. On the other hand, the army appeared leſs devoted to the ſon than to the father. They had even begun before Oliver's death, to appear leſs ſubmiſſive, which had obliged him to remove Lambert, and ſome other colonels and officers, who were ſowing diviſion among the troops. His deſign was to make other changes, by degrees, in the army, in order to reduce them to an entire obedience, but he was prevented by death. He wanted no aſſiſtance nor advice for ſuch purpoſes, and commonly his deſigns were executed before they were publicly known; and ſo well eſtabliſhed was his authority, that no officer whatſoever retained any credit amongſt the troops, the moment he was caſhiered. This Lambert and ſome others had lately experienced. Richard was deſirous to tread in his father's ſteps, but being ſenſible that his authority was not great enough, he thought he ſhould attempt nothing, without conſulting ſome of his principal friends. He therefore held a privy council, in which he propoſed, firſt, the admiſſion of more new counſellors, to ſecure a majority and make himſelf maſter of the debates, in ſpite of the old counſellors, who were leſs tractable than in the time of his father. Secondly, he propoſed to reduce the army, to an entire dependence upon him[d].

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the houſe of commons[f], great endeavours were uſed to ſuppreſs the other houſe, for fear of its becoming at laſt a houſe of lords, and oppoſing the re-eſtabliſhment of the commonwealth, which was the object of their moſt ardent wiſhes. The debate upon theſe two articles held two whole months; and it was the 28th of March, before it was reſolved, by a majority of voices, that the other houſe ſhould ſubſiſt, and the Scotch and Iriſh repreſentatives continue to ſit in the houſe of commons. After that, the parliament made an act to recognize Richard Cromwell for protector of England, Scotland, and Ireland[g].

[1659] While theſe things were tranſacting in parliament, the great council of officers at Fleetwood's houſe, and the private council at Deſborough's continued their conferences and deliberations. At laſt, they preſented a petition to the protector, deſiring Fleetwood for their general. This was directly depriving the protector of the command of the army, to which he could not conſent, without expoſing himſelf to the caprices of the principal officers, who directed the army as they pleaſed. Wherefore, inſtead of returning a favourable anſwer to their petition, he ſharply reprimanded them, ordering them to diſſolve their council, and return to their quarters. On the other hand, the houſe of commons perceiving, the officers were contriving ſome plot which might be prejudicial to the parliament, voted againſt the holding a council of officers during the ſeſſion of the parliament; and moreover that no perſon ſhould have any employ in the army, till he had taken an oath not to diſturb the deliberations of the parliament. Immediately after, theſe votes were ſent to the other houſe, now called the upper houſe, for their concurrence. But as the officers were moſt prevalent there, they believed it no part of their duty to contradict what their comrades were doing. So, the votes of the commons were no more capable, than the orders of the protector, to diſſipate the councils of the officers, who ſtill continued to aſſemble.

At laſt, on the 22d of April, Richard had notice, that the officers had reſolved to force him to diſſolve the parliament. He immediately aſſembled his council to prevent, by their advice, this attempt. Some were of opinion, that he ought abſolutely to refuſe ſuch a demand, and adhere to the parliament, as his only ſupport. But he was not directed to the means to defend himſelf againſt the officers, who began to aſſemble in the neighbourhood of Whitehall, and would probably have been too ſtrong for his guards. Others adviſed him to leave Whitehall, and ſuffer the officers to do as they pleaſed with the parliament, without any promiſe to diſſolve it. But the officers, foreſeeing, he might take that courſe, had now ſeized all the avenues about Whitehall. In ſhort, every man propoſed expedients, to which others objected inſuperable difficulties. During theſe irreſolutions, Deſborough, with a ſtrong retinue, demanded an audience of the protector, and required him, in the name of the officers, to diſſolve the parliament[h]. Richard at firſt refuſed to grant this demand; but he was told, his refuſal would be attended with danger to himſelf, and that, in a word, they were reſolved to obtain, by fair means or foul, what they demanded. In fine, Richard, who, before Deſborough came, had not been able to take any reſolution, was ſtill more incapable to conſider what was to be done, after he was ſurrounded with men who ſhewed but little regard for his authority. He therefore promiſed to diſſolve the parliament by commiſſion under the great ſeal. But as the commons, informed of what paſſed, had adjourned themſelves for three days, the parliament was diſſolved by proclamation.

From that time, Richard was no longer regarded, though he ſtill bore the title of protector. The officers conſidered him as an impotent enemy, incapable of hurting them. So he loſt on a ſudden the ſupport of the parliament, without gaining that of the army. This is what cannot be denied. But thoſe who imagine, that if he had ſtood by the parliament, he would have engaged the people in his intereſts, and been ſupported by Monk and his army, build their conjecture upon a very uncertain ſuppoſition. Beſides, was it in his power to refuſe a diſſolution of the parliament, without hazarding his own life, or to ſupport himſelf, till he ſhould have received a ſufficient aid, againſt the violence of the army? Be this as it will, after the parliament was diſſolved, the great council of officers thought themſelves impowered to ſettle the government as they pleaſed, without conſulting the protector, who was now regarded but as a private perſon[i]. This anarchy however laſted only a few days, during which the officers elected Fleetwood for their general. They diſcharged alſo by their own authority five colonels, who adviſed Richard to adhere to the parliament, namely, Ingoldſby, Goff, Whaley, lord Falconbridge, brother-in-law to Richard, and Howard, afterwards earl of Carliſle, and reſtored Lambert and others diſmiſſed by Cromwell a little before his death. After this, they conſidered of ſettling the government, it being impoſſible for things to continue long in their preſent ſituation.

Lambert was a man of immoderate ambition, and would not have ſcrupled to follow the example of Oliver, had the juncture ſeemed favourable to him. But Fleetwood being his general, and the idol of the army, he could not hope to ſucceed in an attempt to ſeize the government. He therefore thought proper to wait a more favourable opportunity, and, in the mean time, hinder Fleetwood from putting himſelf at the head of the government, whether under the name of protector, or any other title, to which he had ſeveral reaſons to believe he was aſpiring. Firſt, Cromwell had once named him for his ſucceſſor by an inſtrument under his own hand, and many believed this inſtrument had been artfully conveyed out of the way, either during Cromwell's life, or after his death, leſt it ſhould obſtruct his ſon Richard's election. It was even ſaid, that Cromwell's nomination of his ſon in the time of his illneſs, was only the contrivance of ſecretary Thurlo, and another perſon, to procure the ſucceſſion to Richard. Secondly, Fleetwood was one of the moſt zealous enthuſiaſts, of whom the army was full, and therefore looked upon with veneration by the ſoldiers, and judged moſt worthy to be Cromwell's ſucceſſor. Thirdly, it was hardly to be doubted, that it was the intereſt of the army to chuſe a protector, who ſhould depend on them, and in his turn ſupport their credit. This Lambert conſidered, but as it was not for his advantage to have Fleetwood raiſed to a dignity to which he himſelf aſpired, he ſecretly engaged colonel Lilburn to cabal among the inferior officers, and break Fleetwood's meaſures, if they pointed to the protectorſhip, whilſt he regularly made his court to him, and endeavoured by his flatteries to influence him as Cromwell had formerly influenced Fairfax. This example made Lambert hope, that he might the ſame way put himſelf one day at the head of the government.

Lambert's cabal being made with the greateſt ſecrecy, Fleetwood, as general, convened his officers to Wallingford houſe to ſettle the government. All the ſuperior officers came, but at the ſame time the inferior, by the intrigues of Lambert and Lilburn, aſſembled at St. James's in much greater numbers. In this aſſembly, the ſettlement of the government was likewiſe debated, and occaſion taken, to magnify the happineſs which England enjoyed under the adminiſtration of the parliament, from the 6th of December 1648, to the 20th of April 1653, when it was diſſolved by Cromwell. Their prudence, ſteadineſs, and happy ſucceſs in England, Scotland, Ireland, and in the Dutch war were extolled, with ſome intimations of advice, that nothing could be more advantageous to the three nations, than the reſtoration of that parliament[k].

This debate was carried no farther; but it ſufficed to convince the aſſembly at Wallingford houſe that a diviſion between them and the inferior officers could not but be dangerous to both, and that their beſt way was to join with the inferior officers in reſtoring the long parliament. It is not known what was the deſign of the chief officers with re-

[f] Particularly Haſlerigge, Henry Nevil, ſir Henry Vane, Berry, Deſborough, Fleetwood, &c. Idem, p. 677.

[g] In the examination of the public accounts, brought into this parliament, it was found, that the yearly incomes of England, Scotland, and Ireland, came to eighteen hundred ſixty-eight thouſand, ſeven hundred, and ſeventeen pounds. And the yearly expences to two millions, two hundred and one thouſand, five hundred and forty pounds. And to maintain the conqueſt of Scotland, coſt yearly, one hundred ſixty-three thouſand, ſix hundred, and nineteen pounds. Heath, p. 415.

[h] Threatening, if it were not ſpeedily done, they would ſet fire to the houſe, and kill all who ſhould reſiſt. R. Coke, p. 79.

[i] Ludlow ſays, one great offence given by Richard to the nation was, by his irreligion. For an officer having murmured at the advancement of perſons, who had been cavaliers, to commiſſions in the army, was brought to Whitehall to anſwer for it. Richard, in a deriding manner, aſked him, "Whether he would have him prefer none but thoſe that were godly? here, continued he, is Dick Ingoldſby, who can neither pray nor preach, and yet I will truſt him before you all." Mem. tom. II. p. 633.

[k] Whitelock ſays, upon the diſſolution of the parliament, all matters were at a ſtand; the army had thoughts of raiſing money without a parliament; but upon advice, they durſt not adventure upon it, but thought it a ſafer way to reſtore the members of the long parliament. The great officers of the army were adviſed to conſider better of their deſign of bringing in the members of the old parliament, who were moſt of them diſcontented, for their being formerly broken up by Cromwell, and did diſtaſte the proceedings of the army; and whether this would not probably more increaſe the diviſions, and end in bringing in the king; but the officers had reſolved on it. Mem. p. 677.

1653, when Oliver diſſolved the parliament which had formed it.

The anabaptiſts were all of the republican party, becauſe they perceived the impoſſibility of eſtabliſhing their fifth monarchy under a protector. Theſe were the moſt zealous republicans, and the hardeſt to be managed, on account of their ſingular notions, which cauſed them to refer every thing to their extravagant religion, and rendered them deaf to any reaſons not drawn from their principles.

There was another ſet of republicans, who regardleſs of religion, were governed by political views. They were accuſed of having no religion, or of being properly deiſts.

As for the preſbyterians, who were very numerous in England and Ireland, beſides the Scots, who were almoſt all of this ſect, they had not changed their principles, ſince their expulſion from the parliament in 1648. They would have gladly admitted the king with a limited power, and the firm eſtabliſhment of preſbyterian government in the church. This principle had always cauſed them to remain by themſelves, without being able to unite either with the royaliſts, who would hearken to no limitation upon the king's power, and were averſe to their church government, or with the republicans, who would have neither king nor protector. Beſides, theſe granted an entire liberty to all ſects, which had joined the independent party, a liberty which was inconſiſtent with the principles of the preſbyterians. For, though the preſbyterians had under the reigns of Elizabeth, James I. and Charles I. taken it very ill to be denied the free exerciſe of their religion, they were by no means inclined to grant others the ſame liberty they had demanded for themſelves. Nevertheleſs, as their number was conſiderable, and they might at laſt find a leader capable to conduct their affairs, the deceaſed protector thought it proper to manage them, and preſerve their government in the church, but without obliging any perſon to conform to it. This moderation kept the preſbyterians quiet under Oliver's government, and the more, as they could expect no aſſiſtance from the army, as it was then modelled. But in remaining thus ſeparate from all the other parties, they diſabled themſelves from making any great progreſs againſt the independent party, who took care to keep them low. This gave the royaliſts room to hope, the preſbyterians would at laſt be obliged to unite with them, to free themſelves from the ſervitude in which they were held by the independents and republicans. The ſequel will ſhew, this hope was not groundleſs.

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[e] Challoner Chute, was choſen ſpeaker of this parliament. Whitelock, p. 676.

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the houſe of commons[f], great endeavours were uſed to ſuppreſs the other houſe, for fear of its becoming at laſt a houſe of lords, and oppoſing the re-eſtabliſhment of the commonwealth, which was the object of their moſt ardent wiſhes. The debate upon theſe two articles held two whole months, and it was the 28th of March, before it was reſolved, by a majority of voices, that the other houſe ſhould ſubſiſt, and the Scotch and Iriſh repreſentatives continue to ſit in the houſe of commons. After that, the parliament made an act to recognize Richard Cromwell for protector of England, Scotland, and Ireland[g].

[1659] While theſe things were tranſacting in parliament, the great council of officers at Fleetwood's houſe, and the private council at Deſborough's continued their conferences and deliberations. At laſt, they preſented a petition to the protector, deſiring Fleetwood for their general. This was directly depriving the protector of the command of the army, to which he could not conſent, without expoſing himſelf to the caprices of the principal officers, who directed the army as they pleaſed. Wherefore, inſtead of returning a favourable anſwer to their petition, he ſharply reprimanded them, ordering them to diſſolve their council, and return to their quarters. On the other hand, the houſe of commons perceiving, the officers were contriving ſome plot which might be prejudicial to the parliament, voted againſt the holding a council of officers during the ſeſſion of the parliament; and moreover that no perſon ſhould have any employ in the army, till he had taken an oath not to diſturb the deliberations of the parliament. Immediately after, theſe votes were ſent to the other houſe, now called the upper houſe, for their concurrence. But as the officers were moſt prevalent there, they believed it no part of their duty to contradict what their comrades were doing. So, the votes of the commons were no more capable, than the orders of the protector, to diſſipate the councils of the officers, who ſtill continued to aſſemble.

At laſt, on the 22d of April, Richard had notice, that the officers had reſolved to force him to diſſolve the parliament. He immediately aſſembled his council to prevent, by their advice, this attempt. Some were of opinion, that he ought abſolutely to refuſe ſuch a demand, and adhere to the parliament, as his only ſupport. But he was not directed to the means to defend himſelf againſt the officers, who began to aſſemble in the neighbourhood of Whitehall, and would probably have been too ſtrong for his guards. Others adviſed him to leave Whitehall, and ſuffer the officers to do as they pleaſed with the parliament, without any promiſe to diſſolve it. But the officers, foreſeeing, he might take that courſe, had now ſeized all the avenues about Whitehall. In ſhort, every man propoſed expedients, to which others objected inſuperable difficulties. During theſe irreſolutions, Deſborough, with a ſtrong retinue, demanded an audience of the protector, and required him, in the name of the officers, to diſſolve the parliament[h]. Richard at firſt refuſed to grant this demand; but he was told, his refuſal would be attended with danger to himſelf, and that, in a word, they were reſolved to obtain, by fair means or foul, what they demanded. In fine, Richard, who, before Deſborough came, had not been able to take any reſolution, was ſtill more incapable to conſider what was to be done, after he was ſurrounded with men who ſhewed but little regard for his authority. He therefore promiſed to diſſolve the parliament by commiſſion under the great ſeal. But as the commons, informed of what paſſed, had adjourned themſelves for three days, the parliament was diſſolved by proclamation.

From that time, Richard was no longer regarded, though he ſtill bore the title of protector. The officers conſidered him as an impotent enemy, incapable of hurting them. So he loſt on a ſudden the ſupport of the parliament, without gaining that of the army. This is what cannot be denied. But thoſe who imagine, that if he had ſtood by the parliament, he would have engaged the people in his intereſts, and been ſupported by Monk and his army, build their conjecture upon a very uncertain ſuppoſition. Beſides, was it in his power to refuſe a diſſolution of the parliament, without hazarding his own life, or to ſupport himſelf, till he ſhould have received a ſufficient aid, againſt the violence of the army? Be this as it will, after the parliament was diſſolved, the great council of officers thought themſelves impowered to ſettle the government as they pleaſed, without conſulting the protector, who was now regarded but as a private perſon[i]. This anarchy however laſted only a few days, during which the officers elected Fleetwood for their general. They diſcharged alſo by their own authority five colonels, who adviſed Richard to adhere to the parliament, namely, Ingoldſby, Goff, Whaley, lord Falconbridge, brother-in-law to Richard, and Howard, afterwards earl of Carliſle, and reſtored Lambert and others diſmiſſed by Cromwell a little before his death. After this, they conſidered of ſettling the government, it being impoſſible for things to continue long in their preſent ſituation.

Lambert was a man of immoderate ambition, and would not have ſcrupled to follow the example of Oliver, had the juncture ſeemed favourable to him. But Fleetwood being his general, and the idol of the army, he could not hope to ſucceed in an attempt to ſeize the government. He therefore thought proper to wait a more favourable opportunity, and, in the mean time, hinder Fleetwood from putting himſelf at the head of the government, whether under the name of protector, or any other title, to which he had ſeveral reaſons to believe he was aſpiring. Firſt, Cromwell had once named him for his ſucceſſor by an inſtrument under his own hand, and many believed this inſtrument had been artfully conveyed out of the way, either during Cromwell's life, or after his death, leſt it ſhould obſtruct his ſon Richard's election. It was even ſaid, that Cromwell's nomination of his ſon in the time of his illneſs, was only the contrivance of ſecretary Thurlo, and another perſon, to procure the ſucceſſion to Richard. Secondly, Fleetwood was one of the moſt zealous enthuſiaſts, of whom the army was full, and therefore looked upon with veneration by the ſoldiers, and judged moſt worthy to be Cromwell's ſucceſſor. Thirdly, it was hardly to be doubted, that it was the intereſt of the army to chuſe a protector, who ſhould depend on them, and in his turn ſupport their credit. This Lambert conſidered, but as it was not for his advantage to have Fleetwood raiſed to a dignity to which he himſelf aſpired, he ſecretly engaged colonel Lilburn to cabal among the inferior officers, and break Fleetwood's meaſures, if they pointed to the protectorſhip, whilſt he regularly made his court to him, and endeavoured by his flatteries to influence him as Cromwell had formerly influenced Fairfax. This example made Lambert hope, that he might the ſame way put himſelf one day at the head of the government.

Lambert's cabal being made with the greateſt ſecrecy, Fleetwood, as general, convened his officers to Wallingford houſe to ſettle the government. All the ſuperior officers came, but at the ſame time the inferior, by the intrigues of Lambert and Lilburn, aſſembled at St. James's in much greater numbers. In this aſſembly, the ſettlement of the government was likewiſe debated, and occaſion taken, to magnify the happineſs which England enjoyed under the adminiſtration of the parliament, from the 6th of December 1648, to the 20th of April 1653, when it was diſſolved by Cromwell. Their prudence, ſteadineſs, and happy ſucceſs in England, Scotland, Ireland, and in the Dutch war were extolled, with ſome intimations of advice, that nothing could be more advantageous to the three nations, than the reſtoration of that parliament[k].

This debate was carried no farther; but it ſufficed to convince the aſſembly at Wallingford houſe that a diviſion between them and the inferior officers could not but be dangerous to both, and that their beſt way was to join with the inferior officers in reſtoring the long parliament. It is not known what was the deſign of the chief officers with re-

[f] Particularly Haſlerigge, Henry Nevil, ſir Henry Vane, Berry, Deſborough, Fleetwood, &c. Idem, p. 677.

[g] In the examination of the public accounts, brought into this parliament, it was found, that the yearly incomes of England, Scotland, and Ireland, came to eighteen hundred ſixty-eight thouſand, ſeven hundred, and ſeventeen pounds. And the yearly expences to two millions, two hundred and one thouſand, five hundred and forty pounds. And to maintain the conqueſt of Scotland, coſt yearly, one hundred ſixty-three thouſand, ſix hundred, and nineteen pounds. Heath, p. 415.

[h] Threatening, if it were not ſpeedily done, they would ſet fire to the houſe, and kill all who ſhould reſiſt. R. Coke, p. 79.

[i] Ludlow ſays, one great offence given by Richard to the nation was, by his irreligion. For an officer having murmured at the advancement of perſons, who had been cavaliers, to commiſſions in the army, was brought to Whitehall to anſwer for it. Richard, in a deriding manner, aſked him, "Whether he would have him prefer none but thoſe that were godly? here, continued he, is Dick Ingoldſby, who can neither pray nor preach, and yet I will truſt him before you all." Mem. tom. II. p. 633.

[k] Whitelock ſays, upon the diſſolution of the parliament, all matters were at a ſtand; the army had thoughts of raiſing money without a parliament; but upon advice, they durſt not adventure upon it, but thought it a ſafer way to reſtore the members of the long parliament. The great officers of the army were adviſed to conſider better of their deſign of bringing in the members of the old parliament, who were moſt of them diſcontented, for their being formerly broken up by Cromwell, and did diſtaſte the proceedings of the army; and whether this would not probably more increaſe the diviſions, and end in bringing in the king; but the officers had reſolved on it. Mem. p. 677.

gard to the government, but it is certain, the propoſal of the inferior officers was contrary neither to the principles nor the ſentiments of the army in general. This will be eaſily perceived, when it is conſidered, that the officers and ſoldiers, for the moſt part were independents, anabaptiſts, enthuſiaſts, republicans, ſuch in a manner as were the members of the parliament diſſolved in 1653, and now propoſed to be reſtored. However this be, all the officers being united, declared for the good old cauſe, that is, for the cauſe ſupported by the parliament, which brought the king to the ſcaffold, and turned the monarchy into a common-wealth. It was therefore reſolved in a general council at Fleetwood's houſe, to reſtore the long parliament.

Mean while, as this parliament had no reaſon to be pleaſed with the army, which, in 1653, took part with Cromwell againſt them, the great officers were afraid, that when the members were reſtored to their authority, they would think of being revenged. Beſides, they knew the reſolution and firmneſs of theſe members, who would infallibly keep the army in a ſtate of dependence. The officers therefore judged it abſolutely neceſſary, before they proceeded, to demand certain conditions, and to be previouſly aſſured of that compliance of the parliament, when they ſhould reſume their authority. For that purpoſe, they had conferences with ſome of the members, who had been the leading men in the parliament, namely, Vane, Haſlerig, Scot, Salway, to engage them to promiſe, theſe conditions ſhould be granted. But theſe members would not make any ſuch promiſe, under colour, it did not belong to them to preclude the reſolutions of the parliament. This refuſal rendered them ſuſpected to the ſuperior officers, but the inferior, being the moſt numerous, overlooked this difficulty, and were contented with a verbal promiſe from theſe four members, that they would uſe their endeavours to procure a grant of theſe conditions.

THINGS being thus ſettled, Lambert at the head of a conſiderable number of officers[l], repaired to the houſe of Lenthal, ſpeaker of the long parliament, and preſented to him the declaration of the great council of officers, by which the members of the parliament diſſolved by Cromwell April the 20th, 1653, were invited to return to the exerciſe of their authority. Lenthal anſwered, he would communicate the declaration to the members then in London, which he did the next day, and, the invitation being accepted, they met in parliament the 7th of May, to the number of only forty two[m]. Thus the three nations were once more under the tyrannical dominion of a parliament, which had not feared to imbrue their hands in the blood of their ſovereign: but with this difference, that the number was reduced to the half of what it was in 1648, when the preſbyterian members were excluded. Hence they were called in deriſion the rump parliament, in alluſion to a fowl all devoured but the rump. The preſbyterian members, who had been expelled in 1648, would have reſumed their ſeats, but none were admitted beſides thoſe who had ſat, from the firſt of January, 1648, to the 20th of April, 1653, and in this the pretended parliament was ſupported by the officers, whoſe intereſt it was, not to ſuffer the preſbyterians to prevail in the houſe.

When the parliament was reſtored to their authority, they ſent Clarges to Monk, to engage him to ſubmit to the new government. They knew Monk was not of their principles, and if they had dared, inſtead of deſiring his acquieſcence, they would have ſent him a ſucceſſor, to govern Scotland. But Monk had ſo eſtabliſhed himſelf in that country, that being maſter of the fortified places, and aſſured of the affection of the Scots and of his army, it would have been dangerous to deprive him of his government againſt his will. It was therefore judged ſafeſt by the parliament to gain him by fair means, and undermine by degrees his credit and authority in the army. Monk had ſo little foreſeen the late change in England, that he had not time to take any meaſures to regulate his conduct. When he founded his officers, he found they were pre-engaged by letters from their friends in London. So, all he could do after the arrival of Clarges, was to acquieſce, and expreſs his ſatisfaction to ſee the parliament reſtored, though he was convinced, the leading men both in the parliament and army were not his friends.

Four days after the parliament met, Lambert, attended by ſeveral officers, preſented a petition and addreſs from the general council of officers, in which after ſome compliments, they demanded,

"1. That the liberty of the perſons, and property of the eſtates of all free people of theſe nations, be maintained, preſerved, and kept inviolable, according to law, under the government of a free ſtate and common-wealth, without a ſingle perſon, kingſhip, or houſe of peers.

"2. That there may be ſuch a juſt and due regulation of law, and courts of juſtice and equity, as that they may be a protection, and not vexatious or oppreſſive to the people of theſe nations.

"3. That by an act of oblivion, all and every perſon and perſons, who have, ſince the 19th of April, 1653, mediately or immediately adviſed, acted, or done any matter or thing whatſoever, in reference to the ſeveral changes or alterations in the government of theſe nations, ſince the ſaid 19th of April, 1653, or in order to the public ſervice, peace, or ſafety of theſe nations, be indemnified and ſaved harmleſs, to all intents and purpoſes whatſoever.

"4. That all laws, ordinances, declarations, and eſtabliſhments, made in the ſeveral changes and alterations of government, that have been in theſe nations, ſince the 19th of April aforeſaid, and not as yet particularly repealed, be deemed good in law, until particularly repealed.

"5. That ſuch debts as have been contracted for the public ſervice and affairs of this common-wealth, and for the charges of the government, ſince the 20th of April, 1653, be carefully paid and ſatisfied.

"6. That all perſons who profeſs faith in God the father, and in Jeſus Chriſt his eternal Son the true God, and in the Holy Spirit God co-equal with the Father and the Son, one God bleſſed for ever, and do acknowledge the holy ſcriptures of the Old and New Teſtament, to be the revealed or written word or will of God, ſhall not be reſtrained from their profeſſion, but have due encouragement, and equal protection in the profeſſion of their faith, and exerciſe of religion, whilſt they abuſe not their liberty to the civil injury of others, or diſturbance of others in their way of worſhip: ſo that this liberty be not extended to popery or prelacy, nor to ſuch as ſhall practice or hold forth licentiouſneſs or profaneneſs, under the profeſſion of religion: and that all laws, ſtatutes, or ordinances, and clauſes in any laws, ſtatutes, or ordinances to the contrary, may be declared null and void.

"7. That a godly, faithful, and painful goſpel-preaching miniſtry be every where encouraged, countenanced, and maintained.

"8. That the univerſities and ſchools of learning be ſo countenanced and reformed, as that they may become the nurſeries of piety and learning.

"9. That ſuch perſons as have, at any time ſince the 20th of May, 1642, aided, or aſſiſted, or adhered to the late king, Charles Stuart his ſon, or any other perſon or perſons whatſoever of that party, againſt the parliament or common-wealth of England, and all other perſons whatſoever, that have made uſe of any authority or power under pretence of law, or otherwiſe, to deprive or abridge any of the good people of theſe nations of their chriſtian liberty, or have, or ſhall expreſs themſelves in any way mockers, ſcoffers, or revilers of godlineſs, or of the profeſſors thereof, or are otherways ſcandalous or looſe in their converſations, or have not given good ſatisfaction of their affection and faithfulneſs to this cauſe, may be ſpeedily removed out of all places of power or truſt in the magiſtracy, or other management of the public affairs of theſe nations; and that no ſuch perſons may be admitted unto any ſuch place of power or truſt for the future.

"10. And foraſmuch as no godly, or other good intereſt can be preſerved, or maintained, unleſs the perſons, who are chiefly intruſted with the management and exerciſe of the government, be of ſuitable ſpirits to thoſe intereſts; that thoſe who are or ſhall be intruſted therein, be ſuch perſons as ſhall be found to be moſt eminent for godlineſs, faithfulneſs, and conſtancy to the good cauſe and intereſts of theſe nations.

"11. That to the end the legiſlative authority of this common-wealth may not, by their long ſitting, become burthenſome or inconvenient, there may be effectual proviſion made for a due ſucceſſion thereof.

[l] Lambert, Berry, Cooper, Haſlerigge, Lilburn, Aſhfield, Salmon, Zanchey, Kelſey, Okey, Blackwell, Haines, Allen, Packer, and Pierſon. Whitelock, p. 678.

[m] See a liſt of them in Heath, p. 419———May 7. They went in a body to the houſe, Lambert guarding them with ſoldiers. Then they paſſed a declaration touching their meeting, and "Their purpoſe to ſecure the property and liberty of the people, both as men, and as chriſtians, and that without a ſingle perſon, kingſhip, or houſe of peers, and to uphold magiſtracy and miniſtry." Whitelock, p. 678.

Whitelock

" 12. And for the better ſatisfaction, and more firm union of the forces of this common-wealth, in this juncture of affairs, for preſerving and maintaining the principles, and other matters thereunto ſubſervient, we do unanimouſly acknowledge and own the lord Charles Fleetwood lieutenant general of the army, to be commander in chief of the land forces of this common-wealth.

" 13. That in order to the eſtabliſhing and ſecuring the peace, welfare, and freedom of the people of theſe nations, for the ends before expreſſed, the legiſlative power thereof may be in a repreſentative of the people, conſiſting of a houſe, ſucceſſively choſen by the people, in ſuch a way and manner as this parliament ſhall judge meet, and of a ſelect ſenate, co-ordinate in power, of able and faithful perſons, eminent for godlineſs, and ſuch as continue adhering to this cauſe.

" 14. That the adminiſtration of all executive power of government, may be in a council of ſtate, conſiſting of a convenient number of perſons qualified, in all reſpects, as aforeſaid.

" 15. That all debts contracted by his late highneſs, or his father, ſince the 15th of December, 1653, may be ſatisfied, and that an honourable revenue of ten thouſand pounds per annum, with a convenient houſe, may be ſettled upon him and his heirs for ever; and ten thouſand pounds per annum more upon him during life; and upon his honourable mother, eight thouſand pounds per annum during her life, to the end a mark of the high eſteem this nation hath of the good ſervice done by his father, our ever renowned general, may remain to poſterity."

The parliament returned a general anſwer to this petition, and thanked the army for their affection to the public. Then, taking it into conſideration, they approved of all the articles in general, but appointed a particular committee to examine thoſe which concerned the government. As to what related to Richard Cromwell and his mother, it was not to be debated, till they ſhould be aſſured of his ſubmiſſion to the government. For this purpoſe, a committee was ſent to inform him of the reſolutions of the houſe, and to require his acquieſcence in the late change. The day after, Richard delivered to them the following anſwer in writing:

" I have peruſed the reſolve and declaration which you were pleaſed to deliver to me the other night, and for information touching what is mentioned in the ſaid reſolve, I have cauſed a true ſtate of my debts to be tranſcribed, and annexed to this paper, which will ſhew what they are, and how they were contracted.

" As to that part of the reſolve, whereby the committee are to inform themſelves, how far I do acquieſce in the government of this common-wealth, as it is declared by this parliament:

" I truſt, my paſt carriage hitherto hath manifeſted my acquieſcence in the will and diſpoſition of God, and that I love and value the peace of this common-wealth much above my own concernments; and I deſire, that by this, a meaſure of my future deportment may be taken, which, through the aſſiſtance of God, ſhall be ſuch as ſhall bear the ſame witneſs, having, I hope, in ſome degree, learned rather to reverence and ſubmit to the hand of God, than to be unquiet under it. And (as to the late providence that have fallen out amongſt us) however, in reſpect of particular engagements that lay upon me, I could not be active in making a change in the government of the nations; yet, through the goodneſs of God, I can freely acquieſce in it being made; and do hold myſelf obliged, as (with other men) I expect protection frem the preſent government, ſo to demean myſelf with all peaceableneſs under it, and to procure to the utmoſt of my power, that all in whom I have any intereſt do the ſame."

RICHARD CROMWELL.

When the parliament examined the account of Richard's debts, the article of expences for his father's funeral was rejected, ſo that Richard was forced to pay that debt out of his inheritance, which ſwept away the greateſt part of his eſtate, which was not very large, conſidering Cromwell's advancement during his life. As to the revenue, and annual penſion deſired by the officers for Richard and his mother, the parliament referred the conſideration of them to another opportunity, and contented themſelves with aſſigning twenty thouſand pounds for the payment of his private debts[n]. The members had but too much cauſe to complain of Oliver Cromwell, who had deceived, and ſhamefully diſmiſſed them, to think themſelves obliged to do ſo much honour to his memory, and beſtow ſo great advantages on his widow and ſon. When they granted him the twenty thouſand pounds, they required him to remove from Whitehall in ſix days[o].

It may be obſerved in the 12th article of the petition of the officers, that, as they expreſſed themſelves, they did not intend to leave to the parliament the liberty of not appointing a general, or of naming any other than Fleetwood, ſince, inſtead of petitioning, they ſaid in that article, " We do unanimouſly acknowledge the lord Charles Fleetwood to be commander in chief of the land forces of the commonwealth." The parliament thought it not proper then to examine the manner in which this article was expreſſed, for fear of raiſing ſome difference between them and the army, at a time when they derived their authority only from the declaration of the officers who had reſtored them. Fleetwood therefore was appointed commander in chief of the land forces of England, Scotland, and Ireland, but only for one year. This reſolution being taken, the parliament voted, that Fleetwood ſhould have power to ſign and ſeal ſuch commiſſions, for the conſtituting of officers under him, as ſhould be approved by the parliament, and nominated by ſir Henry Vane, ſir Arthur Haſlerig, lieutenant-general Fleetwood, and the colonels Lambert, Deſborough, Ludlow, Berry, or the major part of them, who were made commiſſioners for that purpoſe. But upon the ſecond reading of the bill, the clauſe impowering Fleetwood to ſign commiſſions was altered, and it was ordered, that all commiſſions, both to the commiſſion-officers of the army, and the captains of the fleet, ſhould be ſigned by the ſpeaker of the parliament of the common-wealth of England, to be written by the clerks attending the council of ſtate[p], and delivered to the officers gratis by the ſpeaker, in the parliament houſe. This was a plain indication, that the parliament pretended, that the officers ſhould owe their advancement to them alone. The ſame day the parliament voted, That the government of Ireland ſhould be by commiſſioners, nominated and appointed by parliament, and not by one perſon, and that Henry Cromwell ſhould be acquainted with the order, and required forthwith to repair to the parliament. He peaceably ſubmitted, though, in all probability, if he had been inclined to reſiſt, the new governors would have found it difficult to remove him. He was extremely beloved in Ireland, both by the army and the Engliſh inhabitants, having never injured any perſon, but, on the contrary, obliged every one, as far as lay in his power. But, doubtleſs, not thinking himſelf ſecure of ſucceſs, and receiving no orders from his brother, he was unwilling to undertake ſo important an affair. All the hiſtorians are unanimous in their praiſes of him, and generally believe, that if he had been protector inſtead of his elder brother, the officers would have met with their match, or not attempted what they undertook againſt Richard.

Fleetwood, Deſborough, Lambert, and the reſt of the principal officers, were by no means pleaſed with the proceedings of the parliament, but knowing, the inferior officers conſidered their dependence on the parliament as an advantage, they diſſembled their reſentments, and received their commiſſions from the ſpeaker. On the other hand, the parliament believed it of the utmoſt importance, to be maſter of the army; which they flattered themſelves, would enable them to rule peaceably and abſolutely, and, without doubt, perpetuate their authority. But till this was done,

[n] Whitelock ſays, that his debts were in all, twenty-nine thouſand, ſix hundred, and forty pounds. p. 681. And Ludlow, that the parliament ordered twenty thouſand pounds to be preſently paid him, and paſſed a reſolution to pay thoſe debts he had contracted on the public account. Tom. II. p. 665.

[o] After the reſtoration he went to France, and continued ſome years in obſcurity at Paris; but upon the rumour of a war between France and England, he removed to Geneva. Some years before the death of king Charles II. he returned to England, and died at Cheſhunt in Hertfordſhire in 1712. Life of Cromwell, p. 432.

[p] The parliament had named a council of ſtate, for the more immediate executive power. It was to conſiſt of thirty one perſons, whereof twenty one were to be members of parliament, and ten not. The twenty one were, Whitelock, ſir James Harrington, ſir Arthur Haſlerig, ſir Henry Vane, Thomas Chaloner, Henry Nevil, chief juſtice St. John's, Thomas Scott, Robert Reynolds, Wallop; lieutenant-general Fleetwood, major Saloway, colonel Morley, Algernon Sidney, Walton, Dixwell, Thompſon, Sydenham, Jones, Downes, and Ludlow: the ten were, preſident Bradſhaw, lord Fairfax, major-general Lambert, ſir Anthony Aſhley Cooper, ſir Horatio Townſend, colonel Deſborough, Berry, Barnes, Johnſon, and Honywood. Ludlow, tom. II. p. 656. They had alſo nominated the judges and commiſſioners of the great ſeal, a new one being made different from the old, &c. Whitelock, p. 679.

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they ſaw they were to expect a ſtrong oppoſition, conſidering the reſtleſs temper of the principal officers, who were ever ſeeking to make themſelves neceſſary, for fear of loſing their poſts. This was the firſt and almoſt open deſign of the parliament. For this purpoſe, the committee appointed to examine commiſſions was continued, who knowing the intentions of the houſe, made great alterations in the army, diſplacing ſuch as were ſuſpected, and ſubſtituting others of more aſſured fidelity. The ſame thing was done to the army commanded by Monk, and many officers being removed, others were appointed to ſucceed them, and thoſe that were diſplaced were moſt confided in by Monk. Clarges had now acquainted Monk with the parliament's deſigns, which were very manifeſt, and Monk had but too much cauſe to perceive them by the alterations, the committee would have made in the army of Scotland. He writ to the committee ſo as to ſhew them, he plainly ſaw their deſign to undermine his authority. He uſed ſome expreſſions in his letter, which made the parliament apprehenſive there would be danger in driving a man to extremities, who had twelve thouſand men, and all Scotland at his diſpoſal. For this reaſon, the officers, appointed by the committee to go into Scotland, received orders, not to proceed on their journey. But this was only to gain time, in expectation of a more favourable opportunity.

The 18th of June the parliament voted the continuation of the monthly aſſeſſment of thirty-five thouſand pounds, impoſed by the parliament of the year 1656. Then, commiſſioners were named for the civil government of Ireland, and a commiſſion granted to Edmund Ludlow, who was one of the king's judges, and a moſt zealous republican, to command the forces of that country.

Mean time, the parliament having received confuſed intimations of a plot forming in favour of the king, the royaliſts had orders to withdraw twenty miles from London. This intimation was not groundleſs. In March this year, the king, by a declaration, had impowered commiſſioners to treat in his name with thoſe, who having been againſt him or his father, were willing to return to his obedience. Theſe commiſſioners ſpared neither pains nor promiſes, to increaſe the number of the king's friends, and certainly there could not be a more favourable opportunity. All were weary of the tyranny of an independent parliament, conſiſting of forty perſons, and of an army, whoſe officers were moſtly fanatics, and who, under colour of promoting piety, and extending the kingdom of Chriſt, had only their intereſt in view. The preſbyterians themſelves, and the members of that party, who had been expelled the houſe in 1648, ſeeing little appearance of ever recovering the ground they had loſt, and that nevertheleſs they remained expoſed to the tyranny of the independents and fanatics, agreed at laſt with the king's party, to deliver the nation from the ſervitude to which it was reduced. The particulars and terms of this union are not known, becauſe the hiſtorians who ſpeak of it, being all royaliſts, have not thought fit to do ſo much honour to the preſbyterians. But it can't be concealed, that from this time, the preſbyterians no longer appeared as the king's enemies, but on the contrary, as will hereafter be ſeen, very much promoted his reſtoration.

It was on the hopes, that the preſbyterians would aſſiſt, or at leaſt not oppoſe them, that the royaliſts projected an inſurrection in ſeveral parts of the kingdom, in expectation, it would at laſt become general. For this purpoſe, they intended to ſeize at once Glouceſter, Lynn, Plymouth, Exeter and Cheſter. They believed their meaſures ſo well taken, that they doubted not of ſucceſs. For they ſtill relied on the people's affection for the king, in which they were often miſtaken. Mr. Mordaunt croſſed the ſea, to inform the king of the project, which he thought ſo well laid, that he repaired ſecretly to Calais[q], and then to St. Malo's, to be nearer England, in caſe the plot ſucceeded. But this project vaniſhed like the reſt. Sir Richard Willis who as I have ſaid, betrayed the king's party, informed Thurlo of it, and Thurlo the council of ſtate, who immediately put the militia in ſafe hands, and took other precautions, which invincibly obſtructed the execution of the project. Maſſey was taken in attempting to ſurprize Glouceſter, but found means to eſcape. The lord Willoughby of Parham, and ſir Horatio Townſend, who were gone to the weſt[r] to ſerve the king, were arreſted and ſent to priſon. There was only ſir George Booth, who aſſembling about four or five thouſand men, took Cheſter, and publiſhed a manifeſto againſt the tyranny of the parliament, without any mention of the king, intending to make the public believe, that the people's diſcontent was the ſole motive of his taking up arms. Sir Thomas Middleton joined him with ſome troops, but theſe two united bodies were ſo inconſiderable, that Lambert, who marched againſt them, by order of parliament, eaſily defeated them, and retook Cheſter. Sir George Booth had the good fortune at firſt to eſcape, but was taken ſome days after in woman's clothes, and brought to the Tower of London. Middleton retired to a caſtle of his own, which held out but few days. It did not appear on this occaſion that the people had the king's intereſt much at heart[s].

During theſe tranſactions, the king's friends not doubting of ſucceſs, ſent the reverend Nicolas Monk, the general's brother, into Scotland, to engage him in the king's party. Some have pretended, that Monk, full of hopes, that the king's party in England would ſucceed, was upon the point of marching to ſupport them, but was ſtopped by the news of Booth's defeat, and forced to feign himſelf entirely devoted to the parliament. I cannot eaſily believe that Monk ſo early thought of ſerving the king. However, it cannot be denied, that the parliament looked on Monk as a man in whom they could not confide, becauſe his principles were very far from fanaticiſm, which then infected both parliament and army. This the parliament plainly ſhewed, immediately after Booth's and Middleton's defeat by Lambert. For judging that victory would keep Monk in awe, they readily confirmed the changes before intended in the army of Scotland. Monk was ſo offended with this proceeding, that he writ to the ſpeaker, to diſire his diſmiſſion, but Clarges his brother-in-law prevailed with the ſpeaker not to communicate this letter to the parliament, who doubtleſs would not have failed to grant his requeſt.

As the peace between France and Spain was to be treated at St. Jean de Luz, by the prime miniſters of the two crowns, the king believed his preſence at this negotiation might procure him ſome advantage. He therefore departed for Fontarabia in September, and croſſed the kingdom of France incognito. I ſhall ſpeak preſently of the ſucceſs of this journey, but muſt firſt relate the change which happened in England.

The principal officers of the army, who kept in London, were ſtill highly diſpleaſed with the parliament, plainly perceiving, their deſign was to become maſter of the army. Wherefore, they began to think of means to prevent this deſign, and maintain themſelves in their credit and poſts. They had for that purpoſe ſeveral ſecret meetings. But one difficulty was to be ſurmounted, before any reſolution could be taken. This was, that the inferior officers were very well pleaſed with the parliament, who greatly careſſed them, intending to uſe them, to get rid of their commanders. Lambert, who commanded the forces about Cheſter, was entirely in the party of Fleetwood and Deſborough, knowing, the parliament had no better intentions for him, than for the others. Beſides, his chief aim was to procure a perpetual confirmation of the generalſhip to Fleetwood, in hopes to govern and make uſe of him for his own advancement to that poſt, as Cromwell had before done to Fairfax. Though he was abſent from London, he was informed of what paſſed at their meeting, and gave his advice. At laſt, after many deliberations, it was reſolved, that Lambert ſhould try to gain the inferior officers of his army, which was leſs difficult, than to gain the officers of the reſt of the army, who were diſperſed in different quarters. Purſuant to this reſolution, Lambert coming to Darby, ſo managed, that his officers, whom he had carefully inſpired with diſcontent, met to draw a petition, which, before it was offered to the parliament, was to be communicated to Fleetwood, for the approbation of the general council of officers. Sir Arthur Haſlerig having received advice that the petition was come to London, informed the commons, and told them, the army was contriving a very dangerous plot, of which it was neceſſary to prevent the conſequences. Upon this declaration Fleetwood was examined by the parliament, whether he knew any thing of the petition? He anſwered, he had a copy of it, and the original was in the hands of three officers, whom he named. Whereupon he was ordered to give notice to theſe officers to attend the houſe that afternoon with the petition, which was done, and the petition read. The ſtile was in the faſhionable language of that time.

[q] Where he ſtaid ſome time, before he went to St. Malo's.

[r] They undertook to ſecure Norfolk and Lynn for the king. Thoſe that deſigned to act in the weſt, were, Arundel, Pollard, Greenvil, Trelawny, &c. Clarendon, tom. III. p. 521, 522.

[s] After this defeat, the parliament thought of tranſporting the loyal families into Barbadoes, Jamaica, and other plantations; and by degrees to remodel the army, that they might never give them more trouble. Clarendon, tom. III. p. 541.

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amongſt thoſe who pretend to a more exalted piety. The ſubſtance of it was to this effect:

" 1. That the parliament would be pleaſed not to ſuffer the petition of the general council of officers at Wallingford houſe to be laid aſleep, as it was the beſt expedient yet offered to a happy and durable ſettlement.

" 2. That ſince a great many ill-affected perſons were endeavouring to ſow diviſion in the army, the parliament would be pleaſed, for the preſervation of that union, wherein its greateſt ſtrength lay, to eſtabliſh firmly the lord Fleetwood in the command of the army, whoſe commiſſion was to expire in a few months, with Lambert for his lieutenant-general, Deſborough for the command of the horſe, and Monk of the foot.

" 3. That conſidering the negligence of a great many perſons intruſted with public employs; the ill deſigns of the enemies of the good cauſe; the activity of ſome to favour thoſe deſigns, and the affection and zeal ſhewn by others for a blameable neutrality, at a time, when their aſſiſtance is moſt wanted; the parliament would be pleaſed to make a diligent enquiry upon this ſubject, and proceed to the depriving of the guilty of all their employs: that on the contrary, ſuch as in this diſtracted juncture declared willingly and cheerfully for the good cauſe, either in the county troops, or militia volunteers, or otherwiſe, may be looked on as friends, encouraged, ſatisfied in their arrears, and inveſted with authority in their ſeveral counties.

" 4. That in the late inſurrections ſome conſiderable corporations having aſſiſted the enemy, received and furniſhed them with arms; the parliament would be pleaſed to give ſome ſignal mark of their diſfavour againſt them; and for the future ſo regulate the corporations, that perſons well qualified, according to the government of a well conſtituted common-wealth, may be intruſted with authority of the magiſtracy in any of the ſeveral towns, that ſo the footſteps of monarchy may be rooted out.

" 5. That all perſons whatſoever, magiſtrates, miniſters, or others, who have ſecretly ſtirred up the inhabitants of theſe nations to war and commotions againſt the parliament, and particularly to the late inſurrections, may be proceeded againſt as the parliament in their judgment ſhall think fit."

The houſe, in a debate upon this petition, the next morning voted, " That to have any more general officers in the army than are already ſettled by the parliament, is needleſs, chargeable, and dangerous to the common-wealth; and that Fleetwood ſhall acquaint them with this reſolve [1].

Fleetwood having communicated this vote to ſome officers at his own houſe, it was reſolved, that the petition ſhould not be inſiſted on, but, on the contrary, an addreſs offered to the parliament, to profeſs an adherence to their authority againſt the common enemy, and that they would ſtand by them in the ſettlement of the common-wealth, againſt all oppoſitions whatſoever; and that this ſhould be prepared and brought to be read, and conſidered by a general council of officers, to meet for that purpoſe, the 27th of September.

Thoſe who had the care of preparing the addreſs, diſcharged their truſt, in a manner little agreeable to the intention of the perſons who ordered it, as will be ſeen preſently. However, the addreſs was approved in the general council of officers, by a majority of voices, and ſigned by two hundred and thirty officers, who were in and about London, but was not preſented till the 5th of October. In this interval of ſeven or eight days, the officers ſent a copy of the petition to general Monk for his concurrence, though they were reſolved not to ſtay for his anſwer. On the other hand, the parliament took all poſſible meaſures to hinder its being preſented, whether by ſatisfying the army in its arrears, or by ſowing diviſion amongſt the officers, as they knew the addreſs was not univerſally approved, the viſible aim whereof was, to beget a breach between the army and the parliament. But all their endeavours were fruitleſs. The 5th of October, Deſborough, with many other officers, went to the houſe to preſent the petition. It was introduced by a long preamble, in which it was pretended, That the intentions of the army were maliciouſly repreſented to the parliament by ill-affected perſons, to create diviſion betwixt the parliament and the army; and that it was in juſtification of themſelves, from ſuch falſe accuſations, that they preſented this humble addreſs, containing the four following aſſertions:

" We do humbly and plainly declare,

" That notwithſtanding what any perſons may ſuggeſt, or ſay to the contrary, we are not for, but againſt the ſetting up any ſingle perſon whatſoever in ſupreme authority: and for a demonſtration hereof we may appeal to your own judgments, upon our late actings, wherein, ſince our declaration of the ſixth of May laſt, we have, with all induſtry and faithfulneſs, endeavoured to render ourſelves ſerviceable to you and the common-wealth, and have chearfully obſerved your commands, ſome of us with our lives in our hands in your late ſervice: wherein to our great encouragement, the Lord hath once appeared to own you and your army, and the good old cauſe, for which we have contended. And at the late return of this parliament to the diſcharge of their remaining truſt, we did with ſimplicity and plainneſs, in our humble petition and addreſs preſented to you, manifeſt our hearts and deſires, and that with much unanimity and fulneſs of conſent, which we apprehend was well accepted by you.

" 2. That we have not ſince changed our principles leading to a well regulated common-wealth, wherein the liberties of the people thereof, both ſpiritual and civil, may be fully ſecured, and perſons of known integrity, piety, and ability, employed in places of truſt and concernment, but reſolve, by the aſſiſtance of God, to remain conſtant to them: and make it our humble prayer to God, that he would incline your hearts effectually to proſecute the ſame, and make you inſtrumental in bringing forth ſuch a foundation of government, whereby all the good people of theſe nations may rationally expect, that ſuch liberties and rights ſhall be preſerved to them and their poſterity. And we can truly ſay, that it is in our hearts earneſtly to deſire that God would crown you with the honour of making theſe nations happy, by ſuch a ſettlement as may not be liable to every change of governors, and to have the peace thereof diſturbed by introducing new governments.

" 3. Whereas a petition and propoſals were lately drawn up by the officers of the brigade, that (under the command of major-general Lambert) hazarded themſelves in your ſervice with good ſucceſs, whereby, through the bleſſing of God upon them, and others of your faithful friends and ſervants, the peace of this common-wealth is ſtill continued: and the ſaid petition was ſent up to ſome officers here, to be preſented to the lord Fleetwood; which had been by ſome interpreted to evil and ſiniſter ends, and from thence ſuggeſtions derived, as if they were intentions to violate the parliament, to ſet up a ſingle perſon, or another general: in order thereunto, we do ſincerely profeſs (whatever the deſign of any perſons may be to promote ſuch cauſeleſs jealouſies) we have had no other than faithfulneſs and candour in our hearts and actions towards the parliament; nor do we apprehend (with ſubmiſſion we may ſpeak it) any reaſon or cauſe of offence to be conceived againſt your faithful ſervants, who lately gave ſo ample proof of their fidelity and courage.

" 4. We cannot but eſteem ourſelves unhappy to have been ſo miſrepreſented to the parliament, as ſhould occaſion ſuch a public admonition upon record: and conſidering what evil uſe may be made of theſe things by the public enemy, and to the end they may be diſappointed of their hopes, and all ſuch perſons diſcouraged, as ſhall go about for the future to promote jealouſies, or by miſinformation, to beget diviſions betwixt the parliament and their faithful ſervants the army: and that a good underſtanding may be preſerved between them, we humbly pray:

" That the officers of the army, and particularly thoſe who have reaſon to bear the marks of your favour for their faithfulneſs in the late northern expedition, may ſtand right in your opinion, and have your countenance.

" 2. That whatſoever perſon or perſons ſhall for the future groundleſly and cauſeleſly, inform the houſe againſt your ſervants, thereby creating jealouſies, and ſcandalous imputations upon them, may be brought to examination, juſtice, and condign puniſhment.

" 3. That it being an undoubted right of the people to have a liberty, in a peaceable and ſubmiſſive way, to petition the ſupreme authority, which liberty hath been by yourſelves aſſerted, allowed, and approved of; we cannot but alſo aſſert the ſaid liberty, and humbly conceive, that your faithful ſervants of the army, have no ways forfeited their rights as freemen, and that therefore they hope it will be no offence for them to ſubmit their humble deſires to the parliament.

" 4. That you would be pleaſed to take into your ſerious conſideration, the neceſſitous condition of the poor ſoldiers of

[1] This vote was contrived and promoted by Haſlerig, Nevil, &c. Whitelock, p. 84.

your armies, and that all poſſible care may be taken for their timely ſupply, their wants being ſuch as earneſtly call for it: and that ſome ſpeedy and effectual courſe may be taken to provide for the maimed ſoldiers, and the poor widows and orphans of ſuch as have been ſlain in your ſervice, that the bleſſing of God may be upon you.

" 5. That ſuch who have freely offered themſelves in the ſeveral counties and cities of theſe nations, to own and ſtand by you and your cauſe in the late inſurrections, with the hazard of all which is dear unto them, may have your encouragement, and be employed in places of truſt and command.

" 6. That it being a thing granted by all, that without due execution of martial diſcipline, the peace, union, and good government of an army cannot be preſerved inviolable, and in particular, that no officer or ſoldier of the army may be caſhiered, or diſmiſſed from their places, without a due proceeding at a court martial, or by his own conſent, except in caſes of reducement or diſbanding.

" 7. That it being judged neceſſary by the parliament, for the keeping of the army under ſuch a conduct, as may render the ſame ſerviceable to the common-wealth, to appoint a committee of nominations, for the propoſing of officers to the parliament, for their approbation; we humbly pray, that no officers may be brought into the army, but ſuch as ſhall firſt come under the conſideration of the ſaid committee, and be by them preſented.

" 8. The office of the commander in chief of the army, being of ſo great concernment to the peace of this common-wealth, and his commiſſion at preſent (as we conceive) expiring within a few months, we humbly pray, that the conſideration of that matter may come before you, and ſome ſuch effectual courſe be taken therein, as may prevent our fears, and the hazard of leaving the army to confuſion.

" 9. And that you would retain a good opinion of your army, and, againſt all diſcouragement whatſoever, proceed in the carrying on of that good work intruſted in your hands, for the glory of God, and advantage of theſe nations. In the proſecution whereof, through the help of our God, we ſhall be found (notwithſtanding all endeavours to the contrary) faithful to you and this common-wealth."

How reſpectful ſoever the terms of this addreſs might be, the parliament were not pleaſed with the contents, as it ſeemed to teach them their duty, or rather to reproach them for neglecting it. They had forgot, that this was the language of the army to the preſbyterian parliament, in ſupport of the independent party, and how grateful it had been to them. It was manifeſt, the officers ſought an occaſion of quarrel, and the parliament was but too ſenſible of it. But they had no ſupport againſt the army, and the hopes of diviſion amongſt the officers, becauſe many oppoſed the preſenting the addreſs, was their only reſource. For this reaſon after ſome members had warmly inveighed againſt the inſolence of the officers, the houſe, however, returned a moderate anſwer, to gain time, and keep them in temper, whom they were unable to reſiſt. The officers therefore, who had delivered the addreſs, were called in and thanked by the ſpeaker, for their affection and faithfulneſs to the parliament: to which he added, that the parliament had already taken into conſideration the relief of the maimed ſoldiers, orphans, and widows; and had alſo ſettled a way for ſatisfaction of the arrears due to the army, and would endeavour to bring the ſame to ſpeedy effect.

Deſborough brought the anſwer to the general council of officers, who aſſembled that day. But as they were informed of the ſpeeches againſt them in the houſe, it was ſuſpected, that the parliament intended only to gain time, to ſtrengthen themſelves, or to change the conſtitution of the army. Wherefore, they reſolved to cauſe their addreſs to be ſigned by all the regiments in England, Scotland, and Ireland, and to write to them on that ſubject, which was done the ſame day.

Two days after, the parliament receiving a letter from Monk, with aſſurances of his entire obedience, returned him a gracious anſwer, letting him know the high eſteem they had of his ſervices, with a promiſe to revoke all the orders which might have given him any cauſe of diſguſt. The parliament and officers thought it of great importance to gain Monk to their intereſt. The parliament's hopes of that general's good diſpoſition towards them, gave them a little more firmneſs than they had at firſt ſhewn. So, in their debates upon the propoſals of the officers, a particular anſwer was returned to each article, and the officers given to underſtand, that their complaints were cauſeleſs, and the parliament neither obliged nor pleaſed to give them an account of their conduct. This anſwer convinced the officers, that things were come to that point, that they were either to ſubmit to the parliament, or endeavour a diſſolution. But they could not reſolve to ſubmit, without trying firſt to render themſelves ſuperior. To that end, Lambert marched his brigade towards London, and appeared there himſelf to ſupport his friends. The parliament on their ſide, ſeeing a breach with the army was not very remote, haſtily paſſed an act, to declare it high treaſon to levy money upon the people without the conſent of parliament. Herein their aim was to hinder the army's ſubſiſtence. They did ſtill more: For Monk the clergyman being arrived from Scotland, with aſſurances from his brother the general of his ſupporting the parliament, and marching to their aſſiſtance, if required, Lambert, Deſborough, and ſome other principal officers, who had ſigned the addreſs, were diſplaced by the parliament. Then they annulled Fleetwood's commiſſion, and named commiſſioners[u] for the government of the army, from the 11th of October to the 22d of February. But theſe proceedings not being ſupported with power, the officers received the parliament's orders with ſcorn.

Mean time, the council of ſtate, being informed that Lambert was aſſembling the army, ordered two regiments to Weſtminſter, to guard the parliament, whoſe colonels and officers were devoted to them, and had refuſed to ſign the addreſs. This did not prevent Lambert from executing his deſign. Having drawn ſome regiments into London, on the 13th of October he ſecured all the avenues to the parliament[w]. Preſently after, the ſpeaker appearing in his coach, as he was going to the houſe, was ſtopped by Lambert, and forced to return. Then he ſent to the colonels of the two regiments in Palace-yard, to retire to their quarters, which they refuſing to do, he ſmiled and bid them ſtay there as long as they pleaſed. But at the ſame time, he took care to ſtop all the members who were going to the houſe, and hinder them from entering[x]. So the parliament, as well for want of a ſufficient number of members, as for the abſence of the ſpeaker, not being able to ſit that day, the two regiments placed at Weſtminſter to ſecure them from violence retired, after having remained there till night. They were no ſooner gone, than Fleetwood ſeized the poſts, and placed a ſtrong guard at the door of the parliament-houſe, to hinder the members from aſſembling. Next day the diſcontented officers caſhiered, by their own authority, thoſe of the two regiments appointed to guard the parliament, and ſent others to fill their places. The ſoldiers obeyed the new officers, and abandoned the old.

This anarchy laſted ten days, before the officers now grown ſuperior, thought of ſettling any form of government. All they did, was to nominate ten of their own body to form a council, to take care of the moſt urgent affairs. Then they declared Fleetwood their general, Lambert their lieutenant-general, and Deſborough commiſſary general of the horſe. They eſtabliſhed likewiſe a council of ſeven to nominate ſuch officers as were not ſuſpected, with orders to exclude thoſe, in whom they could not confide. Mean while a diſcipline ſo exact was obſerved by the troops, that it was wonderful to ſee ſoldiers ſo ſubmiſſive to their officers, and ſo inoffenſive to the people during ſuch an anarchy. As the officers were ſtill uneaſy about Monk, whom they ſuſpected, becauſe he was not of their principles, and beſides, was an enemy to Lambert, colonel Cobbet was ſent to try to gain him to their party, with ſecret orders, in caſe he could not ſucceed, to endeavour to corrupt his troops, and, if poſſible, put him under an arreſt. Clarges gave Monk intelligence of Cobbet's ſecret commiſſion.

During theſe tranſactions in England, the king was on his journey to Fontarabia, where he arrived but very little time before the treaty between the two crowns was concluded, having by miſtake[y] proceeded to Saragoſſa, where

[u] Fleetwood, Monk, Haſlerig, Walton, Morley, Overton, and Ludlow. Ludlow, tom. II. p. 722.

[w] Whitelock ſays, Evelyn who commanded the life guard of the parliament, marching forth with his troop, was met by Lambert at Scotland yard gate, who commanded him to diſmount, which he thought ſafeſt to do, though at the head of his troop, and though Lambert was alone, and on foot. The troop alſo obeyed Lambert, which he placed along King-ſtreet, and ſtopped the ſpeaker. Mem. p. 685.

[x] Sir Peter Wentworth alone, being rowed by ſome able watermen, broke through the guard on the river, and got into the houſe. Ludlow, tom. II. p. 725.

[y] This miſtake aroſe not from the ignorance of the way leading to Fontarabia, but from a miſtake in the king's intelligence. That the treaty between the two crowns was finiſhed, whilſt it was actually in negotiation. In the firſt caſe, the king had no buſineſs at Fontarabia, and therefore curioſity, and perhaps ſome better view, determined him to go to Madrid. When his miſtake was removed, he turned back, and purſued his firſt intended journey, to Fontarabia. See Clarendon, tom. III. p. 537.

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he had no buſineſs, while the two miniſters of France and Spain finiſhed their treaty. But in all likelihood, he would have received no advantage from that treaty, though he had arrived at the beginning. Nay, it is difficult to conceive, what advantages he propoſed to himſelf from this journey, nor has the earl of Clarendon thought fit to inform his readers. Don Lewis de Haro, prime miniſter of Spain, received him very civilly, and expreſſed a ſenſe of his unhappy condition, by making him a preſent of ſeven thouſand piſtoles. But cardinal Mazarin, for fear of rendering himſelf ſuſpected to the parliament, would not ſo much as ſee him. So the king left Fontarabia, in order for Bruſſels, where he arrived the latter end of December.

MEAN time, the great council of officers held frequent aſſemblies in London, to endeavour at ſome ſettlement of the government, which could not be in greater confuſion than at preſent. At laſt, on the 26th of October, thirteen days after the diſperſion of the parliament, they agreed to eſtabliſh a committee of ſafety[z], and put the government into their hands. Sir Henry Vane, who, ſince the laſt change, had come into the meaſures of the army, was of this committee, with Fleetwood, Lambert, Deſborough, Ludlow, &c. The great council of officers as ſole ſovereign then of the three kingdoms, authoriſed this committee to execute all the powers of the late council of ſtate, with authority to puniſh delinquents concerned in the late conſpiracy: to give indemnity to all who had acted for the common-wealth ſince the year 1649: to oppoſe and ſuppreſs all rebellions and inſurrections: to diſpoſe of all places of truſt that were void, and remove ſuch as were ſcandalous: to treat with foreign ſtates: to raiſe the militia: and laſtly, to make ſale and compoſition for the eſtates of delinquents. At the ſame time, a declaration was publiſhed, to annul the acts or orders of the parliament, of the 10th, 11th, and 12th of October. In this paper the officers declared, that they had no deſign to erect a military government, but had already lodged the executive part in a committee of ſafety, who were to prepare ſuch a form of government as might beſt comport with a free ſtate and common-wealth, without a ſingle perſon, kingſhip, or houſe of lords. This declaration ended with ſome ſcriptural expreſſions, adapted to the taſte and practice of the godly party.

While the officers ruled in England, Monk was greatly embarraſſed in Scotland. He was indeed at the head of the government, and of twelve thouſand men, moſt of whom he could rely on, though many of the officers were fanatics, or inclined to be ſo, and conſequently juſtly ſuſpected by him. But this army was ſupported by money regularly paid from England, Scotland being unable to maintain them. Monk had thereby been able to keep the army under ſtrict diſcipline, and to procure Scotland a tranquillity, to which ſhe had long been a ſtranger, though the clergy were diſſatisfied with the liberty of conſcience granted to all except catholics and prelatiſts. But forts erected by Monk in ſeveral parts of the kingdom, and well garriſoned by him, prevented all inſurrections. The changes in England ſince Cromwell's death diſturbed Monk's peaceable ſtate in Scotland. For though he was equally careſſed by the army and parliament, becauſe they either wanted or feared him, he perceived that on which ſide ſoever the advantage ſhould turn, he was to be the victim. He had already experienced it in the parliament's endeavours to undermine his credit, and could not doubt, if that parliament had ſubſiſted, he ſhould have been, by one means or other, diſplaced, becauſe he was feared. On the other hand, his hopes were no better from the army, which was properly commanded by Lambert, under the name of Fleetwood. Lambert conſidered Monk as a formidable rival, who would never ſuffer him to execute his deſigns, if it was in his power to prevent him[a]. Monk, for his part, would never have been willing to ſubmit to Lambert. He was nevertheleſs under an abſolute neceſſity of taking one of the two courſes. A neutrality would have expoſed him to the danger of being ſacrificed by both, if they ſhould be reconciled, which was not impoſſible. Beſides, on ſuch occaſions, the victorious party never thinks any great regard due to thoſe who have ſtood neutral. In fine, a neutrality would have entirely deprived him of the ſupplies received from England for the ſubſiſtence of his army. He therefore determined to ſide with the parliament, and without any evaſion ſent his reſolution to Fleetwood. For this purpoſe, he prepared for a ſpeedy march into England with the beſt part of his army.

When this reſolution is conſidered, it is difficult to believe, that Monk could take it, without being influenced by other motives than what appear at firſt ſight. Firſt, he had no cauſe to be pleaſed with this parliament, nor is it ſeen what intereſt, either public or private, he could have, to reſtore a parliament generally hated, and which had been always diſtruſtful of him. Secondly, Monk had joined with the republicans only to free himſelf from confinement. Thirdly, though he had twelve thouſand men, he could, at moſt, take with him but half, unleſs he would give the Scots opportunity to ſhake off the Engliſh yoke. How therefore could he venture to go with five or ſix thouſand men, to encounter an army ſtronger than his own? Laſtly, the people of England hitherto had declared for neither parliament nor army, but equally hated both. Monk therefore could not expect the people's aſſiſtance, to reſtore a parliament which had ever held them in ſervitude. This was not, at leaſt, the intereſt of the royaliſts or preſbyterians, who properly were the body of the nation, there being but very few who were really attached to the parliament or the army, though fear compelled them to obedience. And, by the way, the ſmall intereſt which the parliament had in the boroughs and counties, was the true reaſon they never filled the vacant ſeats, becauſe they could not be aſſured that ſuch members would be choſen as they deſired. Theſe are the conſiderations which naturally create a belief, that Monk, when he reſolved to march into England, under colour of re-eſtabliſhing the parliament, ſecretly intended to ſerve and reſtore the king. This is almoſt univerſally agreed. But it is not equally clear what was his plan, or his means to accompliſh ſuch a deſign. If the royaliſt authors are to be credited, he marched into England with only five thouſand men; and the terror of that army, joined to the wiſhes of the nation, and Monk's prudent conduct, produced this happy reſtoration. All this is true, but it is not the whole of the truth, party intereſt having obliged the hiſtorians to conceal, or ſpeak confuſedly of ſome things. For my part, I ſhall give my opinion, and leave it to the judgment of the unprejudiced reader. I own, I cannot ſupport it with the clear and undeniable teſtimony of the hiſtorians of thoſe times. But I think, I can ground it upon ſomething ſtronger than the teſtimony of the hiſtorians; I mean, upon the facts themſelves, and general Monk's whole conduct. The reader will judge of it hereafter.

Since the preſbyterians had been expelled from the parliament in 1548, they had been kept extremely low, becauſe their number ever rendered them formidable to the independent parliament, and afterwards to Cromwell. They had never been able to recover their ſeats in parliament, a few only excepted, who had thruſt themſelves in by diſſimulation, which nevertheleſs, as appears in Ludlow's memoirs, could not deceive the independents. Sir William Waller, one of their generals, was not in condition to head an army, and Maſſey had eſpouſed the king's cauſe. So, having nothing more to ſay in the parliament, and wanting a leader to head them, they had remained in ſubjection to the independent parliament, and afterwards to Cromwell, without any likelihood of reviving their humbled party. They had for enemies Cromwell, the army, the parliament, the royaliſts, and were in no places of truſt which might give them credit. We have already ſeen, that being weary of this ſituation, they had diſcovered an inclination to unite with the king's party, or at leaſt ſhewn that they ſhould not be diſpleaſed with the good ſucceſs of that party's deſign for an inſurrection in ſeveral parts of the kingdom. The miſcarriage of that undertaking was doubtleſs the reaſon, that the union was carried no farther. Nevertheleſs, Monk knowing how the preſbyterians ſtood diſpoſed, employed, in all likelihood, Clarges his confident, to make a ſecret agreement with ſome of their chiefs for reſtoring the king by their means. The ſcheme formed for that purpoſe, and which could not be executed without the preſbyterians, was, as appears by the ſequel, briefly this:

Monk engaged, no doubt, to march into England, and reſtore the rump parliament diſperſed by the officers. This was the firſt ſtep he was to take. The parliament being re-

[z] Conſiſting of twenty-three perſons. Whitelock (who was one) ſays, he was not deſirous of that employment, at ſuch a time as this. Mem. p. 685.

[a] In order to weaken Monk, the parliament ſent him an order, when Lambert was marching againſt Booth, to ſend Lambert two regiments of foot, and two of horſe; but he excuſed himſelf, under colour of the enemy's ſtrength, and inclination to revolt; though ſome then thought, that his engagements with Charles II. were the true reaſons of his refuſal. Ludlow, tom. II. p. 691.

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ſtored, Monk was to join with the city of London, wholly preſbyterian, and demand that the members expelled in 1648, might reſume their ſeats, or, if the rump refuſed to admit them, to introduce them by force. Theſe reſtored members could not but, by their number, have a great majority in the houſe, and compoſe properly a preſbyterian parliament. It was agreed, that this parliament ſhould diſſolve itſelf, after ſummoning another free parliament, compoſed, agreeable to the antient conſtitution, of a houſe of lords and a houſe of commons. The new parliament muſt naturally conſiſt of royaliſts and preſbyterians (the independents having too little credit to carry any elections) and was to reſtore the king, to which the preſbyterians ſhould conſent. In all likelihood theſe ſtipulated ſome conditions, the particulars whereof are not known. It cannot however be doubted, that there were conditions, ſince, after the reſtoration of Charles II. they complained bitterly of breach of promiſe. This alſo appears in that, to vindicate Charles II. for not keeping his word with the preſbyterians, it is pretended, it was not in his power to diſpenſe with the laws, and conſequently his promiſe was void. This was the ſcheme for reſtoring the king, which, as will hereafter be ſeen, was cloſely purſued. If, on ſome occaſion, Monk ſeemed to ſwerve from it, 'twas becauſe he believed diſſimulation abſolutely neceſſary, and that he could not diſcover his intention without danger of rendering the project abortive. It was to be done on a ſudden, and under other pretences, before the enemies to royalty ſhould have time to oppoſe it. Now he could not uſe more proper inſtruments than the preſbyterians, who were little ſuſpected of deſiring the king's reſtoration. But the hiſtorians are very unwilling to allow the preſbyterians any ſhare in this unexpected event, though they are forced in ſome meaſure to follow, in their hiſtories, the ſcheme I have explained. They are contented to inſinuate, that the reſtoration was owing to the prayers of the people, as if the preſbyterians had not been a conſiderable, and perhaps the major part of the people. This ſcheme being ſuppoſed, all difficulties will vaniſh, and Monk's proceedings appear natural, and conſequences of it. But if it be ſuppoſed, that Monk reſtored the preſbyterian members, expelled from the parliament in 1648, without any previous agreement, it can never be conceived, that he ſhould think it neceſſary to reſtore a preſbyterian parliament in order to place the king on the throne without any conditions.

The firſt thing done by the committee of ſafety, lately eſtabliſhed by the general council of officers, was to ſend Clarges to Monk, to bring him to ſome agreement. They were not ignorant of the error committed by the officers, in uſurping the ſovereign power, without the approbation of a general at the head of twelve thouſand men, and would have gladly repaired it. But they could not chuſe a worſe meſſenger than Clarges, whoſe ſole aim was to ſerve the king, and who, probably, had engaged Monk in the ſame deſign.

Mean while, Monk was preparing with all poſſible diligence for his expedition, though not without ſeveral obſtacles. 1. His forces being diſperſed through all Scotland required, at leaſt, ſix weeks to draw them together. 2. Ready money was to be provided for their maintenance, becauſe he could expect no more from England. For this purpoſe, the taxes were to be anticipated, and even extraordinary ſupplies obtained of the Scots. 3. In his troops were ſome officers, on whoſe fidelity he could not rely. 4. In ſhort, it was abſolutely neceſſary to his deſign, to have ſome towns on the frontiers of England, to facilitate his entrance, as he knew that Lambert was marching to oppoſe him. All theſe difficulties were happily ſurmounted, except the firſt, becauſe of the remoteneſs of his forces. As to the reſt, he began with caſhiering ſeveral of his ſuſpected officers, and ſubſtituting others in their room. He kept thoſe whom the parliament had diſplaced, and whoſe ſucceſſors were not yet come. Then he ſummoned to Edinburgh the officers of the neareſt regiments, and communicating to them his deſign of marching into England, to reſtore the parliament, he had the ſatisfaction to meet with their concurrence. This done, he found means to ſecure Berwick, and arreſt colonel Cobbet, who was there, and whoſe ſecret inſtructions were told him by Clarges. Cobbet was ſent to Edinburgh, and there impriſoned. Monk alſo attempted to ſurpriſe Newcaſtle, but was diſappointed. As to the money he wanted, he raiſed as much as was poſſible, and while his army was aſſembling, ſolicited the Scots for an extraordinary ſupply.

While Monk was making theſe preparations, Clarges his brother-in-law arrived in Scotland, with a propoſal for a treaty with the committee of ſafety. It was reſolved betwixt them to accept the propoſal, not with deſign to conclude the treaty, but to gain time till Monk's army was ready [b]. Purſuant to this reſolution, Monk, with the conſent of his officers, made choice of colonel Wilks, lieutenant-colonel Cloberry, and major Knight to go and treat in his name with the committee, and ſent them away with ſuch inſtructions, as he thought would raiſe inſurmountable obſtacles to the concluſion of the treaty. Theſe three commiſſioners met Lambert at York, who told them, he was ſufficiently empowered to treat with them [c]. But to their demand for reſtoring the parliament, he anſwered, his power did not extend to that article, and ſo they were obliged to go on to London.

Theſe commiſſioners, ignorant of Monk's ſecret intentions, were no ſooner at London, than they made all poſſible haſte to conclude with the committee of ſafety, and the rather, becauſe every thing which they propoſed was accepted. So, the treaty was concluded and ſigned the 15th of November, to the great diſſatisfaction of Monk, whoſe aim was to prolong it, and then break off the negotiation. It would be needleſs to inſert the treaty, becauſe it was never executed. I ſhall only obſerve, that by the firſt article, a vigorous oppoſition to the king's reſtoration was agreed to by both parties. Monk, upon receiving the treaty, fought evaſions to hinder the ratification, pretending, his commiſſioners had acted contrary to their inſtructions, and thereby he became ſtill more ſuſpected by the committee of ſafety.

While Monk was preparing to march into England, the members of the late parliament were not idle. They were ardently endeavouring to re-eſtabliſh themſelves, and wreſt from the officers their uſurped authority, but without the leaſt thought of reſtoring the king. They believed, or pretended to believe, that Monk had no other view than the reſtitution of the parliament, and, in this belief, conſidered Monk's friends as their own. This was true in general, though ſome there were of Monk's adherents in London, better informed than the reſt, who knew what they were to believe. Be this as it will, all the friends of the rump united to ſupport Monk's deſigns, imagining, his ſole intention was to reſtore the parliament. For that reaſon, the members who had formed the council of ſtate, before the interruption of the parliament, being privately aſſembled, ſent to Monk a commiſſion, conſtituting him general of the armies of England, Scotland, and Ireland.

On the other hand, colonel Whetham, governor of Portſmouth, Monk's particular friend, declared for the parliament, and received into his garriſon Haſlerig, Walton, and Morley, three members of parliament, the moſt incenſed againſt the army. The committee of ſafety, upon the firſt notice of this defection, ſent a detachment of the army to block up Portſmouth, but the ſoldiers deſerted their officers, declared for the parliament, and were received into Portſmouth as friends. Another detachment ſent from the army on the ſame errand, did almoſt the ſame thing, ſo that the committee knew not on whom to rely. At the ſame time, Lawſon, vice-admiral declared for the parliament againſt the army, and entered the Thames with ſeveral of his ſhips, to awe the adherents of the committee. Lambert, who commanded a body of the army in the north, being informed of the ill ſituation of the committee's affairs, detached Deſborough's regiment to the aſſiſtance of his friends in London, but that regiment, at St. Albans, declared for the parliament.

Mean while, the committee of ſafety ſeeing all this oppoſition, ſeemed to be diſcouraged. They took no meaſures for their own preſervation, and inſtead of aſſembling the army, ſuffered it to be diſperſed into quarters. It is likely, they feared to ſee the army together, ſince the ſoldiers of the two detachments ſent to Portſmouth had deſerted their officers. Mean while, Haſlerig, Walton, and Morley, finding themſelves ſufficiently ſtrengthened by the ſoldiers of the army, which had retired to Portſmouth, marched at the head of theſe troops, towards London. Then it was that

[b] He all along deluded the independents, by his ſolemn proteſtations, and public declarations of his firm reſolution to adhere to the parliament and their cauſe, againſt a king, a ſingle perſon, or houſe of peers. Ludlow, tom. II. p. 747, &c.

[c] Monk's commiſſioners ſo far ſatisfied Lambert of the reality of Monk's intentions, that Lambert ſtopt his forces from marching further northward. When notice of this came to Lambert, Whitelock was for ordering Lambert to advance ſpeedily with all his forces, and attack Monk, before he ſhould be better provided; believing, as he ſays, that Monk only ſought delays. But his advice was not taken. Whitelock, p. 688.

And

Fleetwood, and the reſt of the committee of ſafety, were in the utmoſt perplexity. They durſt not truſt their own ſoldiers, and knew not what courſe to take. Whitelock, as appears in his memorials, adviſed Fleetwood either to head the army, or agree with the king[d]. He ſeemed to approve of this laſt courſe, but preſently after altered his mind, and did neither. At laſt, his colleagues and himſelf wanting capacity and reſolution to extricate themſelves out of ſuch an emergency, conſented to the meeting of the parliament, and voluntarily reſigned their uſurped authority. They had no ſooner given their conſent, than they were entirely abandoned by their whole party.

THUS the parliament met peaceably the 26th of December, and named a committee to govern the army in their name, and under their direction. Then they diſpatched expreſs orders to Lambert to diſperſe his forces, and ſend them into the quarters aſſigned by the ſame order. But Lambert's troops hearing the parliament was reſtored, had in ſome meaſure prevented this order, and put their general under arreſt, who was ſent priſoner to the Tower of London. At the ſame time ſir Henry Vane, and ſome other members of parliament, who had taken part with the army, were confined to their own houſes. Thus, by a revolution little expected, the firſt and moſt difficult part of Monk's undertaking, namely, the reſtitution of the parliament, was executed even before he left Scotland, and without having any other ſhare in it, than his reſolution to march into England[e].

Mean while, this revolution ſeemed entirely to deſtroy the hopes of the king, ſince a parliament was reſtored ſo oppoſite to him. He was believed to be irrecoverably loſt. France and Spain began to think of making a firm and laſting alliance with the parliament, whereby the king would not have known where to retire for a ſubſiſtence. But though he himſelf feigned to be extremely afflicted, not to diſcover his ſecret, very probably he was informed of Monk's intentions, and of the manner in which they were to be executed. For though the earl of Clarendon affirms, the king had only a very faint hope of being ſerved by Monk, in order to provide for his own ſecurity, yet I cannot believe, that Monk, however reſerved he might be to others, concealed his intentions from the king, ſince there was no danger in the diſcovery[f].

Be this as it will, Monk, before he left Scotland, by circular letters, aſſembled at Edinburgh two commiſſioners from every ſhire, and one from each borough, and communicated to them his intentions to march into England, to reſcue the parliament from the force put upon them by the army, and reſtore them to their authority. Theſe commiſſioners, who made a ſort of convention of eſtates, though the union of the two kingdoms denied them the name, offered Monk to increaſe his army with twenty thouſand men of their nation, and granted him thirty thouſand pounds above the aſſeſſments to enable him to maintain them. He accepted the money, but refuſed the troops, believing he wanted them not. Some Scotch writers affirm, that in diſmiſſing this aſſemby, he recommended to them, to take all poſſible care to preſerve the peace and tranquillity of the kingdom, and deſired them to abjure the king, and royal family. But Gumble, who was his chaplain, and writ his life, poſitively denies it. Thus much is certain, it was abſolutely neceſſary for him, carefully to conceal his intention to ſerve the king, and his fear of betraying this ſecret, made him, on ſome occaſions, carry his diſſimulation to exceſs. He was, however, extremely ſuſpected by thoſe, who would not hear of the king's reſtoration. Theſe men were very numerous, not to mention the army, which aſſuredly had no ſuch intention, though, unknown to them, their march was deſigned for that purpoſe alone.

[1659-60.] Monk entered England with his army the 2d of January, and conſequently might now be informed of the rump's re-eſtabliſhment. Some days after he received a letter from the ſpeaker, acquainting him with the late tranſactions, thanking him, in the name of the parliament, for his kind intentions, and inſinuating, that if he thought it proper, he might ſave himſelf the trouble of coming to London, ſince the parliament was in peaceable poſſeſſion of their authority. But this letter did not interrupt his march. If it be conſidered, that the pretence he had hitherto alledged for his expedition into England, was the reſtitution of the parliament, and that he continued his march, though the parliament was reſtored, it will be eaſy to perceive, that he had quite another motive than what was at firſt alledged. This pretence failing him, he was obliged to find another, and that was, to aſſiſt the parliament, to reduce the army to obedience and ſubmiſſion. On his arrival at York, he found the lord Fairfax, formerly general to the parliament, at the head of ſome troops of that county, and in poſſeſſion of the city, in order to hinder the committee of ſafety from being maſters of it. The lord Fairfax received Monk into York without any difficulty, and they had many conferences together. Fairfax was a preſbyterian, though Cromwell had made him ſubſervient to the riſe of the independents. So, it would be hard to conceive what intereſt he could have in countenancing Monk's deſigns, if the preſbyterian party had not ſecretly agreed to concur in the king's reſtoration.

Whatever diſſimulation Monk had uſed, in pretending that he had no other view than to reſtore the rump, the members of that parliament were too wiſe not to perceive, he had ſome other hidden deſign. But they heſitated between two opinions, in appearance equally probable, namely, that he intended either to advance himſelf in imitation of Cromwell, or to deſtroy the king. For this reaſon, the rump, a few days after their meeting, appointed A COUNCIL OF STATE, conſiſting of twenty-eight members, of whom Monk was one, and ordered each counſellor to take the following oath:

"I do hereby ſwear that I do renounce the pretended title of CHARLES STEUART, and the whole line of the late king James, and of every other perſon as a ſingle perſon, pretending, or which ſhall pretend to the crown or government of theſe nations of England, Scotland, and Ireland, or any of them, and the dominions and territories belonging to them, or any of them; and that I will, by the grace and aſſiſtance of Almighty God, be true, faithful and conſtant to the parliament and common-wealth, and will oppoſe the bringing in, or ſetting up any ſingle perſon or houſe of lords, and every of them in this common-wealth."

This precaution however did not remove the fears of the parliament with regard to Monk, who daily became more ſuſpected, notwithſtanding all his care to conceal his intentions. It was therefore reſolved to ſend two of their members to him, under the pretence of doing him honour, but in reality, to obſerve his proceedings. Scot and Robinſon were named, who found him at Leiceſter the 22d of January[g]. In this town[h] he received alſo commiſſioners from London, with an addreſs, to deſire the re-admiſſion of the members ſecluded in the year 1648. Scot, one of the commiſſioners from the parliament, interrupted the London commiſſioner who was reading the addreſs, and commanded him ſilence, looking upon this propoſal as tending directly to the deſtruction of the republican parliament. Nevertheleſs, Monk received the addreſs. As he continued his march, he received many ſuch, ſo that it ſeemed to be the general ſenſe of the nation, that the preſbyterians ſhould reſume the reins of the government. Let us reflect here a little on this extraordinary change.

It cannot be denied, that the ſecluded members in 1648 were preſbyterians, who had, on all occaſions, ſhewn an extreme animoſity againſt the king and the church of England. If they had teſtified a deſire to reſtore the late king by the treaty of Newport, this was owing to conditions, which he looked upon as intolerable, and which neceſſity alone compelled him to grant. Nay, the parliament could not reſolve to allow ſome reſtrictions deſired by the king to their demands. If they voted that the king's conceſſions might ſerve for foundation to a peace, it was at a time when the army was now in London, ready to execute the violence which was acted the next day. The preſbyterians therefore cannot be conſidered as having been at any time favourable to Charles I. Since the 6th of December 1648, they had been kept very low, having conſtantly had for enemies the royaliſts, parliament, protector, and army, ſo that

[d] And thereby be beforehand with Monk; by which means he might make terms with the king for the preſervation of himſelf, his friends, and his cauſe; but if it were left to Monk, they, and all that had been done, would be left to the danger of deſtruction. Hereupon they two agreed, that Whitelock ſhould immediately go the king; but Vane, Deſborough, and Berry, coming to Fleetwood in the mean time, made him alter his reſolution. Whitelock, p. 691.

[e] This year, on October 31, died John Bradſhaw, preſident of the court that condemned king Charles I.

[f] Monk placed no confidence in Hyde, and when he ſent the aſſurance of his ſervice to the king by ſir John Greenvil, it was with this proviſo, that Hyde ſhould not be let into the ſecret. So ſays Bevil Higgens, who had it from his own mother, ſiſter to ſir John Greenvil.

[g] All the way from Leiceſter to St. Albans, they lodged in the ſame houſe with him, and when they withdrew to their own apartment, they always found or made ſome hole in the door or wall, to look or liſten. Skinner, p. 197.

[h] It was at Harborough, January 23. See Skinner, p. 195, and Phillips, p. 681.

they were without any power. And yet, during Monk's march, this party not only revives, but even becomes ſuperior to all the reſt, and the whole nation ſeems to conſpire to reſtore them the ſupreme authority, in demanding the re-admiſſion of the ſecluded members in 1648. What could be the motive of ſo great a number of addreſſes on this account, preſented to Monk in his march? And why did Monk receive them ſo favourably? Certainly, when he left Scotland, his intention, however concealed, was to labour the king's reſtoration [i]. But if the preſbyterians had not engaged to favour this reſtoration, the raiſing their party, and putting them in poſſeſſion of the government, would have been a very unlikely means to accompliſh it. All that Monk could thereby have gained, was, the king's reſtoration on the ſame terms which his father had granted in the treaty of Newport, which, doubtleſs, was very far from his intention. Let us therefore conclude, that all theſe addreſſes were an effect, or conſequence of a ſecret agreement between the royaliſts and preſbyterians, whereby theſe had conſented to the king's reſtoration, on conditions relating to their religion alone, without inſiſting, as they had before conſtantly done, on any terms concerning the government. Without this ſuppoſition, the ſteps, afterwards taken for the king's reſtoration, can never be conceived, and with it, all the proceedings are natural.

This agreement was a ſecret which was carefully to be concealed, leſt its diſcovery ſhould produce an accommodation between the parliament and the army, in which caſe Monk, who had but five thouſand men, would have been little able to execute his deſigns. Wherefore, though he received all the addreſſes, he was very careful not to expreſs the leaſt ſigns of approbation, but contented himſelf with a general anſwer, that they ſhould be laid before the parliament [k].

Monk, as I ſaid, had but five thouſand men [l]. With this army it was not poſſible to withſtand the other, which was three times as numerous, and of which ſeveral regiments were now in London. If the parliament and army could have united together, they would, doubtleſs, have rendered all Monk's projects impracticable. But the parliament was ſtill more jealous of their own army than of Monk. They only ſuſpected that general of having ſecret deſigns, without knowing exactly wherein they conſiſted. But that the general officers of the army would become maſters, if their aſſiſtance was neceſſary, could not be doubted. It was Monk's intereſt therefore to foment this diſunion, and he could not more ſucceſsfully do it, than by profeſſing an entire devotion to the parliament. He thereby removed from the parliament all thoughts of an union with the army, which appeared unneceſſary, while Monk's fidelity could be relied on. This was the true reaſon of Monk's extreme diſſimulation, and of his pretending on all occaſions, that his march to London was only to ſerve and obey the parliament.

When he came to St. Albans, within twenty miles of London, he writ to the parliament, to deſire that the regiments in the city, might be ſent to more diſtant quarters, it not being convenient, that troops, which had ſo lately been in rebellion, ſhould mix with thoſe which were entirely devoted to the parliament, and come to offer their ſervice. With this letter he ſent the manner in which his ſoldiers might be lodged in London, and the quarters that might be aſſigned to the regiments which were to be removed. Though this demand was ſuſpected by many members to have ſome myſtery in it, it was however granted by a majority of voices, and the regiments in the city were ordered to remove. This ſhews, either that Fleetwood and Deſborough were no great politicians, if they did not ſee that Monk's demand tended to make himſelf maſter of the city and parliament, or that they believed they had not a ſufficient influence over their inferior officers, to venture to oppoſe it. It ſeems, they could reſolve nothing without Lambert, who was now priſoner in the Tower.

However this be, Monk artfully improving the diviſion between the parliament and the army, entered London, in triumph, the 3d of February 1659-60. After he had given orders for quartering his troops, he repaired to the council of ſtate, who immediately tendered him the abjuration oath, which all the members were obliged to take. But he aſked time to reſolve, ſaying, he had been informed that ſtrong objections had been made to this oath, even in the parliament itſelf. Upon this refuſal he was denied admittance into the council of ſtate, till he had taken the oath, and was obliged to withdraw.

The 6th of February he went to the parliament, where by the mouth of the ſpeaker, he received the compliments and thanks of the houſe; to which he returned the following anſwer;

Mr. Speaker,

"AMONGST the many mercies of God to theſe poor nations, your peaceable reſtitution is not the leaſt. It is (as you ſaid) his work alone, and to him belongs the glory of it; and I eſteem it as a great effect of his goodneſs to me, that he was pleaſed to make me, amongſt many worthier in your ſervice, ſome way inſtrumental in it. I did nothing but my duty, and deſerve not to receive ſo great an honour and reſpect as you are pleaſed to give me at this time and place, which I ſhall ever acknowledge as a high mark of your favour to me.

"Sir, I ſhall not now trouble you with large narratives, only give me leave to acquaint you, that as I marched from Scotland hither, I obſerved the people in moſt counties in great and earneſt expectations of a ſettlement, and ſeveral applications were made to me, with numerous ſubſcriptions to them. The chiefeſt heads of their deſires were for a free and a full parliament, and that you would determine your ſitting; a goſpel miniſtry; encouragement of learning and univerſities; and for admittance of the members ſecluded before the year 1648, without any previous oath or engagement. To which I commonly anſwered, that you are now in a free parliament; and if there be any force remaining upon you, I would endeavour to remove it; and that you had voted to fill up your houſe, and then you would be a full parliament alſo; and that you had already determined your ſitting: and for the miniſtry, their maintenance, the laws, and univerſities, you had largely declared concerning them in your laſt declaration; and I was confident you would adhere to it: but as for thoſe gentlemen ſecluded in the year 1648, I told them you had given judgment in it, and all people ought to acquieſce in that judgment; but to admit any members to ſit in parliament without a previous oath or engagement, to preſerve the government in being, it was never done in England.

"But although I ſaid it not to them, I muſt ſay, with pardon, to you, that the leſs oaths and engagements are impoſed (with reſpect had to the ſecurity of the common cauſe) your ſettlement will be the ſooner attained to. I am the more particular in theſe matters to let you ſee how grateful your preſent conſultations about theſe things will be to the people. I know all the ſober gentry will cloſe with you, if they may be tenderly and gently uſed; and I am ſure you will ſo uſe them, as knowing it to be the common concern, to amplify, and not to leſſen our intereſt, and to be careful that neither the cavalier, nor fanatic party have yet a ſhare in your civil or military power, of the laſt of whoſe impatience to government, you have lately had ſo ſevere experience. I ſhall ſay ſomething of Ireland and Scotland; indeed Ireland is in an unſettled condition, and made worſe by your interruptions, which prevented the paſſing an act for the ſettlement of the eſtates of adventurers and ſoldiers there, which I heard you intended to have done in a few days; and I preſume, it will be now quickly done, being ſo neceſſary at this time, when the wants of the commonwealth call for ſupplies; and people will unwillingly pay taxes for thoſe eſtates, of which they have no legal aſſurance: I need not tell you how much you were abuſed in the nomination of your officers of your armies there; their malice that deceived you, hath been ſufficiently manifeſted: I do affirm, that thoſe now that have declared for you will continue faithful, and thereby evince, that as well there as here, it is the ſober intereſt muſt eſtabliſh your dominion. As for Scotland, I muſt ſay, the people of that nation deſerve to be cheriſhed; and I believe your late declaration will much glad their ſpirits; for nothing was to them more dreadful, than a fear to be over-run with fanatic notions.

[i] Biſhop Burnet more reaſonably ſuppoſes, that Monk had no ſettled deſign any way, but reſolved to do as occaſion ſhould be offered to him, p. 84.

[k] He kept himſelf under ſuch a reſerve, that he declared all the while in the moſt ſolemn manner for a common-wealth, and againſt a ſingle perſon, in particular againſt the king. See Ludlow, tom. II. p. 811. The ſame day he entered London, Ludlow viſiting him, he told Ludlow, "That he was fully reſolved to promote the intereſt of a commonwealth." Adding, "We muſt live and die for and by a commonwealth." Idem. p. 820.

[l] Dr. Skinner ſays, his army, upon a review at Highgate, amounted to five thouſand eight hundred men (p. 221.) namely, four thouſand foot, and eighteen hundred horſe. The parliament's regiments in London conſiſted of two thouſand horſe, and eight thouſand foot. Phillips, p. 679.

I:

I humbly recommend them to your affection and eſteem; and deſire the intended union may be proſecuted, and their taxes made proportionable to thoſe in England, for which I am engaged by promiſe to become a ſuitor to you. And truely, ſir, I muſt aſk leave to intreat you to make a ſpeedy proviſion for the civil government there, of which they have been deſtitute near a year, to the ruin of many families: and except commiſſioners for managing of the government, and judges to ſit in courts of judicature, be ſpeedily appointed, that country will be very miſerable.

"I directed mr. Gumble lately to preſent ſome names to you, both for commiſſions and judges; but by reaſon of your great affairs, he was not required to deliver them in writing: but I humbly preſent them to your conſideration."

This ſpeech was not agreeable to all; ſome of the members complained, Monk ſpoke too poſitively, and aſſumed too great an authority: that he affected a popularity, which juſtly rendered him ſuſpected: that he engaged for the fidelity of the Iriſh officers, which, however, was to be doubted: in ſhort, that in ſaying, the cavaliers were not yet to have a ſhare in the government, he gave that party hopes of being one day admitted.

Two days after, the parliament had occaſion to try Monk's fidelity, and to be aſſured, whether he was ſo devoted to their intereſt as he ſtudied to appear. The common council of the city of London, aſſembling the 7th of February, reſolved to pay no more taxes till the parliament was filled [m]. They knew Monk's deſign was to reſtore the members ſecluded in 1648, and, doubtleſs, thought by this reſolution to advance the affair. They had nothing to fear from Monk, and knew the parliament would not recall the regiments which were removed from London, to force the city to obedience. Upon advice of this reſolution, the parliament ordered Monk to lead his army into the city, ſeize eleven members of the common council, and pull down the chains, gates, and portcullices. Monk readily and inſtantly obeyed the order [n]. He aſſembled his forces, entered the city, and arreſted the eleven members of the common council. Then he writ to the parliament an account of what he had done, praying them withal to moderate their rigour, with reſpect to the gates and portcullices. But the parliament, whether through animoſity againſt the city, or a farther trial of Monk's fidelity, and perhaps to engage him in an irreconcileable quarrel with the city, inſiſted upon a punctual compliance with their order, and were immediately obeyed. After that, he returned with his troops to Whitehall, which diſpleaſed the parliament, believing Monk ought not to have quitted the city without their order. The ſame, or the following day, Praiſe-God Barebone, formerly mentioned on occaſion of Oliver Cromwell's firſt parliament, preſented a petition to the houſe, ſubſcribed by many perſons, deſiring the oath of abjuration of Charles Stuart might be taken by all perſons without exception, and he received the thanks of the houſe.

Monk's late proceedings aſtoniſhed both his friends and the city of London. The magiſtrates, enraged at this treatment, looked upon him as a perfidious man, who had amuſed them with hopes of his ſupporting the re-admiſſion of the ſecluded members, in order to know their ſentiments and as one abſolutely devoted to the parliament. On the other hand, his friends repreſented to him, that he was guilty of an irreparable fault, in quarrelling with the Londoners, who alone were able to ſupport him againſt the parliament bent upon his ruin, whatever they might pretend: that this commiſſion was a ſnare, which had loſt him the confidence of the city, and expoſed him to the parliament's deſigns againſt him; beſides that without the aſſiſtance of London he would never, with his ſmall army, be able to execute his intentions [o].

Monk, convinced by theſe reaſons, that he had carried his diſſimulation too far, thought only of repairing his error, by an open rupture with the parliament, in order to regain the eſteem of the city. He therefore ſent, without loſs of time, Clarges his confident to ſir Thomas Alleyne lord mayor, to tell him, he was very ſorry for what he had done, and deſired a conference with him and the common council, to make reparation for his fault. But Clarges could obtain nothing from the lord mayor, who was perſuaded that Monk was deceitful and treacherous, and only ſought to deceive him. Notwithſtanding all this, Monk aſſembled his forces, with a reſolution to march once more into the city, and be reconciled to the magiſtrates, whatever might be the conſequence. At his departure, he ſent a letter to the parliament, writ with the approbation of his principal officers, complaining, "That they gave too much countenance to Lambert, Vane, and ſeveral that engaged with the late committee of ſafety; and that they had permitted Ludlow and ſome others to ſit in their houſe, that had been, by ſir Charles Coote and ſome of the Iriſh officers, accuſed of high treaſon; and had countenanced too much a late petition to exclude the moſt ſober and conſcientious, both miniſters and others, by oaths, from all employment and maintenance; and in fine, peremptorily demanded, that by Friday next, they would iſſue out writs to fill up their houſe; and when filled, ſhould riſe at an appointed time, to give place to a full and free parliament."

By this letter the parliament eaſily perceived, Monk ſought an occaſion of quarrel, which, as it was difficult to avoid, it was judged the wiſeſt courſe to vote Monk the thanks of the houſe for his care, and that his deſires ſhould be ſatisfied without delay. At the ſame time, Scot and Robinſon were diſpatched to him with this reſolution. But Monk was now marched into the city, and had, though with great difficulty, prevailed with the mayor to aſſemble the common council that afternoon. Mean time, the two commiſſioners of the parliament, having waited on Monk with the meſſage returned with little ſatisfaction. He only told them, "All would be well, if his letter was complied with." Upon this anſwer, the parliament voted, that the command of the army ſhould be lodged in five commiſſioners [p], of whom Monk himſelf was one, and that the quorum of them ſhould be three; but when it was moved, that Monk ſhould always be one of the three, it was carried in the negative.

In this interval, Monk repairing to the common council, made a ſpeech, in which he teſtified his concern for having accepted a commiſſion ſo diſagreeable in the execution to the city. That he was forced to accept it, or quit his command, which he had thought proper to keep at ſuch a juncture, for the good of the city, and of the whole nation, whoſe happineſs and advantages he ſhould always promote to the utmoſt of his power. To give an unqueſtionable proof of the ſincerity of his intentions, he communicated to the council his letter to the parliament, and anſwer to the two commiſſioners. As theſe proofs were convincing, the council was appeaſed, and Monk looked upon as a friend come to their relief, notwithſtanding the tranſactions of the foregoing day. When the news of this reconciliation was diſperſed through the city, it was followed with ringing of bells and bonfires in every ſtreet, at which were roaſted numberleſs rumps in contempt of the parliament [q]. Some days after, the council of ſtate ſent to deſire Monk to come and aſſiſt them with his counſels, in regulating the affairs of the nation: but he did not think fit to expoſe himſelf to that danger. He anſwered, that the inhabitants of London were ſo diſſatisfied, that his preſence was abſolutely neceſſary in the city, to keep them in awe. On the other hand, the lord mayor and aldermen conjured him to ſtay in the city, acquainting him, that the parliament was ſecretly endeavouring to corrupt his army, and that ſir Arthur Haſlerig had writ to ſeveral perſons in London, to that purpoſe. So Monk took care to avoid the ſnare laid for him.

Since Monk's union with the city, addreſſes for the re-admiſſion of the ſecluded members were more frequent than ever. Very likely, there were emiſſaries diſperſed in ſeveral quarters, to incite the people to offer theſe petitions, which were always favourably received by Monk, it being neceſſary for him to ſupport his deſigns by the general inclination of the people. He knew what uſe was to be made of a preſbyterian parliament, though many who ſigned the petitions, imagined that preſbyterianiſm was going to remount the throne.

At laſt, on the 18th of February, Monk ſo ordered it, that ſome of the ſitting members had a conference with ſome of the ſecluded, concerning their re-admiſſion. He could have wiſhed, this might have been done by common conſent.

[m] It was an aſſeſſment of one hundred thouſand pounds a month, lately impoſed, Heath, p. 436. Whitelock ſays, The council of ſtate found the city of London generally inclined to the bringing in of the king; or to have forthwith a free parliament for that end, p. 695.

[n] "He offered himſelf, if they would command theſe things to be done, to ſee their orders put in execution." Ludlow, tom. II. p. 824.

[o] In Skinner's life of Monk, it is ſaid, that the orders to march the army into the city, were not directed to Monk alone, but alſo to the other commiſſioners, whereof Haſlerig, Walton, and Morley, were upon the place, and, ever ſince his arrival at London, had acted jointly with him; ſo that had the general refuſed his orders, the others might have done the buſineſs without him, and conſequently, put it to the hazard of removing him from the command of his army. But as he did not let his friends know this reaſon, the action was variouſly cenſured. p. 237.

[p] They were ſir Arthur Haſlerig, colonel Morley, Walton, Alured and Monk. Ludlow, tom. II. p. 830, 831.

[q] This Saturday night, February 11, was called the roaſting of the rump. Skinner, p. 230.

Monk

But the conference was fruitleſs, becauſe the ſitting members could not, or would not, undertake for the parliament's accepting the conditions which ſhould be agreed on. They were for leaving that to the determination of the parliament, who, doubtleſs, would have found means to prolong the affair. But Monk ſaw himſelf indiſpenſably obliged to bring it to a ſpeedy concluſion, for fear a delay might produce an agreement between the army and parliament. This union was ſo natural, in the extremity to which the affairs of the parliament were reduced, that it is aſtoniſhing, no endeavours were uſed to procure it. At leaſt, hiſtory is ſilent upon that head. So Monk, deſirous to improve ſo favourable a juncture, reſolved to introduce the ſecluded members into the parliament, in ſpite of thoſe who were now ſitting. But as this could not be done without the aſſiſtance of the army, he aſſembled his officers, to acquaint them with his intentions. All conſented, on certain conditions relating to their own intereſts, and which were poſitively promiſed. Then Monk made the ſecluded members engage, that after their re-admiſſion, they would call a free parliament, and diſſolve the preſent[r].

Theſe reſolutions being taken, Monk repaired to Whitehall the 28th of February, attended by all the ſecluded members, and after an exhortation to take care of the intereſts of the nation, gave them a guard to conduct them to the parliament, where they took their ſeats, without any previous notice to the ſitting members. They were ſo ſuperior in number to the independents, that the heads of that party, after a ſhort demur among themſelves, thought fit to withdraw and abandon their cauſe.

The ſame day, Monk writ a circular letter to all the regiments, to inform them of the change in the parliament, to aſſure them of the zeal of the reſtored members for the intereſt of the army, and to deſire their oppoſition to all attempts in favour of Charles Stuart. This laſt clauſe was thought neceſſary to keep the army in temper, which was yet far from deſiring the king's reſtoration. This letter was ſigned by Monk himſelf, and his principal officers, and ſent the ſame day to the colonels of the ſeveral regiments.

This parliament continued their ſeſſion but twenty-five days, during which they did ſeveral things, plainly ſhewing they were far from being the king's enemies. Some of their proceedings ſhall here be laid together, that I may not be obliged to break the thread of the narration. 1. They annulled all votes and orders made by the parliament ſince the 6th of December 1648, againſt the ſecluded members. 2. They releaſed all the impriſoned friends of the king, and amongſt the reſt ſir George Booth[s]. 3. They conſtituted Monk, by act of parliament, captain general of the armies of the three nations. 4. They repealed the oath of abjuration of Charles Stuart, and all the royal family. 5. They appointed a new council of ſtate conſiſting of one and thirty members, moſt of them royaliſts, and well diſpoſed to ſerve the king[t]. 6. They made great changes in the militia of London, and the ſeveral counties, and revoked all commiſſions granted by the republicans. 7. They abrogated the engagement "to be true and faithful to the common-wealth "without a king or houſe of peers," by which the lords, who were generally the king's adherents, were reſtored to their right of conſtituting a ſeparate houſe in parliament. Laſtly, they diſſolved themſelves the 16th of March, after having iſſued out writs for a free parliament to meet the 25th of April, who were to reſtore the king, which was no longer doubted[u]. However as ſuch a change could not pleaſe every one, after ſo long an interruption of kingly power, the parliament before their ſeparation, thought it ſtill neceſſary to amuſe the public, or at leaſt to leave room to doubt whether the king's reſtoration was intended. Wherefore it was voted, firſt, that no perſon ſhould be admitted to any military employ, before he had ſworn to acknowledge the lawfulneſs of taking up arms againſt the late king[w]. Secondly, that no perſon who had been in arms againſt the parliament, ſhould be choſen a member of the next parliament. In all appearance, theſe reſolutions were only taken to prevent diſturbances from the malecontents, in the interval betwixt the two parliaments. It is at leaſt certain, that the laſt was neglected in the new elections of repreſentatives, among whom were great numbers of royaliſts. As the non-obſervance of it was to be queſtioned by the next parliament only, there was nothing to be ſaid, till they ſhould meet.

But theſe deluſive votes were not capable of impoſing on the republicans, who ſaw but too plainly, that a reſolution was taken to reſtore the king. To prevent this blow which could not but cruſh them entirely, they endeavoured to perſuade Monk to take upon himſelf the government, and ſupply the place of Oliver Cromwell[x], chuſing rather to own him for governor or even ſovereign, than be expoſed to the king's vengeance. Monk having conſtantly rejected this offer, they applied to Clarges to deſire him to perſuade the general to accept the government. But Clarges diſcovered their plot to the council of ſtate, who, if Monk had not interceded for them, would have puniſhed them ſeverely.

This attempt failing, they privately excited a good number of officers of their own principles to draw up a declaration, by which they engaged to ſupport the republican government. They brought the declaration to the general to ſign, pretending it ſhould afterwards be ſubſcribed by the whole army. But Monk excuſed himſelf, alledging, this precaution was needleſs after the vote, That no adherent of the king ſhould be elected to ſerve in the enſuing parliament. But they made no account of this evaſion, knowing, that it belonged to the houſe of commons to judge of the qualifications of their members. In ſhort, as they continued to importune him, he forbad them with an air of authority, to aſſemble without his permiſſion.

The tranſactions in England being quickly carried to cardinal Mazarin, it was not difficult for him to perceive, that Monk had ſome great deſign in view. But as he could not judge whether that general was labouring for himſelf or the king, he ordered monſieur de Bourdeaux the French embaſſador at London, to offer his friendſhip to Monk, and every thing in his power, whatever were his deſigns. Probably, the cardinal, who had always treated the king with neglect, and was but little, if at all, deſirous of his reſtoration, would have been glad, Monk had been labouring for himſelf[y]. But in caſe Monk intended to reſtore the king, the cardinal was willing to have ſome ſhare in it, in order to make amends for his harſh uſage of the king, on ſundry occaſions. The embaſſador applying to Clarges, intimated to him, that the cardinal was ready to ſerve the general in all his undertakings, and deſired a conference with him. But though Monk would not abſolutely refuſe a viſit from the embaſſador, he ordered Clarges to tell him, it was on condition, he ſhould not propoſe any thing to him in reference to the Engliſh affairs. So, the viſit paſſed in general compliments.

The day after the diſſolution of the parliament, ſir John Greenvil, ſent by the king to general Monk, was introduced

[r] Monk made the ſecluded members, before their admiſſion, ſubſcribe theſe four articles. 1. To ſettle the conduct of the armies in the three nations ſo as might beſt ſecure the peace of the common-wealth. 2. To provide for the ſupport of the forces by ſea and land, and money alſo for their arrears, and the contigencies of the government. 3. To conſtitute a council of ſtate for the civil government of Scotland and Ireland, and to iſſue out writs for the ſummoning a parliament to meet at Weſtminſter the 25th of April. 4. To conſent to their own diſſolution, by a time that ſhould be limited to them. Skinner, p. 241.

[s] The earls of Crawford and Lauderdale, and the lord Sinclair, were alſo releaſed.

[t] To let the reader ſee who were then the leading men, it may not be amiſs to inſert the names of this council, which Rapin, by miſtake, ſays, conſiſted but of twenty-one members. General Monk, William Pierpoint, John Crew, colonel Roſſiter, Richard Knightley, colonel Popham, colonel Morley, lord Fairfax, ſir Anthony Aſhley Cooper, ſir Gilbert Gerrard, lord chief juſtice St. John, ſir John Temple, lord commiſſioner Widdrington, ſir John Evelyn, ſir William Waller, ſir Richard Onſlow, ſir William Lewis, colonel Edward Montague, colonel Edward Harley, colonel Richard Norton, Arthur Anneſley, Denzil Holles, colonel George Thomſon, John Trevor, ſir John Holland, ſir John Potts, colonel John Birch, ſir Harbottle Grimſtone, John Swinfin, John Weaver, ſerjeant Maynard. Phillips, p. 690.

[u] They alſo raiſed an aſſeſſment of one hundred thouſand pounds a month, for the payment of the army, and defraying the public expences for ſix months. Clarendon, tom. III. p. 563.

[w] In the act of the militia of London was a clauſe, that every commiſſioner ſhall acknowledge and declare, "That the war undertaken by both houſes of parliament in their defence againſt the forces raiſed in the name of the late king, was juſt and lawful, and that magiſtracy and ministry are the ordinances of God." Whitelock, p. 699.

[x] Among the reſt (ſays Skinner) ſir Arthur Haſlerig, to preclude the king's reſtoration, offered him one hundred thouſand hands that ſhould ſubſcribe his title, p. 276.

[y] Mr. Lock ſays, that Monk had agreed with the French embaſſador to take the government on himſelf, by whom he had promiſe from Mazarin of aſſiſtance from France, to ſupport him in this undertaking. This bargain was ſtruck between them late at night, but not ſo ſecretly, but that Monk's wife, who had poſted herſelf behind the hangings, where ſhe could hear all that paſſed, finding what was reſolved, ſent immediately notice of it by her brother Clarges to ſir Anthony Aſhley Cooper. She was zealous for the reſtoration of the king, and promiſed ſir Anthony, to watch her husband, and inform him from time to time how matters went. Upon this notice ſir Anthony ſummoned the council of ſtate, and before them, indirectly charging Monk with what he had learned, propoſed, that to remove all ſcruples, Monk would at that inſtant take away their commiſſions from ſuch and ſuch officers in his army, and give them to thoſe whom he named. By this means the army ceaſed to be at Monk's devotion, and was put into hands that would not ſerve him, in the deſign he had undertaken. Memoirs of the earl of Shaftſbury.

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to him in the night. He told him, the king expected great ſervices from him, and that he would finiſh a work ſo happily begun, and even very far advanced. Monk anſwered, he was always diſpoſed to ſerve his majeſty to the utmoſt of his power: but the troops of the two armies were yet ſo averſe to his reſtoration, that the deſign could not be kept too ſecret, becauſe a diſcovery would give occaſion to the republicans to ſubvert it. Diſſimulation therefore was yet neceſſary, till the parliament which was to meet ſhould complete the work; and, in the mean time, it ſhould be his care to model the army to the king's advantage, by the removal of the moſt ſuſpected officers. He added, the better to execute the projected deſign, he thought it abſolutely neceſſary for the king to prepare a declaration capable of diſpelling the fears of thoſe who were moſt guilty, and promiſe a free and general pardon to all his ſubjects, except ſuch as ſhould be exempted by parliament; and that he would conſent to any act which ſhould be preſented to him for the payment of the arrears due to the army, and for the ſettlement of public ſales and diſpoſitions of lands to officers, ſoldiers and others; as alſo for toleration or liberty of conſcience, and that no perſon ſhould be moleſted on account of his religion, who ſhould not diſturb the public peace. Laſtly, his advice was, that the king ſhould remove in time to ſome town of the united Provinces, to prevent his being arreſted by the Spaniards, ſhould they have any ſuch intention, which might ruin the whole undertaking.

The king punctually followed theſe inſtructions, as will be preſently ſeen, and removed from Bruſſels to Breda, not without danger of being ſtopped at Bruſſels, according to the lord Clarendon.

Mean while, Monk made good uſe of the time, which remained till the meeting of the parliament. He diſplaced, on divers pretences, ſuch officers as were moſt ſuſpected by him, and filled their poſts with others in whom he could entirely confide. Moreover, ſome officers, by his direction, framed an engagement in form of an addreſs to the general, by which they promiſed a ready obedience to the orders of the parliament, when aſſembled. This engagement being preſented to Monk, he approved it, and ordered it to be ſubſcribed by all the regiments in England, Scotland, and Ireland, This gave him a pretence to remove ſuch as refuſed to ſign it.

While the hopes of the king and his party were daily increaſing, an accident happened, which might have been attended with ill conſequences, had it not been ſpeedily remedied. This was Lambert's eſcape out of the Tower, and his putting himſelf at the head of ſome troops[z]. As he was greatly eſteemed by the ſoldiers, there was danger that all the republicans, who were very numerous in the army, would declare for him. Wherefore Monk loſt not a moment to prevent this danger before the miſchief reached any farther. Lambert having aſſembled ſome diſcontented troops at Daventry, Ingoldſby was immediately ſent againſt him with Monk's own regiment, and ordered to take ſome other troops in his way and give him battle, This extreme diligence did the buſineſs effectually. As Lambert had not yet time to aſſemble many troops, Ingoldſby met him the 22d of April, thirteen days after his eſcape, defeated and ſent him to the Tower. Thus the fear which Lambert's eſcape had infuſed into the king's party was entirely diſpelled.

Two days before the parliament met, the republicans made another attempt to prevent the king's reſtoration, by diſperſing a forged letter from Bruſſels, in which it was ſaid, that the king only waited his reſtoration, to be ſeverely revenged upon all his oppoſers. It was alſo added, that his party was preparing to put them all to the ſword. This forged letter beginning to do miſchief, the lords, and others of the king's party, publiſhed a declaration ſigned by ſeventy perſons, in which they diſavowed the intentions aſcribed to them, and proteſted, that their deſire was to live peaceably, without any thoughts of revenge upon the authors of their ſufferings.

The new parliament met the 25th of April, in two houſes, the one of lords, the other of commons, agreeably to the antient conſtitution[a]. In the houſe of lords moſt were the king's friends. In that of the commons, it was found, that many royaliſts were elected, notwithſtanding the abovementioned vote. Some preſbyterians, who were not in the ſecret, had a mind to complain, and moved for an examination of the elections, but were not heard. Moſt of the preſbyterian members were no leſs zealous than the royaliſts for the king's reſtoration, which every one wiſhed, not ſo much, perhaps, out of affection to him, as to deliver the kingdom from the dominion of the independents and fanatics, and from the tyranny of the army, which had laſted twelve years.

Two days after the opening of the parliament, Greenvil, returning from Bruſſels, waited on Monk, with a commiſſion from the king, conſtituting him captain general of all the forces of the three kingdoms, and alſo with a letter from his majeſty to be communicated to the council of ſtate, and the officers of the army. But Monk declined to open the letter, till he had received the parliament's directions. Mean time, the commons having adjourned themſelves for two or three days, Greenvil applied himſelf to the lords, and preſented to them a letter from the king, with a declaration dated the 14th of April.

In the letter the king told the lords, that hearing, they were again acknowledged to have the authority, belonging to them by their birth, he hoped they would uſe it for the public good, for compoſing the diſtractions of the kingdom, and for reſtoring him to his juſt prerogatives, the parliament to their privileges, and the people to their liberties. As for the declaration, it will be neceſſary to inſert it at large.

CHARLES REX,

"CHARLES by the grace of God, king of England, Scotland, France and Ireland, defender of the faith, &c. To all our loving ſubjects, of what degree or quality ſoever, greeting. If the general diſtraction and confuſion which is ſpread over the whole kingdom, doth not awaken all men to a deſire and longing, that thoſe wounds which have ſo many years together been kept bleeding, may be bound up, all we can ſay will be to no purpoſe: however, after this long ſilence, we have thought it our duty to declare how much we deſire to contribute thereunto: and that as we can never give over the hope, in good time to obtain the poſſeſſion of that right, which God and nature hath made our due; ſo we do make it our daily ſuit to the divine providence, that he will, in compaſſion to us and our ſubjects, after ſo long miſery and ſufferings, remit, and put us into a quiet and peaceable poſſeſſion of that our right, with as little blood and damage to our people as is poſſible; nor do we deſire more to enjoy what is ours, than that all our ſubjects may enjoy what by law is theirs, by a full and entire adminiſtration of juſtice throughout the land, and by extending our mercy where it is wanted and deſerved.

"And to the end that fear of puniſhment may not engage any, conſcious to themſelves of what is paſt, to a perſeverance in guilt for the future, by oppoſing the quiet and happineſs of their country, in the reſtoration both of king, peers, and people, to their juſt, antient and fundamental rights; we do by theſe preſents declare, That we do grant a free and general pardon, which we are ready, upon demand, to paſs under our great ſeal of England, to all our ſubjects, of what degree or quality ſoever, who within forty days after the publiſhing hereof, ſhall lay hold upon this our grace and favour, and ſhall by any public act declare their doing ſo, and that they return to the loyalty and obedience of good ſubjects, excepting only ſuch perſons as ſhall hereafter be excepted by parliament: thoſe only excepted, let all our ſubjects, how faulty ſoever, rely upon the word of a king, ſolemnly given by this preſent declaration, that no crime whatſoever, committed againſt us, or our royal father, before the publication of this, ſhall ever riſe in judgment, or be brought in queſtion againſt any of them, to the leaſt endamagement of them, either in their lives, liberties, or eſtates, or (as far forth as lies in our power) ſo much as to the prejudice of their reputations, by any reproach, or terms of diſtinction from the reſt of our beſt ſubjects; we deſiring and ordaining, that henceforward all notes of diſcord, ſeparation, and difference of parties, be utterly aboliſhed among all our ſubjects whom we invite and conjure to a perfect union among themſelves, under our protection, for the reſettlement of our juſt rights and theirs, in a free parliament, by which, upon the word of a king, we will be adviſed.

"And becauſe the paſſion and uncharitableneſs of the times have produced ſeveral opinions in religion, by which men are engaged in parties and animoſities againſt each other, which, when they ſhall hereafter unite in a freedom of converſation, will be compoſed, or better underſtood; we do declare a liberty to tender conſciences; and that no man ſhall be diſquieted, or called in queſtion for differences of opinion in matters of religion, which do not diſturb the peace of the kingdom,

[z] Seven or eight troops of horſe, and one company of foot. Phillips, p. 698.——Four troops of horſe in all, ſays Whitelock, p. 699.

[a] Edward Montague, earl of Mancheſter, was choſen ſpeaker for the lords, and ſir Harbottle Grimſtone for the commons. Phillips, p. 701.

and that we ſhall be ready to conſent to ſuch an act of parliament, as upon mature deliberation ſhall be offered unto us, for the full granting that indulgence.

" And becauſe in the continued diſtractions of ſo many years, and ſo many and great revolutions, many grants and purchaſes of eſtates have been made to and by many officers, ſoldiers, and others, who are now poſſeſſed of the ſame, and who may be liable to actions at law, upon ſeveral titles; we are likewiſe willing, that all ſuch differences and all things relating to ſuch grants, ſales and purchaſes, ſhall be determined in parliament, which can beſt provide for the juſt ſatisfaction of all men who are concerned.

" And we do further declare, that we will be ready to conſent to any act or acts of parliament, to the purpoſes aforeſaid, and for the full ſatisfaction of all arrears due to the officers and ſoldiers of the army under the command of general Monk, and that they ſhall be received into our ſervice upon as good pay and conditions as they now enjoy."

Immediately after the reading of this declaration, the lords voted, " That, according to the antient and fundamental laws of this kingdom, the government is, and ought to be by king, lords, and commons."

Then, ſir John Greenvil came to the houſe of commons, and preſented a letter to them from his majeſty, with the ſame declaration incloſed, which was read, as well as the letter directed to general Monk to be communicated to the council of ſtate and the army. Theſe papers, which, three months before, would have lain unregarded on the table, were now conſidered as convincing proofs of the king's good intentions, and ſufficient reaſons to reſtore him to the exerciſe of the kingly power, without requiring other conditions than what he ſhould himſelf be pleaſed to grant. The commons therefore readily agreed to the vote of the lords, and ſo the king ſaw himſelf reſtored without any of the conditions which had cauſed ſo long a war, and ſo great an effuſion of blood. This is a clear evidence, either that the royaliſts were much ſuperior in number in the houſe, which nevertheleſs is not very probable, or that the preſbyterians were willing to deſiſt from conditions which they had formerly ſo ardently demanded, for certain terms relating to their religion, which had been poſitively promiſed, but which, as they were never performed, gave afterwards too juſt cauſe of complaint.

The king being effectually recognized, by the vote of both houſes, the commons ordered, that fifty thouſand pounds ſhould be preſented to him, ten thouſand to the duke of York, and five thouſand to the duke of Glouceſter. Theſe princes had never before been maſters of ſuch ſums [b].

Then the commons ordered, that all the journals ſhould be ſearched, and thoſe acts and orders razed out which were inconſiſtent with the government of king, lords, and commons. The army, the navy, and the city of London prepared addreſſes to congratulate his majeſty on his reſtoration, and to promiſe him perfect obedience, and theſe addreſſes were delivered to Clarges, who undertook to carry them to the king. The 8th of May, the king was proclaimed in London, with great ſolemnity, and commiſſioners from the parliament and city departed on the 11th to wait on the king who expected them at the Hague. Some preſbyterian miniſters alſo repaired thither, as well to imprint on the king a ſenſe of the ſervice lately done him by the ſect, as to ſound his inclinations with regard to the liberty, which they had probably ſtipulated, before they engaged in the affair of his reſtoration. The king confirmed by word of mouth what he had promiſed by his declaration. But when they beſought him not to revive the uſe of the common prayer, in his chapel, and that the ſurplice might be diſcontinued, he warmly anſwered, " That whilſt he gave them liberty, he would not have his own taken from him [c]."

After the king had given audience to the parliament's commiſſioners the 16th of May, and received the homage of admiral Montague, and the other officers of the navy, who waited on him at Scheveling, he ſtill remained ſome days at the Hague, as well to prepare for his departure, as to receive the compliments of the ſtates [d], and embarked the 23d. He arrived at Dover the 25th, and the ſame day at Canterbury, where on the morrow, he honoured Monk with the order of the garter. The 29th, his birth day, he arrived at Whitehall, through a numberleſs multitude of people, who by their acclamations demonſtrated their joy at his reſtoration [e].

[b] The city of London ſent alſo ten thouſand pounds to the king, and a thouſand pounds a-piece to his two brothers. Phillips, p. 707.

[c] Whitelock ſays, " The miniſters had diſcourſe with the king, and were much ſatisfied with him," p. 702. But the lord Clarendon's words are; " Though they were much unſatisfied with him, they ceaſed further troubling him." Tom. III. p. 602.

[d] Who made him a preſent of ſix thouſand pounds. Whitelock, p. 701.

[e] Burnet obſerves, in the hiſtory of his own times, that ſuch unanimity appeared in the proceedings of the parliament for the king's reſtoration, that there was not the leaſt diſpute among them, but upon one ſingle point, yet that was a very important one. Hale, afterwards the famous chief juſtice, moved, That a committee might be appointed to look into the propoſitions that had been made, and the conceſſions that had been offered by the late king, and from thence digeſt ſuch propoſitions, as they ſhould think fit to be ſent over to the king. This was ſeconded, but by whom the biſhop forgot. As ſuch a motion was foreſeen, Monk was inſtructed how to anſwer it: he told the houſe, that he had information of ſuch a number of incendiaries ſtill in the kingdom, that if any delay was put to the ſending for the king, he could not anſwer for the peace either of the nation or army. And as the king was to bring neither army nor treaſure with him, either to fright or corrupt them, propoſitions might be as well offered to him when he ſhould come over; ſo he moved for ſending commiſſioners immediately. This was echoed with ſuch a ſhout over the houſe, that the motion was no more inſiſted on. And this, ſays Burnet, was indeed the great ſervice Monk did. To the king's coming in without conditions, may be well imputed all the errors of his reign, and it may be added, many miſchiefs that followed afterwards, p. 88, 89.

The parliament, on April 25, 1649, agreed upon a new ſort of coin, whereof were coined crowns, half-crowns, ſhillings, ſixpences, pence, and halfpence. The larger pieces were inſcribed on one ſide, THE COMMONWEALTH OF ENGLAND, and had St. George's croſs in a ſhield, betwixt a palm-branch and a laurel; reverſe, the ſame ſhield conjoined to another, in which is a harp for Ireland (vulgarly called the breeches) above which there is XII. the legend GOD WITH US. The ſixpence has VI. above the ſhields. The twopence and pence have no inſcription, only the initial figures; and the halfpenny only the ſingle ſhield, with the harp on the reverſe. There were likewiſe coined pieces of fine gold, of the ſame form and inſcription as the ſilver money, XX. above the arms. The half of them have X. (fig. 1.) The ſixpence 1651, is, ſtrictly ſpeaking, the firſt milled money, queen Elizabeth's being only marked on the flat edge. The copper farthing has the croſs under a garland, ENGLAND'S FARTHING. Reverſe, a harp, FOR NECESSARY CHANGE. Oliver Cromwell's crown-piece is inimitably performed, and preſerved as a choice medal in the cabinets of the curious, being the firſt milled money that has an inſcription upon the rim. It has his head laureat, OLIVER. D. G. RP. ANG. SCO. HIB. &c. PRO. Reverſe, in a ſhield crowned with the imperial crown of England, St. George's croſs in the firſt and fourth quarters; St. Andrew's for Scotland in the ſecond; and the harp for Ireland in the third; and in a ſcutcheon of pretence his paternal coat, namely, a lion rampant, legend PAX QUÆRITUR BELLO. 1658. upon the rim HAS. NISI. PERITVRVS. MIHI. ADIMAT. NEMO. The dye of this piece having received a flaw or crack, the firſt ſtroke leaves a mark upon the money juſt below the neck; a ſure token to diſtinguiſh the true crown-pieces from the counterfeit. The half-crown is equally beautiful, though not ſo rare. The ſhilling is likewiſe a very fair piece, milled on the edge, and very rare. (fig. 2.)

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THE

THE HISTORY OF ENGLAND

BOOK XXIII.

26. CHARLES II.

[1660] AT the arrival of the king, the face of England was entirely changed, and joy, pleaſures, public and private rejoicings ſucceeded to trouble, fear, and conſternation. The people were ſo tired of the life they had led for twenty years paſt, that they did not believe it poſſible to be in a worſe ſtate. Every one rejoiced to ſee at laſt a calm after ſo long a ſtorm, and expected to enjoy a tranquillity, ſought in vain for ſo many years. The royaliſts and epiſcopalians were at once raiſed to the height of their wiſhes, in beholding Charles II. on the throne of his anceſtors, and the church of England about to reſume her former luſtre. The preſbyterians flattered themſelves, that their late ſervices for the king would at leaſt procure them an entire liberty of conſcience, and the free exerciſe of their religion. The republicans, independents, anabaptiſts could not indeed, hope to be reſtored to the ſtate they had enjoyed ſo many years, but expected at leaſt an intire impunity, agreeably to the Breda declaration. The regicides, that is, the late king's judges, were the only perſons that could not but expect the puniſhment, they juſtly deſerved, and yet, even they deſpaired not of the king's clemency, as indeed, ſuch as caſt themſelves upon it, were not wholly diſappointed. It is not therefore ſtrange that the whole kingdom ſhould reſound with joyful tranſports, and unite in receiving with loud acclamations a king, who, according to the general expectation, was to reſtore the public tranquillity and happineſs, and put all things in their natural order.

Charles II. at the time of his reſtoration, was thirty years old, and but little known to moſt of his ſubjects, becauſe he had long lived out of his dominions. His actions in the weſt, during his youth, where he commanded for the king his father, had been diſtinguiſhed by no advantageous event. His conduct in Scotland, when he was called to the crown of that kingdom, had not redounded to his honour, ſince, in his declaration publiſhed there, he had not ſcrupled to ſacrifice the king his father to his own private advantage. In ſhort, the battle of Worceſter had acquired him no reputation, in which ſome pretend he had been too careful of his perſon, though others ſpeak of his valour on that occaſion with great commendation. However this be, his defeat did not contribute to raiſe his fame as a general. Nevertheleſs, his friends, with a view to his reſtoration, had publiſhed ſuch extravagant praiſes of him and with ſuch aſſurance, that, before his arrival in England, he paſſed there for an accompliſhed prince, endowed with all the virtues and noble qualities of a hero. This prepoſſeſſion did more miſchief to England, than all the calumnies thrown upon the late king. Every one was thereby almoſt equally diſpoſed to put an entire confidence in the new king, in the belief, that a prince of ſuch a character could never abuſe it[a]. It was hoped, that content with reſtoring the government to the ſtate it was in under queen Elizabeth, he would avoid treading in the ſteps of his father and grandfather, without attempting to extend his prerogative. This hope was the more readily entertained, as it was not doubted, that the example of his father had made a ſtrong impreſſion upon him. It will hereafter appear, to what exceſs this confidence was carried, and what uſe Charles made of it to begin the ruin of the liberty and religion of the Engliſh, which his ſucceſſor James II. had certainly accompliſhed, had not God, by a revolution the moſt wonderful, blaſted his deſigns, when he thought himſelf moſt ſecure of ſucceſs. This project to render the king abſolute, and equally to employ for that purpoſe the aſſiſtance of catholics and proteſtants, begun by James I. vigorouſly purſued by Charles I. interrupted by twenty years troubles, was eagerly reſumed under Charles II. If this be not laid down as the baſis of the events of this reign, I do not think it poſſible to account for the conduct of king Charles II. unleſs it be believed, that he acted by mere caprice, without principles, maxims, or any deſign, which can not be thought of a prince, who had as much wit and ſenſe as any prince in Europe. But it is not yet time to deſcend to theſe particulars, eſpecially as it is uncertain whether this project was formed at the beginning of his reign, or owing to ſome favourable junctures. At leaſt, the conduct of Charles immediately after his reſtoration, gives no occaſion to ſuſpect he had already thought of it.

Charles had, as I have ſaid, embraced the catholic religion, before his return into England. Some ſay, he abjured the proteſtant religion to cardinal de Retz, before he left France the laſt time. Others pretend, it was in the year 1659, in his journey to Fontarabia, in order to procure his reſtoration by the aſſiſtance of the two crowns of France and Spain. However this be, the ſecret, known only to the earl of Briſtol and ſir Henry Bennet, afterwards earl of Arlington, was ſo well concealed, that the public was ignorant of it till after the king's death, when his ſucceſſor, James II. was pleaſed to divulge it. But at preſent, it is a thing of which there is no room to doubt. It may be affirmed, his embracing the catholic religion was not through a principle of conſcience, ſince, in the whole courſe of his life, he ſhewed no ſenſe of religion. The greateſt compliment a famous author thinks fit to pay him, is, to ſay he was no atheiſt[b]. This is confirmed by the character given of him by the earl of Mulgrave, who cannot be ſuſpected of a deſign to ſlander him. His ſentiments of religion in general may be judged of, by what Doctor Burnet ſays of him, in the hiſtory of his own times, namely, that he ſcrupled not to communicate the ſame day in two different chapels, publicly in the proteſtant, and privately in the popiſh. However, he loſt no opportunity, in his ſpeeches to the parliament, to boaſt of his attachment to the proteſtant religion, and his zeal for its advancement. Such behaviour, ſo unworthy of a chriſtian, cannot but be very injurious to his memory. Accordingly, thoſe, who have moſt endeavoured to palliate his failings, have not been able to deny, he was a perfect maſter of diſſimulation.

He had, beſides this, a maxim not much leſs dangerous, namely, that there was neither ſincerity nor chaſtity in the world out of principle, but that ſome had the one or the other out of humour or vanity; and believed no body ſerved him out of love, and therefore he was even with all the world, and loved others as little as he thought they loved him. He was extremely affable, and ſo eaſy and complaiſant, that he ſeemed to take a pleaſure in beſtowing favours, by his manner of receiving the requeſts that were made to him. But he forfeited at laſt the eſteem and affection of his ſubjects, who had almoſt adored him in the beginning of his reign, becauſe they diſcovered how little they could depend on kind words and fair promiſes, in which he was liberal to exceſs.

He was ſo addicted to his pleaſures, that though he was very capable of buſineſs, had a good judgment, quick apprehenſion and great penetration, his miniſters could hardly prevail with him to ſuſpend his pleaſures ſome hours, and attend to affairs which required ſome application. But it happened alſo ſometimes that when he would apply himſelf to buſineſs, he diſpatched more in one day, than his miniſters in ſeveral.

[a] When the earl of Southampton came to ſee what Charles II. was like to prove, he ſaid once, in great wrath, to chancellor Hyde, that it was to him they owed all they either felt or feared: for if he had not poſſeſſed them, in all his letters, with ſuch an opinion of the king, they would have taken care to have put it out of his power, either to do himſelf or them any miſchief. Hyde anſwered, he thought the king had ſo true a judgment, and ſo good nature, that when the age of pleaſure ſhould be over, and the idleneſs of his exile turned to an obligation to mind affairs, that he would have ſhaken off theſe intanglements. Burnet, p. 89.

[b] Burnet's words are. "He ſaid once to myſelf, he was no atheiſt, but could not think God would make a man miſerable, only for taking a little pleaſure out of the way." Tom. I. p. 93.

They

As his miſtreſſes devoured his whole time, ſo they conſumed all his treaſures. Though his revenues were larger than thoſe of any of his predeceſſors, except Henry VIII. and the parliament often granted him extraordinary ſupplies, he was ever in want, becauſe he ſpent his money without meaſure or diſcretion, as he received it. This threw him upon his parliament, and, not to break with the commons, he was obliged to promiſe what he never intended to perform.

Theſe are the principal faults imputed to king Charles. But, on the other hand, it cannot be denied, that he had many good qualities, which might have produced happy effects, had he made a better uſe of them. His wit was lively, his conception wonderful, and his judgment exquiſite. He knew the intereſt of the princes of Europe, better than any of his miniſters. He had applied himſelf, during his exile, to the ſtudy of phyſic and the mathematics, and more particularly to navigation, and the building of ſhips, in which he had made great progreſs. With theſe qualities, he might very eaſily have governed his dominions, in a manner glorious to himſelf and advantageous to his ſubjects, and made himſelf arbiter of Europe. And yet, his reign cannot be ſaid to be either glorious to himſelf, or happy to his ſubjects. The reaſon is, that becauſe of his attachment to his pleaſures and natural remiſſneſs, he delivered himſelf up to the counſels of his miniſters, and particularly of his brother the duke of York, who, during this whole reign, had but too much influence upon the reſolutions of the king's council, into which he found means to introduce ſuch as he believed proper for the execution of his projects, with regard to church and ſtate. The duke of York was of a temper more active, violent, haughty, and revengeful. He had formed the deſign of raiſing the royal authority to a great height, and withal, of reſtoring the catholic religion in England. He never ceaſed, through this whole reign, to purſue theſe projects, but more eſpecially, after he was aſſured, the king his brother could not expect any legitimate children. All the principal events of this reign, depending properly upon the humour and character of theſe two princes, I thought it neceſſary to premiſe this deſcription of them.

The king was received in London with extraordinary acclamations, and it began then to be perceived, that, under colour of rejoicing for the king's reſtoration, the Engliſh were throwing themſelves into a diſſoluteneſs, which would not have been endured under the preſbyterians and independents, but which daily increaſed during this whole reign, by the ill examples of the king and the court.

The king's firſt care was to eſtabliſh a council, compoſed chiefly of thoſe who had ſhewn moſt zeal or affection for himſelf, or the king his father. He received, however, ſome men into it, who ſeemed naturally to have no pretenſions thereto [c]. This was the effect of his policy: for it appeared, in his conduct at firſt, that his principal aim was to ſuppreſs the former troubles, in which he could not better ſucceed, than by ſecuring a perfect reliance on his promiſes publiſhed in his Breda declaration. His intention was to ſtifle, as much as was poſſible, the enmities which had ſo long divided his ſubjects, and to unite them all in an obedience to the laws, and a ſincere attachment to his perſon as their true center. He laboured this for ſome time with zeal, even, as I ſaid, to the receiving into his council men, who had profeſſed themſelves his greateſt enemies. Herein he imitated his grandfather Henry IV. of France; but, as will be ſeen hereafter, he was not ſuffered long to purſue this courſe.

Edward Hyde lord chancellor, and ſoon after earl of Clarendon, was the king's prime miniſter, in whom, with great reaſon, he entirely confided. But, as very viſibly appears in his hiſtory of the civil wars, he was a mortal enemy of the preſbyterians, and conſequently, little proper to preſerve the king in his reſolution of procuring tranquillity for all his ſubjects without diſtinction.

As ſoon as the king was arrived in England, the aſſembly, which from the 25th of April had been honoured with the name of parliament, was only called the convention, the king being unwilling to own for parliament, an aſſembly which had not been ſummoned by his writs. But this change of name was of no long continuance. Two days after his arrival, the king went to the houſe of lords, where he ſent for the commons, and gave the royal aſſent to three acts: the firſt was, to change the convention into a parliament [d]: the ſecond, to continue the monthly tax of ſeventy thouſand pounds for three months; and the third, to continue all judicial proceedings.

Had the directions and orders of the foregoing perliament been followed, this parliament ſhould have admitted no member, who had either ſerved the laſt or preſent king. But this order having been neglected in the elections, all were admitted without diſtinction or examination, who had been choſen. As the ſcheme for the king's reſtoration was entirely formed, when this parliament met, the preſbyterians, who were much ſuperior in number, did not think proper to exclude the royaliſts, with whom they had agreed to reſtore the king. Neither was it thought fit to exclude the republicans, nor the regicides themſelves, who were not conſiderable enough to obſtruct the project agreed on. This parliament is therefore to be looked upon as an aſſembly, where the preſbyterians had certainly a ſuperiority of voices, and it was this parliament that reſtored the king to the throne of his anceſtors, and, during their ſhort continuance, gave him very real marks of their zeal for his ſervice, and the re-eſtabliſhment of peace and tranquillity in the kingdom [e].

The affairs of this parliament, after the king's arrival, conſiſted in three principal points. The firſt was an act of pardon or indemnity for whatever had paſſed ſince the beginning of the troubles. This act was abſolutely neceſſary for the ſecurity both of the perſons and deſcendents of thoſe who had been concerned in theſe troubles, and were liable to be called to an account, if the laws had been ſtrictly executed. For as, from the year 1642, the king's party had been deemed rebels by thoſe who were in power; the king, coming to rule in his turn, might have declared rebels all who had been in arms either againſt him or his father. The queſtion of right concerning the war between the king and the parliament, remaining undecided, it was natural for him who had the power in his hands, to explain the laws in his own favour. But, on the other hand, it was to be feared, that rigour, on this occaſion, would kindle a new flame. Beſides, it was very difficult preciſely to explain wherein conſiſted the rights of the king and thoſe of the ſubject, conſidering the arguments on both ſides, and the infinite cavils to which ſuch a diſcuſſion was liable. In a word, explications of this nature had occaſioned the troubles, which, if it was poſſible, were intended to be buried in eternal oblivion. It was thought therefore that the beſt means to quiet the minds of the ſubjects was, an act of indemnity for every thing during the troubles.

The ſecond affair of the parliament, was to enable the king to diſband the army. There was no reaſon for keeping on foot an army which had been the principal cauſe of the diſorders committed of late years, and which would have been ſtill capable of diſturbing the peace of the kingdom under an able leader.

The third affair was the ſettling the king's revenue, ſince it was abſolutely neceſſary to give him wherewithal to ſupport the government, and put him in a condition to be courted and feared. On theſe three important affairs the parliament beſtowed their firſt care, and began with the act of indemnity, as being the moſt urgent. For this purpoſe the houſe of commons ſolemnly declared, in an addreſs preſented to the king by the whole houſe, that they accepted, in the name of themſelves, and all the commons of England, the gracious pardon offered by his majeſty in his declaration from Breda, with reference to the excepting of ſuch as ſhould be excepted in an act of pardon. The lords likewiſe preſented a petition of the like import.

Immediately after, the king publiſhed a proclamation, declaring, that all ſuch of the late king's judges as did not ſurrender themſelves within fourteen days, ſhould be abſolutely excluded from the general pardon. Though, by the words of this proclamation, thoſe who ſurrendered themſelves could not be aſſured of their lives, it was nevertheleſs underſtood,

[c] They were thirty in all. The dukes of York and Gloceſter, ſir Edward Hyde, general Monk, admiral Montague, earl of Sandwich, the marquis of Ormond, the marquis of Dorcheſter, the marquis of Hertford, the earls of Southampton, Lindſey, Berkſhire, Norwich, Manchester, Northumberland, St. Albans, and Leiceſter; viſcount Say; the lords Wentworth, Seymour, Colepeper, and Roberts; ſir Denzil Holles, ſir Frederic Cornwallis, ſir George Carteret, ſir Anthony Aſhley Cooper, colonel Howard, Arthur Anneſley, ſir Charles Berkley, ſir Edward Nicholas, and ſir William Morrice.

[d] And to prevent all doubts and ſcruples concerning this parliament, it was enacted, that the lords and commons then ſitting at Weſtminſter, were the two houſes of parliament, and ſo ſhould be declared and adjudged to be, notwithſtanding any want of the king's writs of ſummons. Statute 12. Car. 2. c. 1.

[e] Burnet ſays, theſe five following perſons, all preſbyterians, had the chief hand in the reſtoration; ſir Anthony Aſhley Cooper, afterwards earl of Shaftſbury, ſir Arthur Anneſley, afterwards earl of Angleſey, Denzil Holles, created lord Holles of Iſield, the earl of Mancheſter, and the lord Roberts. p. 96,

Only

that the king made uſe of this artifice only to have it believed, that he would not limit the power and reſolutions of the parliament on this point, and it was not doubted that the two houſes conſidered this proclamation as a ſort of pardon, at leaſt for life, to thoſe who ſhould confide in it. In conſequence of this proclamation, twenty of the late king's judges voluntarily ſurrendered themſelves. Others withdrew out of the kingdom, and ſome were taken in attempting to eſcape.

While the parliament proceeded in the bill of indemnity, ſome leading republicans, who had not been the king's judges, but had exerciſed civil or military employs during the troubles, fearing to be called to an account, demanded of the king letters of pardon under the great ſeal, in order to ſcreen themſelves from all proſecution. The king very readily granted their requeſt, ſhewing thereby that he really intended to perform his promiſe in his Breda declaration. For he was perſuaded, there was no better way to pacify the troubles and give his ſubjects confidence, than the exact obſervance of his promiſes.

The 5th of July, the city of London invited the king and the two princes his brothers, the great officers of the crown, and both houſes of parliament to an entertainment, the magnificence whereof was ſuitable to the riches of the city which gave it, and the quality of the perſons invited.

Though the king really intended the act of indemnity ſhould be quickly diſpatched, it met with great obſtacles in the houſe of commons with regard to the clauſes which were to be inſerted. Some were for having no regard to the Breda declaration, but for making examples of all who had moſt ardently ſupported the late uſurpation. This raiſed a ſuſpicion that the king encouraged theſe men, and intended to ſuſpend the effect of his declaration by means of the parliament, till he was revenged of his enemies. This was induſtriouſly diſperſed among the people in libels, tending to deſtroy all confidence in the king's promiſes, and revive the troubles by driving to deſpair thoſe who knew themſelves moſt guilty. To diſpel therefore theſe ſuſpicions, which might have produced ill effects, the king ſent a meſſage to the houſe, to preſs them to diſpach the act of indemnity, and to make it agreeable to his declaration from Breda. This meſſage ſo quickened the debates, that a few days after, the act paſſed the houſe of commons, and was ſent up to the lords for their concurrence.

In the bill, the houſe of commons excepted for life and eſtate, but a few of the moſt notorious and active regicides. But the lords, incited by divers petitions of the widows, children, and relations of perſons executed by the ſentences of the courts erected during the uſurpation, were for excepting from pardon all who had been judges in thoſe courts. The king fearing new delays from this difference of ſentiments between the two houſes, came to the houſe of lords, the 27th of July, and in a pathetic ſpeech, endeavoured to perſuade them to paſs the bill as ſent up by the commons. He repreſented to them "that he was obliged in honour to perform what he had promiſed in his declaration; that he never thought of excepting any but the immediate murderers of his father; that the peace and tranquillity of the kingdom entirely depended upon the performance of his promiſe, which (ſays he) if I had not made, I am perſuaded neither I nor you had now been here: I pray therefore let us not deceive thoſe who brought or permitted us to come together, and earneſtly deſire you to depart from all particular animoſities and revenge, or memory of paſt provocations, and paſs this act without other exceptions than of thoſe who were immediately guilty of the murder of my father."

This ſpeech, and a meſſage ſent by the king to both houſes on the ſame ſubject, determined the lords to conform to the declaration from Breda. They therefore ſent the bill to the commons with two amendments. The firſt concerned twenty perſons, who by the commons bill were liable to all the penalties, it ſhould pleaſe the parliament to inflict, death excepted, though they were not the king's judges. The lords refuſed their conſent to this clauſe[f], becauſe it was contrary to the declaration from Breda. The other amendment related to the twenty judges of the late king, who had voluntarily ſurrendered themſelves upon the king's proclamation of the 6th of June. For the lords included in the pardon, both for life and eſtate, theſe twenty, who had diſtinguiſhed themſelves from the reſt by their confidence in the king's clemency, whereas the commons were only for granting them life, leaving them liable to forfeiture of eſtates, impriſonment, baniſhment, or ſuch other penalties as the parliament ſhould think proper. This was the ſubject of ſeveral conferences between the two houſes, which in the end produced an unanimity of ſentiments, according to which the act was formed. In one of theſe conferences, chancellor Hyde declared, that being employed in an embaſſy to Spain, he was expreſly charged by his majeſty to avow, "That the horrible murder of his father was not the act of the parliament, or people of England, but of a very wretched and little company of miſcreants in the kingdom." This was ſo agreeable to the commons, that they ordered ſuch of the privy council, as were members of the houſe, to thank the king for his juſt defence of the parliament and people of England. At laſt, the king repairing to the houſe of lords the 29th of Auguſt, gave the royal aſſent to the act of indemnity, which contained in ſubſtance:

Penalties againſt thoſe who ſhould uſe any words of reproach tending to revive the memory of the late troubles, with an abſolute pardon to all who had been engaged in them, excepting the following perſons, namely,

Forty-nine of thoſe who had been the late king's judges, with this diſtinction, that as to the twenty who had voluntarily ſurrendered themſelves, if they were condemned, their execution ſhould be ſuſpended till the king and parliament ſhould order the ſame.

Oliver Cromwell, Bradſhaw, Pride, and one and twenty others, who were dead, were made ſubject to confiſcations, and other penalties which the king and parliament ſhould ordain.

Phelps and ſir Arthur Haſlerig were put in the ſame condition.

Hutchinſon and Laſſels were declared incapable of exerciſing any office, and condemned to one year's forfeiture of the revenue of their eſtates.

It was moreover ordained, that Oliver St. John, and ſeventeen others named in this article, ſhould be excluded from any benefit by this act, if they accepted, or executed any office in England, either eccleſiaſtical, civil, or military.

All that had given ſentence of death in any of the late illegal high courts of juſtice, except colonel Ingoldſby and Colonel Tomlinſon, were diſabled from being members in any parliament, or bearing any office in England or Wales.

Thoſe who had converted to their uſe any goods, belonging to the church, were excluded from the benefit of this act.

Sir Henry Vane and Lambert were excepted from pardon, both as to life and eſtate.

The king likewiſe paſſed on this occaſion the following acts.

1. An act for confirmation of judicial proceedings from the 1ſt of May 1642, notwithſtanding their illegality.

2. An act for proviſion of monies to pay off the armies and navy.

3. An act to fix the intereſt of money at ſix per cent.

4. An act for a perpetual anniverſary thankſgiving on the 29th of May, the day of his majeſty's nativity and reſtoration.

After the king had given his aſſent to theſe five acts, he made a ſpeech to both houſes, to teſtify how much he was pleaſed with them; concluding, "I am ſo confident of your affections, that I will not move you in any thing that immediately relates to myſelf: and yet I muſt tell you, that I am not richer, that is, I have not ſo much money in my purſe, as when I came to you. The truth is, I have lived principally ever ſince, upon what I brought with me, which was indeed your money: for you ſent it to me, and I thank you for it. The weekly expence of the navy eats up all you have given me by the bill of tunnage and poundage; nor have I been able to give my brothers one ſhilling ſince I came into England, nor to keep any table in my houſe, but what I eat at myſelf. And that which troubles me moſt is, to ſee many of you come to me at Whitehall, and to think you muſt go ſome where elſe to ſeek your dinner. I do not mention this to you as any thing that troubles me: do but take care of the public, and for what is neceſſary for the peace and quiet of the kingdom, and take your own time for my own particular, which I am ſure you will provide for, with as much affection and frankneſs, as I can deſire."

The commons obſerving what the king ſaid concerning

[f] Only they agreed, that ſir Arthur Haſlerig, ſir Henry Vane, and colonel Lambert, ſhould be ſubject to pains and penalties, Phillips, p. 717.

his brothers, made a preſent to the duke of York of ten thouſand pounds, and of ſeven thouſand to the duke of Glouceſter. After this, they proceeded to the ſettling the king's revenue, and reſolved to raiſe it to twelve hundred thouſand pounds, which was more than any king of England had ever enjoyed, except Henry VIII[g]. But before this could be compleated, the king came to the parliament the 13th of September, and paſſing ſome bills that were ready, they adjourned themſelves to the 6th of November. The acts paſſed on this occaſion were:

1. An act for the the ſpeedy raiſing of a hundred thouſand pounds for a preſent ſupply by way of land tax.

2. An act to impower and direct the commiſſioners in what manner to diſband the army, and to pay off ſome part of the fleet.

3. An act for raiſing one hundred and forty thouſand pounds, at ſeventy thouſand pounds a month, to begin the firſt of November.

4. An act for regulating the bay trade.

5. An act for encouraging and increaſing ſhipping and navigation.

6. An act for reſtoring ſome miniſters to their places and confirming others in vacant places.

The ſame day died the duke of Glouceſter, the king's brother. This prince, now twenty years of age, was unexpectedly taken out of the world by the ſmall pox. As he had very good qualities, the king his brother who loved him tenderly, appeared more concerned for this loſs, than for any misfortune which had ever befallen him.

During the adjournment, the king appointed commiſſioners for trial of the regicides. The number of thoſe concerned in the late king's death, as judges, officers of the court of juſtice, and others, amounted to fourſcore and one, of whom twenty-five were dead, nineteen had made their eſcapes, ſeven others, for having been leſs engaged in the crime were thought worthy of the king's clemency, and twenty-nine were condemned to die. But of theſe, twenty who had ſurrendered themſelves upon the proclamation of the 6th of June, were pardoned as to life, but reſerved for other penalties, as impriſonment, baniſhment, and forfeiture of eſtate. So, ten only were executed, namely, Harriſon, Carew, Cook, Peters, Scot, Clement, Scroop, Jones, Hacker, Axtel. What was moſt remarkable in the death of theſe men was, that not one expreſſed any ſigns of repentance, or did not think himſelf a martyr. Two only were prevailed with to pray for the king. They were almoſt all anabaptiſts, enthuſiaſts, fifth monarchy men, who believed no violence unlawful to advance the kingdom of Chriſt, and all men of mean birth, except Carew and Scroop.

A few days after the adjournment of the parliament, the king publiſhed a proclamation concerning religion, containing eight articles, moſt of which preſcribed certain rules to the biſhops in the exerciſe of their ſpiritual juriſdiction. The two laſt deſerve a particular notice, becauſe they diſcover that the preſbyterians were not like to continue long undiſturbed. The VIIth ran, that a certain number of divines ſhould be appointed to reviſe the liturgy, and make ſuch alterations in it as ſhould be judged neceſſary, and that ſcrupulous perſons ſhould not be puniſhed or troubled for not uſing it at preſent. The VIIIth was concerning ceremonies, to which, for the preſent, no perſon ſhould be obliged to conform. This reſtriction, "for the preſent," clearly ſhews, that thoſe who adviſed the king to this proclamation, had no intention to leave the preſbyterians in poſſeſſion of that liberty which had been promiſed them by the Breda declaration, and, doubtleſs, by general Monk, when they engaged to promote the king's reſtoration.

There were yet living, nine of the old biſhops, who were reſtored to their ſees without any difficulty[h]. Seven or eight others were newly conſecrated for other dioceſes; and Coſins, againſt whom ſo many complaints had been brought before the parliament in 1640, for the ſee of Durham, where he had once been prebend[i]. Biſhoprics and eccleſiaſtical benefices were offered to the moſt eminent preſbyterian miniſters, but all refuſed except Reynolds, who accepted the biſhopric of Norwich[k].

I ſhall not enlarge on the embaſſies to the king from divers princes of Europe, to congratulate him upon his reſtoration; the ſtates of the United Provinces were the firſt who paid their compliments on this occaſion, and at the ſame time, ſent him ſeveral excellent pictures, drawn by the beſt hands.

September the 25th, the princeſs dowager of Orange came to London to congratulate the king her brother upon his reſtoration. And in November arrived from France the queen mother, who brought with her the princeſs Henrietta her daughter, and the prince palatine Edward, brother to prince Rupert. It is pretended, the queen endeavoured to perſuade the king to marry Hortenſia Mancini niece to cardinal Mazarin: but her propoſal being coldly received, ſhe adviſed him to purſue the negotiation already begun, of his marriage with the infanta of Portugal. Thus much is certain, ſhe propoſed to the king the marriage of the princeſs Henrietta with the duke of Orleans, to which ſhe found no obſtacle. If ſome authors are to be credited, ſhe had two other ends in her viſit. The firſt was to draw the king her ſon into the intereſt of France againſt Spain. The ſecond, to perſuade him to remove the chancellor, whom ſhe did not love, as he himſelf ſhews in his hiſtory. But the king did not think fit to part with ſo ſerviceable and affectionate a miniſter to pleaſe his mother.

The parliament meeting the 6th of November, appointed a committee to congratulate the queen-mother on her return to England. Shortly after, the commons made a preſent of ten thouſand pounds to each of the two princeſſes her daughters.

The duke of York had, ſince his return to England, married Anne, chancellor Hyde's eldeſt daughter, to which he had been in ſome meaſure compelled[l]. The young lady proving with child, there were not wanting perſons to diſſuade the duke from ſo unequal a match. But the king's affection then for the chancellor, over-ruled all conſideration of the injury which the duke his brother, and the royal family, might receive from it. He ſignified to the duke, that it would oblige him not to uſe any ſhifts, and plainly told him, he muſt drink as he had brewed, to which the duke ſubmitted from a motive of obedience. It may eaſily be imagined the queen-mother, who hated the chancellor, was not pleaſed with this marriage. Accordingly ſhe long refuſed to ſee her daughter-in-law, and it was at the preſſing inſtances of the king that ſhe at laſt conſented to receive her reſpects. But during her ſtay in England, ſhe ever treated her with ſo much coldneſs, that her averſion to the marriage was very viſible.

The parliament having, in their firſt ſeſſion diſpatched every thing relating to the act of indemnity, applied their next care to put the king in a condition to diſband the army. For this purpoſe, ſeveral ſums were granted him, and as the money was raiſed, regiments were broke, ſo that this work was finiſhed in the ſpace of a few months. Thus, the army, which had ſo long been the terror of England, was reduced to Monk's ſingle regiment. But in diſbanding the army, the king introduced a novelty, which diſpleaſed many people. He formed, for his ordinary guard two regiments, one of horſe, and one of foot, in imitation of the practice in France, and other kingdoms. This was ſo much like a ſtanding army, which the Engliſh have always oppoſed, that many began then to fear, the king had ill deſigns upon the public liberty. His predeceſſors had no other guards than the gentlemen penſioners, eſtabliſhed by Henry VII.

The diſbanding of the army being in ſuch forwardneſs, the king told the parliament, it was his intention to diſſolve them in December. Whereupon, the commons, to give his majeſty a freſh inſtance of their zeal, confirmed and renewed their former reſolution, of granting the king an annual revenue of twelve hundred thouſand pounds. But the time being too ſhort to ſettle the funds on which this revenue was to be raiſed, the houſe thought it more proper to employ what remained, in preparing the bills to be paſſed, before the diſſolution.

Little care has been taken to ſhew the reaſons inducing the king to diſſolve a parliament, which had been ſo favourable to him, and expreſſed ſuch zeal for his intereſt. It is my private opinion, that the miniſtry, and particularly

[g] It was to anſwer all the ordinary expences of the government. Burnet, p. 160.

[h] Namely, Juxton of London, Pierce of Bath and Wells, Skinner of Oxford, Warner of Rocheſter, Roberts of Bangor, Wren of Ely, Duppa of Salisbury, King of Chicheſter, and Frewin of Litchfield and Coventry.

[i] The author by miſtake ſays, dean, he was dean of Peterborough. The reſt of the new biſhops were, Lucy of St. David's, Laney of Peterborough, Stern of Carliſle, Lloyd of Landaff, Walton of Cheſter, Gauden of Exeter. Kennet's regiſter, p. 223.

[k] Calamy, Baxter, Manton, Bates, and Bowles, were offered biſhopris and deaneries.

[l] They were contracted at Breda, November 24, 1659, and privately married at Worceſter houſe, September 3, 1660, in the night, by Dr. Joſeph Crowther, the duke's chaplain. Kennet's regiſter, p. 246. The

Engraved for Rapin's History.

HENRY
Duke of Glocester

Obiit 13 Sep: 1660 Ætat Suæ $\frac{20}{21}$.

Brother of K. Charles 2.d

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the chancellor, looked with no good eye upon a parliament, which had ſo many members of that of 1640, and who, in all appearance, whatever they might pretend, had not relinquiſhed their antient principles, concerning kingly power. They, doubtleſs believed it would be very difficult to manage and govern, ſuch a parliament, at their pleaſure. Beſides, very probably, the chancellor, a great enemy of the preſbyterians, had formed the deſign of depriving them of their promiſed liberty, which would have been impoſſible, if this parliament had continued. They believed therefore, that in the preſent favourable diſpoſition of the people to the king, their credit would be ſufficient to have a new parliament, more proper for the execution of their deſigns. The tranſactions of the next parliament confirm this conjecture. It muſt, however, be ſaid for the chancellor, that though he deteſted the maxims of the parliament of 1640, with reſpect to the royal authority, yet he went not the lengths of the other ſide, nor believed it for the intereſt of England, to have a king, whoſe will ſhould be a law. This is manifeſt, from an incident at the very time I am ſpeaking of. A member of the commons, Mr. Alexander Popham, who had a conſiderable influence in the houſe, offered the king, that provided he was ſupported by the court-party, he would undertake to procure an act, for ſettling on him and his ſucceſſors two millions a year, which would free him from any dependence on his parliament, except in extraordinary caſes. The king was pleaſed with the propoſal, and ſpoke to the chancellor of it, as of a project advantageous for his intereſt. But he bravely anſwered, "that the beſt revenue his majeſty could have, "was the affection of his ſubjects, and if he would truſt "to them, he would never want ſupplies in time of need." Nor did he reſt ſatisfied with this anſwer to the king, but even took pains to undeceive the lord treaſurer the earl of Southampton, who had approved of the project, and by very ſolid reaſons, convinced him, that the ſucceſs of it would be the ruin of the kingdom. It is pretended, the chancellor's oppoſition to Popham's propoſal, was one of the chief cauſes of his diſgrace.

The parliament, before their diſſolution, ordered the bodies of Oliver Cromwell, Ireton, Bradſhaw, and Pride, to be taken out of their graves, drawn on a hurdle to Tyburn, and there hung from ten o'clock till ſun ſet, and then buried under the gallows. At the ſame time an act of attainder paſſed, not only againſt theſe four, but againſt the nineteen judges of the late king, who were fled from juſtice, among whom was Ludlow, author of the Memoirs under his name.

About the ſame time, William Drake, citizen and merchant of London, publiſhed a book, entitled; "the long parliament revived," in which he endeavoured to prove, that the long parliament was not yet legally diſſolved. The commons brought an impeachment of high treaſon againſt the author, but had not time to bring it to a trial.

At this time likewiſe ſeveral officers, who had ſerved under Cromwell, Deſborough, Morgan, Overton, and ſeveral others, were arreſted upon an uncertain rumour of a plot to ſecure the king's perſon, ſeize the Tower, and kill the queen-mother, but it did not appear that this rumour had any good foundation.

At laſt, on the 29th of December the king came to the parliament, and gave the royal aſſent to the following acts:

1. An act for levying the arrears of the twelve months aſſeſſment.
2. An act for the farther ſupplying ſeveral defects in the act for diſbanding the army.
3. An act for ſix months aſſeſſment, at ſeventy thouſand pounds per month, to begin the 1ſt of January.
4. An act for the better ordering the ſelling of wines by retail, and for preventing abuſes in the mingling, corrupting, and limiting the prices of the ſame.
5. An act for erecting a poſt office.
6. An act for an impoſt upon ale, beer, cyder, and other liquors, to hold for his majeſty's life.
7. An act for the raiſing of ſeventy thouſand pounds for his majeſty's farther ſupply.
8. An act for the attainder of ſeveral perſons guilty of the horrid murder of Charles I.
9. An act for confirmation of leaſes and grants for colleges and hoſpitals.
10. An act to prohibit the exportation of wool, and fuller's earth.
11. An act for prohibiting the planting of tobacco in England and Ireland.
12. An act for taking away the court of wards, and liveries, together with tenure in capite, knights ſervice, and purveyances, and for ſettling a revenue upon his majeſty in lieu thereof[m].

After giving the royal aſſent to theſe acts, the king made the following ſpeech to both houſes.

My lords and gentlemen,

"I WILL not entertain you with a long diſcourſe, the ſum of all I have to ſay to you, being to give you thanks, very hearty thanks: and I aſſure you, I find it a very difficult work to ſatisfy myſelf in my own expreſſions of thoſe thanks. Perfunctory thanks, ordinary thanks for ordinary civilities, are eaſily given; but when the heart is full as mine, it is a labour to thank you. You have taken great pains to oblige me; and therefore it cannot be eaſy for me to expreſs the ſenſe I have of it. I will enlarge no further to you upon this occaſion, than to tell you, when God brought me hither, I brought with me an extraordinary affection and eſteem for parliaments. I need not tell you how much it is improved by your carriage towards me. You have out done all the good and obliging acts of your predeceſſors towards the crown; and therefore you cannot but believe, my heart is exceedingly enlarged with the acknowledgment. Many former parliaments have had particular denominations for what they have done: they have been ſtiled learned and unlearned, and ſometimes have had worſe epithets, I pray let us reſolve, that this be for ever called the Healing, and the Bleſſed Parliament. As I thank you, though not enough, for what you have done, ſo I have not the leaſt doubt, by the bleſſing of God, but when I ſhall call the next parliament (which I ſhall do as ſoon as you can reaſonably expect or deſire) I ſhall receive your hearty thanks for what I have done, ſince I parted with you. For I deal truly with you: I ſhall not more propoſe any one rule to myſelf in my actions and councils than this: what is a parliament like to think of this action, or this council? And it ſhall be a want of underſtanding in me if it will not bear that teſt. I ſhall conclude with this, which I cannot ſay too often, nor you too often where you go: that, next to the miraculous bleſſing of God Amighty, and indeed as an immediate effect of that bleſſing, I do impute the good diſpoſition and ſecurity we are all in, to the happy act of indemnity and oblivion: that is the principal corner-ſtone which ſupports this excellent building, that creates kindneſs in us to each other, and confidence is our joint and common ſecurity. You may be ſure, I will not only obſerve it religiouſly and inviolably myſelf, but alſo exact the obſervance of it from others: and if ever any perſon ſhall have the boldneſs to attempt to perſuade me to the contrary, he will find ſuch an acceptation from me, as he would have, who ſhould perſuade me to burn magna charta, cancel all the old laws, and to erect a new government after my own invention and appetite."

This flattering ſpeech was received by the people with great applauſe, every one hoping, that a prince of this character would have no other view, than the cauſing his ſubjects to live in peace and plenty. After the king had done ſpeaking, the chancellor made a ſpeech to both houſes, much longer than the king's, but tending to the ſame end, namely, to perſuade them, that the king being extremely tender of his people, all his actions would be directed to render them happy. He forgot not to mention the pretended conſpiracy, for the ſubverſion of the preſent government. But without entering into any particulars, he contented himſelf with aſſuring, that the conſpiracy was real, and Ludlow, one of the fugitive regicides, deeply concerned in it. This inſinuation was neceſſary for two purpoſes. The firſt was, to convince the people of the neceſſity of putting the militia into the king's hands, to enable him to ſuppreſs the malecontents. The ſecond, to get a pretence for the breach of the king's promiſe, in his Breda declaration, by the indiſpenſable neceſſity of providing for the ſafety of the ſtate, againſt the ill deſigns of the ſectaries. This will appear more clearly hereafter. When the chancellor had ended his ſpeech, he declared the parliament diſſolved.

Thus ended this parliament, about eight months after the firſt meeting, and ſeven after the king's reſtoration. I have already obſerved, that moſt of the members were preſbyterians, or at leaſt, that party was ſuperior in the

[m] The royal aſſent was given to the 6th and 12th, December 24. See Kennet's regiſter, p. 331.

She

parliament. For this reaſon, no doubt, ſome writers magnifying what this parliament did for the king, and their diſpoſition in his favour, have inſinuated, it was a ſort of miracle, that they did not throw up at once all the liberties of the nation, upon the king's reſtoration. But this is a groundleſs exaggeration. For if all the acts of this parliament be conſidered, not one will appear to ſupport this opinion. They recalled the king, but certainly that will not be thought ſtrange. They voted a revenue of twelve hundred thouſand pounds for the king, but it was only a vote which was executed by the next parliament. They paſſed the act of indemnity at the king's preſſing inſtance, and which was indeed neceſſary. They granted the king a ſupply, to pay off the fleet and the army. But could this be avoided without endangering the public tranquillity? They preſented the king with, after all, an inconſiderable ſum, for his occaſions, and his brothers and ſiſters, with thirty ſeven thouſand pounds. But was any thing more juſt or more natural than to enable him to maintain his houſhold, till his revenues were ſettled? There is nothing therefore in the actions of this parliament which infers a diſpoſition, to throw up the liberties of the nation. But it will be ſeen, that this diſpoſition, which is groundleſly ſuppoſed in this parliament, was really and truly in the next: and that after doing too much, they were forced to alter their meaſures, and uſe extraordinary means to oppoſe the deſigns of that very king, to whom they had given an almoſt unlimited power. This ſecond parliament however has not been cenſured, whilſt the compliance of the firſt has been induſtriouſly aggravated. The reaſon of this difference is very obvious, namely, that the ſecond parliament beſt follows the views and principles of the writers, who have thus remarked on the former. In ſhort, if it be conſidered, that the firſt parliament ſat only ſeven months after the king's reſtoration, and that the ſecond continued eighteen years, it will be eaſily perceived, to which of the two may moſt juſtly be aſcribed the deſign of throwing up the liberties of the nation.

The concluſion of this year brought the king a new cauſe of affliction in the death of the princeſs of Orange his ſiſter, who died of the ſmall pox the 24th of December, at the age of twenty nine years [n]. She left but one ſon, who was afterwards king of England by the name of William III.

This ſame year died William Seymour, earl of Hertford, lately reſtored to the title of duke of Somerſet. He has been often mentioned in the reign of Charles I. Doctor Hammond, the famous divine, died a little before the king's reſtoration.

It was alſo this year that the royal ſociety was erected by the king's letters patents, who beſides granted it all the neceſſary encouragement towards a diſcovery of the ſecrets of nature, and of what is moſt curious and neceſſary in natural philoſophy and mechanics.

Before we cloſe this year, it will not be improper briefly to mention the tranſactions of Scotland, from the time of the king's reſtoration.

After the king left Scotland, with an army to invade England, the Engliſh entirely conquered that kingdom under the conduct of general Monk, who ſerved the parliament. If the king, after that, thought of Scotland, it was only to cheriſh the diſcontents, and try, by means of his adherents, to excite a revolt. For though he had been recognized and crowned in Scotland, he always conſidered his intereſts as directly oppoſite to thoſe of that kingdom, or at leaſt, of the governing party. He never loved the Scots, and his belief of their ſelling the king his father to the Engliſh parliament, greatly inflamed his prejudice againſt them, nor was it diminiſhed by his reſidence in that country. His reſtoration to the Engliſh throne rendered him doubly maſter of Scotland; firſt, becauſe he was their natural king, and had even been crowned there; ſecondly, becauſe Scotland had been conquered by the Engliſh. Nothing would have been eaſier than to leave Scotland in dependence upon England, there being no likelihood, that the Scots would ever be able to recover their liberty. It even ſeems, the king was not averſe to this thought, ſince he left Scotland to be governed by the Engliſh, more than two months after his reſtoration. But at laſt he reſolved to reſtore that kingdom to its antient form of government. For this purpoſe, Monk writ in the king's name to the Engliſh commiſſioners who had been employed as judges there, to diſcontinue their functions the 22d of Auguſt; and at the ſame time proclamation was made, for the convening of the committee of eſtates, till a parliament ſhould be called. The king named the great officers of the kingdom, and took care to chooſe for theſe poſts and for his council, ſuch as were believed moſt firmly devoted to him. The earl of Glencairn was made lord chancellor, the earl of Crawford, lord treaſurer, the earl of Caſſilis, juſtice general, the earl of Lautherdale, firſt ſecretary of ſtate, and general Midletoun, the king's commiſſioner. Theſe men, as well as thoſe who formed the council, had been always firmly attached to the king's intereſt. Thus the Scots, freed from the yoke laid on them by Cromwell, were exactly in their former ſtate, as before the troubles in 1637, that is, under the government of a king and miniſters of the very ſame principles with Charles I. and the miniſters of that time. But there was this diſadvantageous difference, that they were no longer able to make themſelves feared, being entirely ſubdued. They had ſoon occaſion to know what they were to expect. Some of their miniſters aſſembling for the drawing up a remonſtrance concerning their grievances, were ſent to priſon by the committee of eſtates, without any examination of the nature, motive, or language, of the remonſtrance, as if the bare deſign of preſenting it had been criminal. Moreover, a proclamation was publiſhed againſt all unlawful aſſemblies and ſeditious writings, on ſuppoſition, that the aſſembly of the miniſters and their petition were of that nature. This might have ſatisfied the preſbyterians, who were the body of the Scotiſh nation, what was preparing for them, and that they had no remedy but ſubmiſſion and patience.

They had ſtill another very convincing proof. The marquis of Argyle repairing to London to pay his duty to the king [o], was arreſted, ſent to the Tower, and afterwards to Scotland, to be tried on an impeachment of high treaſon [p]. The king in his declaration from Breda, had not mentioned Scotland. So, the Scots were expoſed to the reſentment and vengeance of their enemies. Amongſt theſe, chancellor Hyde was one of the moſt violent, as he has plainly diſcovered in his hiſtory of the civil wars, and, unhappily for the Scots, he was prime miniſter in England, and had the principal direction of the king's affairs. Some indeed of the Engliſh council were of opinion, it would be very advantageous to the king, to ſuffer the Scots to enjoy the benefit of the Breda declaration. But the contrary advice prevailed, whether from the king's animoſity, and that of his councilors, or from the hopes of ſuch as had faithfully ſerved the king in his troubles, of having the eſtates of the condemned.

This reſolution being taken, the king ſummoned a parliament in Scotland, to meet the 12th of December, and publiſhed a proclamation, declaring, that he left it entirely to the parliament, to examine the conduct of his ſubjects of Scotland; and that after his honour was vindicated, and his prerogative eſtabliſhed, he would grant a pardon which would witneſs how much he deſired the happineſs of his people. It will appear what method he took to procure this happineſs of the Scots.

As for Ireland, the king committed the government of it to ſir Maurice Euſtace chancellor, and the earls of Orrery, and Montrath, in quality of lords juſtices, till a lord lieutenant ſhould be appointed.

[1660-1] The year 1661 was uſhered by an extraordinary event. This was an inſurrection of ſome fifth monarchy men, who believed themſelves bound in conſcience to uſe their utmoſt endeavours to advance the kingdom of Chriſt on earth. As I have elſewhere ſpoken of theſe men, and as their principles are ſufficiently known by the tragedies acted by them at Munſter, and other places of Germany, it will be needleſs to give a more particular account of their tenets [q]. The 6th of January, while the king was attending the queen mother, and the princeſs his ſiſter to Dover, in their return to France, about fifty of theſe men, under the conduct of one Thomas Venner, aſſembled in the evening in St. Paul's church-yard, and killed a man, who upon demand, had anſwered, "for God and the king." This giving an alarm to the city, ſome trained bands were ſent againſt them, whom theſe men quickly routed, and then marched through ſeveral

[n] She was buried December 29, in Henry VIIth's chapel. Heath, p. 570.

[o] He writ by his ſon to the king, aſking leave to come and wait on him. The king gave an anſwer that ſeemed to encourage it, but did not bind him to any thing. Burnet, p. 106.

[p] Biſhop Burnet ſays, it was done at the inſtigation of the earl of Midletoun and his party, "for the marquis of Argyle's craft made them afraid of him; and his eſtate made them deſire to divide it among them." p. 106.

[q] They thought it not enough to believe, that Chriſt was to reign on earth, and to put the ſaints in poſſeſſion of the kingdom, but that the ſaints were to take the kingdom themſelves. Some of them ſeemed perſuaded, that Chriſt would come down and head them. Burnet, p. 160. 161.

Between

ſtreets, and at laſt retired to Cane Wood[r], from whence a party of horſe and foot, ſent by general Monk, diſlodged them, and took ſome priſoners. But this did not prevent the reſt from returning to the city, where they fought furiouſly, till they were obliged to take ſanctuary in a houſe. They there defended themſelves like men fearleſs of death, or rather, as ſecure from all danger, under the protection of Jeſus Chriſt. Here it was that Venner, being wounded, and twenty of his men killed, with as many of the aſſailants, was taken with the reſt of his fellows. A few days after they were all tried, condemned, and executed, without any confeſſion of guilt, and perſiſting in their extravagancies to the laſt. Two young men only ſhewed ſome ſigns of repentance.

Though this attempt could not juſtly be conſidered as the conſequence of a deſign formed by a whole party, and though the anabaptiſts had been all guilty, there was no reaſon to blame the other ſects, yet the court urged this inſurrection to confirm the rumours of a conſpiracy againſt the government. The king took occaſion to publiſh a proclamation, forbidding all meetings and conventicles, under pretence of religion, and commanding the oaths of allegiance and ſupremacy to be tendered to all perſons diſaffected to the government, and in caſe of refuſal, they were to be proſecuted on the ſtatute of the 7th of James I.

It will, doubtleſs, be thought ſtrange, that by reaſon of the extravagance of ſome anabaptiſts, all the other ſects ſhould be included in the prohibition of all meetings on account of religion, contrary to the expreſs terms of the declaration from Breda. But it will be immediately ſeen, that the ruin of the preſbyterian party was now reſolved, and that pretences were ſeeking to execute this reſolution, particularly, pretences which might create a belief, that what was done was only for the ſecurity of the king's perſon and government. The end propoſed was to inſinuate, that religion was no way concerned, but only the ſtate, and thereby obviate the objection which would naturally be drawn from the Breda delaration, wherein the king ſolemnly promiſed, that no perſon ſhould be moleſted for his religion. To ſucceed the better in this deſign, an admirable expedient was deviſed. This was to range under the ſame denomination, all the ſects differing from the church of England, in order to impute to the whole body conſiſting of all theſe ſects, what could have been imputed but to one, had they been diſtinguiſhed. This denomination was, that of diſſenters, or non-conformiſts, under which were comprehended, as well the preſbyterians, as the papiſts, anabaptiſts, and other ſects. Thus, by this affected confuſion, all the non-conformiſts were charged with the faults of one of the ſects compriſed under that name, and, as if they had made but one body, puniſhed without diſtinction, on pretence of keeping them in awe, and preventing them from diſturbing the ſtate. The catholics, the independents, the anabaptiſts, were non-conformiſts. Precautions therefore were to be taken againſt the non-conformiſts, and conſequently againſt the preſbyterians, becauſe their enemies were pleaſed to comprehend them under the ſame general appellation. Undeniable proofs of what I advance, will hereafter appear. The truth is, the preſbyterians only were properly aimed at, whoſe ruin was reſolved, notwithſtanding the declaration from Breda. For indeed, it is not likely, that a king, who had privately embraced the Romiſh religion, would turn perſecutor of the catholics. And the independents and anabaptiſts made then ſo inconſiderable a figure, that the king's miniſters had but little reaſon to fear them. But though there had been cauſe to ſuſpect them, why were they not diſtinguiſhed from the preſbyterians, who had given no room for ſuch ſuſpicions? All this was only to ſave, in ſome meaſure, the king's honour, at a time when his promiſes, contained in his declaration from Breda, were openly evaded. This name of non-conformiſts, is therefore to be conſidered as a very ambiguous term, which indeed ſignifies men who conform not to the church of England, but not in the ſenſe which was given it, namely, of a body of men inſeparably united, compoſed of all the diſſenters, and acting with the ſame views, and for the ſame intereſt.

Some of the preſbyterian miniſters obſerving, they were induſtriouſly confounded with ſects, with whom they had no relation, petitioned the king for a conference between them and the biſhops, in order to examine wherein conſiſted their differences, and the objections of the preſbyterians to the book of common prayer. The king granted their requeſt, and immediately named twelve biſhops, as principals, and nine other clergymen as aſſiſtants; and on the preſbyterian ſide, twelve miniſters as principals, and nine others as aſſiſtants, to confer together at the biſhop of London's houſe, who then lodged in the Savoy[s]. The commiſſion ran: "That the commiſſioners appointed ſhould act for four months, from the 25th of March, and particularly were ordered to adviſe upon and review the book of common prayer;——to take into their ſerious and grave conſiderations, the ſeveral directions and rules, forms of prayer, and things in the ſaid book of common prayer contained; and to adviſe and conſult upon and about the ſame, and the ſeveral objections and exceptions which ſhall now be raiſed againſt the ſame; and (if occaſion be) to make ſuch reaſonable and neceſſary alterations, corrections, and amendments, as ſhall be agreed upon to be needful and expedient, for giving ſatisfaction to tender conſciences, and the reſtoring and continuance of peace and unity in the churches under his majeſty's government and protection—And to certify to his majeſty in writing, under their ſeveral hands, the matters and things whereupon they ſhall ſo determine, to be by his majeſty approved, &c." Thus the king gave to theſe twenty-one miniſters, a power, they had not deſired, to decide, as well for themſelves as their brethren, who were more than two thouſand, and for the whole body of the preſbyterians, what was neceſſary to be altered in the liturgy, without empowering them to meet beforehand to ſettle their demands, in order to an union with the church of England.

[1661.] From the firſt day of the conference, it was eaſy to foreſee it would be fruitleſs. For though the miniſters had already acquainted the king and the chancellor that they could decide nothing, ſince they were not authoriſed by their brethren, Sheldon, biſhop of London, immediately told them, that as themſelves had requeſted this conference, they were to produce at once all their exceptions to the liturgy in writing, together with the additional forms and alterations which they deſired. The miniſters anſwered, as they had before done to the king and chancellor, That they could decide nothing, without having firſt conſulted their abſent brethren, and received from them a commiſſion in form. This tended to a requeſt, that they might be permitted to meet in ſynod, and debate together on theſe matters: but this was never intended to be granted. They were therefore urged, only to declare their own ſenſe, when it was ſeen, that they could not be brought to act as deputies of a body, by which indeed they were not commiſſioned. To this it was anſwered, That they were willing to give in writing their particular ſentiments, provided, at the ſame time, the biſhops would bring in their utmoſt conceſſions, that when both were compared, a judgment might be made of the ſucceſs. But the biſhops abſolutely rejected this propoſal. At laſt, the miniſters conſented to produce at once all their exceptions, reſerving to themſelves, however, a power to make additions according to the anſwers they ſhould receive, and their offer was accepted. Whereupon, the exceptions were drawn up, and an anſwer given in by the biſhops, who accepted a reply, and at length ſome ſlight alterations in the liturgy were agreed on. But, beſides that the miniſters conſidered theſe alterations as inſufficient, there was an invincible obſtacle to an agreement, which was, that the miniſters not being commiſſioned, whatever they ſaid, could be eſteemed but as their private opinion.

I ſhall enter no farther into this conference, becauſe, to underſtand it, requires a competent knowledge of the Engliſh liturgy, and the manner in which divine ſervice is celebrated, which cannot be ſuppoſed with regard to the generality of foreigners, for whom this hiſtory is deſigned[t]. I ſhall content myſelf therefore with ſome general remarks, to aſſiſt the reader to underſtand wherein conſiſted the differences betwixt the church of England and the preſbyterians, and the conduct of both ſides.

During the whole reign of king James, and the fifteen firſt years of Charles I. the preſbyterians were oppreſſed, or, at leaſt, may be ſaid, not to be treated by the church of England as chriſtian charity ſeemed to require. From the beginning of the parliament of the 3d of November 1640, the church of England was perſecuted in her turn, and epiſcopacy itſelf at laſt entirely aboliſhed. When the independents were become maſters of the parliament and army, the epiſcopalians ſtill continued under oppreſſion, and though the preſbyterian church government was outwardly preſerved, there was nevertheleſs an entire liberty for all proteſtant ſects, which the preſbyterians conſidered as a violent per-

[r] Betwixt Highgate and Hampſtead.

[s] Rapin, by miſtake, has put the number of the principals of each ſide for that of the aſſiſtants; and the contrary.

[t] See the account of this conference, London 1661. See alſo the diſſertation at the end of the reign of king William, in the continuation of Rapin.

ſecution. This ſtate continued till the beginning of the year 1660, when Monk forming the deſign of reſtoring the king, believed, it could not be effected without a reſtitution of that very preſbyterian parliament which had aboliſhed epiſcopacy. This expedient was crowned with ſucceſs; and by the united endeavours of the preſbyterians and epiſcopalians, the king was at laſt replaced on the throne. The reſtoration of the king produced that of the church of England, which was at once in almoſt the ſame ſtate ſhe had been before the year 1640. There was, however, this difference, that, during the troubles, the number of the preſbyterians was exceedingly increaſed, and thereby they were grown much more formidable than under the reign of king James, and the firſt fifteen years of Charles I. It was therefore the intereſt of the church of England, either to ruin entirely the preſbyterian party, which could ſtill raiſe freſh troubles in church and ſtate, or oblige them to unite with the national church by ſome ſmall conceſſions. And for this laſt purpoſe, the conference now mentioned ſeemed to be intended.

But, ſuch conferences upon religion are ſeldom attended with a happy ſucceſs; firſt, becauſe the two parties muſt be equally animated with the ſpirit of peace and charity, which is rarely found amongſt men; and, if I may venture to ſay it, ſtill more rarely amongſt churchmen. Secondly, becauſe in theſe conferences, one of the parties is uſually ſuperior, and in poſſeſſion of power, and therefore not very ready to quit that advantage, to be reduced to an equality. So, no ſucceſs can be expected, unleſs one of the parties will yield every thing to the other. This recalls to my mind a ſaying of a French catholic, a man of wit, to a miniſter after the concluſion of the religious war in France: "If, ſaid he, you had come to a compoſition with us while the ſword was in your hand, we might have made you ſome conceſſions; but now that you are conquered, we would not yield you ſo much as the chriſtening of bells." The caſe was much the ſame in England, at the time I am ſpeaking of. We have ſeen the conceſſions of Charles I. in the treaty of Newport, with regard to epiſcopacy, which, if it was not entirely given up by him, was however reduced to a very ſmall matter. But after the reſtoration of Charles II. the uſe of the ſurplice was of too great conſequence to religion, to be relinquiſhed. Thirdly, the animoſity between the two parties, generally hinders the conferences from ſucceeding. The one cannot bear to receive law from the other, nor think of revoking what has been once advanced. Fourthly, inſtead of thinking ſeriouſly on peace, both parties ſeek only to ſurpriſe one another. Laſtly, it too often happens, that theſe conferences are granted by the prevailing, to the oppreſſed party, only to have it ſaid, that peace was offered but rejected by the contrary party. There is room to believe, that in this conference all theſe circumſtances met, therefore it is no wonder, it ſucceeded like the reſt of the ſame nature; for, in ſhort, it broke off without any effect, and, as too commonly happens, each party threw the blame upon the other. Mr. Baxter, in his relation of it, ſays, that the biſhops were abſolutely againſt all conceſſions. But in another relation it is ſaid, the preſbyterians were ſo obſtinately attached to their opinions, that they would not recede from a ſingle point, and that at laſt, upon the biſhop of Durham's propoſal, being required to declare in writing what they thought ſinful in the liturgy, they put into the liſt all the articles which kept them from joining with the church of England, without one exception. They thereby ſhewed, that they conſidered as ſinful, all the forms and practices of the church of England, even to the uſe of the ſurplice, and by conſequence their refuſal of an accommodation, unleſs their opinions were entirely conformed to. Theſe are the mutual accuſations of the two parties, on which I am far from deciding any thing as to the truth of the facts. All I can ſay, without wronging either party, is, that the preſbyterians ought to have receded from ſeveral points, which are manifeſtly indifferent; and that the biſhops ſhould not have ſcrupled to give up the ſame points. But people were then very far from being inclined to charity and condeſcenſion.

During this conference at the Savoy, the king was magnificently crowned on St. George's day, the 23d of April[a].

The parliament, which had been ſummoned for the 8th of May, met on the day appointed. The repreſentatives, for the moſt part, were elected agreeably to the wiſhes, and without doubt by the influence of the court. The greateſt part were high churchmen, that is, violent enemies of the preſbyterians, great aſſertors of the minuteſt ceremonies of the church, and moſt devoted to the king and the royal prerogative. They literally followed the principles of Laud archbiſhop of Canterbury, which had cauſed the troubles in the late reign. In a word, this parliament may be ſaid to be compoſed by chancellor Hyde, prime miniſter, and on the 20th of April created earl of Clarendon. Let it alſo be added, that this parliament was called the penſionary parliament, becauſe it was afterwards diſcovered, that many of the members received penſions from the court. It is true, many will not allow that this was ſo at firſt, but pretend, that by length of time, and changes upon death, the new members ſuffered themſelves to be bribed. I cannot however help remarking, that, at the very beginning, this parliament did things in favour of the king, which no other had ever done, and that it was not till afterwards that they retracted their extravagant maxims, concerning the royal prerogative. This ſhews, the parliament was bribed betimes, notwithſtanding the inſinuations of ſome to the contrary. However it be, it may be judged how favourable this parliament was to the king, ſince it continued almoſt eighteen years, on which account it was more juſtly called the long parliament, than that of 1640.

As religion, whether popery, or preſbyterianiſm, and the royal prerogative, are concerned in almoſt all the tranſactions of this reign, it is abſolutely neceſſary to acquaint the reader with ſome things concerning the hiſtorians. Otherwiſe, they will be extremely embarraſſed, when they read in ſome hiſtories things quite contrary to what they read in others. My deſign is, therefore, by a few remarks upon this ſubject; firſt, to prevent their being inſenſibly, and for want of examination, biaſſed by the opinions or prejudices of the hiſtorians. Secondly, to incline; and thirdly, to aſſiſt them, in ſome meaſure, to make this examination.

There are three ſorts of authors, who have writ the hiſtory of this reign. The firſt are thoſe, who profeſs to be high church with regard to religion; and with reſpect to the government, aſcribe to the king an almoſt unlimited power, provided the king be of their party. Theſe are, in a word, what are called the high fliers, or rigid tories. They are good proteſtants, but however, much leſs enemies of the papiſts than of the preſbyterians. For hardly will they allow the latter to be chriſtians, becauſe they have no biſhops. Now, according to their principles, no valid ordination can be had without biſhops, and conſequently no valid adminiſtration of the ſacraments; whence it follows, that preſbyterians baptized by miniſters unordained by biſhops, are not truly baptized.

There is another ſet of writers of this reign, who, being proteſtants, embrace not the extravagant principles of the former, either concerning the church or the government. Theſe are of the number of thoſe who are called whigs, among whom there is a mixture of churchmen and preſbyterians.

Laſtly, there are popiſh hiſtorians, whoſe tenets and principles are ſufficiently known.

Each of theſe authors has writ the hiſtory of this reign according to his principles; for this reaſon what is praiſed and approved by one hiſtorian, is blamed and cenſured by another. For inſtance, as to this ſecond parliament, ſome openly inſinuate, that the firſt years tranſactions, whether for extending the royal power, or oppreſſing the preſbyterians, were agreeable to reaſon, juſtice, and the good of the kingdom; but what was done, after the breach with the king, was only the effect of corruption and cabal. Others on the contrary maintain, that this parliament's zeal, whether for the king or againſt the preſbyterians, was an extravagant zeal, which threw them upon meaſures very detrimental to the nation, and unavoidably engaged them to favour the ill deſigns of the court; but perceiving at laſt the ill uſe the court made of this diſpoſition, they eſpouſed the true intereſts of the kingdom, in oppoſing the king's deſigns.

The popiſh hiſtorians are of the ſame principles with the high flying tories concerning the government. But, where-

[a] For the greater ſplendor of this ſolemnity, the following titles of honour were conferred, ſir Arthur Annefley, was made earl of Angleſey; ſir John Greenvil, earl of Bath; Frederick Cornwallis, lord Cornwallis; ſir George Booth, lord de la Mere; ſir Horatio Townſhend, lord Townſhend; ſir Anthony Aſhley Cooper, lord Aſhley of Wimborne; John Crew, baron Crew; ſir Charles Howard, earl of Carliſle; Denzil Holles, lord Holles; Edward Hyde, earl of Clarendon; Arthur lord Capel, earl of Eſſex; Thomas lord Brudenell, earl of Cardigan. See Dugdale's Baron. tom. II.

as king Charles's deſign of introducing popery into England is very unwillingly owned by the tories, the papiſts, on the contrary, make it a glorious deſign, as being very juſt and religious.

A man muſt therefore prepare himſelf to meet theſe contrarieties, if he reads ſeveral hiſtories of this reign, and to chuſe that ſcheme which appears moſt coherent and beſt ſupported. For this purpoſe it will be proper to adhere only to plain facts, without regarding the frequent inſinuations of the hiſtorians, moſt of whom ſupport without ceremony their own ſcheme, even in the facts they relate. I own this is difficult: but I ſuppoſe the reader's ſearch is after truth, which he will never attain, if he implicitly follows, without examination, the firſt hiſtorian which comes in his way. Wherefore, I thought it proper to inform him before hand of what he is to expect, and withal to leave him at liberty to examine my ſcheme as well as that of others. But to return to the parliament.

The king going thither the 8th of May, made a ſpeech to both houſes, in which, after ſome expreſſions of his great affection for his people, he recommended two bills, which he had prepared to confirm the act of indemnity. He repeated the ſame words he had ſaid to the laſt parliament. Adding, that they might be as ſevere as they pleaſed againſt new offenders, but he ſhould not think him a wiſe man or his friend, who ſhould perſuade him to infringe the act of oblivion, or to conſent to a breach of a promiſe ſo ſolemnly made when he was abroad. Laſtly, he communicated to them his intended marriage with the infanta of Portugal, which had been reſolved with the approbation of his whole council.

The earl of Clarendon, lord chancellor, afterwards enlarged on the particulars mentioned by the king in his ſpeech, but chiefly upon two points untouched by the king. The firſt related to the ſeditious ſermons of certain preachers, which tended to renew the old troubles, and whoſe licentiouſneſs it was neceſſary to curb. The ſecond point on which he inſiſted, was the late inſurrection, which he aggravated in the ſtrongeſt expreſſions, intimating, that by intercepted letters it might be concluded, that the combination reached very far, and if the vigilance of the lord mayor had not prevented it, the city had been in danger of being burnt to aſhes. He did not name the authors of the ſeditious ſermons, becauſe his deſign was not to accuſe this or that perſon, or any particular ſect, but only to obtain a general order againſt the preachers who were not of the church of England. As to the pretended conſpiracy diſcovered, as he aſſured, by a multitude of intercepted letters, it does not appear that any one was proſecuted in conſequence of theſe letters, or that others beſides Venner and his companions, were proved to be concerned in it. It is therefore manifeſt, this ſpeech tended only to incenſe the parliament againſt the ſectaries or nonconformiſts in general, under colour of providing for the ſafety of the king and the ſtate, in a ſuppoſition, that it was only from them any danger could be feared. This will appear hereafter to be more than a meer conjecture.

Sir Edward Turner, the duke of York's attorney general, being choſen ſpeaker of the houſe of commons, at the recommendation of the court, both houſes unanimouſly voted their thanks to the king for the gracious communication of his reſolution to marry, and went in a body to congratulate him. Then the houſe of commons ordered all their members to receive the ſacrament according to the preſcribed liturgy within a certain time, upon pain of being expelled the houſe.

The 20th of May the two houſes jointly ordered, that the writing called the ſolemn league and covenant ſhould be burnt by the common hangman; which was performed with great triumph. Three days after, the following acts were alſo ordered to be burnt. The act for erecting a high court of juſtice for trying and judging Charles Steuart, &c. The act for ſubſcribing the engagement againſt a king and houſe of peers: the act for declaring the people of England to be a commonwealth, &c. The act for renouncing the title of Charles Steuart, and another for the ſecurity of the protector's perſon.

The zeal of the two houſes breeding a fear in the republicans, that the act of indemnity paſſed in the late parliament, would not be ſufficient for their ſecurity, if it was not confirmed by the preſent, they addreſſed the king for this confirmation. Upon their petition, the king writ to both houſes the 2d of June, earneſtly recommending to them to paſs the bill he had prepared for them. He even told them plainly, however neceſſary the bills might be, that were ready for the royal aſſent, he had no mind to paſs them till the act of indemnity was likewiſe preſented to him. This letter having produced the deſired effect, the king came to the parliament the 8th of July, and paſſed the following acts.

An act to confirm the act of indemnity paſſed in the late parliament.

An act to empower the king to receive from his ſubjects, a free and voluntary contribution for his preſent occaſions.

After this, the king made a ſhort ſpeech to both houſes, to remind them of his declaration from Breda, and of that ſigned by his adherents when his reſtoration began to be talked of, in which they promiſed to renounce all memory of former unkindneſſes, and vowed all imaginable good will to each other. "Therefore (continues he) let it be in no man's power to charge me or you with breach of our word or promiſe."

Theſe two acts being diſpatched, the parliament proceeded with vigour in finiſhing the other bills which were before them, and in particular, one for the confiſcation of the eſtates of twenty one regicides deceaſed, and to puniſh three, who were ſpared as to life, but liable to other penalties. Theſe were the lord Monſon, ſir Henry Mildmay, and Robert Wallop. It was ordered, that they ſhould, on January the 30th, be drawn upon ſledges with ropes about their necks to the gallows at Tyburn, and from thence conveyed to the Tower, there to remain priſoners during their lives.

The 30th of July the king came to the parliament, and gave the royal aſſent to ſeveral acts.

1. An act for the ſafety and preſervation of the king's perſon and government; which had three remarkable clauſes.

The firſt, that if any perſon ſhould compaſs, imagine, or intend the king's death, deſtruction, or bodily harm, to impriſon or reſtrain his royal perſon, or depoſe him, or ſhould levy war againſt him within or without this realm, or ſtir up any foreign power to invade him; or ſhould declare or expreſs ſuch his wicked intention, by printing, writing, preaching, or malicious and adviſed ſpeaking, he ſhould, being thereof legally convicted, be adjudged a traitor.

The ſecond, that if any man ſhould maliciouſly or adviſedly publiſh or affirm his majeſty to be an heretic, or a papiſt, or that he endeavoured to introduce popery; or ſhould ſtir up the people to hatred or diſlike of his royal perſon or government; that every ſuch perſon ſhould be made incapable of any office or employment either in church or ſtate.

The third, that if any man ſhould maliciouſly and adviſedly affirm, that the parliament, begun in Weſtminſter the 3d of November 1640, is yet in being, or that any covenant or engagement ſince that time impoſed upon the people, doth oblige them to endeavour a change of the government either in church or ſtate, or that either, or both houſes of parliament have a legiſlative power without his majeſty, that then every ſuch offender, being legally convicted thereof, ſhould incur the penalties of a præmunire mentioned iu the ſtatute of the 16th of Richard II.

The other acts now paſſed were:

An act to repeal the law made in the 17th year of Charles I. for the excluſion of the biſhops from the houſe of peers.

An act to prevent tumults and diſorders committed under pretence of preparing, or preſenting petitions to the king or parliament.

An act to declare the ſole right of the militia to be in the king.

An act to impower his majeſty to diſpoſe of the land forces.

An act for the regulation and government of his majeſty's navies and forces by ſea.

An act to impoſe certain pains and penalties upon the perſons or eſtates of thoſe who had a hand in the horrible murder of the late king.

An act for the collection of the great arrears of the duty of exciſe.

An act for providing neceſſary carriages for the king in all his progreſſes and removals.

After theſe acts had received the royal aſſent, the king thanked the two houſes for them, and particularly for that which reſtored the biſhops to their ſeats in parliament, and that which concerned the militia. This done, he gave them leave to adjourn to the 20th of November.

When the king called this parliament, he had no intention to aſſemble the clergy in convocation, believing, the

Savoy

Savoy conference was equivalent to a convocation. But dr. Heylin, in a letter to a minister of state, shewed, that this conference ought not to hinder the king from assembling the clergy. He alledged, among other reasons, that the clergy could not be bound by the acts of the Savoy assembly. This was precisely what the presbyterian ministers, appointed by the king, had alledged, to shew they had no power to act for their brethren. This convocation did nothing considerable, except granting the king a benevolence by virtue of the act above-mentioned [w].

While these things passed in England, the parliament in Scotland proceeded with no less vigour. Being assembled in January, they began first with abrogating and annulling the solemn league and covenant of the two kingdoms; and commanded that none of his majesty's subjects presume, on pretence of any authority whatsoever, to require a renewing, or swearing to the league and covenant, without his majesty's special warrant and approbation.

They next declared the power of the militia to be in the king alone, and the act of the 16th of January 1647, by which the late king was delivered to the English, to be infamous, disloyal, and contrary to all laws divine and human.

Episcopacy was restored in Scotland, and for that purpose, four presbyterian ministers, Sharp, Hamilton, Fairfoul [x], and Leighton came to London, where, after being ordained deacons and priests, they were consecrated bishops by the bishop of Winchester, with two other assisting prelates. All four renounced their first ordination as invalid, and before their departure for Scotland, obtained from the king a declaration of his pleasure to restore in Scotland the government of the church by archbishops and bishops, as it was in the year 1637. Upon this declaration, the privy council of Scotland strictly discharged all ecclesiastical meetings at synods and presbyteries, &c. till they should be authorised by the archbishops and bishops. An act was also passed in the Scotch parliament to prohibit all meetings and conventicles in private houses for religious worship. By another act the right of patronage was revived. And lastly, by another, it was ordained, that all persons in any public office, should sign a solemn declaration against the national covenant in 1638, and the solemn league and covenant in 1643, in which they declared it unlawful to subjects upon pretence of reformation, or any other pretence whatsoever, to enter into leagues and covenants, or take up arms against the king, or those commissioned by him.

The marquis of Argyle having been sent prisoner to Edinburgh, was there tried, and condemned; and beheaded the 27th of May. Many believed, that revenge, and the avarice of some persons [y], who hoped for the confiscation of his estates, were more powerful motives for his sentence, than justice. A few days before his death, the remains of the unfortunate marquis of Montrose were solemnly interred, and the head of the marquis of Argyle was set up in the place where his stood.

In England the bodies of sir Charles Lucas and sir George Lisle, who were shot at Colchester in 1648, were likewise honourably interred.

During the recess of the English parliament, the cavaliers or royalists made great complaints of the king's ingratitude, for suffering them to perish with hunger, while, by the act of indemnity, he procured his enemies the secure enjoyment of immense riches, acquired by illegal means. The city swarmed with libels on this subject. One, amongst the rest, writ by L'estrange, told the king bold truths with great freedom. But the king thought not proper to take notice of them, believing, the least he could do for the loyal sufferers, was to let them complain, since it was neither in his inclination nor power to reward them.

To suspend these complaints, the city was filled with rumours of projects and plots against the king's person and government [z]. But many believed this only an artifice to incense the parliament against the non-conformists in general, and the presbyterians in particular, and afford a pretence to proceed against them. The presbyterians were always confounded with the other sects, under the denomination of non-conformists, who were charged with ill intentions against the government, though hitherto the presbyterians had given no cause of suspicion, at least, nothing was proved against them. The most plausible thing urged, was, that the independents, anabaptists, and the other republicans, seeing the presbyterians no better treated than themselves, formed great projects, in hopes of being joined by the presbyterians at a proper time. Thus much is certain, the project of the act of uniformity, which will be mentioned hereafter, was now formed, and the rumours, true or false, of plots carried on by the non-conformists, might be very useful to palliate the breach of the Breda declaration, under colour of providing for the safety of the state. For the presbyterians could not be attacked on account of religion, without a most manifest violation of the king's promise.

The earl of Sandwich, vice-admiral, being sent with a fleet to Lisbon, to bring home the new queen, appeared before Algier to make a treaty with the corsairs, or reduce them to reason by force. But he found them so well prepared, that he was obliged to return to Lisbon without any thing done.

The parliament re-assembling the 20th of November, the king made a speech to both houses, without any necessity, as they had only been adjourned. He gave for reason, that it was to have the pleasure to see the bishops restored to their places in parliament. He then desired the commons, "To think seriously upon settling his revenue, and providing for the expences of his navy: adding, that he asked nothing for himself, but as his interest was united with that of his people." He told them, "that he was willing they should make a full inspection into his disbursements and receipts, but would not have them believe any loose discourses, of giving away eighty thousand pounds in a morning. That he had much more reason to be sorry, that he had not to reward those who had ever faithfully served the king his father and himself, than ashamed of any bounty he had exercised towards any man." After this, he told the two houses, "that he was sorry to find, the general temper and affections of the nation were not so well composed as might have been expected, after such signal blessings from God Almighty upon all, and after so great indulgence and condescensions from him towards all interests. That there were still many wicked instruments, who laboured night and day to disturb the public peace, and make all people jealous of each other. That it was worthy of their care and vigilance, to provide proper remedies for the diseases of that kind; and if they found new diseases, they must study new remedies. That the difficulties which concerned religion were too hard for him, and therefore he recommended them to their care and deliberation, who could best provide for them."

When the king published his declaration at Breda, and expressed so much zeal for passing an act of indemnity, agreeably to his declaration, he did not think it out of his power to give a positive promise, that no person should be molested on account of religion. But, in all appearance, since the elections of the members for his new parliament had been made, according to the wish of the ministry, in favour of high church, it was suggested to the king that the best expedient to obtain whatever he desired, was to sacrifice the non-conformists to the parliament. It is not very strange, that a prince of his character, who had secretly embraced the Roman catholic religion, or, to speak more properly, had no religion at all, should not think it a point of honour to support the presbyterians, at the hazard of losing the affection of his parliament. He visibly begins therefore, in the conclusion of his speech, to use evasions; and by talking in general of persons, labouring to trouble the peace of the kingdom, furnishes his parliament with a pretence of treating the non-conformists with rigour, as disturbers of the public tranquillity. As to religion, he leaves the care of it to the parliament, as of a thing too difficult for him. By this he entirely departs from his Breda declaration, and the act of indemnity, which till now he had so much insisted on.

This speech was as the signal to the persecution, which, soon after, broke out against the non-conformists, and particularly the presbyterians, for they alone were properly aimed at. We shall see presently, that upon rumours of conspiracies forming against the state by the non-conformists, without distinction of any sect, acts were grounded, which

[w] In this session, the papists petitioned the parliament for the repeal of the penal laws against them, and for toleration of their religion. See Kennet's Register, p. 472, &c.

[x] Rapin, by mistake says, Barwel.

[z] Particularly of the earl of Midletoun. See Burnet, p. 124. The marquis was condemned, as guilty of high treason, upon some letters formerly writ by him to Monk, wherein he expressed a great zeal for the republican cause. These Monk basely sent down to the marquis's judges. Ibid. p. 125.

[z] Of which the authors were, Praise-God Barebone, colonel Salmon, major Wildman, alderman Ireton, &c. Heath, p. 560.

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manifeſtly deſtroyed the Breda declaration, as well as that publiſhed by the royaliſts, when the king's reſtoration was in view.

I ſhall briefly ſtate the argument uſed to ſupport this perſecution. It is true, the king generouſly pardoned the offences committed before his declaration: but he did not promiſe to pardon ſuch as ſhould be afterwards committed. Now, ſince the king has been reſtored, the non-conformiſts are plotting to diſturb the government. It is therefore neceſſary to take all poſſible precautions, to diſable them to execute thair deſigns. In anſwer to this argument, it is needleſs to urge the ſlender foundation of theſe pretended plots, for which no man was ever puniſhed, or even proſecuted [a]. It ſuffices to remark, that it ſuppoſes, what is entirely falſe, that the non-conformiſts made but one body, becauſe their enemies had been pleaſed to give them all one common name. And yet, upon this ſuppoſition ſo notoriouſly falſe, it was thought lawful, to deprive all the ſects, and particularly the preſbyterians, of the benefit of the declaration from Breda, only becauſe their enemies were pleaſed to confound them with the independents and enthuſiaſts, under the ſame appellation of non-conformiſts. I do not think it neceſſary to ſtay any longer to demonſtrate the weakneſs of this argument. But it was ſufficiently valid, for men who had the power in their hands.

To prepare the way for the deſigned alteration, ſolely founded upon rumours of an imaginary conſpiracy, the parliament thought proper to ſupport theſe rumours, by a petition to the king for a proclamation, to order all officers and diſbanded ſoldiers to depart twenty miles from London. It was natural to infer from thence, that there were grounds for fear, which was indeed the deſign of the proclamation.

The ſame day, the commons voted the king a ſupply of twelve hundred thouſand pounds for his preſent occaſions, that is, to be diſpoſed of as he pleaſed. This was the firſt fruits of his condeſcenſion, with regard to the Breda declaration.

Then, the parliament reſumed the affair of the nineteen regicides, who had voluntarily ſurrendered themſelves upon the proclamation of the 6th of June, and yet had been ſentenced to death. They were aſked what they had to ſay, why judgment ſhould not be executed upon them? They alledged the king's proclamation, on which they had relied, believing it was his intention to pardon them. But this did not prevent a bill from being brought in for their execution, which was read twice, and then dropped, probably, on the king's powerful ſolicitation in favour of the condemned, who could not have been executed without great prejudice to his honour and faith.

The rumours, as I ſaid, of plots, were abſolutely neceſſary to ſerve for foundation to what was intended to be done. The earl of Clarendon had mentioned theſe plots at the cloſe of the late parliament, and the king at the opening of this. To ſtrike a greater blow, the earl of Clarendon, at a conference between the two houſes, affirmed poſitively, that there was a real conſpiracy, which had been forming ever ſince March, to diſturb the peace of the kingdom. He named ſeveral perſons engaged, and gave an exact account of the manner how it was to be executed. He ſaid, though the deſign ſeemed diſconcerted as to the city of London, where the officers and diſbanded ſoldiers had been invited to repair the 11th of the inſtant December, it was ſtill purſued in the country. The lords, upon this information, named a committee of twelve of their houſe, to whom they deſired the commons to add a proportionable number of their members, to examine the horrible deſign, that the execution of it might be prevented, and the peace of the kingdom ſecured.

Certainly, it cannot but appear ſtrange to all, who are not prejudiced by paſſion or party, that a plot, of which the court ſo well knew all the circumſtances, the parties engaged, the day of its deſigned execution in London, the endeavours ſtill uſed to promote it in the country, and concerning which a multitude of letters had been intercepted, that this plot, which was examined by a numerous committee of both houſes, ſhould not be attended with the death of any of the accomplices, nor even with the proſecution of one ſingle perſon. It was, however, upon this ſole foundation, that the corporation act, of which I am going to ſpeak, and all the proceedings againſt the non-conformiſts were built.

The 20th of December, the king came to the parliament, and paſſed the two following acts:

An act to grant the king twelve hundred and ſixty thouſand pounds, for his preſent occaſions, to be levied by a monthly tax of ſeventy thouſand pounds, for eighteen months.

An act for regulating corporations.

This act, which was called the corporation act, ran, That in order to perpetuate the ſucceſſion in corporations, in the hands of perſons well affected to the government, it was ordained, that every mayor, alderman, common-councilman, or any other officer in a corporation ſhould be obliged, beſides the common oath of allegiance and ſupremacy, and a particular declaration againſt the ſolemn league and covenant, to take an oath, declaring, "that it was not lawful, upon any pretence whatſoever, to take arms againſt the king; and that he did abhor that traiterous poſition, of taking arms by his authority againſt his perſon, or againſt thoſe commiſſioned by him."

If the oath had imported, that it is not lawful, on any pretence, to take arms againſt the eſtabliſhed government, there had been nothing in it extraordinary. But in this oath, the king was ſuppoſed to be ſole maſter of the government, which is manifeſtly falſe, ſince he can neither make nor repeal a law, without the concurrence of the parliament, and conſequently, the ſovereign authority does not reſide in him alone. This ſuppoſition was exactly like that of the parliament of 1640, that the ſupreme authority reſided in the people, or their repreſentatives in parliament, the abſurdity of which was expoſed by Charles I. in almoſt every one of his papers. They are both equally falſe, and to ſhew that the people of England do not think them true, we need only obſerve, the abſurd conſequences they have produced, and which have been conſtantly rejected by the Engliſh. By the maxim of the parliament of 1640, that parliament believed, they had a right to aboliſh monarchy, and change the eſtabliſhed religion. By the maxim contained in this oath, James II. believed he had a right to introduce a new religion, and eſtabliſh an abſolute power. But the Engliſh nation thought themſelves bound by neither the one nor the other of theſe extravagant maxims. Charles II. was reſtored, notwithſtanding the deciſion of the parliament of 1640; and James II. was dethroned, notwithſtanding the deciſion of this parliament, which had ordered the oath we are ſpeaking of, though the king had concurred to the act. It is impoſſible in England to mark out the degree of obedience due from the people to the king, or the parliament, when they are diſunited. The reaſon is evident, becauſe in their union conſiſts the eſſence of the government. It is in the king and parliament united together, that the abſolute power, neceſſary to all governments, is lodged. Wherefore, to ſay, "that upon any pretence or reaſon whatſoever," it is not lawful to reſiſt the king or the parliament, is, properly throwing up the liberties of the nation to the mercy of the one or the other. The high-churchmen, of which this parliament was principally compoſed, had then extraordinary ideas of the royal authority. And I know not whether they have yet entirely loſt them. But it is certain, many of them at laſt opened their eyes, and ſaw the dangerous conſequences of their maxims, and even this parliament did not think fit to admit them all, as will hereafter appear.

When theſe acts were paſſed, the parliament was adjourned to the 10th of January.

Elizabeth Steuart, daughter of James I. electreſs palatine, and queen of Bohemia, died at London the 13th of February [b].

[1661-2] The parliament being aſſembled the 10th of January, the firſt thing the lords did, was to receive the report of the committee, appointed to examine the conſpiracy, ſuppoſed to have been forming now almoſt a year, but which had yet produced no effect. The earl of Clarendon, who made the report, ſays, that two perſons, namely, Wildman and Salmon, were particularly engaged, and that a liſt of one hundred and forty officers of the late army had been found with Salmon; that it was further diſcovered, that the conſpirators were to have had a meeting at London the 10th

[a] One John James, a ſmall-coalman, was hanged and quartered for it, on November 27, or rather for being engaged in Venner's buſineſs, for he was one of his accomplices. Heath, p. 502.

[b] She came from the Hague to London, May 17, 1661, and died February 13, 1661-2, aged ſixty-ſix years. She was interred in Weſtminſter-abbey, in the ſame vault with prince Henry her brother. She had eight ſons, and five daughters, of whom the youngeſt ſurviving, the princeſs Sophia, mother of the late king George, was, in 1701, declared heir to the crown of Great Britain.—March 9, died the famous cardinal Mazarin. Kennet's regiſter, p. 395. And November 29, Brian Walton, biſhop of Cheſter, the compiler of the Polyglot Bible. This year died alſo ſir Arthur Haſlerig, in the Tower.

of December, and designed to have secured Shrewsbury, Coventry, and Bristol, by the end of January: That where they were prevalent, they were to begin with horrible assassinations, which moved one of them to relate, that the fugitive judges of the late king were entertained in France, Holland, and Germany, and held a strict correspondence with the English conspirators, and were encouraged by foreign princes: that they had bought a large quantity of arms, and boasted, if they could once set foot in England, they should not want means to carry on their work. That this had been discovered by one of the accomplices, and confirmed by such intelligence from abroad, as never failed: that many met at Huntington, and rode about the town in the night, to the great terror of his majesty's good subjects: that it might be wondered, that some proposals were not made to remedy the impending evil, but the king, having conferred with the duke of Albemarle, had ordered two troops of horse to Shrewsbury, and as many to Coventry, who, in their way, had dispersed a great knot of thieves, and taken twenty: that a rumour was spread, that the appointing this committee was only a plot of the court to govern by an army, but the committee was very sensible of the reality of the danger, and hoped the two houses would be so too: that since their enemies were united for their destruction, they should also be united for their own preservation.

When it is considered, that after a strict examination of this conspiracy by a numerous committee of both houses, the whole amounted only to a list of one hundred and forty officers found upon a man, without any other circumstance; and concerning one of the accomplices not named; to secret intelligence that never failed; to a company of men assembled about Huntington, in the night for some unknown reason. That not any of these pretended conspirators, who might have been known by one of their party who had discovered the whole plot, was either punished or prosecuted for this supposed crime: that in short the noise of this conspiracy ceased at once after the uniformity act had passed: when these things, I say, are considered, who can help thinking it a mere invention, to give some colour to this act. The government durst not attack the presbyterians directly on account of their religion. The declaration from Breda was too express on that article. But they were to be charged with new crimes, in order to be deprived of the benefit of that declaration. They were not even accused of attempting to disturb the state, since the king's restoration; but the non-conformists in general were accused in order to punish the presbyterians, as if they made but one body with independents, anabaptists, enthusiasts, because to all these sects was given the common name of non-conformists.

The first of March, the king sent for the commons to Whitehall, and reproached them, though very civilly, with having done nothing towards the settling of his revenues. He artfully insinuated, that the late troubles had principally been owing to the wants and necessities of the crown, thereby intimating, that this had obliged his father to stretch the royal prerogative. He added, that there was still in the kingdom a republican party, who promised themselves a second revolution, and therefore the only way to disappoint their hopes, was to enable the crown to support itself, and secure them. He continued his speech in this manner:

" ——Gentlemen, I hear you are very zealous for the church, and very sollicitous, and even jealous that there is not expedition enough used in that affair. I thank you for it, since I presume it proceeds from a good root of piety and devotion: but I must tell you, I have the worst luck in the world, if after all the reproaches of being a papist while I was abroad, I am suspected of being a presbyterian now I am come home. I know you will not take it unkindly, if I tell you that I am as zealous for the church of England, as any of you can be, and am enough acquainted with the enemies of it on all sides: that I am as much in love with the book of common prayer as you can wish, and have prejudice enough to those who do not love it, who, I hope, in time will be better informed, and change their minds; and you may be confident I do as much desire to see an uniformity settled as any amongst you. I pray trust me in that affair: I promise you to hasten the dispatch of it with all convenient speed; you may rely upon me in it. I have transmitted the book of common prayer, with those alterations and additions, which have been presented to me by the convocation, to the house of peers, with my approbation, that the act of uniformity may relate to it: [c] so that I presume it will be shortly dispatched there: and when we have done all we can, the well settling of that affair will require great prudence and discretion, and the absence of all passion and precipitation."——

The king's design in this part of his speech, was to obtain, that the execution of the act of uniformity, when it should be passed, might be left entirely to him, in order to have it in his power to dispense with whom he pleased. This he afterwards discovered in words more clear and precise, though the parliament would not grant his desire.

The commons being returned to their house prepared several bills, and amongst the rest one against the quakers, for refusing the oaths. Not that they believed themselves freed by this refusal from the obligations imposed by these oaths, but because they considered all oaths as unlawful. This act and another for the repairing of the streets and high ways in and about London, were passed by commission.

At last, on the 17th of May, the king coming to the parliament, gave his assent to several acts, of which I shall only mention the most important.

An act for the uniformity of public prayers, and the administration of the sacraments.

An act for the better regulation and ordering of the standing forces of the nation.

An act for laying a perpetual and annual tax of two shillings on every chimney hearth in each house, alms-houses excepted.

An act to empower his majesty to levy, for the next ensuing three years, a tax of seventy thousand pounds per month, if necessity shall so require.

Moreover, the house of commons ordered sixty thousand pounds which exceeded the sum of twelve hundred thousand pounds, granted by a former act, to be distributed among the poor cavaliers, who had been sufferers in the late troubles.

After the passing of these acts, the parliament was prorogued to the 18th of February.

Amongst these acts three are particularly remarkable.

By the act of uniformity, every minister was obliged, on pain of losing all his ecclesiastical preferments, to conform to the worship of the church of England, according to the new book of common prayer, before the feast of St. Bartholomew next, from whence it was called the Bartholomew act. Every minister was also obliged to sign the following declaration: " I do here declare my unfeigned assent and consent to all and every thing contained and prescribed in and by the book intitled, the book of common prayer, &c." Besides this, every person was obliged to sign a declaration contained in the militia act, in which declaration he was not only to promise to conform to the liturgy of the church of England, but likewise to renounce the solemn league and covenant, declaring it to be an unlawful oath, and imposed upon the subjects of this realm against the known laws and liberties of the kingdom.

The penalties annexed to this act were many, particularly, ——" No person should be capable of any benefice, or presume to consecrate and administer the holy sacrament of the Lord's supper, before he be ordained priest by episcopal ordination, upon pain to forfeit for every offence the sum of one hundred pounds."

I shall make but three observations upon this act; the first shall be in the very words of the declaration from Breda. " And because the passion and uncharitableness of the times have produced several opinions in religion, by which men are engaged in parties and animosities against each other, which, when they shall hereafter unite in a freedom of conversation, will be composed or better understood; we do declare a liberty to tender consciences, and that no man shall be disquieted or called in question for differences of opinion in matters of religion, which do not disturb the peace of the kingdom; and that we shall be as ready to consent to such an act of parliament, as upon mature deliberation shall be offered to us for the full granting that indulgence."

[1662] Let this clause be compared with the act of uniformity, and it will easily be seen, what care the king's own mini-

[c] There were added some new collects, as the prayer for all conditions of men, and the general thanksgiving, and the prayer for the high court of parliament, and a new office was made for baptism of such as were of riper years, and two more, one for the 30th of January, the other for the 29th of May. In the collect for the parliament, the king was stiled, our most religious king, an epithet that gave great offence, and occasioned much indecent raillery. Some new holidays were added also, as St. Barnabas, and the conversion of St. Paul, and more lessons were taken in out of the Apocrypha, particularly the story of Bell and the dragon. Burnet, p. 183. See Kennet's register, p. 585, and Nicholls.

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ſters, who were the real authors or promoters of the act, had of his honour, and what regard he himſelf paid to his promiſe. Notwithſtanding all this, ſome did then and do ſtill conſider this act as the great ſupport and bulwark of the church of England, and extol the authors as deſerving the everlaſting praiſes and bleſſings of the church; whilſt others, perhaps, no leſs ſincerely attached to the church of England, looked upon it as her reproach.

My ſecond remark is, that to this came the promiſes made to the preſbyterians by the king's party, upon the aſſurance of which they had ſo chearfully laboured for his reſtoration, according to the directions received from his friends.

My third obſervation is, that by an artifice the moſt groſs, not only conſpiracies were invented which had no reality, but which, though they had been true, could not have been imputed to the preſbyterians, who were not to anſwer for the crimes of the other ſects.

It will perhaps be imagined, that being a preſbyterian, I ſpeak out of intereſt and paſſion. But I proteſt, I have always had, and ſtill have, a profound reſpect and extreme veneration for the church of England, to which I always conformed during my reſidence there, and am ready to do it again, were I to return. But this does not oblige me to conſider all her members as free from failings, paſſions and prejudices; eſpecially on the preſent occaſion, wherein, as a hiſtorian, truth requires of me to ſhew clearly ſo material a point of hiſtory, as the treachery which was uſed to the preſbyterians. For at their ruin it was that the uniformity act was principally levelled [d].

The act concerning the militia, intitled, "An act for the better regulating and ordering the ſtanding forces of the nation," contained amongſt others the following clauſe.

"Foraſmuch as within all his majeſty's realms and dominions, the ſole and ſupreme power, government, command and diſpoſition of the militia, and of all forces by ſea and land, and of all forts and places of ſtrength, is and by the laws of England ever was, the undoubted right of his majeſty, and his royal predeceſſors, kings and queens of England; and that both or either of the houſes of parliament, cannot, nor ought, to pretend to the ſame; nor can, nor lawfully may raiſe, or levy any war offenſive or defenſive againſt his majeſty, his heirs or lawful ſucceſſors, &c."

It was ordained by this act that all lord lieutenants, deputy lieutenants, officers, and ſoldiers, ſhould take the following oath:—"I do declare, and believe, that it is not lawful upon any pretence whatſoever to take arms againſt the king; and that I do abhor that traiterous poſition, that arms may be taken by his authority againſt his perſon, or againſt thoſe that are commiſſioned by him, in purſuance of ſuch military commiſſions."

When in the latter part of the oath the words, "commiſſioned by him," came to be debated in the houſe of commons, a great lawyer [e] moved, that the word "lawfully" might be added to make all clear. But the attorney general ſir Heneage Finch anſwered, "That it was not neceſſary, for the very word commiſſion imported it; ſince if it was not lawfully iſſued out to lawful perſons and for a lawful reaſon, it was no commiſſion." And the whole houſe aſſented to this interpretation. The ſame difficulty, offered in the houſe of lords [f], was removed in the ſame manner [g]. But in ſuppoſing that by commiſſioned could be only meant lawfully commiſſioned, where would have been the hurt to add the word "lawfully" in order to take away all obſcurity, if the parliament had intended to put any reſtriction upon the royal power?

Suppoſe now, the king inveſted with ſuch a power, had attempted to abrogate all the old, and ſubſtitute new laws, at his pleaſure, to aboliſh the uſe of parliaments, and force his ſubjects to embrace the popiſh religion; which way could they have maintained their liberties and religion, ſince there was no ſupreme court to call the king to an account, and ſince by this oath it was high treaſon to take up arms againſt him upon any pretence whatſoever? Theſe are the uſual effects of factions in a ſtate. Each party, when ſuperior, thinks only of doing the contrary to what the other has done, without conſidering the conſequences, and generally both parties run into extremes. The parliament of 1640, incenſed againſt Charles I, for attempting to ſtretch his prerogative, are not content to reduce him within due bounds, but aſſume alſo privileges inconſiſtent with the conſtitution, and proceed at laſt entirely to deſtroy the monarchy. The parliament of 1661, not ſatisfied with reſtoring the king to his juſt rights, inveſt him with an unlimited power, and render him as abſolute as any monarch in the univerſe.

The annual tax of two ſhillings upon every fire hearth, not only to this king for his life, but to his ſucceſſors for ever, ſhewed, that this parliament acted not upon a bare motive of zeal and affection for the reigning king, but alſo ſeemed to have an intention of putting the kings of England in a condition to ſupport themſelves without parliaments, by ſo great a power aſcribed to them. And indeed, this ſingle tax amounted to about two hundred and fifty ſix thouſand pounds a year, which, together with the tunnage and poundage, exciſe, and other duties, made the revenue of the king double to any of his predeceſſors; ſo fearful was this parliament of not ſufficiently ſhewing their zeal for monarchial government, which had been, many years, ſo unworthily treated.

The ſeſſion of parliament being ended, the court was wholly employed in preparing for the reception of the new queen, who was daily expected. She left Liſbon the 15th of April, and arrived at Portſmouth the 14th of May, where the king went to receive her [h]. A report was ſpread, that the marriage was ſolemnized by Sheldon, biſhop of London, though others, who believe themſelves better informed, ſay, the queen refuſed to be married by any but a catholic prieſt; that the king conſented to it, and that very few perſons were preſent at the ſolemnity [i]. This marriage had been propoſed by d. Franciſco de Mello, the Portugueſe embaſſador, to general Monk [k], at the time that he was labouring the king's reſtoration. The embaſſador's aim was to procure Portugal a powerful aſſiſtance from England, ſince by the Pyrenean treaty, the king his maſter had no farther expectations from France. To prevail with Monk, and by his means, with the king, he engaged that the king of Portugal ſhould give with the princeſs his ſiſter, three hundred thouſand pounds ſterling, the town of Tangier upon the coaſt of Africa, and the iſle of Bombaim in the Eaſt Indies. Monk, pleaſed with theſe offers, propoſed the marriage to the king immediately after his arrival [l]. The king approved of it, and accordingly it was concluded in the year 1661 [m]. Some pretend, that chancellor Hyde ſtrenuouſly oppoſed the marriage, upon information that the princeſs of Portugal, by ſome natural infirmity, was incapable of having children, but that the king took this for an artifice of the court of Spain to prevent a marriage, which could not but prove prejudicial to their great deſigns upon Portugal. Others ſay, the chancellor was the chief author of the match. Before the conſummation of the marriage, the king, in a treaty with Portugal, engaged to aſſiſt that kingdom againſt Spain [n], and in the nineteenth article, obliged himſelf never to reſtore Dunkirk to that crown.

When the marriage was compleated, the queen mother arrived in England [o], with deſign, as it ſeemed, to ſpend there the reſidue of her days. The king aſſigned Somerſet Houſe for her reſidence, and gave her wherewithal to keep a ſplendid and magnificent court. But ſhe did not, it ſeems, find

[d] Burnet obſerves, that the favourers of popery, among whom he reckons the king, thought a toleration was the only method for ſetting it a going all over the nation. And nothing could make a toleration for popery paſs, but the having great bodies of men put out of the church, and under ſevere laws, which ſhould force them to move for a toleration, and make it reaſonable to grant it them, p. 179.

[e] Sir John Vaughan. He offered many inſtances of the law books to ſhew, "That it was lawful in many caſes to take up arms againſt thoſe who were commiſſioned by the king." Echard.

[f] By the earl of Southampton.

[g] By the earl of Angleſey.

[h] Rapin had committed ſeveral miſtakes in this paragraph, particularly concerning the dates, which are rectified from the journal of Edward earl of Sandwich, vice-admiral. See Kennet's regiſter, p. 660, 686.

[i] Burnet ſays, when Sheldon came to perform the ceremony, ſhe would not ſay the words of matrimony, nor bear the ſight of the biſhop. The king ſaid the words haſtily, and the biſhop pronounced them married perſons. But the duke of York told Burnet, they were married by the lord Aubigny, according to the Roman ritual, the duke being one of the witneſſes, p. 174.——Queen Catherine was born November 14, 1638. Kennet's regiſter, p. 696.

[k] The firſt propoſal of it was made to Monk by a Jew, that managed the concerns of Portugal. Burnet, p. 166.

[l] D'Ablancourt ſays, count Schomberg firſt propoſed it to the king. Mem. p. 37.

[m] The Spaniſh embaſſador oppoſed this marriage to the utmoſt of his power. He propoſed to the king a proteſtant princeſs, namely, either the princeſs of Denmark, or of Saxony, or of Orange. But, as biſhop Burnet obſerves, king Charles pretended a contempt of the Germans, and of the northern crowns. France had no ſiſter. Spain had only two infantas; the eldeſt whereof was married to the king of France, and the ſecond was to go to Vienna. So the houſe of Portugal only remained to furniſh the king a wife.——France ſtrenuouſly promoted this marriage, and to ſucceed the better, offered the earl of Clarendon a penſion of ten thouſand pounds a year; but the earl rejected that offer with great indignation. Fanſhaw's letters, p. 67. Burnet, p. 166, 167.

[n] Namely, to ſend into Portugal three thouſand foot, one thouſand horſe and eight frigates, to cruiſe upon their coaſts. D'Ablancourt's Mem. p. 37.

[o] With Henry Jermyn, earl of St. Albans, and others.

Though

in England, the ſatisfaction ſhe expected, for after three years ſhe returned to France.

The moſt conſiderable tranſaction at the Engliſh court, in the remaining part of this year, was the ſale of Dunkirk. The king looked upon this place as his property, ſince it was ſurrendered to Cromwell by France, in conſideration of the ſuccours ſhe had received in her war with Spain. Whether this reaſon was ſolid or not, it is certain, the king believed he had a power to diſpoſe of the town as he pleaſed. The two years large ſupplies granted him by parliament were all conſumed, and his coffers empty, though his extraordinary occaſions had been only the diſbanding of the army, and payment of the arrears due to the fleet. Whatever were the king's motives to part with this important place, he reſolved to ſell it to France, by whom it was gladly purchaſed. The negotiation for this ſale began in July 1662, and ended the following October. The king's firſt demand was, twelve millions of livres, and count d'Eſtrades, who managed the affair for Lewis XIV. offered but fifteen hundred thouſand. This great difference between the ſum demanded and offered, was the ſole ſubject of the negotiation. Each feigned, however, to be unwilling to recede, though both were equally impatient, the one to ſell, and the other to purchaſe, and knew one another's intention. Charles told count d'Eſtrades by his chancellor, that four ways were propoſed for the diſpoſal of Dunkirk. The firſt was, to ſurrender it to the Spaniards, who offered what price the king ſhould be pleaſed to demand. The ſecond was, to treat with the Dutch, who offered immenſe ſums. The third was, to put it into the hands of the parliament, who would keep it without any diminution to the king's pretenſions as ſovereign. The fourth, which he thought moſt juſt, and ſuitable to his intereſts, was to ſell it to the king of France. There was alſo a fifth way propoſed by the earl of Sandwich, which was to demoliſh it, and fill up the harbour, to render it entirely uſeleſs.

The king of France anſwered, he much doubted the offer of the Spaniards, who had not yet been able to pay his queen's portion, though on that payment depended the validity of her renunciation: that it would be more advantageous to the king of England, to make a free gift of the place to the Spaniards, than to receive for it twenty millions from the Dutch, which, moſt certainly, they would not give. And as to delivering it to the parliament, the king knew better than he, how dangerous it was to increaſe the parliament's power.

In ſhort, Charles came to ſeven millions of livres, and the count d'Eſtrades offered him two, then two and a half, and at laſt three. But the king his maſter had given him power to offer four, at the very time that Charles conſented, that the ſale ſhould be fixed at five millions. The king of France was obliged to come up to his price, when he found nothing would be abated, and that he run the riſk of being diſappointed, if he ſtood out any longer. There was alſo ſome difficulty about the time of payment; the king of England would have all the money at once upon the delivery of the place, and the king of France offered to pay it at ſeveral times. At laſt it was ſettled, that one half ſhould be paid down, and the other in two years, at two ſeveral payments.

Dr. Burnet, in the hiſtory of his own times, ſays, that Charles ſquandered away the money, received for Dunkirk, among his miſtreſs's creatures [p]. Others aſſure, that with one part he diſcharged his ſiſter the ducheſs of Orleans' dowry, and with the other aſſiſted Portugal.

The motives alledged by the chancellor to the count d'Eſtrades, to ſhew, the king was under a neceſſity to ſell Dunkirk, were, that, his coffers being empty, he could only by that means be enabled to aſſiſt Portugal. But in England, this reaſon was not to be urged, becauſe all knew what vaſt ſums the king had received from the parliament. To cover therefore the diſhonour of this ſale, it was pretended, that the garriſon and repairs of the fortifications coſt the king immenſe ſums to no purpoſe; that "the ſea was ſo tempeſtuous, and the grounds ſo rolling upon every ſtorm, that there would never remain a certain ſteerage to that port [q]." On this occaſion ſeveral pamphlets were publiſhed, tending to ſhew the injury done to the nation in the ſale of Dunkirk to France, and others to palliate, or to demonſtrate the neceſſity of this ſale.

But the greateſt diſpute concerning this ſubject, was upon two queſtions, Whether the propoſal came from France or England? And whether the earl of Clarendon, as he was generally accuſed, was the author and promoter of the ſale, or as ſome pretend, proteſted he would not be concerned? I find Mr. Echard, in his hiſtory of England, and Dr. Burnet, in that of his own times, entirely clear the earl of Clarendon. It is however a fact, as certain as a fact of this nature can be, that the earl of Clarendon propoſed it, negotiated the ſale, and concluded it. To prove this truth, I need only quote the letters of count d'Eſtrades, who was commiſſioned to manage the affair, and conſequently knew more of it than any other. It muſt however be ſaid, in excuſe of Mr. Echard and Dr. Burnet, that when they writ this part of their hiſtories, count d'Eſtrades' letters, concerning the Dunkirk negotiation, were not publiſhed, and that they knew no more of the affair, than what they had received from the earl of Clarendon's friends.

Count d'Eſtrades, being embaſſador at London the beginning of the year 1662, had ſecretly agreed with the king, that the French king ſhould ſupply him with a certain ſum of money, to enable him to aſſiſt Portugal. But this was to be kept very ſecret, becauſe of the Pyrenean treaty, by which Lewis had ſolemnly engaged to give no aſſiſtance to Portugal, either directly or indirectly. This ſecret, however, took air, and occaſioned a letter from Lewis to count d'Eſtrades, dated the 4th of March, in which are theſe words: "———You may tell the king of England, that what is known here of the money of Havre, came from Fox himſelf, who has not been very careful to keep the ſecret. This was partly the cauſe of all the ſenſeleſs noiſe made in Paris, which doubtleſs muſt have reached London, that I am treating for Dunkirk with the ſaid king for a ſum of money, in order to exchange it with the king of Spain, for Cambray, or Aire, and St. Omer. You know better than any man, whether I had ever ſuch a thought."

It is not unlikely, that this was an inſinuation which begot in Charles the thought of ſelling Dunkirk to France; but the ſale was not mentioned till ſome months after. Count d'Eſtrades being returned to France in April this year, was appointed embaſſador extraordinary to Holland. But as he was on his journey, he received a letter from the king of England, of the 17th of July, to deſire him to come to London, where he wiſhed to communicate to him an affair propoſed by the chancellor. Count d'Eſtrades, with his maſter's leave, went to London, and there received from him a letter, in which he told him, "—You may gueſs with what impatience I expect the arrival of your packet, which is to inform me of the reaſon of the king of Great Britain's deſiring to ſpeak with you, and obliging you to defer your journey to Holland, &c.

As all the other letters, till October, ſhew, the count d'Eſtrades was employed only in this negotiation during his ſtay at London, there is no reaſon to doubt, that the firſt propoſition for the ſale of Dunkirk, came from England.

As to the ſhare the earl of Clarendon had in the affair, it clearly appears in a letter of the 17th of Auguſt, writ by count d'Eſtrades, to the king his maſter, wherein he gives an account of a conference he had with the earl of Clarendon. Theſe are his words: "The chancellor added, that the thought of this treaty came from him, and did not conceal, that the neceſſity of the Engliſh affairs had inſpired him with it. That the king, the duke of York, and himſelf, were alone of this opinion, and that Monk, the lord treaſurer, and the earl of Sandwich were ſtill to be managed, whom he could not hope to gain, but by the great ſums which would accrue to the king: that having already propoſed it to them from the urgent occaſions of the ſtate, they had offered an expedient to preſerve the place for the king, and eaſe him of this expence.———I muſt not forget to tell your majeſty, that the chancellor hinted to me, that the king had precautions to obſerve with the queen his mother on this affair: that therefore the king had told the queen, that his ſending for me into England, was to deſire my application to your majeſty, for a ſum of money to be lent him in his preſſing neceſſities, and that he had ordered the chancellor to confer with me upon it. The chancellor added, that the king and he were agreed, that the king ſhould complain much of my non-compliance, with regard to this loan, and that the chancellor particularly ſhould tell the queen, by

[p] Though the king promiſed, That he would lay up all the money in the Tower, and that it ſhould not be touched, but upon extraordinary occaſions. Burnet, p. 172.——The miſtreſs here mentioned was Barbara Villiers, the king's firſt miſtreſs, afterwards created dutcheſs of Cleveland. See Burnet, p. 94.

[q] Theſe were the words of the earl of Sandwich, according to Echard. Burnet ſays, count Schomberg, who was lately come into England, adviſed, in oppoſition to all this, that the king ſhould keep it, for, conſidering the naval power of England, it could not be taken, and that the holding it would keep both France and Spain in a dependence upon the king. But he was ſingular in that opinion. Clarendon ſaid, he knew nothing of thoſe matters, but appealed to Monk's judgment, who was for ſelling it, p. 173. He

way of ſecret, that I was a ſtrange man, and he very much miſtaken, if by what I had ſaid to him, I did not intend to demand for ſecurity of this loan, ſome cautionary town, as England had formerly done by France and Holland, in a like caſe; but that he had pretended not to underſtand me, as being a demand to which he would never adviſe his maſter to conſent. All this diſguiſe is uſed to prepare the queen to believe, that ſhe knew ſomething of the treaty, if it ſhould come to a concluſion, and that neceſſity was the motive to it. I am likewiſe to complain of the chancellor, as of a man who blindly deſires to procure advantages for his maſter, without regarding the intereſt of your majeſty. The whole proceeding confirms me in the opinion, that they have a mind to a treaty, and that they are reaſonable in every thing but the price."

In another letter of the 21ſt of Auguſt, count d'Eſtrades writ to the king, that the chancellor told him,—" That when it ſhould be known for how ſmall a ſum this treaty was to be made, the king could not avoid reproach, and that, at leaſt, he (the chancellor) would be liable to public cenſure, which might endanger his life. That therefore it was his opinion to make a preſent of it to your majeſty, and leave the reward to your generoſity: but as he was not maſter, and was highly concerned to take care of himſelf in ſo nice an affair, he was obliged to conceal his ſentiments, and pretend to adhere to thoſe of others, that he might not be taken for the principal author of the treaty.—He farther enlarged upon the importance of this place, and the advantages which your majeſty might receive from it, if you ſhould ever deſign to make conqueſts upon Flanders," &c.

Theſe letters demonſtrate, that the earl of Clarendon, ſon of the chancellor, was ill informed, when he told doctor Burnet that his father kept himſelf out of that affair entirely. It may be ſaid however, in the chancellor's juſtification, that poſſibly the thought of ſelling Dunkirk came firſt from the king; that perhaps the chancellor endeavoured to diſſuade him from it, and not ſucceeding, had a mind to give him a proof of his obedience, in taking the negotiation upon himſelf, in order to manage it to the king's advantage. For dr. Burnet, in his character of this miniſter, obſerves, that though a reſolution was taken contrary to his ſentiment, he executed it with the ſame zeal, as if propoſed by himſelf. But this is only a bare poſſibility, which every one will regard as he pleaſes.

While this negotiation employed the king and his firſt miniſter, three of the late king's judges, who had found means to eſcape out of the kingdom, were publicly executed at Tyburn. They had, after wandering through Low and High Germany, ſettled for ſome time at Hanau under borrowed names, and returned in the ſpring to Delft in Holland, having appointed their wives to meet them there, in order to learn the ſtate of affairs in England, and what hopes were left for them; but ſir George Downing, the king's reſident at the Hague, and formerly of their party, having intercepted their letters, obtained the conſent of the ſtates to ſeize and put them on board an Engliſh ſhip, which brought them to England, where they were executed. The names of theſe three regicides were Corbet, Okey, and Berkſtead.

This execution was followed with the trials and condemnation of ſir Henry Vane and general Lambert, who had been particularly excepted in the act of pardon, though they were not amongſt the king's judges, becauſe they were conſidered as the chief authors of the troubles. Vane had been confined, ſhortly after the king's arrival, on a bare ſuſpicion of framing ſome plot againſt the government. But though he was excepted in the act of indemnity, he had, by means of his friends, found ſo much favour from the ſame houſe of commons, who had excepted him, that they petitioned the king, jointly with the peers, that he might not ſuffer death, which was granted by the king. He was therefore kept in priſon without being tried, till the time I am ſpeaking of. But this ſecond parliament being compoſed of men of a different character from the firſt, the commons addreſſed the king to bring him as well as Lambert to their trials. In vain did he alledge in his defence the petition of the firſt parliament; and many other reaſons; he was ſentenced to die as a traitor. Lambert was alſo tried and condemned, but was reprieved at the bar, juſt as he was going to receive ſentence. He was confined in the iſle of Guernſey, where he lived a priſoner thirty ſix years[q]. Sir Henry Vane met not with the ſame favour from the king. This, it is pretended, was owing to his inſolent behaviour at his trial. But many believed him a ſacrifice to the manes of the earl of Strafford, to whoſe death he had greatly contributed. His indiſcretion and inſolence, as well at his trial as his execution, have been extremely aggravated. But it is eaſy to ſee, it was only to ſave the king's honour, who, having poſitively promiſed a pardon to all except the king's judges, could not avoid granting a pardon to Vane, without violating his promiſe, and eſpecially after ſparing his life at the requeſt of the late parliament[r]. It was ſo feared that he would inſiſt upon this point in his laſt ſpeech, that drummers were placed under the ſcaffold, who, as ſoon as he began to ſpeak, upon a ſign given, drowned his voice with their drums. All the favour he could obtain from the king, was to be beheaded. Great care was taken after his death to publiſh the king's inclination to pardon him, if he had not been provoked by his inſolence. But this is a thing very hard to be proved.

St. Bartholomew's day being come[s], on which the act of uniformity was to take place, two thouſand preſbyterian miniſters choſe rather to quit their livings, than ſubmit to the conditions of the act. It was expected that a diviſion would have happened amongſt them, and that a great number would have choſe rather to conform to the church of England, than ſee themſelves reduced to beggary. It was not therefore without extreme ſurpriſe, that they were all ſeen to ſtand out, not ſo much as one ſuffering himſelf to be tempted[t]. As this is a conſiderable event of this reign, it will not be improper to enquire into the cauſes of this rigour againſt the preſbyterians: I ſay the preſbyterians, becauſe it was not the other ſects that the church of England moſt dreaded.

1. It cannot be denied, that the high-churchmen, who prevailed in the parliament, acted in a ſpirit of revenge. But this revenge ſhould not appear very ſtrange, conſidering the perſecution, and at laſt, the entire deſtruction brought upon the epiſcopal church by the preſbyterians, if honour had not been wounded, nor any promiſe made to the preſbyterians. The church of England was the national church, which had flouriſhed from the reformation to the time of the war between Charles I. and the parliament, when the preſbyterians entirely ſubverted it. It was therefore but juſt to reſtore it to its former condition. But it was injuſtice to violate the promiſe made to the preſbyterians, eſpecially as they had greatly contributed to the king's reſtoration, and withal, to that of the very church, which perſecuted them after being re-eſtabliſhed by their aſſiſtance.

2. But revenge was not the ſole cauſe of the preſent rigour exerciſed againſt the preſbyterians. The deſire of ſelf-preſervation was no leſs concerned. Experience of what had paſſed, taught the church of England, that if the preſbyterians ſhould ever find an opportunity like that which they once had, they would not fail to improve it. They were always irreconcileable enemies, though, in the preſent juncture, they were unable to do any hurt, and obliged to ſue for mercy. It was therefore, undoubtedly, the intereſt of the church of England, to uſe all poſſible precautions to hinder the increaſe of a party already too powerful, and which, probably, would never ceaſe contending for the ſuperiority.

3. We have ſeen what were the notions of this parliament and of high-church, concerning the royal prerogative, and to what height it was carried. The preſbyterians, as well as the other ſects, were known to follow quite contrary max-

[q] He is ſaid to live and die a papiſt. It was the popiſh intereſt that ſaved his life, and it is thought he died of that perſuaſion in order to eſcape the puniſhment others met with, who were no more guilty than he was. Old Mr. Barker, a papiſt and dependent on the Norfolk family, knew the particulars. He was reckoned one of the fineſt and beſt bred gentlemen in England.

[r] His friends perſuaded him to make ſome ſubmiſſion to the king, in order to ſave his life; but he ſaid, "If the king did not think himſelf more concerned for his honour and word, than he did for his life, he was very willing they ſhould take it. Nay I declare, ſaid he, that I value my life leſs in a good cauſe, than the king can do his promiſe." State-trials, tom. II. p. 455.

[s] The preſbyterians remembered, what a St. Bartholomew's had been held at Paris ninety years before, which was the day of that maſſacre, and did not ſtick to compare the one with the other. Burnet, p. 185.—There was a great debate in council, a little before St. Bartholomew's day, whether the act of uniformity ſhould be punctually executed or not. Some moved to have the execution of it delayed till the next ſeſſion of parliament. Others were for executing it in the main, that is, to let ſome eminent men preach in their churches, till they ſhould die, and to put curates to read the common prayer. The earl of Mancheſter laid all theſe things before the king with much zeal: Sheldon, on the other hand, preſſed the execution of the law. Id. p. 192.

[t] Burnet inſinuates, that their leaders took great pains to have them all ſtick together, infuſing it into them, that if great numbers ſtood out, that would ſhew their ſtrength, and produce new laws in their favour. ——— So it was thought, that many went out in the crowd to keep their friends company, p. 292.

ims, and if they were not entirely republicans, at leaſt, they endeavoured to reduce the royal power within very narrow bounds, as appeared in the reſolutions and conduct of the parliament of 1640. But while the church of England had no ſuſpicion of the king's religion, and believed him a zealous member, it was her intereſt to ſupport and extend the prerogative, and conſequently to diſable the preſbyterians to proſecute their maxims.

4. The church of England's intereſt required, that ſhe ſhould improve ſo favourable an opportunity, which perhaps might never return. It was ſeen how greedy the king was of money, to throw it away with the greateſt profuſion, and that he could not be without the aſſiſtance of his parliament, and the church had the good fortune to have a parliament conſiſting of her moſt zealous members, and diſpoſed to ſacrifice to the king a little of the nation's treaſure, provided the king would, in his turn, make them a ſacrifice of the preſbyterians. Though he was not ſuſpected to be a papiſt, it could not be thought he would, from a pure principle of honour and honeſty, quarrel with a parliament ſo favourable to him, for the ſake of the preſbyterians, whom he neither did, nor had reaſon to love. There was nothing therefore but what might be expected from his complaiſance: provided care was taken to ſupply him with money. Such a juncture was not to be neglected.

5. But there was another ſtill more powerful cauſe of the parliament's ſeverity againſt the preſbyterians. This was the intereſt of the papiſts, who had ever a great influence during this reign. Some made an open profeſſion of their religion, and yet were looked upon with a very favourable eye by the court. Others, after the king's example, pretended to be good proteſtants, and zealous members of the church of England, in order to be more ſerviceable to their party. The firſt uſed their utmoſt endeavours to incite the parliament to a ſevere treatment of the preſbyterians, in order to deſtroy a party which had ſo openly declared againſt the royal power. The others concealing themſelves under a falſe zeal for the proteſtant religion, laboured with the ſame ardour, to excite the enmity of the heads of the church of England, and of thoſe whom they knew to be moſt warm, againſt men, who would not ſpare them, if ever they were in a condition to ruin them, as they had manifeſtly ſhewn. But while they were thus zealouſly labouring to bring things to extremities, they were endeavouring, on the other hand, by their emiſſaries, to encourage the preſbyterians, and exhort them to the cloſeſt union, by inſinuating it to be the moſt effectual means to defeat the meaſures of their enemies. They were told, their number was ſo great, that, in all likelihood, it would deter the parliament from attempting the ruin of ſo many at once, for fear of exciting new troubles. Whereas, if their party ſhould divide, they would be inſenſibly and irrecoverably ruined. In ſhort, to induce them the more eaſily not to deſpair, they were told, the king, provoked with the ill treatment they received, notwithſtanding his promiſe to them, would protect them openly if they would remain united; but a diviſion would put it out of his power to do them any ſervice. It is certain, the court was in this diſpoſition, not from any pity to the preſbyterians, or regard to the king's honour, but from the hopes that the union amongſt the non-conformiſts would procure them more favourable conditions, of which the papiſts might make an advantage. But when I ſay the court, I do not pretend to include the earl of Clarendon, though prime miniſter. This juſtice muſt be done him, to ſay, that not only he did not contribute to the deſigns of the king and the papiſts, but was the man that broke their meaſures, by ſecret intrigues, well knowing what was concealed under this feigned moderation of the king to the preſbyterians. However, the king, the duke of York, and the other leading papiſts, believed it neceſſary, to puſh the preſbyterians, and then encourage them to hold together, that the danger ariſing from their union might prevail with the parliament to grant to all the non-conformiſts in general, a toleration which ſhould extend to the papiſts. This is not a bare conjecture. All the king's proceedings demonſtrate this was the ſcheme he had formed.

I have already mentioned the corporation act, made to prevent diſſaffected perſons from being admitted into offices. For the better executing this act, the parliament appointed commiſſioners, who were employed all this year in viſiting corporations, and inſpecting the conduct of the members. A very extenſive power was given to theſe commiſſioners, with abſolute authority to turn out of the corporations, all members who were ever ſo little ſuſpected. For the deſign of this act was to diveſt of all credit, every perſon not entirely devoted to the king and the church of England. This power was exerciſed with all imaginable rigour: ſo that the corporation had not one member left, who was not of the ſame principles with the houſe of commons. Moreover, the walls of Glouceſter, Coventry, Northampton, Leiceſter and Taunton were, by order of theſe commiſſioners demoliſhed, becauſe theſe towns had diſtinguiſhed themſelves by their fidelity to the parliament.

About the end of the year a conſpiracy was diſcovered, formed by the fifth monarchy-men, and upon the informations of ſome of the accomplices, ſix were executed. Nevertheleſs, many believed, this was only an artifice to excuſe the ſeverity practiſed againſt the non-conformiſts. The ground of this ſuſpicion was, that in a plot formed to ſeize and kill the king, the duke of York, and general Monk, and to ſeize the tower and caſtle of Windſor, only ſix conſpirators were diſcovered, namely, George Phillips a ſerjeant of foot, Thomas Tonge a diſtiller, Francis Stubbs a cheeſemonger, James Hind a gunner, John Sellers a compaſs maker, and Nathaniel Gibbs a felt maker. Few could believe that ſuch men ſhould ever think of ſucceeding in a deſign of that nature. It is true, that to render the conſpiracy more probable, it was ſaid, the old colonels were to aſſemble their diſbanded forces, and Ludlow, then in Switzerland, to come and head them. But though ſuch an undertaking required perſons of ſome diſtinction, yet only theſe ſix wretches who were executed [u], could be diſcovered. At leaſt, if the conſpiracy was real, the plotters had yet made no great progreſs [w].

To finiſh the moſt remarkable tranſactions of this year, I ſhall briefly add, that after the earl of Sandwich left Liſbon, to conduct the queen into England, vice admiral Lawſon ſailed with a ſquadron to Algier, and forced the Algerines to a peace with England. As the king was in poſſeſſion of Tangier, they doubtleſs believed it would not be advantageous to have him for their enemy. Shortly after, the king declared Tangier a free port, and inveſted it with great privileges [x].

1662-3.] The king had already diſcovered, how agreeable it would be to him to have the management of the uniformity act, but the parliament had returned no anſwer to his deſire. Before this act, the preſbyterians had behaved in a manner which gave no juſt cauſe of complaint againſt them, and the king had made them a poſitive promiſe, either that he would never conſent to the act, or procure them a particular exemption, but he performed neither, his aim having been only to keep them united, by giving them hopes of his protection. After the act was paſſed, he ſtill continued to feed their expectations, and hence it was, that they addreſſed the king and council, for a diſpenſation from the penalties annexed to the act of uniformity. The petition would doubtleſs have been rejected, if the king had not ſignified to the council the obligation he was under to grant their requeſt. Some time after he publiſhed a declaration, dated the 26th of December, but which appeared not till the beginning of January 1662-3. In the declaration, after an aſſurance of his firm adherence to the act of uniformity, he ſaid, however, that for the ſake of others, he was willing to diſpenſe with ſome matters in it [y]. Upon the declaration, Mr. Calamy, a preſbyterian miniſter, being in the church of Aldermanbury, of which he had the cure before the execution of the act, and ſeeing the miniſter, who was expected, did not come, aſcended the pulpit and preached, for which he was committed to Newgate by the lord mayor of London. But in a few days, he was diſcharged by the king's expreſs order.

The king, as we have ſeen, meant to procure ſome advantages for the preſbyterians, in order to procure the ſame for the papiſts. This was his ſcheme, and as it was directly contrary to the earl of Clarendon's principles, mortal enemy

[u] Only Phillips, Tonge, Gibbs, and Stubbs, were executed. John Sellers was afterwards made the king's Hydrographer, and publiſhed ſeveral maps, charts, &c. See Heath, p. 513.

[w] However, as Ludlow obſerves, this ſerved the court for a pretence to ſeize five or ſix hundred perſons; to diſarm all thoſe they ſuſpected; to make thoſe they had taken give bonds not to take up arms againſt the king; and to increaſe their ſtanding guards. Tom. III. p. 114.

[x] This year died Robert Saunderſon, biſhop of Lincoln; Dr. John Gauden, biſhop of Worceſter, the reputed author of Eikon Baſilike. [See Kennet's Reg. p. 773, &c.] As alſo William Fiennes, viſcount Say and Seal, lord privy ſeal; and, on September 3, at Burford, William Lenthall, ſpeaker of the long parliament. Id. p. 671.

[y] His words are, "— As for what concerns the penalties upon thoſe who (living peaceably) do not conform through ſcruple and tenderneſs of miſguided conſcience, but modeſtly, and without ſcandal, perform their devotions in their own way, we ſhall make it our ſpecial care, without invading the freedom of parliament, to incline their wiſdom, at this next approaching ſeſſion, to concur with us in making ſome ſuch act for that purpoſe, as may enable us to exerciſe, with a more univerſal ſatisfaction, that power of diſpenſing, which we conceive to be inherent in us."

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of the preſbyterians, and no friend of the papiſts, it is not ſurpriſing it ſhould be formed without the privity of this miniſter, whoſe credit, for that reaſon, began now to decline. Nay, the king had plainly ſhewn he had not the ſame affection for him, by obliging his intimate friend ſecretary Nicholas, worn out with age, to reſign his poſt to the chancellor's profeſſed enemy, ſir Henry Bennet, afterwards earl of Arlington. This ſufficiently diſcovered, that his credit with the king was ſenſibly diminiſhed. On the other hand, though the king affected a great zeal for the proteſtant religion, the choice of Bennet to be ſecretary of ſtate, ſhewed his inclination for the Roman catholics, as Bennet was ſtrongly ſuſpected of being a papiſt in his heart, and known for their protector. It is ſaid, he and the earl of Briſtol had induced the king to change his religion at Fontarabia, and that Bennet durſt not return into England till after the death of the lord Culpeper, who had threatned him to diſcover it to the parliament. Be this as it will, Bennet being the chancellor's enemy, this laſt could not but look upon his enemy's advancement to the poſt of his intimate friend, as a prelude to his diſgrace.

The king's declaration in favour of the preſbyterians, was a farther indication of the chancellor's fall. This declaration had been reſolved and prepared, without his knowledge, at Somerſet-houſe, where the queen mother reſided, and probably by a catholic junto, or by ſecret favourers of that religion. Thoſe who knew the chancellor's principles, eaſily judged, he had no hand in it. They had reaſon to be afterwards confirmed in that opinion, when every one evidently ſaw the king, in his pretended compaſſion for the preſbyterians, deſigned only to procure a toleration for the catholics. The chancellor, however, kept his poſt for ſome years, though with a great diminution of credit.

The parliament meeting the 18th of February, the king made a ſpeech to both houſes, in which he confined himſelf to one ſingle point, namely, his declaration concerning the act of uniformity. His words were theſe:

"——To cure the diſtempers, and compoſe the different minds among us, I ſet forth my declaration of the 26th of December, in which you may ſee, I am willing to ſet bounds to the hopes of ſome, and to the fears of others; of which, when you ſhall have examined well the grounds, I doubt not but I ſhall have your concurrence therein. The truth is, I am, in my nature, an enemy to all ſeverity for religion and conſcience, how miſtaken ſoever it be, when it extends to capital and ſanguinary puniſhments, which I am told were begun in popiſh times: therefore, when I ſay this, I hope I ſhall not need to warn any here, not to infer from hence, I mean to favour popery. I muſt confeſs to you, there are many of that profeſſion who having ſerved my father and myſelf very well, may fairly hope for ſome part of that indulgence I would willingly afford to others who diſſent from us: but let me explain myſelf, leſt ſome miſtake me herein, as I hear they did in my declaration: I am far from meaning by this, a toleration or qualifying them thereby to hold any offices or places in the government; nay, further, I deſire ſome laws to be made to hinder the growth and progreſs of their doctrines. I hope yon have all ſo good an opinion of my zeal for the proteſtant religion, as I need not tell you, I will not yield to any therein, not to the biſhops themſelves, nor in my liking the uniformity of it, as it is now eſtabliſhed; which being the ſtandard of our religion, muſt be kept pure and uncorrupted, free from all other mixtures: and yet, if the diſſenters will demean themſelves peaceably and modeſtly under the government, I could heartily wiſh, I had ſuch a power of indulgence, to uſe upon occaſions, as might not needleſsly force them out of the kingdom, or ſtaying here, give them cauſe to conſpire againſt the peace of it.

"My lords and gentlemen, it would look like flattery in me to tell you, to what degree I am confident of your wiſdom and affection in all things, that relate to the greatneſs and proſperity of the kingdom. If you conſider well what is beſt for us all, I dare ſay we ſhall not diſagree."——

This ſpeech, with the declaration of the 26th of December, alarmed the houſe of commons. It may almoſt be affirmed, that whatever the commons had done in favour of the king, was only to procure his aſſent to the act of uniformity, and yet, they ſaw him not only diſpenſe with that act, but even deſire a power to diſpenſe with it, that is, to ſet it aſide as often as he pleaſed: that this was not only in favour of the preſbyterians, who had a better claim to indulgence than the other ſects, but moreover, in favour of all the non-conformiſts. Nay, it was eaſy to perceive, from what he ſaid concerning the catholics, that his intention was to prevent their being diſtinguiſhed from the proteſtant ſects, in caſe his deſires were complied with. This juſtice ought to be done to the high church party, that though their enemies frequently brand them for papiſts, on account of their extreme attachment to certain forms and ceremonies, yet are they as far removed from the eſſence of popery, as the other epiſcopalians, and even the preſbyterians themſelves. This they have demonſtrated on ſeveral very remarkable occaſions. The houſe of commons, which, as I ſaid, was chiefly compoſed of high church-men, found in the king's demand, two articles equally oppoſite to their principles, namely, indulgence for the preſbyterians, and indulgence for the catholics. Wherefore, they reſolved to preſent an addreſs to the king, wherein, after the neceſſary compliments, they proceeded in the following manner.

"——It is with extreme unwillingneſs and reluctancy of heart, that we are brought to differ from any thing which your majeſty has thought fit to propoſe: and though we do no way doubt, but that the unreaſonable diſtempers of ſome mens ſpirits, and the many mutinies and conſpiracies which were carried on during the late intervals of parliament, did reaſonably incline your majeſty to endeavour by your declaration, to give ſome allay to thoſe ill humours, till the parliament aſſembled; and the hopes of indulgence, if the parliament ſhould conſent to it; eſpecially ſeeing the pretenders to this indulgence, did ſeem to make ſome titles to it, by virtue of your majeſty's declaration from Breda. Nevertheleſs, we your majeſty's moſt dutiful and loyal ſubjects, who are now returned to ſerve in parliament from thoſe ſeveral parts and places of your kingdom, for which we were choſen, do humbly offer to your majeſty's great wiſdom, that it is in no ſort adviſeable, that there be any indulgence to ſuch perſons who preſume to diſſent from the act of uniformity, and the religion eſtabliſhed: for theſe reaſons we have conſidered the nature of your majeſty's declaration from Breda, and are humbly of opinion, that your majeſty ought not to be preſſed with it any farther; 1. Becauſe it is not a promiſe in itſelf, but only a gracious declaration of your majeſty's intentions, to do what in you lay, and what a parliament ſhould adviſe your majeſty to do; and no ſuch advice was ever given or thought fit to be offered, nor could it be otherwiſe underſtood, becauſe there were laws of uniformity then in being, which could not be diſpenſed with but by act of parliament. 2. They who do pretend a right to that ſuppoſed promiſe, put the right into the hands of their repreſentatives, whom they choſe to ſerve for them in this parliament, who have paſſed, and your majeſty conſented to the act of uniformity. If any ſhall preſume to ſay, that a right to the benefit of this declaration doth ſtill remain after this act paſſed; 3. It tends to diſſolve the very bonds of government, and to ſuppoſe a diſability in your majeſty and the houſes of parliament, to make a law contrary to any part of your majeſty's declaration, though both houſes ſhould adviſe your majeſty to it.

"We have alſo conſidered the nature of the indulgence propoſed, with reference to thoſe conſequences which muſt neceſſarily attend it. 1. It will eſtabliſh ſchiſm by a law, and make the whole government of the church precarious, and the cenſures of it of no moment or conſideration at all. 2. It will no way become the gravity or wiſdom of a parliament, to paſs a law at one ſeſſion for uniformity, and at the next ſeſſion (the reaſons of uniformity continuing ſtill the ſame) to paſs another law to fruſtrate or weaken the execution of it. 3. It will expoſe your majeſty to the reſtleſs importunity of every ſect or opinion, and of every ſingle perſon alſo, who ſhall preſume to diſſent from the church of England. 4. It will be a cauſe of increaſing ſects and ſectaries, whoſe numbers will weaken the true proteſtant profeſſion ſo far, that it will at leaſt be difficult for it to defend itſelf againſt them: and which is further conſiderable, thoſe numbers, which by being troubleſome to the government, find they can arrive to an indulgence, will, as their numbers increaſe, be yet more troubleſome, that ſo at length they may arrive to a general toleration, which your majeſty hath declared againſt, and in time ſome prevalent ſect will at laſt contend for an eſtabliſhment; which, for ought can be foreſeen, may end in popery. 5. It is a thing altogether without precedent, and it will take away all means of convicting recuſants, and be inconſiſtent with the method and proceedings of the laws of England. Laſtly, it is humbly conceived, that the indulgence propoſed will be ſo far from tending to the peace of the kingdom, that it is rather likely to occaſion great diſturbance. And on the contrary, that the aſſerting of the laws and the religion eſtabliſhed, according to the act of uniformity, is the moſt probable means to produce a ſettled peace and obedience throughout your kingdom; becauſe the variety of profeſſions

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in religion, when openly indulged, doth directly diſtinguiſh men into parties, and withal gives them opportunity to count their numbers; which, conſidering the animoſities that out of a religious pride will be kept on foot by the ſeveral factions, doth tend directly and inevitably to open diſturbance. Nor can your majeſty have any ſecurity, that the doctrine or worſhip of the ſeveral factions, which are all governed by a ſeveral rule, ſhall be conſiſtent with the peace of your kingdom. And if any perſon ſhall preſume to diſturb the peace of the kingdom, we do in all humility declare, that we will for ever, and on all occaſions, be ready with our utmoſt endeavours and aſſiſtance to adhere to, and ſerve your majeſty, according to our bounden duty and allegiance."

This addreſs, notwithſtanding the weakneſs of the reaſons alledged in it, produced the effect, the commons expected, which was, to let the king ſee, it would be in vain to endeavour to obtain from the parliament a power of diſpenſing with the uniformity act. He anſwered in writing, about three weeks after, that he was unwilling to reply to their reaſons, though he found he had been miſunderſtood, but renewed his thanks for their declaration to aſſiſt him againſt any perſon, that ſhould preſume to diſturb the peace of the kingdom.

As in the king's ſpeech and declaration, there were two articles which gave an alarm to the parliament, the one relating to the non-conformiſts in general, the other concerning the papiſts in particular, the commons, after acting againſt the former, reſolved alſo to proceed againſt the latter. To that end they obtained the concurrence of the lords, for an addreſs to be jointly preſented to the king, wherein both houſes ſaid, "That his majeſty's lenity towards the papiſts, had drawn into the kingdom a great number of Romiſh prieſts and jeſuits: they were therefore humble ſuitors to him, to iſſue out a proclamation to command all jeſuits, and all Engliſh, Iriſh, and Scotiſh popiſh prieſts, and all ſuch other prieſts as have taken orders from the ſee of Rome, or by authority thereof, (except ſuch foreign jeſuits or prieſts, as by contract of marriage are to attend the perſons of either of the queens, or by the law of nations to attend foreign embaſſadors) to depart this kingdom by a day, under pain of having the penalties of the law inflicted upon them." The king anſwered in writing: "That he was not a little troubled, that his lenity and condeſcenſion towards many of the popiſh perſuaſion (which were but natural effects of his generoſity and good nature, after having lived ſo many years in the dominions of Roman catholic princes; and out of a juſt memory of what many of them have done and ſuffered in the ſervice of his father and himſelf) had been made ſo ill uſe of, and ſo ill deſerved, that the reſort of jeſuits and prieſts into this kingdom, had been thereby increaſed, with which his majeſty was and is highly offended. But that he would iſſue out a proclamation as he was deſired, and take care it ſhould be more effectual than any proclamation of that kind had ever been. He declared farther to both houſes, and all his loving ſubjects, that as his affection and zeal for the proteſtant religion, and the church of England, had not been concealed or untaken notice of in the world, ſo he was not, nor ever would be, ſo ſolicitous for the ſettling his own revenue, or providing for the peace and tranquillity of the kingdom, as for the advancement and improvement of the religion eſtabliſhed, and for the uſing and applying all proper and effectual remedies to hinder the growth of popery, both which he in truth looked upon the beſt expedients to eſtabliſh the peace and proſperity of all his kingdoms."

The proclamation was accordingly publiſhed, but no better obſerved than all thoſe publiſhed for the ſame purpoſe, ſince the beginning of the reign of James I. As it was not then known that the king was a catholic, his aſſurances of zeal for the proteſtant religion were taken for ſo many truths, which removed all ſuſpicion of his having the leaſt deſign to reſtore the catholic religion in England. As we are now better informed, we are better able to judge of his intentions.

This affair being ended, the commons proceeded next to examine the ſtate of the king's ordinary revenue, and to think of means to raiſe it to twelve hundred thouſand pounds, according to their promiſe[z]. But as this affair required a long diſcuſſion, the king, who deſigned an immediate prorogation of the parliament, thought proper to make an attempt for a ſpeedy and extraordinary ſupply from the commons, till his revenues ſhould be ſettled. For that purpoſe he ſent for them to the banquetting-houſe, and in a ſpeech, the moſt flattering, pathetic, and affectionate, he had ever yet made, demanded a preſent ſupply of money, without which he aſſured them it was impoſſible to ſtruggle with the difficulties, he was preſſed with. He offered to ſhew, that the twelve hundred thouſand pounds formerly granted him, had been to the laſt penny, diſpoſed for the public ſervice. But he well knew there was no danger in the offer, though it was not eaſy to imagine to what public uſe the money had been applied. However that be, the commons moved with the king's great affection for his people, and his ardent zeal for the proteſtant religion, granted him four entire ſubſidies, and the clergy in convocation, following their example gave him the ſame.

Mean time the chancellor's credit daily declined, not that his affection for the king was leſſened, but, probably, becauſe the king, entering into new projects advantageous neither to the ſtate nor religion, did not believe that miniſter a proper inſtrument to aſſiſt him in the execution thereof. If the chancellor's enemies had met with encouragement from the king, he would have been already diſgraced, but his ſervices, affection, and fidelity, as well during the king's exile, as ſince his reſtoration, could not eaſily be forgot. Wherefore he was continued, not only in his poſt, but even in ſome degree of favour, which made the papiſts fear, he would at laſt recover his credit, and break all their meaſures. This probably engaged the earl of Briſtol, a profeſſed papiſt, to endeavour utterly to ruin the chancellor, by impeaching him before the lords of high treaſon, believing doubtleſs, the king would not be diſpleaſed to ſee him fall by that means, without his having any hand in it. But if it was eaſy to accuſe the chancellor, it was difficult to draw an impeachment ſo plauſible and coherent as to make him appear criminal. The articles exhibited againſt him by the earl of Briſtol, were to this effect:

"1. That he had endeavoured to alienate the hearts of his majeſty's ſubjects, by artificially inſinuating to his creatures and dependants, that his majeſty was inclined to popery, and deſigned to alter the eſtabliſhed religion.

"2. He had ſaid to ſeveral perſons of his majeſty's privy council, that his majeſty was dangerouſly corrupted in his religion, and inclined to popery: that perſons of that religion had ſuch acceſs, and ſuch credit with him, that unleſs there were a careful eye had unto it, the proteſtant religion would be overthrown in this kingdom.

"3. Upon his majeſty's admitting ſir Henry Bennet to be ſecretary of ſtate, in the place of ſir Edward Nicholas, he ſaid, that his majeſty had given ten thouſand pounds to remove a zealous proteſtant, that he might bring into that place of high truſt a concealed papiſt.

"4. In purſuance of the ſame traiterous deſign, ſeveral friends and dependants of his have ſaid aloud, that were it not for my lord chancellor's ſtanding in the gap, popery would be introduced into this kingdom.

"5. That he had perſuaded the king, contrary to his reaſon, to allow his name to be uſed to the pope and ſeveral cardinals in the ſolicitation of a cardinal's cap for the lord Aubigney, great almoner to the queen: In order to effect which, he had employed Mr. Richard Bealing, a known papiſt; and had likewiſe applied himſelf to ſeveral popiſh prieſts and jeſuits for the ſame purpoſe, promiſing great favour to the prieſts here, in caſe it ſhould be effected.

"6. That he had likewiſe promiſed to ſeveral papiſts, he would do his endeavour, and ſaid, he hoped to compaſs the taking away all penal laws againſt them; to the end they might preſume and grow vain upon his patronage, and by their publiſhing their hopes of a toleration, increaſe the ſcandal endeavoured by him to be raiſed throughout the kingdom.

"7. That being intruſted with the treaty betwixt his majeſty, and the royal conſort the queen, he concluded it upon articles ſcandalous and dangerous to the proteſtant religion: moreover he brought the king and queen together, without any ſettled agreement about the performance of the marriage rites: whereby the queen refuſing to be married by a proteſtant prieſt, in caſe of her being with child, either the ſucceſſion ſhould be made uncertain for want of due rites of matrimony, or elſe his majeſty be expoſed to a ſuſpicion of his being married in his own dominions by a Romiſh prieſt.

"8. That having endeavoured to alienate the affections of the king's ſubjects upon the ſcore of religion, he made uſe of all malicious ſcandals and jealouſies to raiſe to himſelf a

[z] The particular branches of the revenues were, the cuſtoms, the exciſe, the crown lands, the hearth money, the poſt office, the firſt fruits and tenths, the coinage, the alienation office, with other leſſer matters, which in all mounted to eleven hundred thouſand pounds, or thereabouts. Echard, tom. III. p. 102.

Upon

popular applauſe of being the zealous upholder of the proteſtant religion.

" 9. That he further endeavoured to alienate the affections of the king's ſubjects, by venting in his own diſcourſe, and thoſe of his emiſſaries, opprobrious ſcandals againſt his majeſty's perſon, and courſe of life, ſuch as are not fit to be mentioned, unleſs neceſſity ſhould require it.

" 10. That he endeavoured to alienate the affection of the duke of York, from his majeſty, by ſuggeſting to him, that his majeſty intended to legitimate the duke of Monmouth.

" 11. That he had perſuaded the king, againſt the advice of the lord general, to withdraw the Engliſh garriſons out of Scotland, and demoliſh all the forts built there, at ſo vaſt a charge to this kingdom; and all without expecting the advice of the parliament of England.

" 12. That he endeavoured to alienate his majeſty's affections and eſteem for his preſent parliament, by telling him, that there never was ſo weak and inconſiderable a houſe of lords, nor never ſo weak and heady a houſe of commons; and particularly, that it was better to ſell Dunkirk, than to be at their mercy for want of money.

" 13. That, contrary to a known law made laſt ſeſſions, by which money was given and applied for the maintaining of Dunkirk, he adviſed and effected the ſale of the ſame to the French king.

" 14. That he had, contrary to law, enriched himſelf and his creatures by the ſale of offices.

" 15. That he had converted to his own uſe vaſt ſums of publick money raiſed in Ireland by way of ſubſidy, private and public benevolences, and otherwiſe given and intended to defray the charge of the government in that kingdom.

" 16. That having arrogated to himſelf a ſupreme direction of all his majeſty's affairs, he had prevailed to have his majeſty's cuſtoms farmed at a lower rate than others offered, and that by perſons, with ſome of whom he went a ſhare, and other parts of money reſulting from his majeſty's revenues."

Without entering into the particulars of this charge, I ſhall content myſelf with obſerving, it was unanimouſly rejected, as improbable, and even contradictory[a]. For, beſides that the earl of Clarendon was known to be no leſs prejudiced againſt the papiſts than againſt the preſbyterians, it could not but appear ſtrange, that an open and declared papiſt, as the earl of Briſtol was, ſhould accuſe the chancellor of favouring the Romiſh religion, and on the other hand, of inſinuating, that the king was a papiſt, in order to alienate the affection of his ſubjects. But what was ſtill more extraordinary in the impeachment, is, that the inſinuations the chancellor was accuſed of, concerning the king, were true in themſelves, and that the earl of Briſtol pretended to repreſent them as ſlanders.

In this ſeſſion, the parliament granted the duke of York the revenues of the poſt office[b], and wine licenſes. Theſe revenues, which afterwards conſiderably increaſed, enabled the duke of York to keep a ſeparate court, and live independent of his brother.

The 27th of July, the king gave his aſſent to the ſubſidy act, and ſome others, after which he prorogued the parliament to the 16th of March the following year 1663-4.

Shortly after, the king and queen made a progreſs into the weſt, where they were received with great pomp and magnificence, particularly at Oxford. This was only a journey of pleaſure, and after five or ſix weeks ſpent in it, they returned to London in October.

While the king was upon his progreſs, a conſpiracy was diſcovered, carried on by the old republicans and independents, to reſtore the commonwealth. It is pretended, they were to ſeize ſeveral towns, particularly in the north, where they believed themſelves ſtrongeſt, and then raiſe a general inſurrection. But being diſcovered by one of the accomplices, many were apprehended, and one and twenty convicted and executed the January following. It was aſſured, that Ludlow and Lambert were to head theſe rebels, though the firſt never ſtirred out of Switzerland, where he had fled for refuge. As for Lambert, beſides that he never left the iſle of Guernſey where he was confined, if any proofs had appeared againſt him, he would, doubtleſs, not have been ſpared. It is true, Ludlow, in his memoirs, ſeems to own, there was, this year, ſome project ſet on foot by the republicans in England.

This year died Dr. Juxon archbiſhop of Canterbury, and was ſucceeded by Gilbert Sheldon biſhop of London[c].

[1663-4.] The parliament meeting the 16th of March, the king, in a ſpeech to both houſes, demanded a repeal of the triennial act made in 1641. To come to this demand, he enlarged on the late conſpiracy, which he ſaid was ſtill on foot, and that there were men, who, on pretence that the parliament was at an end by ſome clauſe in the triennial bill, fancied they might aſſemble themſelves, and chuſe new members. He deſired the two houſes not to leave an act in being, which paſſed in a time very uncareful of the dignity of the crown, or ſecurity of the people. Laſtly, he told them, he loved parliaments: that never king was ſo much beholden to them as himſelf, nor did he believe the crown could ever be happy without frequent parliaments: but he would never ſuffer a parliament to come together, by the means preſcribed by that bill. He then told them, that the four ſubſidies granted the laſt ſeſſion, had fallen very ſhort of what he expected, or they intended: that the revenues of the exciſe and tunnage and poundage were greatly diminiſhed by the frauds of brewers and merchants, and the tax upon chimnies declined, the laſt half year having brought in leſs than the former. He therefore prayed them to let him have the collecting of this tax by his own officers.

[1664.] The commons returning to their own houſe, proceeded immediately upon a bill to repeal the triennial act, and made another in its room, namely, that the ſitting of parliament ſhould not be diſcontinued above three years at moſt. This bill being ready, and paſſed by the lords, the king came to their houſe the 5th of April, and gave it the royal aſſent.

The king had ſome time ſince reſolved upon a war with Holland: but it is difficult to know the true motive of this reſolution. For the cauſes alledged were only general, except the taking of two ſhips in the Eaſt Indies, valued at the moſt but at eight or ten thouſand pounds ſterling. If ſome Engliſh hiſtorians are to be credited, the king had no thoughts of this war: the Dutch were the aggreſſors, and being encouraged by promiſe of great aſſiſtance from France, ſought a quarrel with England. They alſo pretend, it was ſolely at the preſſing inſtances of the parliament, that the king was drawn into this war: to revenge the wrongs and damages done by the Dutch to the Engliſh in India, Africa, and elſewhere. But as theſe hiſtorians deſcend not to particulars, but keep to generals, the reader would be very ill informed, if he adhered only to what they ſay. I ſhall therefore relate here what I meet with in others, who more fully explain the affair.

The 27th of April 1662, the ſtates general of the United Provinces made a treaty with the king of France, by which both parties engaged to aſſiſt one another, in caſe of any attack upon either in Europe. The ſame year they made a like treaty of league and alliance with the king of England. This had relation to another made in 1659, between England and the ſtates before the king's reſtoration, and ſeemed to be renewed only to remove the defect of that of 1659, made on the part of England by an unlawful authority. However, it happened, in the interval between the two treaties, that the Dutch had ſunk or taken in the Indies two Engliſh ſhips, called the Bonadventure and the Good-Hope, which occaſioned a miſunderſtanding between the two nations[d]. The Engliſh pretended, theſe two ſhips were attacked without any juſt cauſe, and the Hollanders maintained the contrary. In the treaty of 1662, the affair of theſe two ſhips was again debated; but as their value was inconſiderable, it was not thought proper to delay a treaty advantageous to both nations. It was therefore agreed, that the Engliſh ſhould be allowed to proſecute the proceſs commenced on account of their ſhips, and the ſtates depoſited fourſcore thouſand florins by way of ſecurity to pay the full value in caſe the affair was decided againſt them. Some time after another diſpute aroſe upon the ſame ſubject, and this was, the king pretended, that the ſtates general were judges of the proceſs, to which the ſtates replied, that it belonged to the cognizance of the admiralty of Amſterdam,

[a] Upon their being rejected, the earl of Briſtol ſaid, " Thoſe articles were not intended by him as a charge, but as an information." As ſoon as he had delivered them, he, it ſeems, either repented of it, or at leaſt was prevailed with to abſcond. Burnet, p. 197.

[b] Which then brought in twenty one thouſand pounds a year. Hiſt. of taxes, p. 307.

[c] This year alſo died, Jerome Weſton earl of Portland, and judge Jenkyns, who had been queſtioned and impriſoned by the long parliament.

[d] De Wit told count d'Eſtrades, that the difference between the two nations aroſe on account of Downing's intereſts only, who had bought the pretended rights of the merchants concerned in thoſe two ſhips, for a trifle; that to this end he inflamed the king of England's council, raiſing imaginary grievances and injuries received at ſea by the Engliſh, which they never ſuffered. D'Eſtrades' letters of June 5, 1664.

who only had a right to decide it. The affair remained in this ſtate till April this year 1664, when the commons after an inquiry into the obſtructions of the trade of the nation, voted, and obtained the concurrence of the lords to their vote, " That the wrongs, diſhonours, and indignities done to his majeſty by the ſubjects of the United Provinces in India, Africa, and elſewhere; and the damages done by them to the Engliſh merchants, are the greateſt obſtructions of the trade of England. That the ſame be ſpeedily preſented to his majeſty, and he be moved to take ſome effectual courſe for redreſs of theſe injuries, and all other of the like nature, and for prevention of the like for the future. And in proſecutiont hereof, they will with their lives and fortunes aſſiſt his majeſty, againſt all oppoſitions whatſover." In purſuance of this reſolution, the two houſes preſented, the ſame day, an addreſs to the king, to which, on the morrow, they received this anſwer in writing: " That he was pleaſed with their zeal for the advancement of trade, and the removal of all obſtructions which might hinder the ſame; being convinced, that nothing would more contribute to the honour of the nation, and the proſperity of his people. That he would examine the particular complaints which had been repreſented by his parliament, and order his miniſter in Holland to demand ſpeedy reparation, and in caſe of a denial, he relied on their promiſe and declaration to ſtand by him."

It is eaſy to ſee, that no particulars were ſpecified either in the addreſs or the anſwer, and that hitherto all was confined to generals. It will afterwards appear, that the Engliſh always kept to the ſame expreſſions, till the negotiation of the peace, when they were obliged to declare wherein conſiſted the injuries they complained of, the principal of which was found to be the loſs of the two ſhips beforementioned. It is now time to ſhew, that when theſe complaints were brought to the parliament, the king had already reſolved on the war, and that theſe complaints were only deſigned to furniſh a pretence, and engage the parliament to grant him the neceſſary ſupplies to ſupport it.

Since the treaty of 1662, the ſtates had great cauſe of complaints againſt the Algerines, notwithſtanding the peace concluded with them in 1661. England was no leſs concerned than the ſtates in the depredations committed by the Algerines upon all ſorts of ſhips, and therefore the ſtates deſired the king of England to join a ſquadron of his ſhips with a fleet they were equipping, to oblige the Algerines to a more exact obſervation of the peace. The king anſwered, he had rather act ſeparately.

After this anſwer, the ſtates ſent Ruyter into the Mediterranean, with a ſquadron of twelve ſhips, and the king ſent thither a fleet of twenty ſail under the command of Lawſon. Theſe two fleets departed in May this year, and about the ſame time the duke of York, as governor of the royal African company, ſent vice-admiral Holms to Cape Verde, with a ſquadron of fourteen men of war, to take all poſſible advantages againſt the Dutch Eaſt India company. Lawſon meeting Ruyter in the Mediterranean, was ſaluted by the Dutch admiral, but returned not the compliment, contrary to what had been ſtipulated in the treaty of 1662. It is not neceſſary to take notice here of the little ſucceſs Lawſon and Ruyter had againſt the Algerines. What Holms did at Cape Verd is much more material.

In the months of Auguſt and September, Holms made himſelf maſter of fort St. Andrews, and moſt other places belonging to the Dutch in the neighbourhood of Cape Verde, and, after taking the fort built on the cape itſelf, he gave it the name of York. He erected a fort in the mouth of the river Gambia, and then ſailing for Guinea, ſeized all the forts the Dutch had on that coaſt, except fort Achin and fort St. George de Mina. After this, he returned to England. Now, if it be conſidered, that Holms ſailed from England in May, or at the lateſt, in June: that ſome time was required to equip this fleet, and that the parliament's addreſs was preſented to the king but the 27th of April, it will be eaſily perceived, that the war was reſolved in England before any complaints of depredations committed by the Dutch were repreſented to the parliament, and that theſe complaints were only pretences for the war. It muſt be obſerved, that not a ſingle Engliſh hiſtorian ſpeaks of the hoſtilities committed by Holms at Cape Verde and Guinea, long before any declaration of war[e].

But what clearly ſhews, the king, ſince his reſtoration had ever intended this war, is, his conduct whilſt the treaty between France and the ſtates were negotiating at Paris: for he did his utmoſt to obſtruct it. The principal condition of that treaty conſiſted, in a reciprocal guaranty of what the two parties poſſeſſed, or ſhould afterwards lawfully acquire. In this general clauſe, the ſtates comprehended the article of the fiſhery, as an eſſential article, and the king of France made no objection to it. But Charles oppoſed it, and endeavoured to hinder the king of France from agreeing to that article. Lewis, in complaiſance to Charles, ſought expedients to ſatisfy him, by confining himſelf to a general guarantee, which ſhould include all without exception. But the ſtate refuſed to conclude the treaty, unleſs this article of the fiſhery was expreſly inſerted in the guaranty. Charles finding, the king of France would at laſt conſent, ordered count d'Eſtrades, the French embaſſador at London, to be told, that he had reſolved to oblige the ſhips of all nations without exception, to ſtrike to his. But perceiving, the king of France, inſtead of being intimidated by this menace, anſwered it in a high ſtrain, he let him know, he would deſiſt from this pretenſion as to him, provided he would deſiſt from the guaranty of the fiſhery in favour of the Dutch. But Lewis, being ſenſible, the Dutch would never recede from that particular clauſe, agreed to it at laſt, and the treaty was concluded.

Hence it appears, that Charles was then ſeeking a quarrel with the Dutch, on the article of the fiſhery. But finding, France had expreſly engaged to be guaranty of it, he himſelf concluded, that very year, a treaty of alliance with the Dutch, in expectation of ſome other occaſion to begin a war with them.

This deſign was no longer deferred, than till the beginning of the year 1664, when a fleet was preparing in England, to act at Cape Verde, and in Guinea, under the command of Holms. Shortly after, ſome Engliſh merchants complained to the parliament of the horrible depredations of the Dutch. But it was never known wherein conſiſted the injuries received by the Engliſh. This extraordinary proceeding is a clear evidence, the court was in a good underſtanding with thoſe who complained to the parliament. For, naturally, and according to the uſual practice in ſuch caſes, they ſhould have firſt brought their complaints to the king, who ſhould have applied to the ſtates for redreſs, and, in caſe of refuſal, demanded the aſſiſtance of his parliament. But here the order was inverted. The parliament was firſt addreſſed to, who prayed the king to demand immediate reparation, and offered their aſſiſtance to carry on a war againſt the ſtates, before it was known whether theſe complaints had any foundation, or whether the ſtates were inclinable to repair the pretended damages. All this demonſtrates, the war was reſolved, before the parliament was informed of the cauſes and grounds of it. For it was May before the king, by his embaſſador Downing[f], demanded of the ſtates reparation for theſe pretended injuries.

What I have been ſaying, is farther confirmed by the ſpeaker's ſpeech to the king, at the prorogation of the parliament, wherein he ſaid, the houſe, upon examination of the reaſons of the decay of trade, had found, that the Dutch, within a few years, had ſpoiled his ſubjects to the value of ſeven or eight hundred thouſand pounds, though Downing had not yet preſented his memorial to the ſtates, nor, conſequently, received any anſwer.

The 17th of May, the king coming to the parliament, the ſpeaker preſented the bills that were ready, and amongſt the reſt, one for empowering the king to levy the chimney money by his own officers, as he had deſired. This bill was afterwards the cauſe of great vexations, complaints, and murmurs, which obliged king William III. to drop the tax, though, as it was levied in the reigns of Charles II. and James II. it amounted to above two hundred and fifty ſix thouſand pounds a year. After the ſpeaker had mentioned this bill, he told the king:

" — Whilſt we were intent upon theſe weighty affairs,

[e] King Charles II. the next year after his reſtoration, viz. 1661, ſent ſir Robert Holms with a ſquadron of men of war and ſome ſoldiers to America, with which he reduced New York, and all that which the Dutch had taken from the Engliſh in Long Iſland. And from thence, ſir Robert Holms ſailed to Africa, and took Cape Verde, and ſome other places where the Dutch had factories. Coke's detection, &c. t. II. p. 135.——Echard ſays, only the Dutch embaſſador complained of ſome hoſtile attempts of captain Holms on the coaſt of Guinea. Tom. III. p. 121.

[f] Biſhop Burnet gives Downing this character. " He was a crafty fawning man, who was ready to turn to every ſide that was uppermoſt, and to betray thoſe, who by their former friendſhip and ſervices, thought they might depend on him. He had been Cromwell's embaſſador in Holland, where he had offered perſonal affronts, both to the king and the duke. But he had, by Monk's recommendation, found means to get into favour." P. 198.—Count d'Eſtrades ſays, he was a prateful ſeditious fellow. Letter of January 24, 1664.

Though

we were often interrupted by petitions, and letters, and motions, repreſenting the unſettled condition of ſome counties, by reaſon of fanatics, ſectaries, and non-conformiſts: they differ in their ſhapes and ſpecies, and accordingly are more or leſs dangerous, but in this they all agree, they are no friends to the eſtabliſhed government either in church or ſtate, and if the old rule be true, qui eccleſiæ contradicit non eſt pacificus, we have great reaſon to prevent their growth, and to puniſh their practice. To this purpoſe, we have prepared a bill againſt their frequenting of conventicles, the ſeed-plots and nurſeries of their opinions, under pretence of religious worſhip. The firſt offence is made puniſhable with five pounds, or three months' impriſonment, and ten pounds for a peer: the ſecond offence ten pounds, or ſix months impriſonment, and twenty pounds for a peer: but the third offence, after a trial by jury, and the trial of a peer by his peers, the party convicted ſhall be tranſported to ſome foreign plantation, unleſs he lays down an hundred pounds. Immedicabile vulnus enſe reſcindendum ne pars ſincera trahatur."——

The preſbyterians were more numerous than all the other ſects together. Since the king's reſtoration, they had never been accuſed of an inſurrection againſt the goverment, or of entering into the plots of the anabaptiſts and republicans; and yet, by this act they were made liable to the ſame penalties as the other ſects; and, on pretence that their religious meetings were nurſeries of their opinions againſt the government in church and ſtate, they deſerved to be tranſported to America, if they had the boldneſs to aſſemble three times. It ſeems, that by this extreme rigour, it was not ſo much deſigned to puniſh their pretended tranſgreſſions, as to drive them to deſpair, that they might render themſelves guilty indeed.

After paſſing theſe acts, the king prorogued the parliament to Auguſt, ſignifying withal, that it ſhould not meet till November, unleſs ſome affair obliged him to aſſemble it ſooner.

This affair was the Dutch war, which the king had reſolved. For that purpoſe, Downing preſented to the ſtates a memorial, drawn in very high terms, wherein he demanded, on the part of the king, reparation for the damages done to to the Engliſh, which, by his calculation, amounted to ſeven or eight hundred thouſand pounds ſterling. After the moſt diligent ſearch, I have not been able to diſcover the particular articles of theſe damages, except the two ſhips beforementioned, and another article concerning the iſle of Poleron, of which I ſhall ſpeak hereafter. Wherefore, in imitation of the Engliſh hiſtorians, I am forced to leave the reader in the dark, with regard to the particulars of the damages on which the war was founded.

The king was bent on a war at any rate, whilſt the ſtates uſed all poſſible endeavours to avoid it. Nevertheleſs, not judging it proper to treat with Downing, who behaved to them with great haughtineſs, they ſaid in anſwer to his memorial, that they would ſend an embaſſador to the king. Accordingly, they diſpatched Van Goch, who had his firſt audience of the king the 25th of June. As he was ſpeaking, at this audience, of the trade of Africa and the Weſt Indies, the king interrupted him, and ſaid, it was not to be ſuffered, that the Dutch Weſt India company ſhould pretend, by means of three or four ſhips, and a few forts on the coaſt of Guinea, to exclude other nations from that commerce. The embaſſador anſwered, the difficulties about that affair were terminated by the laſt treaty, and it ought to be examined, whether the Dutch had acted contrary to it. Afterwards, the ſtates being informed of the hoſtilities committed by Holms at Cape Verde, and in Guinea, their embaſſador complained to the king, who anſwered, he had not the leaſt knowledge thereof. Some days after, the embaſſador preſented a large memorial on that ſubject, with a freſh complaint, that the king had forbid the importation of Dutch commodities into England. The king gave the ſame anſwer as before, to the firſt article of the memorial, that he had no knowledge of what was acting by Holms; and to the ſecond, that the prohibition of commodities was upon the account of the plague then reigning in Holland. It appeared afterwards, that the king pretended, the affair of Cape Verde and Guinea did not concern him, but was a private difference between the Engliſh and Dutch companies, and therefore it had not been neceſſary to inform him of it. But it will hardly be conceived, that the duke of Yoak, as governor of the royal African company, ſhould ſend a fleet of twenty one men of war to Guinea without the king's knowledge.

While Downing at the Hague and Van Goch at London, fruitleſly preſented memorials upon memorials, the king was diligently equipping his fleet. As he wanted money [g], he borrowed one hundred thouſand pounds of the city of London, who willingly lent him that ſum, in the belief that he intended only the good of the Engliſh trade, by the deſtruction of that of Holland. The eſtates, on their ſide, prepared for their defence, but not with the ſame vigour that their enemies were preparing to attack them. Their deſign was to gain time, in hopes, their fleets of merchantmen would return before the declaration of war; and the king's intention was to intercept thoſe fleets before the publiſhing of any declaration.

The king diſcovered his deſign in a manner not to be miſtaken. For ſending his fleets to ſea, under the command of the duke of York, as high admiral [h], the fleet met, in November, with the Dutch Bourdeaux fleet, homeward bound, laden with wine and brandy, and took one hundred and thirty ſhips, which were brought into England, and condemned for lawful prizes, though no war had yet been proclaimed. It is needleſs to reflect on the king's conduct, or on the judgment of the Engliſh admiralty. Every unprejudiced perſon will eaſily believe, that the law of nations was never more unjuſtly, or more manifeſtly violated. In vain do ſome hiſtorians endeavour to palliate this action with two reaſons, which diſcover by their weakneſs, how much they themſelves were perſuaded of the reality of the injuſtice. The firſt is, that about the ſame time, Ruyter diſpoſſeſſed the Engliſh of their factories at Cape Verde, and on the coaſt of Guinea. But, firſt, they take no notice, that theſe factories were mere uſurpations of the Engliſh, who had the ſame year diſpoſſeſſed the Dutch of them. Secondly, Ruyter did not recover the forts of Cape Verde, and on the coaſt of Guinea, till the following year 1665. For it muſt be conſidered, that Holms committed his hoſtilities at Cape Verde, in the months of Auguſt and September, and afterwards ſailed to the coaſt of Guinea, where he ſeized ſeveral forts. This news muſt therefore be brought to Holland, the ſtates muſt ſend to Ruyter in the Mediterranean to repaſs the ſtreights, and ſail to Cape Verde; and laſtly, Ruyter muſt execute his orders, and the news of his expedition be carried to England. Now, if all this cannot be effected within the ſpace of ſix weeks, how is it poſſible to juſtify the taking of the Bourdeaux fleet in November, on account of Ruyter's expedition to Cape Verde and Guinea, three months after? The ſecond reaſon is, that the war was not the project of the king, but the voice of the people and parliament; as if, even on this ſuppoſition, the people and parliament were leſs obliged than the king to obſerve the law of nations. But this was not the only fault of that nature committed by Charles II. through a deſire of money.

Mean time, the king of France apprehending he ſhould at laſt be involved in the war by aſſiſting the ſtates, purſuant to the treaty of 1662, believed it incumbent upon him to uſe ſome endeavours to prevent it, and to that end offered his mediation to the two parties. The ſtates willingly accepted it, but it was rejected by Charles, who ſaid, he would enter into no negotiation till he had received entire ſatisfaction on his demands. He had now ſent ſir Richard Fanſhaw to Spain, and the lord Holles to France, to endeavour to engage theſe two crowns in a war with the Dutch. But he ſucceeded neither at Paris nor Madrid. Nevertheleſs, he perſiſted in his reſolution, to make war, though he had no other reaſon to alledge for it than the pretended depredations committed by the Dutch upon the Engliſh, the particulars of which were never known to this day.

When it is conſidered, with what animoſity this war was undertaken and purſued, not only by the king, the duke of York, and the miniſtry, but even by the parliament, one can hardly help thinking, that they who excited this animoſity, had ſome other ſecret end than that of ſupporting trade. But hitherto, conjectures only have been offered on this ſubject. Some ſay, the war ought to be aſcribed to the duke of York's ambition, who was impatient to diſtinguiſh himſelf, by commanding, as lord high admiral, the king his brother's fleet. Others believe, the king finding his coffers empty, notwithſtanding all the money given him by the parliament and that raiſed by the ſale of Dunkirk, engaged by his intrigues the parliament to propoſe this war to him, to have a pretence of demanding extraordinary ſupplies which

[g] Though he received, in the four firſt years of his reign, no leſs than two millions, eight hundred and ſixty thouſand pounds, according to R. Coke's computation. Tom. II. p. 137.

[h] This fleet conſiſted of ſixteen men of war. Kennet's hiſt. tom. III. p. 271. Burnet

Charles 2d

ſhould not be all expended in the war. There are others who believe, the king, the parliament, the city of London, found this war abſolutely neceſſary to humble the maritime power of the Dutch, who aimed to engroſs the whole commerce of Europe, as they had already done that of the Indies: that though the cauſes of the war were never fully made known, every one underſtood, it was a war occaſioned by the jealouſy of trade. Laſtly, there are who ſuſpect, that the project to introduce popery into England being now formed, the execution of it was only ſuſpended till the Dutch were rendered unable to ſuccour the Engliſh proteſtants, ſince it was only from them that they could receive aſſiſtance. I ſhall not take upon me to determine what were the ſecret motives of this war, which certainly was undertaken on very ſlight grounds, as will hereafter more fully appear[i].

The parliament meeting the 24th of November, after two prorogations, the king made a ſpeech to both houſes upon the preſent affair, namely, the war with the ſtates general. He ſaid, that upon the ſtock of his own credit he had ſet out a fleet, not inferior to any England had ever ſeen, and which had coſt him eight hundred thouſand pounds. All this tended to demand of the commons a proportionable ſupply. He then added.

" ——I know not whether it will be worth my pains to endeavour to remove a vile jealouſy which ſome ill men ſcatter abroad, and which I am ſure will never ſink into the breaſt of any man who is worthy to ſit upon your benches: that when you have given me a noble and proportionable ſupply for the ſupport of the war, I may be induced by ſome evil counſellors (for they will be thought to think very reſpectfully of my own perſon) to make a ſudden peace, and get all that money for my own private occaſions. I am ſure you all think it an unworthy jealouſy, and not to deſerve an anſwer. I would not be thought to have ſo brutiſh an inclination to love war for war's ſake. God knows, I deſire no bleſſing in the world ſo much, as that I may live to ſee a firm peace between all chriſtian princes and ſtates. But let me tell you, and you may be confident of it, that when I am compelled to enter into a war, for the protection, honour, and benefit of my ſubjects, I will, God willing, not make a peace, but upon the obtaining and ſecuring thoſe ends for which the war is entered into: and when that can be done, no good man will be ſorry for the determination of it."——

It will be ſeen hereafter, how the king diſcharged his promiſe in this ſpeech. After he had done, he farther declared to them, that he did intend the lord chancellor ſhould have made " a narrative concerning the treaty and manner of proceeding with the Dutch;" but the chancellor being laid up with the gout[k], he had ordered the narrative to be put into writing, which was delivered to both houſes.

It will be eaſily imagined, the narrative contained only what ſhould inflame the parliament. But the hiſtorians have not been pleaſed to relate the contents, perhaps for want of knowing them. Be this as it will, the king found the parliament ſo well diſpoſed in his favour, that the two houſes, by ſix lords and twelve commoners, ſent their thanks to the city of London for their loan to the king. A few days after, the commons voted the king a ſupply of two millions five hundred thouſand pounds, towards the maintainance of a war ſo neceſſary to the ſtate; and in leſs than three weeks, ways and means were found for raiſing that ſum in three years, after which both houſes adjourned to the 12th of January.

Immediately after, the king publiſhed a declaration, by which general repriſals were granted againſt the ſhips, goods, and ſubjects of the ſtates general, and the court of admiralty ordered to condemn them as prizes according to the courſe of admiralty and law of nations. This declaration was founded upon the grievous damages and inſults done to the Engliſh, but without ſpecifying one article.

When the Bourdeaux fleet had been ſeized and condemned, the Engliſh took all the Dutch ſhips they met, though the war was not yet proclaimed. But it was much worſe ſince the declaration for general repriſals had been publiſhed.

When the ſtates were informed of the hoſtilities committed by Holms at Cape Verde and in Guinea, they ſent an expreſs to Ruyter, to order him to repaſs the ſtreights, and ſail towards theſe coaſts, to recover what the Dutch Weſt India company had loſt. Ruyter executed this order with great vigour, and retook moſt of the forts ſeized by the Engliſh. He likewiſe took ſeveral of their ſhips. This news reached London the beginning of February, and furniſhed the king with a new pretence for the declaration of war, which was publiſhed in a few days.

[1664-5.] The parliament meeting the 12th of January, the houſe of commons proceeded immediately to the money bill, as the moſt preſſing affair. The bill being ready, the king came to the houſe to give his aſſent, after which, war was formally declared againſt the ſtates general. The declaration was founded upon the numberleſs injuries and unſpeakable damages, the Engliſh had ſuffered from the Dutch, without being able to obtain the leaſt reparation. The king added, that the ſhips belonging to the Dutch were not detained by him, till he found that Ruyter was ordered not only to abandon the conſortſhip againſt the Algerines, to which he had been invited by the ſtates, but alſo to uſe all acts of depredation againſt his ſubjects in Africa. He therefore declared to all the world, that the Dutch were the aggreſſors, and ought in juſtice to be ſo looked upon by all men.

What is very aſtoniſhing in this declaration is, that the king did not even take care to preſerve appearances, as if his ſubjects and all Europe had been void of common ſenſe, or it was not known that the fleet from Bourdeaux had been intercepted in November, before Ruyter had reached Guinea. He pretended, that all the world muſt be ignorant, becauſe he himſelf feigned not to know, that Holms had begun hoſtilities at Cape Verde and in Guinea in Auguſt and September. In ſhort, he would have all the world believe, on his bare word, that the Engliſh had ſuffered grievous damages, without his vouchſafing to ſpecify one ſingle injury. This declaration was approved of by twenty-two privy counſellors only, the earls of Southampton and Clarendon having been either unable, or unwilling to be preſent when it was reſolved. It was dated the 22d of February, but was not publiſhed till the 2d of March.

The king having notice that ſome bills were ready for the royal aſſent, came to the parliament the 2d of March, and after paſſing the bills, which were of no great importance, he prorogued the parliament to the 21ſt of June. Afterwards, he continued the prorogation to the 1ſt of Auguſt, and then to the 9th of October.

In this ſeſſion the clergy voluntarily reſigned their right of taxing themſelves in convocation, and from this time have been taxed in common with the people in parliament. This has made convocations leſs neceſſary to the king, and conſequently leſs conſiderable in themſelves[l].

[1665.] The war being declared, the duke of York, in the end of March, repaired to the fleet which he was to command conſiſting of one hundred and ſeven men of war, and fourteen fire ſhips. But as the fleet was not yet ready, he could not ſail till May.

Some time ſince, the ſtates, perceiving a war unavoidable, had preſſed the king of France to declare againſt England, purſuant to the treaty of 1662, but had not yet prevailed. Charles on his ſide ſolicited him to abandon the ſtates, and allured him with very tempting advantages. So, Lewis was not a little embarraſſed. He was deſirous to keep fair with the king of England, whom, he foreſaw, he might want; and, on the other hand, if he abandoned the ſtates, there was danger of their being overcome, and of penſionary

[i] Burnet ſays, he was very poſitively aſſured by ſtateſmen of both ſides, that the French ſet this war on in a very artificial manner; for while they encouraged us to inſiſt on ſome extravagant demands, they at the ſame time preſſed the Dutch not to yield to them; and as they put them in hopes that if a rupture ſhould follow, they would aſſiſt them according to their alliance, ſo they aſſured us, that they would do us no hurt.—There was no viſible cauſe of war.——France and popery were the true ſprings of theſe counſels. It was the intereſt of the king of France, that the ſtates ſhould be in no condition to make a vigorous reſiſtance, when he ſhould be ready, either to invade them, or fall into Flanders.——The French did thus ſet on the war between the Engliſh and Dutch, hoping that our fleets ſhould mutually weaken one another ſo much, that the naval force of France, which was increaſing very conſiderably, ſhould be near an equality to them, when they ſhould be ſhattered by a war. The ſtates was likewiſe the greateſt ſtrength of the proteſtant intereſt, and were therefore to be humbled. p. 198, 199.

[k] It is very probable, as Echard obſerves, that his diſtemper was more political than real; for he was utterly againſt this war, as was alſo the earl of Southampton. Tom. 3. p. 125.

[l] It being found, by experience, that their whole ſubſidies were inconſiderable, and yet unequally heavy on the clergy, it was reſolved on, hereafter, to tax the church benefices, as temporal eſtates were taxed; which proved indeed a lighter burden, but was not ſo honourable as when it was given by themſelves. Yet intereſt prevailing above the point of honour, they acquieſced in it. So the convocations being no more neceſſary to the crown, this made that there was leſs regard had to them afterward. They were often diſcontinued and prorogued; and when they met, it was only for form. Burnet. p. 197.——The cuſtom of the clergy's taxing themſelves was broken during the late troubles. For then the clergy, either out of voluntary compliance, affectation of popularity, or becauſe they wanted proxies, to repreſent their body, had their benefices taxed with the laity. This the court found, after the reſtoration, to be an eaſier thing, than to have two bodies of men to pleaſe. And therefore intended to deprive the clergy of that right, if they had not voluntarily relinquiſhed it.

De Wit losing all his credit. This could not happen, without a change of the government, the re-establishment of the young prince of Orange, and the king of England's being in effect master in Holland. It was through the sole influence of the pensionary that the states were attached to the interests of France, and consequently his fall could not but be extremely prejudicial to that kingdom. The course therefore which Lewis took on this occasion, was to gain time, one while by cavilling at the terms of the treaty of 1662, another while, by giving hopes to the states of his declaring against England, and lastly, by a splendid embassy to London, with the duke of Verneuil at the head of it, to mediate a peace between England and Holland. In order to know his situation, let us hear what he says himself in a letter to count d'Estrades his embassador at the Hague, dated the 19th of December 1664.——"However, I own, I am a little embarrassed, considering, if I literally execute the treaty of 1662, I shall very much prejudice my principal interest, and this, in favour of a nation, which not only will never be serviceable to me, but which I shall find opposite in the only case where I should want them, and then, the assistance I shall have given them, will turn against me. Besides this, I lose England, which is upon the point of concluding a strict alliance with Spain, in case I reject her offers, and these offers, for I may trust you with the secret, are a carte blanche in every thing I can desire for the Netherlands, without one inch of land expected for England. Besides the king of England himself suggests to me, how to avoid with honour assisting the Dutch. He pretends, they are the aggressors: that he has a right to the forts, they have seized in Guinea: that they first armed: that they have made a national quarrel for a private dispute between two companies, which they should have been suffered to decide: that they committed the first act of violence in ill treating one of his ships laden with masts from Sweden. That however, I am only engaged for what passes in Europe, that it is visible all the differences, except that of Guinea, are easy to be adjusted. That it is not reasonable, their capricious obstinacy to maintain a country for which I am not engaged, should kindle a war in these parts, because as I am not obliged for the principal, I cannot be so for the accessions and dependencies. I omit how I was served by the states at Munster, &c. What I now write must be a secret."

I cannot forbear making some remarks on this letter.

First it shews, the king of France did not excite the war between England and Holland, as most of the English historians pretend.

Secondly, if Charles had really intended the welfare of his kingdom in undertaking this war, he would not have offered the king of France a carte blanche for the Netherlands, in order to accomplish the destruction of Holland. This was a thing directly contrary to the interests of England, and very different from the satisfaction demanded for the injuries, his subjects might have received from the Dutch.

Thirdly, in what Charles alledged to Lewis, there appears no proof, that the Dutch were the aggressors, nor any thing of the pretended damages of eight hundred thousand pounds: but that the principal point in dispute was the propriety of some forts on the coast of Guinea, which, according to him, was an affair between the two companies, and that the rest was easy to be adjusted.

Fourthly, Charles supposes the states to have made it a national quarrel, by sending Ruyter to Guinea; but that he had not concerned himself with the affair, because Lawson had been sent with twenty-one sail, in the name of the duke of York, and the royal African company.

Lastly, the states had no reason to expect much assistance from France, unless the chance of war should render it necessary for them, or the king of France find some considerable advantage in espousing their quarrel.

It was therefore to gain time that the embassy was sent to London, because Lewis pretended, that as long as there was any hope of an accommodation, he was not obliged to declare against England. Now whilst his embassadors were at London, he could say, that the hope of a reconciliation was not entirely desperate. He managed so artfully, that he kept them there till the end of the year 1665, declared not against England till January 1666, and his declaration was of little service to the states.

The duke of York sailed with the English fleet in May, and before the Dutch could be ready, alarmed the coasts of Holland. He continued a fortnight near the Texel, to prevent the fleet of Holland from joining that of Zealand, in which he could not fail of success. In the mean time, he took several Dutch homeward bound ships, who had not been informed of the war. However, as the war was not made only to hinder this junction, the duke at last sailed away with design to meet Ruyter, who was returning to Holland by order of the states. But finding, his provisions were consumed upon an uncertain expectation, he retired with his fleet to Harwich, contenting himself with sending some frigates to cruise in the channel, and bring him intelligence of the enemy[m].

Mean while, the Holland and Zealand squadrons joined and formed a fleet of one hundred and twenty-one men of war, besides fire ships, under the command of Obdam de Wassenaer. He had under him Cortenaer vice admiral of the Maese, Evertzen vice admiral of Zealand, and Cornelius Tromp son of the famous Martin Tromp. The rear admirals and captains were very far from answering to their superiors in capacity, more care having been taken to fill these posts with the relations and friends of those, whom the pensionary wanted to preserve his credit, than with experienced officers. So, except fifteen or sixteen captains, the rest were unexperienced. This is a misfortune to which republics are more liable than monarchies. Though De Wit managed the affairs as he pleased, he had for enemies all the party of the house of Orange, who were spies upon his conduct, and misrepresented all his proceedings, in order to ruin him. The pensionary was not ignorant of it, and therefore believed, the only way to secure himself, and preserve his authority, was to hazard a sea engagement. Success would disarm the malice of his enemies, and the loss of a battle would of course oblige the French to execute the treaty of 1662, and silence the complaints and murmurs of the Orange party, who industriously published, that Lewis only amused the states. Agreeably to this resolution, which the pensionary caused the states to approve, an order was sent to Obdam, to go in quest of the enemy. He obeyed, and came in sight of them the 1st of June, not far from Harwich. But the wind being southerly, and the next morning south-west, he retired to the mouth of the Maese. He acquainted the states by an express, with the reason of his retreat, and that he did not think proper to attack the English while they had the advantage of the wind. But he received still more positive orders to fight, let the wind be as it would, on peril of answering it with his head. After so express an order, there being no way to recede, he weighed anchor at break of day, and within an hour discovered the English fleet divided into three squadrons. The first under the red flag, was commanded by the duke of York, assisted by Penn and Lawson. The second being the white squadron, was conducted by prince Rupert, assisted by Minnes and Sampson. The third which was the blue squadron, was commanded by the earl of Sandwich, who had with him Cuttings, and sir George Ascough.

I shall not pretend to describe this engagement, fought the 3d of June, for which I own myself unqualified. I shall therefore only say, the Dutch fleet was overthrown, chiefly by the ill conduct of several captains who were wanting in their duty; by the death of Obdam, who with his ship and all his men were blown up; by the loss of Cortenaer who was killed upon the deck after hoisting the admiral flag, and by many other causes which are scarce intelligible but to those who are versed in sea affairs. The Dutch lost nineteen ships burnt and sunk, with about six thousand men[n]. On the English side, the loss was only of four ships, and about fifteen hundred men, among whom were Charles Berkley earl of Falmouth, admiral Sampson, James Ley earl of Marlborough, and vice admiral Lawson, who died shortly after of his wounds[o]. The remains of the Dutch fleet retired to the Maese or the Texel, and were pursued all the next day being Sunday, though, according to some, the duke of York did not in the pursuit, discover the same ardour he had shewn in the battle. See what Dr. Burnet bishop of Salisbury says of it in his posthumous history of his own times.

That famous historian says, "After the fight, a council

[m] By the duke's retiring from the coast of Holland, the enemy took the advantage of intercepting the English Hamburgh fleet. Echard, tom. 7. p. 134.

[n] Our historians say, that we lost but one ship; and that the English took eighteen Dutch men of war, and sunk and fired about fourteen more. They also took two thousand sixty-three prisoners, whereof sixteen were captains. See Burchett, p. 398. Echard, tom. 3. p. 134.

[o] And likewise the lord Muskerry, and Mr. Boyle, the earl of Burlington's second son, these two, with the lord Falmouth, were killed with the same cannon ball, just by the duke of York, and so near him, that he was sprinkled with their blood and brains. The earl of Portland was likewise killed. Burchett, p. 398.

of war was called to concert the method of action when they ſhould come up with them. In that council, Penn, who commanded under the duke, happened to ſay, that they muſt prepare for hotter work in the next engagement. He knew well the courage of the Dutch was never ſo high as when they were deſperate. The earl of Montague, who was then a volunteer, and one of the duke's court, ſaid to me, it was very viſible that made an impreſſion: and all the duke's domeſtics ſaid, he had got honour enough: why ſhould he venture a ſecond time? The ducheſs had alſo given a ſtrict charge to all the duke's ſervants to do all they could to hinder him to engage too far. When matters were ſettled, they went to ſleep; and the duke ordered a call to be given him when they ſhould get up to the Dutch fleet. It is not known what paſſed between the duke and Brounker, who was of his bedchamber, and was then in waiting; but he came to Penn as from the duke, and ſaid, the duke ordered the ſail to be ſlackened. Penn was ſtruck with the order, but did not go to argue the matter with the duke himſelf, as he ought to have done, but obeyed it. When the duke had ſlept, he upon his waking went out upon the quarter deck, and ſeemed amazed to ſee the ſails ſlackened, and that thereby all hope of overtaking the Dutch was loſt. He queſtioned Penn upon it. Penn put it on Brounker, who ſaid nothing. The duke denied he had given any ſuch order. But he neither puniſhed Brounker for carrying it, nor Penn for obeying it. He indeed put Brounker out of his ſervice, and it was ſaid, that he durſt do no more, becauſe he was ſo much in the king's favour and in the miſtreſs's. Penn was more in his favour after that than ever before, which he continued to his ſon after him, though a quaker. And it was thought, that all that favour was to oblige him to keep the ſecret. Lord Montague did believe, that the duke was ſtruck, ſeeing the earl of Falmouth, the king's favourite, and two other perſons of quality killed very near him, and that he had no mind to engage again, and that Penn was privately with him. If Brounker was ſo much in fault as he ſeemed to be, it was thought the duke, in the paſſion that this muſt have raiſed in him, would have proceeded to greater extremities, and not have acted with ſo much phlegm."

The duke of York ſeeing, it was in vain to continue the purſuit, retired to the coaſts of England, and repaired to Whitehall to receive the acclamations of the court and city of London. The king appointed a day of thankſgiving throughout the kingdom for the victory, and ſeveral medals were ſtruck in honour of the victorious duke of York, who was now in a very agreeable ſituation [p]. For beſides that he was lord high admiral, governor of the cinque ports, and of Portſmouth, and had the benefit of the poſt office, and the wine licences, all which enabled him to keep a ſplendid court, he had ſtill a much more conſiderable advantage. He begun to be conſidered as heir to the crown, the king his brother having no children by his queen. This attached many to him, and particularly the papiſts, who knew his religion, though he yet concealed it as well as the king.

Shortly after, the queen-mother having reſolved to paſs the reſidue of her days in France, the king and the duke of York attended her in the Catherine yatch to the Nore, and there took their laſt leave of her. It is very likely, ſhe was not pleaſed with having ſo ſmall a ſhare in the public affairs, having been uſed to the contrary in the reign of the king her huſband.

However glorious this firſt ſea fight of the duke of York might be, the king and council did not think it proper he ſhould venture his perſon in a ſecond engagement. Therefore the command of the fleet was given to Edward Montague, earl of Sandwich [q], who uſed his utmoſt endeavours to prepare it for the ſea as ſoon as poſſible, in order to prevent that of the ſtates, which was repairing with all poſſible diligence. Beſides, the ſtates, having appointed Ruyter to ſucceed Obdam, ordered him to return immediately with the fleet, conſiſting of ſeventeen men of war. The diligence uſed by the ſtates to repair their fleet, was not ſo much to be revenged of the Engliſh, as to ſecure their merchantmen homeward bound from Smyrna and the Eaſt Indies. The Engliſh, on their ſide, were leſs deſirous to fight than to ſeize the riches which thoſe fleets were bringing to Holland.

It happened, in the mean time, that the Dutch Smyrna fleet, and ſeveral Eaſt India ſhips not daring to enter the Channel, retired to the port of Berghen in Norway, waiting for Ruyter to convoy them to Holland. Mean while, the king of Denmark, diſcourſing one day with ſir Gilbert Talbot, the Engliſh envoy, made great complaints of the Dutch, who, he ſaid had drawn the Swediſh war on him, that he might be forced to have recourſe to them for ſupplies of money and ſhips, and deliver to them the cuſtoms of Norway and the Sound for their ſecurity. Upon this the envoy told him, he had now a good opportunity of being revenged, by the ſeizure of their ſhips at Berghen, worth many millions. But the king anſwering, he wanted ſtrength to execute ſuch a deſign, the envoy told him, he doubted not but the king of England would lend him his ſhips, provided he was aſſured of equally partaking of the ſpoil; to which the king of Denmark conſented. The king of England was pleaſed with Talbot's project, and ſent orders to the earl of Sandwich to ſail immediately and ſeize the Dutch ſhips at Berghen. The admiral readily obeyed, though he had received no intimation of the agreement between the two kings.

To effect this deſign, it was abſolutely neceſſary to inform the viceroy of Norway, and the governor of Berghen of it, that they might favour it, in feigning to protect the Dutch ſhips, the king of Denmark being unwilling to appear openly. Nor was it leſs neceſſary to acquaint the earl of Sandwich with it, to prepare him againſt the noiſe and complaints of the governor of Berghen, on account of the attempt and violence of the Engliſh. But ſeveral accidents ruined this affair. The governor of Berghen, who was to receive orders from the viceroy of Norway, was not informed ſoon enough. On the other hand, Talbot's expreſs, ſent from Copenhagen to the Engliſh fleet, was taken by the Dutch. In fine, the earl of Sandwich hearing Ruyter was ſhortly expected, and being deſirous to perform the deed before his arrival, detached the ſquadron commanded by ſir Thomas Tyddeman, who attacked the Dutch with great reſolution. But they had now time to put themſelves in a poſture of defence. On the other hand, the governor of Berghen, who had not yet received any particular directions how to behave, ſeeing this open hoſtility, and obſerving that the ſhot from the Engliſh damaged the town, fired upon them from the citadel. In a word, this ſquadron was almoſt entirely ruined, and obliged to return to the fleet. The next day, the 4th of Auguſt, orders came to the governor of Berghen, but it was too late. It appeared, the king was not pleaſed with the earl of Sandwich's conduct, ſince, inſtead of continuing him in the command of the fleet, he ſent him embaſſador to the court of Spain.

Mean while, Ruyter arriving in Holland with many Engliſh prizes, took the oath to the ſtates as vice-admiral general, after which he took the command of the fleet conſiſting of ninety three ſhips well equipped. But though he bore the title of admiral, three commiſſioners attended him, namely, De Wit the penſionary, Huygens, and Borreel, who had properly the command. The grand deſign of theſe commiſſioners was to meet the India fleet, which was to ſail round Ireland, to avoid entering into the channel. But the wind was ſo contrary, that the fleet would not have got ſoon enough out of the Texel, if the penſionary, who underſtood ſea affairs very well, had not by ſounding it himſelf all over very carefully, found more ways to get out by different winds, than was thought formerly practicable [r]. So the fleet at laſt ſailed out, and appeared before Berghen, where the commiſſioners gave their orders for convoying the merchant men which were in that port. But it was not in their power to prevent a ſtorm, which diſperſed them, and threw twenty of them into the hands of the Engliſh [s]. This ſtorm obliged Ruyter and the commiſſioners to return to Holland, with their fleet very much damaged.

In the mean time, the plague raged dreadfully in London,

[p] One of theſe medals had on one ſide, the duke's effigy in buſt, clad in a Roman mantle, with theſe words round it, JACOBUS DUX EBOR. & ALBAN. DOMIN. MAGN. ADMIRALIUS. ANGLIÆ, &c. The reverſe repreſented the admiral and whole fleet in an engagement, with theſe words, NEC MINOR IN TERRIS. Jun. iii. DCCLXV. Another had on one ſide, the duke in buſt, ſhort hair, &c. with this inſcription, JACOBUS DUX EBOR. & ALBAN. FRATER AUGUSTISSIMI CAROLI II. REGIS. The reverſe, a trophy, and ſhips engaged, with theſe words, GENUS ANTIQUUM. See Evelyn's numiſmata.

[q] Sir George Aſcough was vice-admiral under him, and ſir Thomas Tyddeman rear admiral. Of the white, ſir William Penn was admiral, ſir William Berkley vice-admiral, and ſir Joſeph Jordan rear admiral. And the blue flag was carried by ſir Thomas Allen, whoſe flag officers were, ſir Chriſtopher Mimes, and ſir John Harman. Burchett, p. 398.

[r] It is ſaid, he got the ſhips out, by faſtening empty caſks under water to the ſides of the ſhips, which helped to buoy them up.

[s] Together with twelve men of war, and two Eaſt India ſhips. Echard, tom. III. p. 141.

There

where it firſt appeared about the middle of May. It is ſaid, that in leſs than a year, it ſwept away, in that ſingle city, above a hundred thouſand perſons [t]. The king at firſt retired to Hampton Court, but afterwards, to be farther from London, reſided at Saliſbury.

It appears, that this year, the republicans had projected an inſurrection, and were even encouraged by emiſſaries from the ſtates general, who would have been glad to employ the king at home in domeſtic troubles. But this was a bare project, which ſerved only to furniſh the enemies of the nonconformiſts with an opportunity to magnify the danger with which the kingdom was threatened from the enemies of the church in general, and to include, in that number, the preſbyterians, though they were not concerned in the republican projects.

It was not only againſt England that the ſtates general had to defend themſelves. Charles had raiſed them another enemy who had no leſs embarraſſed them. This was the famous Bernard Van Ghalen, biſhop of Munſter, who, upon very ſlight pretences, entered the province of Overyſſel at the head of an army paid by the Engliſh. He made himſelf maſter of a great many ſmall places, and then attempted to ſurpriſe Groningen, but was repulſed. At laſt, before the end of the campaign, the king of France, and the dukes of Lunenburgh having ſent a powerful aſſiſtance to the ſtates, the biſhop was forced to relinquiſh his great projects, and think of a peace, eſpecially as the money promiſed by the king of England was not regularly paid.

The parliament, which had been prorogued to the 19th of October, met on the day appointed, but at Oxford, on account of the plague which ſtill raged in London, whereas it did not much infeſt other parts of the kingdom. In his ſpeech to both houſes, the king told them, the ſupply of two millions five hundred thouſand pounds granted him for carrying on the war, was already ſpent. He inſiſted particularly on the great ſums paid to the biſhop of Munſter, for making a diverſion in the bowels of his enemies country, though it appears in ſir William Temple's letters, that theſe ſums were never well paid.

After the king had done ſpeaking, the chancellor, by his order, enlarged upon the ſame ſubject, to ſignify to the commons, that they could not diſpenſe with putting the king in a condition to proſecute a war ſo glorious and neceſſary. Then, he ſpoke of the deſign formed by the republicans, for the ſubverſion of the government. But, in aggravating with great warmth and eloquence the efforts and deſigns of theſe men, he took particular care not to diſtinguiſh them from the other ſects of non-conformiſts. It was a conſtant artifice, as I have obſerved, to apply to the preſbyterians, under the general name of non-conformiſts, all the actions and extravagancies of the independents, anabaptiſts, and republicans in general.

In a very few days, the commons voted the king a new ſupply of twelve hundred and fifty thouſand pounds to continue the war; and one hundred and twenty thouſand pounds to the duke of York, for the great ſervice he had done to the nation.

After this, was brought into the houſe a bill, which paſſed without any difficulty, namely, "That no non-conformiſt teacher under what denomination ſoever ſhall dwell, or come, unleſs upon the road, within five miles of any corporation, or any other place where they had been miniſters, or had preached, after the act of oblivion, unleſs they firſt took the following oath:

"I do ſwear that it is not lawful upon any pretence whatſoever to take arms againſt the king; and that I do abhor the traiterous poſition of taking arms by his authority againſt his perſon, or againſt thoſe that are commiſſioned by him, in purſuanee of ſuch commiſſions; and that I will not at any time endeavour any alteration of government either in church or ſtate [u]."

The reaſon alledged in the act to juſtify this ſeverity was, that the miniſters had ſettled themſelves in the corporations, ſometimes three or four in a place, and took opportunities to inſtil into the minds of the ſubjects, their poiſonous principles of ſchiſm and rebellion, to the great danger of the church and kingdom.

This bill met with great oppoſition in the houſe of lords, even from the earl of Southampton lord treaſurer, though intimate friend of the earl of Clarendon, principal author of the perſecution againſt the non-conformiſts [w]. Indeed, the oath required to be taken by the non-conforming miniſters ſuppoſed a thing, which was not generally allowed, namely, that every good ſubject and good chriſtian, was obliged in conſcience to believe what was contained in this oath, otherwiſe it was abſurd to impoſe it on the miniſters. For there is a great difference between enjoining a certain practice, and obliging part of the ſubjects to ſwear that they believe it founded in religion and conſcience, whilſt the reſt are left free, either to believe or not believe it. Accordingly the commons, being aware of the force of ſo preſſing an objection, prepared a bill to oblige all the ſubjects to take the ſame oath. But the bill was thrown out, though only by two or three voices. At laſt, notwithſtanding theſe difficulties, the act, called the five mile act, paſſed in the houſe of lords, and the king gave it the royal aſſent the 31ſt of October, as well as to the money bill and ſome others, after which he prorogued the parliament to the 20th of February 1665-6.

Several writers have endeavoured to juſtify the rigour of the five mile act, and what they have ſaid amounts to this. ——That this rigour was occaſioned more by the ſeditious behaviour of the non-conformiſts, than by the exerciſe of their religion. In which aſſertion the ambiguity of the word non-conformiſt is ſtill retained, as if all the ſects included under that denomination formed but one and the ſame body, united by the ſame common doctrines and intereſts, which is notoriouſly falſe. The preſbyterians alone were conſiderably more numerous than all the other non-conformiſts together, and had doctrines and intereſts really ſeparate from thoſe of the other ſects. They could not be, nor were they, accuſed of being engaged in the conſpiracies, real or pretended, of the independents and anabaptiſts ſince the king's reſtoration, who had even poſitively promiſed, they ſhould not be moleſted for their religion, after the great ſervice they had done him. And yet, becauſe their enemies had artfully included them in the general denomination of non-conformiſts, they were to partake of the puniſhment due to the other ſects, who were called by the ſame name, though they had no ſort of union with them. Wherefore the reader may judge, whether this ſeverity did not partly ariſe from their religion. In ſhort, by the ſole ambiguity of the word non-conformiſt, the objections and juſt complaints of the preſbyterians are pretended to be combated.

The ſame year, the council of Scotland ſhewed no leſs animoſity againſt the preſbyterians; on pretence of ſome inſolence committed by Alexander Smith, a private miniſter, a proclamation was publiſhed the 24th of December, ordering that all the ſilenced preſbyterian miniſters ſhould, within forty days, remove themſelves and their families from the places where they had been miniſters, and not reſide within twenty miles of the ſame, or within ſix miles of Edinburgh, or any cathedral church, nor within three miles of any royal borough, nor ſhould be more than two together in the ſame pariſh, on pain of incurring the penalties of the law againſt movers of ſedition. I own, I ſee no other difference between ſentencing men to death, and putting them out of a capacity to live, unleſs, that the latter puniſhment offers thoſe who inflict it a more exquiſite vengeance. But this rigour will appear the more extreme, if it be conſidered that the preſbyterians made properly the body of the Scotch nation [x].

[1665-6] In the beginning of the year 1666, the king's affairs were in an ill ſituation. The king of France, preſſed by the repeated inſtances of the ſtates general, recalled his embaſſadors, and publiſhed, the 19th of January, a declaration of war againſt England. This was not owing to his belief that the affairs of the ſtates were deſperate (for the ſequel ſhewed they could defend themſelves without his aſſiſtance) but becauſe the penſionary, who was entirely attached to his intereſt, could no longer ſupport himſelf without this declaration, which, as will hereafter appear, was not very prejudicial to England.

On the other hand, the ſtates found means to ſecure the king of Denmark, by the promiſe of paying him yearly, as long as the war with England ſhould continue, fifteen hundred thouſand florins, three hundred thouſand of which were to be paid by the king of France. For this he engaged to maintain a fleet at ſea of thirty men of war for the ſervice of the allies.

The ſtates alſo raiſed ſo many enemies to the biſhop of Munſter, that he was forced to make peace and diſband his forces. This peace was concluded at Cleve, and ſigned the 18th of April.

[t] There died of it ſixty eight thouſand five hundred and ninety ſix perſons, Strype's contin. of Stow's ſurvey, b. i. p. 226.

[u] The penalty was forty pounds, and ſix months impriſonment, unleſs they took the ſaid oath before their commitment.

[w] As alſo from the lords Wharton, Aſhley, &c. Echard, tom. III. p. 149.

[x] This year died Montague Bertie, earl of Lindſey, and ſir Kenelm Digby, Sir

Charles 2.

[1666.] The naval war was renewed, with all theſe diſadvantages to England. If the king of France had acted with the ſincerity the ſtates thought they had reaſon to expect, very probably the Engliſh fleet would not have ventured to appear with unequal force againſt the united fleets of France and Holland. But Lewis XIV. as I have ſaid, only declared war againſt England to ſave Mr. De Wit, who was juſt ſinking, as appears in ſeveral letters of count d'Eſtrades. The penſionary being ſecure by this declaration, it was not difficult for the king of France to find pretences for retarding the aſſiſtance he had promiſed the ſtates. Though his declaration was publiſhed the 19th of January, the fleet which he promiſed ſhould join that of the ſtates, was in the Mediterranean, under the command of the duke of Beaufort, who, by accidents, real or pretended, arrived not at Belle-Iſle till the end of September.

On the other hand, the king of Denmark, without a junction of his fleet with that of the ſtates, contented himſelf with guarding his own coaſts. So, this year, as the laſt, the war by ſea was carried on between England and the ſtates only.

The king returning to London the 1ſt of February, proclaimed war againſt France, on the 10th.

A few days before, the queen miſcarried, which entirely deſtroyed the common report, that ſhe was incapable of having children.

The command of the Engliſh fleet was given to prince Rupert and the duke of Albemarle[y]. They repaired to it the 23d of April, but were not ready to ſail till the end of May. It conſiſted of ſeventy-eight ſhips of the line, beſides frigates and fire-ſhips. In all appearance, the king was till then ignorant of the French king's ſecret intentions. But he knew, the duke of Beaufort had orders to repair to Belle-Iſle with his fleet, ſaid to conſiſt of thirty-ſix ſail, to join the Dutch fleet in the channel. Wherefore, he ſent expreſs orders to prince Rupert to ſail with twenty great ſhips, and join ten more at Plymouth, in order to go in queſt of the duke of Beaufort, which the prince immediately obeyed. It cannot well be denied, that this order was ſent with too much precipitation, and without due conſideration. For, beſides that the Engliſh fleet could, without danger, have waited for the French, which could not, with ſafety, have ventured to paſs ſo narrow a ſea as the channel, while the Engliſh ſhould be in their ſtation, the French fleet was yet in the Mediterranean, when the order was ſent to prince Rupert, and that of Holland upon the point of ſailing out of their ports. The king had afterwards reaſon to ſee how unſeaſonably this order was given.

The fleet of the ſtates, commanded by Ruyter, put to ſea with ſeventy-one ſhips of the line, twelve frigates, thirteen fireſhips, and eight yatchs, and anchored between Newport and Dunkirk. Ruyter had under his particular conduct the ſquadron of the Maeſe: that of north Holland and Frieſeland was commanded by Evertzen, and that of Zealand by Tromp. The Engliſh having a fair wind, ſailed to attack the enemy, who, on their ſide, cut their cables to be the ſooner ready to receive them. Tromp's ſhip was ſo diſabled at the firſt, that he was obliged to leave it for another. The ſame thing happened to Ruyter, who was coming to his aſſiſtance, and the powder of a Dutch ſhip taking fire, ſhe blew up into the air. Ruyter ſunk an Engliſh ſhip of fifty guns, then another of ſeventy, and afterwards three others of the firſt rate. In ſhort, this firſt day, the advantage was wholly on the ſide of the Dutch, except that they loſt vice admiral Evertzen, who was killed by a cannon ball.

The fight, interrupted by the night, was renewed early the next morning, but, after laſting ſome hours, was diſcontinued till noon by reaſon of a calm. After that, the wind riſing, both fleets renewed the engagement with equal bravery. Tromp being once more obliged to change his ſhip, found himſelf ſo engaged in the Engliſh fleet, that he would have been infallibly taken or ſunk, if Ruyter, by prodigious efforts, had not brought him off. This ſecond day, the Engliſh had ſtill the diſadvantage, by loſing eight of their largeſt ſhips either ſunk or burnt, and ſix taken, with ſir George Aſcough admiral of the white. The duke of Albemarle would have taken the advantage of the night to retire, but was purſued too cloſely to execute his deſign. So that he was obliged to fight all the next day, as he retired towards his own ſhore. About the evening, he diſcovered prince Rupert's ſquadron coming to his aſſiſtance. Whereupon the two Engliſh admirals attacked their enemies again the next morning. But this fourth day proved as unſucceſsful to them as the three former. They loſt four of their beſt ſhips, and were obliged to retreat with precipitation. A miſt happily conveyed them from Ruyter's purſuit. In theſe four days the Engliſh loſt twenty-three great ſhips, beſides ſeveral others of leſs note, ſix thouſand men, and two thouſand ſix hundred priſoners. Among the ſlain were ſir William Berkley, vice admiral of the white ſquadron, and ſir Chriſtopher Minnes. The Dutch loſt ſix ſhips, two thouſand eight hundred ſoldiers, and fourſcore ſailors, beſides the admirals Evertzen, Vander Hulſt, and Stockhover, with ſome other officers. Though the victory was ſo evidently on the ſide of the Dutch, bonfires and rejoycings were made at London, as if the Engliſh had been conquerors[z].

The two fleets ſoon put to ſea again, and as they were in queſt of each other, they met the 24th of July, and fought a furious battle, where the victory was obſtinately diſputed. The Engliſh fleet conſiſted of above a hundred ſail; and the Dutch, of eighty-eight ſhips of the line, beſides nineteen fireſhips. While Ruyter, and young Evertzen, engaged the red and white ſquadron, Tromp after a long diſpute routed the blue ſquadron, commanded by ſir Jeremy Smith. But by an unpardonable error, inſtead of remaining with the fleet, he amuſed himſelf with purſuing the flying ſhips of the enemy. On the other hand, young Evertzen, who commanded one of the Dutch ſquadrons, was killed with a cannon ball, and his ſquadron entirely defeated. But the Engliſh admiral who fought againſt him, was not guilty of the ſame error as Tromp. Inſtead of purſuing the flying enemy, he joined the red ſquadron, commanded by prince Rupert and the duke of Albemarle, and theſe two ſquadrons attacked Ruyter, who nevertheleſs, by means of the night, diſengaged himſelf. But the next day, he was obliged to ſuſtain the fight alone againſt theſe two ſquadrons, there being no news of Tromp. He never in his whole life ſhewed ſo much bravery and capacity as in this ſecond engagement. He ſuſtained, with his ſingle ſquadron, the brunt of the two Engliſh ſquadrons, and at laſt retreated with ſuch wonderful conduct, that he gained more honour by it than he would have done by a victory. The Engliſh leaving the chace in ſight of Fluſhing, went after Tromp, who, though he was met off Harwich, recovered the Texel without any loſs. Ruyter at his return, loudly complained of Tromp's conduct, and, to ſatisfy him, the ſtates put Tromp under an arreſt, diſmiſſed him from his poſt, and put Van Ghent in his place[a].

About the time of theſe engagements between the Engliſh and Dutch, the duke of Beaufort arrived with his fleet at Rochelle, where he ſtayed to take in freſh water, which he greatly wanted.

As in the laſt engagement the Dutch fleet was diſperſed, part retiring to Fluſhing, and part to the Texel, the duke of Albemarle finding himſelf maſter of the ſea, detached twenty men of war to brave the coaſts of Holland. Holms coming to the iſle of Vlye, burnt a hundred merchant ſhips, and two men of war deſigned for convoys. Then he advanced to the iſle of Schelling, and making a deſcent, burnt many houſes in the little town of Brandaris. His deſign was to improve a treaſon carrying on in this iſle by one Hemſkirk, for which Buat a French gentleman, who ſecretly correſponded with the Engliſh, was beheaded at the Hague. But Holms not finding things ready as he expected, returned to the fleet.

After this expedition, the Engliſh fleet ſailed into the channel, and anchored at St. Hellens; the iſle of Wight being the moſt proper ſtation for hindering the junction of the French and Dutch fleets. Ruyter on his ſide poſted himſelf in St. John's bay, near Boulogne, where he was ſeized by a diſtemper, which for ſome time was believed mortal. This obliged the ſtates to recall their fleet, of which they gave notice to the king of France.

Mean time, the duke of Beaufort, ignorant of the retreat of the Dutch fleet, left Belle-Iſle, where he arrived about the 20th of September, and entering the channel, ſafely

[y] Sir George Aſcough was admiral of the white, and ſir Thomas Allen of the blue. Echard, tom. III. p. 159.

[z] De Wit was on board the Dutch fleet, who was ſaid to have invented chain ſhot on this occaſion, which did incredible damage to the rigging of the Engliſh, and was a great means of the Dutch getting the advantage. And it is thought, if prince Rupert had not come up when he did, the Engliſh fleet was ſo unrigged, that they would have been all taken and ſunk, or burnt. And yet a day of thankſgiving was appointed. Burnet, p. 229. Echard ſays, the Engliſh had but nine men of war taken or burnt; and the Dutch loſt above fifteen ſhips, twenty-one captains, and above five thouſand common ſeamen. Tom. III. p. 161.

[a] According to Echard, there were about twenty Dutch ſhips ſunk or burnt in this engagement; four thouſand ſeamen killed, and near three thouſand wounded. Tom. III. p. 162.

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failed by the isle of Wight, without being attacked, and got into Dieppe. He staid there a whole day without hearing any news of Ruyter. At last, being informed, that the Dutch fleet was retired, he sailed once more by the isle of Wight, without meeting with any opposition, and got into the ports of Bretagne. It is very surprising, that the English, who lay at the isle of Wight to prevent the junction of the two enemies fleets, should suffer that of France to pass and repass without molestation[b]. This may give occasion to suspect, there was some intelligence between France and England. But as I cannot trace it, I shall not insist upon it. But it plainly appears, the king of France, after having amused the Dutch a whole year on divers pretences, did not really declare against England till the 19th of January 1665-6, and still amused them all this year, with the hopes of the arrival of the duke of Beaufort, who entered the channel but in September, when the sea campaign was over. If to this be added, Lewis's unwillingness to succour the states, as appears in his letter to d'Estrades, there will be no cause to wonder at the little advantage received by the Dutch from the junction of France.

This year, the states had intended to assist the malecontents in England and Scotland, in order to give the English arms a diversion at home. This design was even communicated to the king of France. But he found so many objections to it, that it was suffered to fall unexecuted. Probably, the states had some correspondents among the republicans, who being partly discovered, a great noise was made, and, according to custom, all the non-conformists were charged with the plot.

The misfortune which this year befel the city of London, I mean the terrible fire which laid so great a part of that vast city in ashes, gave a fresh occasion to the enemies of the republicans, to charge them with being the authors thereof. This was only because the fire happened to break out the 3d of September[c], a day esteemed fortunate by the republicans, on account of the victories of Dunbar and Worcester, obtained by Oliver Cromwell, when general of the armies of the common-wealth of England. To represent without any aggravation, the ravages made by this fire in London, I need only insert the inscription upon one of the sides of the column, erected on the place where the fire broke out. This column at London, is called the monument, and visited by all strangers, but they only who understand the English language, can read this inscription[d].

"In the year of Christ 1666, the second day of September, at the distance of 202 feet (the height of this column) a terrible fire broke out about midnight, which, driven on by a high wind, not only wasted the adjacent parts, but also very remote places, with incredible noise and fury. It consumed eighty-nine churches, the city gates, Guildhall, many public structures, hospitals, schools, libraries, a vast number of stately edifices, thirteen thousand two hundred dwelling houses, four hundred streets. Of the six and twenty wards it utterly destroyed fifteen and left eight others shattered and half burnt. The ruins of the city were four hundred thirty-six acres, from the Tower by the Thames side, to the Temple church, and from the north-east gate, along the city wall, to Holborn-bridge. To the estates and fortunes of the citizens, it was mercileſs, but to their lives very favourable, that it might in all things resemble the last conflagration of the world. The destruction was sudden, for in a small space of time the same city was seen most flourishing, and reduced to nothing. Three days after, when this fatal fire had baffled all human counsels and endeavours in the opinion of all, it stopped, as it were, by a command from heaven, and and was on every side extinguished."

Men failed not to give a scope to their imagination, and to form conjectures upon the causes and authors of this fire. The pious and religious ascribed it to the just vengeance of heaven, on a city, where vice and immorality reigned so openly and shamefully, and which had not been sufficiently humbled by the raging pestilence of the foregoing year. Some again, as I have said, ascribed this misfortune to the malice of the republicans; others to the papists. And there were some so bold, as even to suspect the king and the duke of York. But though several suspected persons were imprisoned, it was not possible to discover, or prove, that the baker's house, where this dreadful calamity first broke out, was fired on purpose. However, one Robert Hubert a French huguenot[e], native of Rouen, and a lunatic, confessing himself guilty of this fact, was condemned and executed. But it appeared afterwards, by the testimony of the master of the ship, who brought him from France, that though he was landed at the time, he did not arrive in London till two days after the fire began. It is pretended likewise, that a Dutch boy, ten years of age, confessed, that his father, and himself, had thrown fire-balls into the baker's house, through a window that stood open. But, besides the objection which may be made to this testimony from the boy's age, there must have been some circumstance in his narrative, not agreeable to the fact, since it was not thought proper to make a farther enquiry. Perhaps this was only a groundless report.

But that which gives most cause to believe this fire did not happen casually, is, the testimony of Dr. Lloyd, afterwards bishop of Worcester. That prelate told Dr. Burnet,——"That one Grant a papist had some time before applied himself to Lloyd, who had great credit with the countess of Clarendon (who had a large estate in the new river that is brought from Ware to London) and said, he could raise that estate considerably, if she would make him a trustee for her. His schemes were probable, and he made one of the board that governed that matter; and by that he had a right to come as often as he pleased to view their works at Islington. He went thither the Saturday before the fire broke out, and called for the key of the place where the heads of the pipes were, and turned all the cocks that were then open, and stopped the water, and went away, and carried the keys with him. So when the fire broke out next morning, they opened the pipes in the streets to find water, but there was none. And some hours were lost in sending to Islington, where the door was to be broke open, and the cocks turned; and it was long before the water got to London. Grant indeed denied, that he had turned the cocks. But the officer of the works affirmed, that he had, according to order, set them all a running, and that no person had got the keys from him besides Grant; who confessed, he had carried away the keys, but pretended he did it without design."

This is Dr. Burnet's account, and agrees in the main with Echard's in his history of England. However, an anonymous author, who has writ against Dr. Burnet's history, accuses him directly of falsehood, and asserts that "Grant was not one of the board till after the fire." But it is difficult to know, what regard is due to the testimony of this anonymous writer, whereas one can hardly help crediting that illustrious prelate, when he says, he had it from Dr. Lloyd, that Grant was made one of the board before the fire, and that it was by his means. However, this great fire was generally imputed to the papists, and the rather, because several other things afterwards helped to confirm this suspicion.

The parliament meeting the 21st of September, the king, in a speech to both houses, told them, the money granted him had not sufficed to carry on the war, considering his two powerful enemies. He boasted of the great success with which God had been pleased to bless his arms, supposing his fleet to have been always victorious. Immediately after, the commons liberally voted the king a supply of eighteen hundred thousand pounds. Thus in the space of two years, this war cost the people of England five millions, five hundred and fifty thousand pounds; that is, above sixty millions of Dutch florins, and above seventy-two millions of French livres, allowing thirteen livres Tournois to one pound sterling.

Mean while, the two houses beginning to discover, that the king was not the zealous protestant he affected to appear; that the papists had great influence in his council, and that their religion made a visible progress, presented to him an address for executing the laws against popish priests and jesuits, who were labouring to pervert his subjects. The king, according to the method of his father, grandfather, and his own, immediately published a proclamation for banishing the priests and jesuits, on pain of being punished according to law, if found in the kingdom after the 10th of December. So banishment was the worst that could happen to them, even supposing the king's order should have been executed. But the more rigorous the proclamations were, the more favourable was the execution. This manifestly appears in their being so often repeated. But to give a more convincing proof of the court's disposition in this respect, I shall here produce a passage in a letter to the earl of Sandwich, embassador at Madrid, from secretary Bennet, lately created earl of Arlington, a reputed papist, though he professed the protestant religion. In this letter he told the embassador, "Your excellency knows sufficiently the springs

[b] Three or four of the French ships fell among a squadron commanded by sir Thomas Allen, who took one of them. Echard, p. 163.

[c] This fire broke out the 2d of September.

[d] All the inscriptions, except that round the pedestal, are in Latin.

[e] Bishop Burnet, and some others, say, That he was a French papist, p. 230.

upon which the animoſity to the Roman catholics riſes, and how hard it is for his majeſty to forbear declaring againſt them, when the complaint ariſes from both houſes of parliament, and accordingly you can yourſelf frame your anſwer to the queen of Spain."

The rigour exerciſed againſt the preſbyterians in Scotland cauſed ſome of the moſt impatient to riſe in arms to the number of fifteen hundred, and form a regular body with officers in proportion to head them. Probably, they hoped, if they ſhould gain ſome advantage, to be joined by their brethren. But in their firſt action with the king's forces, they were diſperſed with the loſs of three hundred men, and one hundred priſoners, who were moſt of them executed. It was not forgot to ſay that they held intelligence with the Engliſh preſbyterians, and, if they had gained a victory, the like inſurrection would have appeared in England. But it may eaſily be judged, that the preſbyterians in England would not have been ſpared, if they could have been proved guilty, conſidering how the government ſtood affected towards them. Inconſiderable as this inſurrection was, the Engliſh hiſtorians have been pleaſed to repreſent it as very important, in ſaying, the nation was ſuddenly alarmed with an inſurrection of the preſbyterians in Scotland, with whom it was not doubted thoſe of England held a ſtrict correſpondence. Theſe authors are to be forgiven for not being willing to miſs the firſt opportunity to include the Engliſh preſbyterians in theſe conſpiracies, thought it be only on the authority of a "it is believed."

The king was impatient for the diſpatch of the money bill, of which it ſeemed the commons took no farther notice, He therefore thought it neceſſary to quicken them by a meſſage. He likewiſe told them, he could not permit any adjournment at Chriſtmas, except for the principal holidays. But this meſſage, it ſeems, produced no great effect. The commons were then examining complaints againſt the lord Mordant, governor of Windſor caſtle, who was accuſed of ſome arbitrary and tyrannical actions. But neither this affair, nor the money bill could be finiſhed before the concluſion of the year.

[1666-7] The parliament met the 2d of January, after a ſhort adjournment, and immediately the commons accuſed the lord Mordant, at the bar of the lords houſe, and then preferred articles of high crimes and miſdemeanors againſt him. But they were diſpleaſed, that the accuſed was ſuffered to be within the bar of the houſe, whilſt his accuſation was reading. This occaſioned a diſpute between the two houſes. There was alſo another difference between them, concerning the commiſſioners appointed by the commons to levy the poll tax, and to take the public accounts on oath. This was the ſubject of ſeveral fruitleſs conferences [f].

The king came to the parliament the 8th of January, and gave the royal aſſent to the poll bill, but complained of the nomination of commiſſioners, as a mark of their diſtruſt of him [g].

The miſunderſtanding between the two houſes ſtill continuing, the king came to the parliament the 8th of February, and after paſſing ſeveral acts, he aſſured them, the money granted ſhould be laid out for the ends it was given. Then he prorogued the parliament to the 10th of October. The acts paſſed were; an act to continue, for eleven months, the monthly aſſeſſment of ſeventy thouſand pounds, which with the poll tax, was conceived ſufficient to make good the eighteen hundred thouſand pounds, granted to the king. The other acts concerned chiefly the new buildings in London, which were finiſhed ſooner than could be expected, and in a manner more beautiful and regular than before the fire [h].

It is now time to ſpeak of the peace between England and Holland, which was now, though very ſecretly, negotiating, at the time the parliament granted eighteen hundred thouſand pounds for carrying on the war. In November 1665, before the king of France had declared againſt England, the ſtates, for a foundation of peace, had offered the king one of theſe two conditions, either that each of the parties ſhould reſtore what had been taken, or both keep what they were poſſeſſed of. This was a ſure way to obviate all difficulties which might occur in the negotiation of peace. Beſides, the laſt of theſe conditions was very advantageous to England, by reaſon of the great number of ſhips taken from the Dutch before even the war was proclaimed. This offer was renewed at Paris about the middle of the year 1666, in a conference there between Mr. de Lyonne, the lord Holles the Engliſh embaſſador, and Mr. Van Beuninghen envoy from the ſtates. Probably, Charles expected greater advantages in the continuance of the war, ſince he returned no anſwer to this offer. He only complained of its obſcurity, without ſignifying wherein it conſiſted. Nevertheleſs, he received this advantage from it, that he knew how the ſtates were diſpoſed, and what he could depend on: ſo that it was in his power to make peace whenever he ſhould think proper. The 17th of September the ſame year, the ſtates repeated the ſame offer in a letter to the king. But as this was when the parliament was going to ſit, and when the king expected a large ſupply for carrying on the war, he did not think fit to embrace it. He contented himſelf with ſignifying to the ſtates in a letter of the 4th of October, his diſſatisfaction at their proceedings, and at the calumnies they had raiſed againſt him, in accuſing him of being the aggreſſor, and rejecting all propoſals for peace. Then he largely juſtified himſelf upon what had been alledged by the ſtates againſt him. But the moſt important part of this letter was the king's poſitive aſſurance that he had accepted the mediation of Sweden. A place therefore to treat was to be agreed on. The choice of this place afforded the king a pretence to defer the negotiation ſome months. He was at firſt for having the peace negotiated at London, to which the ſtates would have readily conſented, if the kings of France and Denmark had believed it conſiſtent with their honour. Upon the repreſentation made by the ſtates, concerning the refuſal of the two kings their allies, he anſwered, that he had no affair to negotiate with France, and complained of the king of Denmark for making war againſt him without any reaſon. He was ſo offended with that king, that he made no ſcuple to tell the ſtates, it was at the inſtigation of Denmark, that he ſent his fleet to Berghen, and agreed with him to divide the ſpoil. At laſt, the ſtates left the nomination of the place to him, provided it was approved by their allies. The king accepted the offer, but inſiſted that the ſtates ſhould firſt write to him to teſtify that they would willingly have ſent their plenipotentiaries to London, if the two kings their allies would have given their conſent. This letter was writ, as he deſired, the 13th of January, 1666-7, and the king in his anſwer of the 20th, named the Hague for the place of conference. He knew, the penſionary would not accept it, on account of the cabals which the Engliſh embaſſadors might make againſt him in favour of the young prince of Orange. Accordingly De Wit privately cauſed the king of France to reject the propoſal.

All the king's proceedings clearly ſhew, he was deſirous of peace, and as it was in his power, he might have concluded it before the end of the year 1666. But too much haſte would have deprived him of the eighteen hundred thouſand pounds granted for the continuance of the war. This was the true reaſon of the difficulties raiſed by him concerning the place of congreſs, in order to gain time till the money bill was paſſed. After he had given his aſſent to the laſt bill for the continuation of the monthly aſſeſſment of ſeventy thouſand pounds, all difficulties began to vaniſh. Seven or eight days after, the earl of St. Albans was ſent to Paris to notify to the king of France, that Charles conſented that things ſhould remain in the ſtate to which the chance of war had reduced them. He added however one condition, namely, that France ſhould reſtore to him the iſle of St. Chriſtophers and three other ſmall iſlands in America, ſeized by that crown the laſt year. But this was a thing propoſed to be diſcuſſed at the congreſs, whereas the choice of the alternative made the eſſence of the treaty with the ſtates. So, it may be ſaid, that from this time the peace was in a manner concluded; nothing being wanted but the formality of a treaty.

Mean while, the king of France, to ſerve Mr. De Wit, in preventing the king of England from inſiſting upon his nomination of the Hague, for the place of conference, thought of an expedient in which he ſucceeded. This was to name Dover for the place of congreſs. And when it was objected to, he added Breda, Bois le-duc, and Maeſtricht, leaving to the king of England the choice of one of theſe four towns.

[f] Rapin has expreſſed this affair very confuſedly, and therefore it is ſomewhat altered in the tranſlation.

[g] He gave his aſſent at the ſame time to a bill for burying in woollen. See Statut. 18 Car. II.

[h] To this end, a bill was now paſſed, for laying twelve pence upon every chaldron, and twelve pence upon every tun of coals, that ſhould be brought into the port of London for ten years, the better to enable the lord mayor and aldermen to recompenſe thoſe perſons, whoſe grounds ſhould be taken from them, in order to enlarge the ſtreets, &c.—And about this time was ſet up an office for inſuring houſes from fire, which was principally contrived by dr. Barbon, one of the firſt and moſt conſiderable rebuilders of the city. Echard, tom. III. p. 177.

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At laſt, Charles having no longer intereſt to delay the peace, writ to the ſtates the 18th of March, that he was willing to ſend his plenipotentiaries to Breda.

[1667] The difficulty concerning the place of congreſs being removed, the next thing was to appoint embaſſadors, and diſpatch the paſſports. And it was agreed the conferences for the peace ſhould begin the 10th of May. But the Engliſh plenipotentiaries arrived not at Breda till the 20th. Theſe were the lord Holles, and Mr. Henry Coventry [i]. From France came count d'Eſtrades, and Mr. Courtin; from Denmark, Meſſ. Klingenberg and Caniſius, and from the ſtates general, Meſſ. Beverninch, Hubert, and Yonſtal. The mediators from the king of Sweden were, Meſſ. Fleming and Coet. But the laſt dying at Breda, during the conferences, count de Dhona, the Swediſh embaſſador to the ſtates, took his place.

At the firſt opening of the congreſs a very obvious miſtake was diſcovered, but which, in all appearance, had been connived at by the two parties for fear of obſtructing the congreſs. In their letter to the king of England, the 17th of September, the ſtates had made two propoſals for peace, the ſecond of which was that each ſhould keep what he had taken, before or during the war. This was what the ſtates had ever adhered to, without any variation. But the king, in a letter to the ſtates, the 24th of April, 1667, ſaid,——"We take this opportunity to declare to you, that we accept the choice propoſed to us, that is, that each party ſhall keep whatſoever he has taken during this war, which being granted, we ſhall order our embaſſadors to proceed in the preſent treaty, upon the foundation of that made between us in the year 1662."

It is manifeſt, that in the ſecond condition propoſed by the ſtates, was included whatever had been acquired by either party, not only during, but before the war, and that in the king's letter was compriſed only what had been taken during the war. Now the king, according to the terms of his acceptation, pretended, the ſtates ſhould make him ſatisfaction for the two ſhips, the Good Hope, and the Bon Adventure, taken, or ſunk before the treaty of 1662. Moreover, he pretended, that as the ſtates were obliged by the ſame treaty to reſtore to him the iſle of Poleron in the Eaſt Indies, and as that iſle was ſtill in their poſſeſſion, it ſhould be delivered to him. Theſe two articles were the principal ſubject of the diſputes in the conferences of Breda, and retarded the concluſion of the treaty, to the great damage of the Engliſh, as will hereafter appear. The ſtates kept to the terms of their offer, and the king to thoſe of his acceptation.

I have already ſpoken of the two ſhips taken by the Dutch in the interval between the two treaties of the year 1659, and 1662. As for the iſle of Poleron, the ſtates pretended, they had reſtored it in form, and produced a receipt from the Engliſh officer, to whom it was delivered. But before this ſurrender, they had entirely diſpeopled it, and cut down all the clove-trees, and in ſhort had ſeized it again ſince the beginning of this war. But the king pretended, there were eſſential defects in the form of the reſtitution, and that the ſtates were obliged to reſtore it by the terms of the treaty 1662. The importance of this iſle conſiſted in that within four or five years it might be new ſtocked with clove-trees, if it was in the hands of the Engliſh, and ſo prove very prejudicial to the Dutch, who were maſters of the whole ſpice trade.

To decide theſe two articles, from which both parties made it a point of honour not to recede, couriers were to be ſent ſeveral times to London and the Hague, and thoſe from London brought only ſtricter orders to the embaſſadors to inſiſt upon the two ſhips and the iſle of Poleron. But at length the king yielded the laſt, ſo that the whole negotiation was reduced to the ſatisfaction demanded for the two ſhips. It is not very ſurprizing, that the king ſhould inſiſt on this article. He had begun the war under the ſpecious pretence of procuring reparation for all the damages done to his ſubjects, which he computed at ſeven or eight hundred thouſand pounds ſterling. To enable him to obtain this reparation by force of arms, the parliament had furniſhed him with five hundred and fifty-five thouſand pounds. He had moreover taken ſixſcore ſhips, before the war was declared, and about fourſcore ſince. In all appearance, he had not applied the product of theſe captures to the benefit of his ſubjects, who, according to his calculation, had loſt ſeven or eight hundred thouſand pounds, and for which the war was undertaken. He could not therefore well diſpenſe with procuring the merchants, who had loſt theſe two ſhips, the ſatisfaction demanded by them, without giving occaſion to believe, this war had been undertaken for imaginary pretenſions. For the pretenſions concerning theſe ſhips were properly the only things that were ſpecified. All the reſt conſiſted in generals, the diſcuſſion whereof was neceſſary, by reaſon of the choice propoſed by the ſtates. It was not that they feared a diſcuſſion, ſince they had offered it in the firſt of their two conditions. But it was the king's intereſt to avoid it, and accept the ſecond condition. If he had embraced it, in the ſame terms as offered by the ſtates, all the grounds of this war, ſo expenſive to England, would have remained in obſcurity. He could not therefore in honour but inſiſt upon the only article, which could be conſidered as a juſt cauſe of the war, though it did not amount to ten thouſand pounds ſterling. Mean while, as ſince the offer of the ſtates, he ſaw, he could make peace when he pleaſed, he thought it a needleſs expence to put to ſea a powerful fleet, as he had done the two foregoing years, and that it was better to ſave the beſt part of the money granted for the continuance of the war. To this end, relying on the certainty of peace, he laid up his great ſhips, and kept only a ſquadron of twenty ſail, while the ſtates continued their preparations as uſual, in their uncertainty of the king's intention concerning peace.

Mean time, the ſtates ſeeing what difficulties the king formed upon an article of ſo little conſequence, believed, or pretended to believe, he was averſe to peace. They therefore reſolved, either to force him to relinquiſh his pretenſions, or at leaſt to continue the war this ſummer with advantage, becauſe they knew, that the king would have no fleet at ſea.

Purſuant to this reſolution, Ruyter ſailed out of the Texel with fifty ſhips, and came the 8th of June to the mouth of the Thames, from whence he detached vice-admiral Van Ghent, with ſeventeen of his lighteſt ſhips, and ſome fire-ſhips.

Van Ghent, the 10th of June, ſailed up the Medway, made himſelf maſter of the fort of Sheerneſs, and after burning a magazine full of ſtores, to the value of forty thouſand pounds, blew up the fortifications. This action alarmed the city of London; ſo that to prevent greater miſchiefs, ſeveral ſhips were ſunk, and a large chain put acroſs the narroweſt part of the river Medway. But by means of an eaſterly wind, and a ſtrong tide, the Dutch ſhips broke through the chain, and ſailed between the ſunk veſſels. They immediately burnt three large ſhips, the Matthias, the Unity, and the Charles the Fifth, all taken from them in the preſent war, and carried away with them the hull of the Royal Charles, beſides burning and damaging ſeveral others. After this they advanced as far as Upnor caſtle, and burnt the Royal Oak, the Royal London, and the Great James. The Engliſh fearing all the Dutch fleet would ſail up to London bridge, ſunk [thirteen] ſhips at Woolwich, and four at Blackwall, and platforms furniſhed with artillery to defend them, were raiſed in ſeveral places. The conſternation was very great, and the complaints were no leſs ſo. It was openly ſaid, the king out of avarice had kept the money ſo generouſly given him to continue the war, and left his ſhips and ſubjects expoſed to the inſults of the enemy, though he had exclaimed againſt the injuſtice done him, in believing him capable of ſuch an action. The king was under an inexpreſſible concern, as well for fear of greater damage from the Dutch fleet, as for the mortification this affair gave him, and the ſhame of having nothing to ſay to the murmurs of his people. Beſides he could not but reproach himſelf for being the cauſe of this inſult, by inſiſting too long upon an affair of ten thouſand pounds, and thereby retarding the concluſion of the peace [k].

After this exploit, Ruyter ſailed to Portſmouth, with a deſign to burn the ſhips in that harbour; but finding them ſecured, he ſailed to the weſt, and took ſome ſhips in Torbay. He then ſailed eaſtward, beat the Engliſh before Harwich, and chaced a ſquadron of nineteen men of war commanded by ſir Edward Spragg, who was obliged to retire into the Thames. In a word, he kept the coaſts of England in a continual alarm all July, till he received the news of the concluſion of a peace.

This event had ſo changed the face of affairs, that the Engliſh embaſſadors at Breda grew more pliant, and were

[i] Of the king's bed-chamber.

[k] Kennet infers from a letter of the earl of Arlington, that the Dutch were ſet on by the French to burn our fleet. Hiſt. tom. III. p. 287.

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eaſily perſuaded to yield the article of the two ſhips. It was however with the reſervation of the king's approbation, before the ſigning of the treaty. For this purpoſe, Coventry, after all the articles were ſettled, paſſed into England the 2d of July, and returned the 8th with the king's approbation, and the 21ſt the treaty of peace was ſigned. It was divided however into three ſeparate treaties, by reaſon of ſome inconveniences which would otherwiſe have followed. But by a writing ſigned by all the plenipotentiaries, it was declared, that the three treaties ſhould be eſteemed but one and the ſame.

The moſt important articles of the treaty between England and France, were,

VII. The moſt chriſtian king ſhall reſtore to the king of Great Britain, that part of the iſle of St. Chriſtophers, which the French have taken from the Engliſh, ſince the declaration of war.

X. The king of Great Britain ſhall reſtore to the moſt chriſtian king, the country of Acadia, in North America, ſometime in poſſeſſion of the ſaid moſt chriſtian king.

XI. The moſt chriſtian king ſhall reſtore to the king of Great Britain, the iſles of Antegoa, and Montſerrat, if they are ſtill in his poſſeſſion, and in general, all the territories, iſles, towns, and fortreſſes, which may have been conquered by his arms, and which belonged to the king of England before the beginning of the war with the ſtates general, and reciprocally the king of Great Britain ſhall reſtore the territories, iſles, towns, &c.

XVII. This article contained a regulation of all the captures, which might be made ſince the concluſion of the peace.

XVIII. In caſe of a war it is ſtipulated, that ſix months notice ſhall be given to the merchants to withdraw their effects.

Principal Articles of the treaty between Great Britain and the ſtates general.

Article III. Both ſides ſhall forget and forgive all offences, damages, and loſſes, which either have ſuffered during this war, or at any time before, or under any pretence, as if they had never happened.——Each party ſhall hold for time to come in full right of ſovereignty, propriety and poſſeſſion, all ſuch countries, iſles, towns, forts, places and colonies, as, whether during this war, or before, have been taken and kept from the other by force of arms, and in what other manner ſoever, and that as they poſſeſſed and enjoyed them the 10th day of May laſt.

IV. All ſhips, goods and moveables, which at any time have come into the power of either party, ſhall remain in the preſent poſſeſſors thereof, without any compenſation or reſtitution for the ſame.

V. All actions, demands, and pretenſions whatſoever for the ſame ſhall remain void, obliterated, and diſannulled, &c.

XV. The ſaid lord the king, and the ſaid lords the ſtates, ſhall not receive into their dominions any ſuch perſons as ſhall be declared fugitive rebels, of the one or the other.

XIX. All ſhips and veſſels of the United Provinces, as well men of war as merchant ſhips, and others, which ſhall meet in the Britannic ſeas any ſhips of war belonging to the king of Great Britain, ſhall ſtrike the flag, and lower the ſail as it has formerly been practiſed.

XXXII. If the former differences ſhall be renewed, and turned into an open war, the ſhips, merchandize, and all moveable effects of both parties, which ſhall be found in the ſea-ports and dominions of the adverſe party, ſhall be by no means confiſcated or damaged; but there ſhall be granted to the ſubjects of both parties the term of ſix whole months, during which time they may tranſport the ſaid effects, where they pleaſe.

XXXVI. For the greater aſſurance that the preſent treaty ſhall be obſerved with good faith on the part of the ſtates general, they engage themſelves by theſe preſents, that thoſe perſons who ſhall be choſen by the ſaid ſtates general, or the particular provinces, into the offices of captain general ſtadtholder, field marſhal, admiral, ſhall ſwear that they will obſerve, and cauſe to be obſerved religiouſly this treaty.

By a ſeparate article it was agreed, that if any of the murderers of Charles I. ſhould be found in the dominions of the ſtates general, they ſhould be delivered to the king, &c.

If it is now conſidered, what advantages England received from a war undertaken upon ſo ſlight grounds, and with ſuch animoſity, it will not be eaſy to diſcover a ſingle advantage that was not really contained in the treaty of the 4th of September 1662. But on the contrary, it will be found, that this war coſt five millions five hundred and fifty thouſand pounds ſterling, beſides the loſs of the ſhips of war, whether in ſea engagements, or in the affair of Chatham[l]. And yet the king had aſſured the parliament, in one of his ſpeeches, that he would never lay down his arms, till he had procured his ſubjects a reaſonable ſatisfaction for their loſſes, which upon his computation amounted to ſeven or eight hundred thouſand pounds. And if theſe loſſes are ſuppoſed real, this peace was ſo much the more diſhonourable to the king and the Engliſh nation. But, on the other hand, it is eaſy to perceive, that the king and duke of York reaped by it conſiderable advantages: the king, by the large ſupplies of money which were granted him, but not expended in the war, at leaſt, the eighteen hundred thouſand pounds given in January and February this year, and by the ſale of above two hundred ſhips taken from the Dutch; the duke of York, by his claims upon theſe captures as lord high admiral, and by the preſent of one hundred and twenty thouſand pounds made him by the parliament. Such was the concluſion of this great armament, which was to humble the pride of the Dutch, and render them for ever incapable to ſupport their trade and diſpute the empire of the ſeas with England. The peace was proclaimed at London, and at the Hague, the 24th of Auguſt.

The king of France, as hath been ſeen, gave no very real aſſiſtance to his allies, ſince his fleet never joined that of the ſtates, not even this laſt year, when the Engliſh were in no condition to oppoſe the junction. He had then other deſigns, which he diſcovered in June, by an invaſion of the Netherlands, on account of his queen's pretenſions to Brabant, after the death of Philip IV. her father. In the whole courſe of the war between the king of England and the ſtates general, he clearly ſhewed his intention to make Charles his friend, in which he afterwards ſucceeded but too well. He would never have declared againſt him, notwithſtanding his ſtrict engagement with the ſtates in the treaty of 1662, had he not believed ſuch a declaration abſolutely neceſſary to ſupport Mr. De Wit, who otherwiſe was in great danger of ruin. He earneſtly wiſhed to ſee the end of this war, in which he had very unwillingly engaged. This appeared chiefly in the conferences at Breda, where his two plenipotentiaries performed properly the office of Mediators, though thoſe of Sweden had the name. Accordingly he was greatly ſuſpected in Holland of a ſecret correſpondence with England.

Complaints and murmurs againſt king Charles and his miniſters ſucceeded the animoſity with which the Dutch war was begun. When the advantages obtained by the peace were compared with the expence of the war, they were found ſo diſproportionable, that men could not forbear ſuſpecting, it had been raiſed by motives repugnant to the intereſt of England. The people had been told, it was undertaken to procure the merchants ſatisfaction for the damages received from the Dutch: to revenge the indignities the nation had ſuffered: and to incapacitate the United Provinces ever to rival England again, but nothing of all this had been done. The merchants had received no ſatisfaction even for the two ſhips, the Good Hope and the Bon-Adventure, though that article was the moſt ſpecified. Inſtead of revenging the affronts offered the nation, England had received a real and moſt mortifying indignity in the buſineſs of Chatham. Laſtly, after the peace of Breda, the United Provinces were in a more flouriſhing condition than before the war, and looked on this peace as a triumph for them. On the other hand, few people could digeſt the king's preſſing the parliament for money to carry on the war, and that after receiving eighteen hundred thouſand pounds ſterling he ſhould be ſo intent upon peace, as not to put himſelf in a condition to obtain reaſonable terms. This was a ſubject very apt to raiſe a ſuſpicion of the ſincerity of his intentions for the good of his people. In ſhort, it was more and more diſcovered that the papiſts had great influence at court, and that the proclamations

[l] The Dutch were alſo, on their part, put to very great charges. For ſir William Temple affirms, that in the year 1665, there were raiſed in the provinces forty millions of guilders, of which twenty-two in the province of Holland. And upon the biſhop of Munſter's invading them at the ſame time by land, they had, in the year 1666, above threeſcore thouſand land men in pay; and a fleet of above an hundred men of war at ſea. Obſervat. upon the United provinces, p. 71.

publiſhed againſt them at the deſire of the parliament, were far from being rigorouſly executed. The earl of Arlington, almoſt open protector of the papiſts, was made ſecretary of ſtate, and in great favour, while the credit of the earl of Clarendon their enemy daily declined. This began to produce ſuſpicions diſadvantageous to the king. Beſides, his diſſolute life did not help to preſerve the high opinion conceived of him in the beginning of his reign. His court was a ſcene of debauchery, where his miſtreſſes ruled abſolutely, and nothing was done but through their means. They conſumed his vaſt revenues, with almoſt all the money granted by parliament, ſo that in the midſt of riches, he was always in want, and forced to ſeek new pretences to draw money from his parliament, to ſupply his private occaſions.

Theſe ſuſpicions and complaints reaching the king, he reſolved to appeaſe them by ſacrificing the earl of Clarendon, who had hitherto acted as prime miniſter. He knew, the people are always exceſſively pleaſed with ſacrifices of miniſters, who had enjoyed the greateſt credit, and on whom generally all the miſcarriages are thrown. But this was only a pretence uſed by the king to be delivered of a miniſter, whom he no longer loved, and whoſe preſence and counſels were become inſupportable to him. The chancellor's regular life, his averſion to debauchery and libertiniſm, his grave and ſevere manners, his neglect of the king's favourites and miſtreſſes, and laſtly, his principles and maxims concerning religion and the ſtate, ill agreed with the diſorderly life of the court, and ſtill leſs with the projects formed in favour of the papiſts, under colour of eaſing the preſbyterians. For this reaſon, and for his rough and always too haughty behaviour, he had rendered himſelf odious to all the courtiers, who never ceaſed to do him ill offices, eſpecially when they ſaw him in the decline of his favour. He had often taken the liberty to reprove the king for his diſorderly life, and at firſt his reproofs were well received. But when the king had once abandoned himſelf to his pleaſures, he could no longer bear the preſence of a man, whoſe advice he had formerly received with a ſort of ſubmiſſion. The duke of Buckingham and ſome others perceiving this diſpoſition of the king, neglected nothing to cheriſh it. As often as they ſaw the chancellor coming, they would ſay to his majeſty, "Here comes your ſchoolmaſter!" At other times they mimicked him before the king, in order to make him ridiculous. The duke of Buckingham uſed to walk in a ſtately manner, with a pair of bellows before him for the purſe, whilſt colonel Titus carried a fire ſhovel on his ſhoulder for the mace. The king ſuffered theſe buffooneries, and thereby diſcovered his diſguſt to his miniſter. But as theſe are only trifles, and as the king's diſguſt turned at laſt into real hatred, it is proper to relate the more ſerious cauſes which have been offered in vindication of the king's reſentment.

1. It is pretended, the king deſigning to be divorced from his queen on ſeveral weak pretences, could never obtain the chancellor's approbation.

2. The king intended, after his divorce, to marry Mrs. Stuart his relation, of whom he was amorous. The earl of Clarendon, to prevent this, perſuaded the young duke of Richmond to marry her, by repreſenting, how ſerviceable it would be to gain him the king's favour. The duke, following this advice, made his addreſſes to the lady, who, knowing nothing of the king's deſign, believed ſhe ought not to refuſe ſo good an offer, and the marriage was immediately concluded. The king thus diſappointed, baniſhed the duke with his new ducheſs from court, and never forgave the chancellor.

3. Another, and, as was generally thought, the moſt apparent cauſe of the king's reſentment againſt the chancellor, was his oppoſing Popham's project of ſettling an annual revenue of two millions of pounds ſterling upon the king, which was ſeconded by the earl of Southampton.

4. The moſt probable cauſe of the chancellor's ruin was, that the papiſts, whoſe counſels and projects were liſtened to, and approved by the king, omitted nothing to deſtroy him, knowing, that under his miniſtry they could never hope to accompliſh their deſigns.

5. A ſtately houſe built by him near St. James's park[m], and in the very year of the plague, did him great injury in the minds of the people. It is pretended, it coſt him fifty thouſand pounds ſterling, though at firſt he deſigned to lay out but fifteen or ſixteen thouſand. People gave it the name of Dunkirk-houſe, becauſe it was ſuppoſed that his advice for the ſale of that place had furniſhed him with the means to build it. He committed another error in purchaſing for this houſe the ſtones deſigned for repairing St. Paul's.

However this be, the king, under colour of giving ſome ſatisfaction to his people in ſacrificing this miniſter, deprived him of his office of high chancellor, and made ſir Orlando Bridgeman lord keeper of the great ſeal.

The earl of Southampton lord treaſurer, dying three months before the chancellor's diſgrace, the king was at once deprived of two great and faithful Miniſters, whoſe loſs was never repaired, at leaſt, with regard to their morals, their religion, and affection for their country. A little before Southampton's death, ſome perſon in council ſpeaking againſt the chancellor, he with ſome emotion ſaid—"The earl of Clarendon is a true proteſtant, and an honeſt Engliſhman, and while he is in place we are ſecure of our laws, liberties, and religion: but whenever he ſhall be removed, England will feel the ill effects of it." In this he proved a true prophet.

After the earl of Southampton's death, the king put the treaſury into commiſſion. Among the commiſſioners was ſir Thomas Clifford a known papiſt[n], on whom afterwards fell the king's choice for lord treaſurer.

The parliament meeting the 10th of October, the king ſpoke but little, and left it to the lord keeper, to acquaint both houſes with his intentions. His ſpeech ran chiefly upon a ſort of excuſe for the king's having, contrary to cuſtom, after a prorogation to October, ordered the parliament by proclamation to meet the 25th of July, and then, by another proclamation deferred the new ſeſſion to the time firſt appointed. He communicated to them the concluſion of the peace, and deſired them to ſettle the balance of trade with Scotland. He ſaid, the king having named commiſſioners to ſtate the public accounts, and examine to what uſes the money granted by parliament had been applied, and this commiſſion not having ſucceeded as he expected, he left them to follow their own method, and examine them as ſtrictly as they pleaſed. He added, that ſome malicious perſons had diſperſed falſe reports againſt the government, with deſign to create a diſaffection in his ſubjects: but that his majeſty promiſed himſelf from their affection, they would, on the contrary, endeavour to preſerve a good underſtanding between him and his people. That if any juſt grievances have happened, his majeſty was ready to redreſs them, and did not doubt they would imprint upon the hearts of his ſubjects that known truth——"That there is no diſtinct intereſt between the king and his people, but the good of one is the good of both."

Some days after, the two houſes preſented an addreſs to the king to thank him for ſeveral things: 1. That he had diſbanded the late raiſed forces: 2. That he had diſmiſſed the papiſts from out of his guards, and other military employments: 3. That he had revoked the canary patent: 4. And more eſpecially, That he had diſplaced the late lord chancellor, and removed him from the exerciſe of public truſt and employment in affairs of ſtate. The king anſwered to this laſt article, "That he would never employ the earl of Clarendon again in any public affairs whatſoever."

The king ſufficiently diſcovering his intention not to protect the earl of Clarendon, the houſe was thereby encouraged to ſeek reaſons or pretences to impeach him of treaſon. But it is too little to ſay, the king would not protect him. It is certain, he himſelf was his adverſary, and actuated the commons againſt him. This he clearly ſhewed, by reprimanding Sir Stephen Fox who was of his houſhold, and member of the houſe of commons, for having voted in favour of the earl of Clarendon. To which Sir Stephen replied, "That he knew the earl to be an honeſt man, and was ſure could never be guilty of the crimes laid to his charge." At laſt, the commons proceeded with great paſſion, ordered an accuſation to be drawn and preſented to the houſe, the ſubſtance whereof is as follows:

"I. That the earl of Clarendon hath deſigned a ſtanding army to be raiſed, and to govern the kingdom thereby; and adviſed the king to diſſolve this preſent parliament, and to lay aſide all thoughts of parliaments for the future; to govern by a military power, and to maintain the ſame by free quarter and contribution.

[m] It ſtood at the upper end of St. James's-ſtreet, where Albemarle-ſtreet, and the ſtreets adjoining now are. It was built in his abſence, in 1665, chiefly at the charge of the vintners company, who deſigning to monopolize his favour, made it more large and magnificent than ever he intended. So that when he came to ſee it, he ſaid with a ſigh, "This houſe will one day be my ruin." Echard, tom. III. p. 192.

[n] The reſt of the commiſſioners were, the duke of Albemarle, the lord Aſhly Cooper, ſir William Coventry, and ſir John Duncomb. Sir Thomas Clifford was then comptroller of the houſhold. Ibid.

" II. That he hath, in the hearing of the king's ſubjects, falſely and ſeditiouſly ſaid, That the king was in his heart a papiſt, or popiſhly affected, or words to that effect.

" III. That he hath received great ſums of money for the procuring of the canary patent, and other illegal patents; and granted illegal injunctions to ſtop proceedings at law againſt them, and other illegal patents formerly granted.

" IV. That he hath adviſed and procured divers of his majeſty's ſubjects to be impriſoned againſt law, in remote iſlands, garriſons, and other places, thereby to prevent them from the benefit of the law, and to produce precedents for the impriſoning any other of his majeſty's ſubjects in like manner.

" V. That he procured his majeſty's cuſtoms to be farmed at under rates, knowing the ſame; and great pretended debts to be paid by his majeſty, to the payment of which his majeſty was not ſtrictly bound, and afterwards received great ſums of money for procuring the ſame.

" VI. That he received great ſums of money from the company of vintners, or ſome of them or their agents, for enhancing the prices of wines, and for freeing them from the payment of legal penalties, which they had incurred.

" VII. That he had in a ſhort time gained to himſelf a greater eſtate than can be imagined to be gained lawfully in ſo ſhort a ſpace: and, contrary to his oath, he hath procured ſeveral grants under the ſeal, from his majeſty to himſelf and relations, of ſeveral of his majeſty's lands, hereditaments and leaſes, to the diſprofit of his majeſty.

" VIII. That he hath introduced an arbitrary government in his majeſty's foreign plantations, and hath cauſed ſuch as complained thereof before his majeſty and council, to be long impriſoned for ſo doing.

" IX. That he did reject and fruſtrate a propoſal and undertaking approved by his majeſty, for the preſervation of Nevis and St. Chriſtopher's, and reducing the French plantations to his majeſty's obedience, after the commiſſions were drawn for that purpoſe; which was the occaſion of our great loſſes and damages in thoſe parts.

" X. That he held correſpondence with Cromwell and his accomplices, when he was in parts beyond the ſeas, attending his majeſty, and thereby adhered to the king's enemies.

" XI. That he adviſed and effected the ſale of Dunkirk to the French king, being part of his majeſty's dominions; together with the ammunition, artillery, and all ſorts of ſtores there, and for no greater value than the ſaid ammunition, artillery, and the ſtores were worth.

" XII. That the ſaid earl did unduly cauſe his majeſty's letters patents, under the great ſeal of England, to one dr. Crowther, to be altered, and the enrollment thereof to be unduly razed.

" XIII. That he hath in an arbitrary way examined and brought into queſtion divers of his majeſty's ſubjects concerning their lands, tenements, goods, chattles, and properties, determined thereof at the council table, and ſtopped proceedings at law by order of the council table, and threatened ſome that pleaded the ſtatute of the 17th of Char. I.

" XIV. That he hath cauſed Quo Warrantos to be iſſued out againſt moſt of the corporations of England, immediately after their charters were confirmed by act of parliament, to the intent he might require great ſums of money of them for renewing their charters; which, when they complied withal, he cauſed the ſaid Quo Warrantos to be diſcharged, and proſecutions therein to ceaſe.

" XV. That he procured the bills of ſettlement for Ireland, and received great ſums of money for the ſame, in a moſt corrupt and unlawful manner.

" XVI. That he hath deluded and betrayed his majeſty, and the nation, in all foreign treaties, and negotiations relating to the late war, and betrayed and diſcovered his majeſty's ſecret councils to his enemies.

" XVII. That he was the principal author of that fatal council of dividing the fleet about June 1666 [o]."

Upon the foundation of theſe articles, the commons, on the 12th of November, impeached the earl of high treaſon at the bar of the lords houſe, and deſired that he might be ſent to the Tower. But the lords did not think proper to commit him upon an accuſation of treaſon in general, without any particular charge.

This raiſed a warm diſpute between the two houſes; which ſeveral conferences could not allay. At laſt, the commons came to this reſolution: " That the lords not having complyed with the deſire of the commons, in committing the earl of Clarendon, and ſequeſtering him from parliament upon the impeachment from that houſe, was an obſtruction of the public juſtice of the kingdom, and a precedent of evil and dangerous conſequence." At the ſame time, they appointed a committee to draw up a declaration to vindicate their proceedings.

But the earl of Clarendon ſeeing himſelf expoſed to the commons' rage, and knowing the king and the whole court were againſt him, thought it adviſeable to withdraw into France, and leave the following apology behind him, addreſſed to the lords [p]:

" I am very unfortunate to find myſelf to ſuffer ſo much, under two very diſadvantageous reflections, which are in no degree applicable to me.

" The firſt, from the greatneſs of my eſtate and fortune, collected and made in ſo few years, which, if it be proportionable to what is reported, may very reaſonably cauſe my integrity to be ſuſpected.

" The ſecond, that I have been the ſole manager and chief miniſter in all the tranſactions of the ſtate, ſince the king's return into England, to Auguſt laſt, and therefore, that all miſcarriages and misfortunes ought to be imputed to me and my councils.

" Concerning my eſtate, your lordſhips will not believe that after malice and envy hath been ſo inquiſitive and ſo ſharp-ſighted, I will offer any thing to your lordſhips, but what is exactly true; and I do aſſure your lordſhips in the firſt place, that (excepting from the king's bounty) I have never received nor taken one penny but what was generally underſtood to be the juſt lawful perquiſites of my office, by the conſtant practice of the beſt times, which I did in my own judgment conceive to be that of my lord Coventry, and of my lord Elleſmere; the practice of which I conſtantly obſerved, although the office in both their times was lawfully worth double to what it was to me, and I believe now is.

" That all the courteſies and favours which I have been able to obtain from the king for other perſons in church or ſtate, or in Weſtminſter-hall, have never been worth to me five pounds: ſo that your lordſhips may be confident I am as innocent from corruption as from any diſloyal thought, which after near thirty years ſervice of the crown, in ſome difficulties and diſtreſſes, I did never expect would be objected to me in my age.

" And I do aſſure your lordſhips, and ſhall make it very manifeſt, that the ſeveral ſums of money, and ſome parcels of land, which his majeſty hath bountifully beſtowed upon me ſince his return into England, are worth more than all I have amounts unto; ſo far I am from advancing my eſtate by indirect means. And though this bounty of his hath very far exceeded my merit, or my expectation, yet ſome others have been as fortunate at leaſt in the ſame bounty, who had as ſmall pretences to it, and have no great reaſon to envy my condition.

" Concerning the other imputation of the credit and power of being chiefeſt miniſter, and of cauſing all to be done that I had a mind to; I have no more to ſay, than that I had the good fortune to ſerve a maſter of a very great judgment and underſtanding, and be always joined with perſons of great ability and experience, without whoſe advice and concurrence, never any thing hath been done.

" Before his majeſty's coming into England he was conſtantly attended by the then marquis of Ormond, the late lord Culpepper, and Mr. ſecretary Nicholas, who were equally truſted with myſelf, and without whoſe joint advice and concurrence, when they were all preſent (as ſome of them always were) I never gave any council. As ſoon as it pleaſed God to bring his majeſty into England, he eſtab-

[o] The impeachment was carried up by Edward Seymour, eſq. who was alſo the firſt man that charged him in the houſe of commons, with many great and heinous crimes. The reſt of the chief ſpeakers againſt him, were, ſir Thomas Littleton, ſerjeant Maynard, ſir John Holland, ſir Thomas Oſborn, ſir Robert Howard, mr. Garraway, lord St. John, ſir Charles Wheeler, mr. Hampden, Marvel, Prynn, ſecretary Morrice, Waller, and ſir John Vaughan, &c. Thoſe that ſpoke in his favour, were, ſir Heneage Finch, ſir Francis Goodrick, mr. Coventry, ſir Edward Thurland, ſir John Bramſton, ſir John Talbot, ſir John Shaw, ſir Thomas Clifford, ſir Stephen Fox, and the earl's ſon, Laurence Hyde. Echard, tom. III. p. 195.——The baron d'Iſola, the Spaniſh embaſſador at the court of England, was the author of the earl's diſgrace. See Baſnage, ann. tom. I. p. 810.

[p] As Rapin, by abridging this appology, has rendered it very obſcure, the tranſlator has thought fit to inſert it, as it is to be found in the proceedings againſt him. See ſtate trials, tom. II. p. 574.

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liſhed his privy council, and ſhortly out of them he choſe a number of honourable perſons of great reputation (who for the moſt part are ſtill alive) as a committee for foreign affairs, and conſideration of ſuch things as in the nature of them required much ſecrecy; and with theſe perſons he vouchſafed to join me: and I am confident this committee never tranſacted any thing of moment (his majeſty being always preſent) without preſenting the ſame firſt to the council board; and I muſt appeal to them concerning my carriage, and whether we were not all of one mind in matters of importance.

"For more than two years I never knew any differences in the council, or that there were any complaints in the kingdom, which I wholly impute to his majeſty's great wiſdom, and the entire concurrence of his counſellors, without the vanity of aſſuming any thing to myſelf; and therefore I hope I ſhall not be ſingly charged with any thing that hath ſince fallen out amiſs. But from the time Mr. ſecretary Nicholas was removed from his place, there were great altetions; and whoſoever knew any thing of the court and council, know well how much my credit hath ſince that time been diminiſhed, though his majeſty graciouſly vouchſafed ſtill to hear my advice in moſt of his affairs: nor hath there been, from that time to this, above one or two perſons brought to the council, or preferred to any conſiderable office in the court, who have been of my intimate acquaintance, or ſuſpected to have any kindneſs for me; and moſt of them moſt notoriouſly known to have been very long my enemies, and of different judgment and principles from me in church and ſtate, and have taken all opportunities to leſſen my credit with the king, and with all other perſons, by miſrepreſenting and miſreporting all that I ſaid or did, and perſuading men I have done them ſome prejudice with his majeſty, or croſt them in ſome of their pretenſions. Though his majeſty's goodneſs and juſtice was ſuch that it made little impreſſion upon him.

"In my humble opinion, the great misfortunes of the kingdom have proceeded from the war, to which it is notoriouſly known that I was always moſt averſe, and may without vanity ſay, I did not only foreſee, but declare the miſchiefs we ſhould run into, by entering into a war, before any alliances made with the neighbouring princes. And that it may not be imputed to his majeſty's want of care, or the negligence of his counſellors, that no ſuch alliances were entered into, I muſt take the boldneſs to ſay, his majeſty left nothing unattempted in order thereunto; and knowing very well, that France reſolved to begin a war upon Spain, as ſoon as his catholic majeſty ſhould depart this world, which being much ſooner expected by them, they had in the two winters before been at great charges in providing plentiful magazines of all proviſions upon the frontiers, that they might be ready for the war, his majeſty uſed all poſſible means to prepare and diſpoſe the Spaniard with that apprehenſion, offering his friendſhip to that degree, as might be for the benefit and ſecurity of both crowns.

"But Spain flattering herſelf, that France would not break with them, at leaſt, that they would not give them any cauſe by adminiſtering matter of jealouſy to them, never made any real approach towards a friendſhip with his majeſty, but, both by their embaſſadors here, and to his majeſty's embaſſadors at Madrid, always perſiſted, as preliminaries, upon the giving up of Dunkirk, Tangier, and Jamaica.

"Though France had an embaſſador here, to whom a project of a treaty was offered, and the lord Holles, his majeſty's embaſſador at Paris, uſed all endeavours to purſue and proſecute the ſaid treaty, yet it was quickly diſcerned, that the principal deſign of France, was to draw his majeſty into ſuch a nearer alliance as might advance their deſign; without which, they had no mind to enter into the treaty propoſed.

"And this was the ſtate of affairs when the war was entered into with the Dutch, from which time neither crown much conſidered the making any alliance with England.

"As I did from my ſoul abhor the entering into this war, ſo I preſumed never to give any advice or council for the way of managing it, but by oppoſing many propoſitions, which ſeemed to the late lord treaſurer and myſelf to be unreaſonable; as the payment of the ſeamen by tickets, and many other particulars which added to the expence.

"My enemies took all occaſions to inveigh againſt me, and make their friendſhip with others out of the council, of more licentious principles, and who knew well enough how much I diſliked and complained of the liberty they took to themſelves of reviling all councils and councillors, and turning all things ſerious and ſacred into ridicule. They took all ways imaginable to render me ungrateful to all ſorts of men (whom I ſhall be compelled to name in my defence) perſuading thoſe that miſcarried in any of their deſigns, that it was the chancellor's doing; whereof I never knew any thing. However, they could not withdraw the king's favour from me, who was ſtill pleaſed to uſe my ſervice with others, nor was there ever any thing done but with the joint advice of at leaſt the major part of thoſe who were conſulted with. And as his majeſty commanded my ſervice in the late treaties, ſo I never gave the leaſt advice in private, nor wrote one letter to any one perſon in either of thoſe negotiations, but upon the advice of the council, and alſo after it was read in council, or at leaſt, by the king himſelf, and ſome others; and if I prepared any inſtructions or memorials, it was by the king's command, and the requeſt of the ſecretaries who deſired my aſſiſtance; nor was it any wiſh of my own, that any embaſſador ſhould give me any account of the tranſactions, but to the ſecretaries, whom I was always ready to adviſe; nor am I conſcious to myſelf of ever having given advice that hath proved miſchievous or inconvenient to his majeſty; and I have been ſo far from being the ſole manager of affairs, that I have not, in the whole laſt year, been above twice with his majeſty in any room alone, and very ſeldom in the two or three years preceding.

"And ſince the parliament at Oxford, it hath been very viſible, that my credit hath been very little, and that very few things have been hearkened to, which have been propoſed by me, but contradicted, eo nomine, becauſe propoſed by me.

"I moſt humbly beſeech your lordſhips to remember the office and truſt I had for ſeven years, in which, in diſcharge of my duty, I was obliged to ſtop and obſtruct many mens pretences, and refuſed to ſet the ſeal to many pardons and other grants, which would have been profitable to thoſe who procured them, and many whereof, upon my repreſentation to his majeſty, were for ever ſtopt, which naturally have raiſed many enemies to me: and my frequent concurring, upon the deſire of the late lord treaſurer (with whom I had the honour to have a long and vaſt friendſhip to his death) in repreſenting ſeveral exceſſes and exorbitances, the yearly iſſue ſo far exceeding the revenues, provoked many perſons concerned, of great power and credit, to do me all the ill offices they could. And yet I may faithfully ſay, that I never meddled with any part of the revenue or the adminiſtration of it, but when I was deſired by the late lord treaſurer to give him my aſſiſtance and advice, having had the honour formerly to ſerve the crown as chancellor of the exchequer, which was for the moſt part in his majeſty's preſence. Nor have I ever been in the leaſt degree concerned, in point of profit, in letting any part of his majeſty's revenue; nor have ever treated or debated it, but in his majeſty preſence, in which my opinion concurred always with the major part of the councillors who were preſent.

"All which, upon examination, will be made manifeſt to your lordſhips, how much ſoever my integrity is blaſted by the malice of thoſe who, I am confident, do not believe themſelves. Nor have I in my life, upon all the treaties, or otherwiſe, received the value of one ſhilling from all the kings and princes in the world (excepting the books of the Louvre-print ſent me by the chancellor of France, by that king's direction) but from my own maſter, to whoſe entire ſervice, and the good and welfare of my country, no man's heart was ever more devoted.

"This being my preſent condition, I do moſt humbly beſeech your lordſhips to entertain a favourable opinion of me, and to believe me to be innocent from thoſe foul aſperſions, until the contrary ſhall be proved: which I am ſure can never be by any man worthy to be believed: and ſince the diſtempers of the times, and the difference between the two houſes in the preſent debate, with the power and malice of my enemies, who gave out that I ſhould prevail with his majeſty to prorogue or diſſolve this parliament in diſpleaſure, and threaten to expoſe me to the rage and fury of the people, may make me to be looked upon as the cauſe which obſtructs the king's ſervice, and unity and peace of the kingdom.

"I moſt humbly beſeech your lordſhips, that I may not forfeit your lordſhip's favour and protection, by withdrawing myſelf from ſo powerful a proſecution, in hope that I may be able, by ſuch withdrawing, hereafter to appear and make my defence, when his majeſty's juſtice (to which I ſhall always ſubmit) may not be obſtructed, or controlled,

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by the power and malice of thoſe who have ſworn my deſtruction."

The lords having received this apology the 3d of December, deſired a conference with the commons, to communicate it to them. The duke of Buckingham, who was to deliver it, ſaid, "The lords have commanded me to deliver you this ſcandalous and ſeditious paper, ſent from the earl of Clarendon: they bid me to preſent it to you, and deſire you in convenient time to ſend it to them again, for it has a ſtyle which they are in love with, and therefore deſire to keep it."

The reading of this apology threw the commons into a flame. Some of the earl's enemies [q] took occaſion to make the moſt virulent ſpeeches againſt him, and at laſt, the houſe voted his apology ſcandalous and malicious, and a reproach to the juſtice of the nation, and ordered it to be burnt by the common hangman.

The 13th of December, the lords ſent to the commons a bill for the baniſhment of the earl of Clarendon, which met with great oppoſition in that houſe. Some of the members even propoſed a bill of attainder againſt him. At laſt the houſe voted, "that the king ſhould be prayed to iſſue out his proclamation for ſummoning the ſaid earl to appear by a day, and to apprehend him in order to his trial, and that the lords be ſent to for their concurrence, in this vote." But the lords refuſed their concurrence, becauſe the vote was contrary to their bill.

At laſt, on the 18th of December, the bill ſent by the lords paſſed the houſe of commons, and the king willingly gave his aſſent. The truth is, it was the king who had employed the duke of York, to prevail with the earl of Clarendon to withdraw, whether the earl's friends had at laſt ſoftened the king, or he was not deſirous of having the articles of impeachment diſcuſſed, which might have diſcovered things he had rather conceal.

Thus was the earl of Clarendon ſacrificed to the malice of his enemies. But they were ſuch enemies, that it may be ſaid, their perſecution did him more honour, than the crimes, which for the moſt part were groundleſs, could do him injury. Theſe enemies were, firſt, the king himſelf, who on this occaſion forgot all the ſervices this faithful miniſter had done his father and himſelf, at a time when his affection and fidelity could not be ſuſpected, ſince there was no appearance of his being ever rewarded. What is more ſtrange, the king came to hate him, merely becauſe he ſerved him too well, and, in a juſt concern for his glory, did what lay in his power to prevent his falling into contempt, and engaging in projects which could not but render him unfortunate. His other enemies were, the king's miſtreſſes and favourites, perſons of profligate lives, of no religion, or of one contrary to that of the eſtabliſhment, who hated him only becauſe they thought him too honeſt, or believed him incapable of being gained to aſſiſt their deſigns. For it is generally allowed, that not a ſingle article of his accuſation, except that of the ſale of Dunkirk, could be proved.

If the preſbyterians had procured the lord Clarendon's ruin, there had been nothing ſtrange in it, ſince he was their profeſſed enemy. For it may be affirmed, that from him came all their misfortunes, ſince the beginning of this reign. But the preſbyterians had then no credit, no acceſs either to court or parliament. What is moſt ſurpriſing in the downfall of this miniſter, is the animoſity wherewith he was purſued by the ſame houſe of commons, which he himſelf had, if I may ſo ſay, compoſed of men of the moſt extravagant principles, with reſpect to religion and government. But he found himſelf miſtaken in his views. For, theſe ſame principles, with regard to the royal power, ſo firmly attached the houſe to the king, that they made no ſcruple to abandon the earl of Clarendon, though head of the party, when once the king expreſſed his diſpleaſure againſt him. This is not the only inſtance of the ableſt politicians labouring their own ruin, by ſeemingly the beſt contrived projects.

Among the great ſervices rendered by the earl of Clarendon to Charles I. and Charles II. his excellent hiſtory of the rebellion and civil wars in England, ought to be remembered, which was not publiſhed till after his death. In this hiſtory are undeniable proofs of the author's ſincere affection for Charles I. Nay, very likely, it was writ with the ſole deſign to juſtify the conduct of that unfortunate prince, and place it in the beſt light it is capable of. If any thing can injure this hiſtory, it is, that the views of the author are too undiſguiſed. This gives impartial readers occaſion to think, it was not writ ſo much for the inſtruction of the public in the truth of facts, as to prepoſſeſs them, by various artifices, and numberleſs inſinuations, in favour of a ſyſtem, which all readers, verſed in the hiſtory and government of England, will doubtleſs, not admit. Another charge againſt this author, is, the contempt and animoſity which he every where ſhews againſt the preſbyterians and the Scots, even in places where it ſeems foreign to his purpoſe. But this came from his heart. His immoderate paſſion againſt preſbyterianiſm, was this great man's foible. He gloried in his hatred of the preſbyterians, and perhaps contributed more than any other to that exceſs of animoſity which ſtill ſubſiſts among the followers of his maxims and principles.

From a private gentleman, and a lawyer, the earl of Clarendon roſe to the higheſt degree of fortune, that a man of his rank could aſpire to. For, by his merit and his inviolable attachment to Charles I. and Charles II. he was raiſed to the dignity of earl, of lord high chancellor, and of prime miniſter of ſtate. But what gives a farther luſtre to his glory, is, that from the marriage of his daughter with the duke of York, ſprung two princeſſes ſucceſſively queens of England. He ſpent the reſt of his days in baniſhment, among proteſtant preſbyterians, and papiſts, whoſe declared enemy he had been, during the time of his favour, but who failed not to pay him all the reſpect due to his merit, and the dignities with which he had been honoured in his own country. He died at Roan the latter end of December 1674, aged ſixty-ſeven.

The day after the act for the earl of Clarendon's baniſhment paſſed in the houſe of commons, the king gave his aſſent to it by commiſſion. Then, he ſent a meſſage to the commons, by ſecretary Morrice, to wiſh them to adjourn to the 6th of February. In the reign of James I. there was a difference between the king and commons, concerning the right of adjournment. The commons pretended, that though the king had power to diſſolve or prorogue a parliament, he could not adjourn it, and that adjournment entirely belonged to each houſe. But the lords refuſing their concurrence, the commons were obliged to drop their pretenſion. From that time James I. and Charles I. always ſuppoſed this right as undeniable, and yet the point had never been decided in form. It ſeems therefore, that Charles II. by deſiring the parliament to adjourn, was willing to ſhew ſome regard to the pretenſions of the commons, or at leaſt to avoid all occaſion of diſpute with them. But this condeſcenſion laſted not long; for it will hereafter appear, that he frequently adjourned the parliament by his own authority, without any diſlike expreſſed by the commons. Now the difference between an adjournment and a prorogation conſiſts in this, that a prorogation ends the ſeſſion, and annuls all affairs which have been propoſed or debated in parliament without being finiſhed, ſo that they cannot ſerve for ground to the reſolutions of a new ſeſſion, unleſs they are propoſed afreſh. But an adjournment only ſuſpends them till the parliament reaſſembles. For this reaſon, when the commons have voted the king a ſupply, the parliament is ſeldom or never prorogued, but only adjourned when ſome ſhort receſs is neceſſary, that at their meeting again, they may proceed upon the vote till it be paſſed into an act.

Before the parliament met in October, the king publiſhed a proclamation, for the rigorous execution of the laws againſt thoſe who repaired to hear maſs at the chapels of embaſſadors. He ſtill perſiſted in his diſſimulation with regard to religion, and in his deſign to perſuade his ſubjects, that he was a good proteſtant. It was properly for this that theſe proclamations were intended. But the nonperformance of them had a quite contrary effect. For it could not be thought neceſſary ſo frequently to repeat them, if the king had been pleaſed with ſeeing them executed according to law.

The ſame month of October, the king rode in great ſtate into the city, and laid the firſt ſtone of the foundation of the Royal Exchange. This building was finiſhed in a very ſhort time.

This year, death, as I have ſaid, took out of the world Thomas Wriotheſley earl of Southampton, lord treaſurer. The other leſs remarkable deaths were thoſe of Dr. Matthew Wren biſhop of Ely, (great enemy of the preſbyterians, who, out of revenge for his ſeverity to them before the civil wars, kept him priſoner in the Tower from the year 164[illegible] till the reſtoration, when he was reſtored to his biſhopric of Ely, where he died, aged eighty-one years) and of the famous poet Abraham Cowley, little known to ſtrangers, but very much, and deſervedly, eſteemed by the Engliſh.

After the removal of the earl of Clarendon, the king

[q] Particularly ſir John Vaughan, ſir Robert Howard. Echard. tom. III. p. 204.

Cha-

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Sr. WILLIAM MORICE.

Secretary of State to King Charles the Second.

Goldar sculp.

In the Collection of Sr. William Morice Bar.t

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and his miniſters, of whom the earl of Arlington, and ſir Orlando Bridgeman were the principal, believed it abſolutely neceſſary to give the people ſome ſatisfaction, by demonſtrating the court's attention to the welfare of the nation. The king of France, by his invaſion of Flanders, had ſo clearly ſhewn, he did not intend to ſtand to his queen's renunciation of all the members of the Spaniſh monarchy, that he could not poſſibly be miſtaken. Beſides his power was daily increaſing, whereas that of Spain was viſibly declining. It was therefore the intereſt of Europe in general, and of England in particular, to take early and effectual meaſures, to ſet bounds to this formidable power, which might produce great changes, if care was not taken to ſtop its progreſs. Nothing was more popular than ſuch a deſign, and nothing more capable to re-ingratiate the king with his ſubjects. So, the 1ſt of January 1667-8, a reſolution was taken, to enter into a ſtrict union with the ſtates general of the United Provinces, to prevent the king of France's entire reduction of Flanders, and the reſt of the Spaniſh Netherlands. The court likewiſe reſolved, to endeavour to engage the king of Sweden into the ſame meaſures, and ſo form a triple alliance capable to intimidate Lewis XIV. and oblige him to proceed with more caution.

To execute this project, ſir William Temple was ordered to the Hague, with the character of envoy extraordinary and plenipotentiary. I ſhall not dar,end to the particulars of the negotiation, which are related in the writings of ſir William Temple, publiſhed in a French verſion. I ſhall only obſerve, that by the addreſs of the envoy, the treaty of alliance between the king and the ſtates was concluded in five days, and what is more, ſigned by the ſtates general, without communicating it to the particular provinces, which had never been practiſed before. Moreover, the count de Dhona, embaſſador of Sweden, engaged for his maſter, that he ſhould enter into the treaty, if a place was left for him as a principal. Afterwards, that court ſigned a like treaty in the name of the king of Sweden with the king of England and the ſtates general, it being agreed, that this treaty ſhould be conſidered as part of the former when ratified. Theſe treaties were firſt ſent into England, and ratified by the king, and ſhortly after, the king of Sweden's ratification was likewiſe received. Thus was concluded, in a very little time, a triple league, the moſt important that had been long ſince made in Europe, and which was to check the power, as well as vaſt deſigns of France.

For the underſtanding this treaty, of which I ſhall preſently give the ſubſtance, it muſt be obſerved, that Lewis XIV. after his laſt campaign, during which he had ſeized many ſtrong places of the Spaniſh Netherlands[r], had, at the preſſing inſtances of the ſtates general, conſented to a treaty with Spain, till the end of March 1668. Moreover, he had left to the queen regent of Spain, the choice of either yielding to him the places conquered by him in the laſt campaign, or elſe the duchy of Luxemburgh, or, inſtead of it, Franche Comté, Cambray and Cambreſis, Douay, Aire, St. Omer, Bergue, Furnes, and Linck, for which he promiſed to ſurrender all the reſt of his conqueſts. Theſe offers, as it appears, were founded upon the ſuppoſition, that the French queen's renunciation, in the treaty of her marriage, was of no force. Though the thing had been decided only by the king of France himſelf, the ſtates general, ſeeing no poſſibility of obliging him to deſiſt from his pretenſions, had approved of this alternative, and poſitively engaged to join their forces with thoſe of France, to compel Spain to embrace one or other of theſe offers. They could not therefore recede, after ſuch an engagement. For which reaſon, they reſolved to make with England three different treaties, which, however, were to take place, as containing but one and the ſame treaty.

The firſt treaty contained a defenſive alliance between England and the ſtates general, againſt all who ſhould attack either of the parties, with a ſpecification of the ſuccours to be mutually given, in caſe of ſuch an attack. This alliance to be perpetual.

By the ſecond treaty, the king and the ſtates were obliged to uſe their joint endeavours to diſpoſe the king of France to make peace in the Netherlands, upon one of the propoſed conditions, and likewiſe the king of Spain to make choice of one of the two before the end of May. But, in caſe of any difficulty from the Spaniard, they engaged to uſe their endeavours to induce the king of France to ſtop all farther progreſs of his arms in Flanders, and leave it wholly to the allies, to procure the ends propoſed in this league.

The third treaty contained, 1. That if in procuring peace between France and Spain, any difficulties ſhould ariſe concerning the renunciation, care ſhould be taken ſo to ſettle the articles of peace, as to create no prejudice to the rights of either. But if one ſide only ſhould reject this expedient, then the allies ſhould proceed againſt the refuſer, in the manner agreed in the ſecond treaty. 2. That the allies ſhould uſe their endeavours to eſtabliſh peace between Spain and Portugal. And though they did not pretend to hinder the king of France from aſſiſting Portugal, they would however prevent, as far as lay in their power, his aſſiſting that nation by making war in the Netherlands. 3. But, in caſe the king of France rejecting the conditions contained in the ſecond treaty, ſhould make farther progreſs in Flanders, then the allies ſhould join with Spain, and make war upon the king of France, till they ſhould compel him to comply with the terms of the Pyrenean treaty. 4. That all theſe articles ſhould be ratified within four weeks[s].

This treaty which, as I ſaid, was ſigned by the king of Sweden as a principal, and was called the triple league, received the applauſes of all Europe, except France. Indeed, the tendency of it was not only to ſave the Netherlands, purſuant to the true intereſts of England and the ſtates general, but alſo to prevent a fatal war, which muſt have thrown all Europe into a flame. It is perhaps the only ſtep taken by Charles, through the whole courſe of his reign, really tending to the advantage of England. It will hereafter appear, that, probably, he had no other intention than to dazzle the public and amuſe the world, by a proceeding ſo much to his honour. But in ill ſupporting what he had ſo happily begun, he manifeſtly ſhewed, that he erred not through ignorance, or want of knowing the intereſts of his kingdom, and thoſe of all Europe.

Shortly after, ſir William Temple concluded a treaty of commerce with the ſtates general, and about the ſame time the treaty of peace between Spain and Portugal was happily finiſhed, under the guaranty of the king of England.

While theſe affairs were tranſacting, the parliament met the 10th of February. The king, in his ſpeech to both houſes, informed them, that he had made a league defenſive with the ſtates of the United Provinces, and another for an efficacious mediation of peace between France and Spain, into which the king of Sweden had, by his embaſſador, offered to enter as a principal. He added, that the poſture of his neighbours, and the conſequence of the new alliance, obliging him to ſet out a fleet to ſea, he ſhould want a ſpeedy ſupply: that beſides, it was neceſſary to build ſome large ſhips, and fortify the ports. He concluded with deſiring them to think ſeriouſly of ſome courſe, to beget a better union and compoſure in the minds of his ſubjects in matters of religion.

The commons joyfully received the news of the triple alliance; but before they proceeded to the conſideration of the king's ſpeech, they reſolved to inquire into the miſmanagements during the late war. They appointed for that purpoſe a committee, which diſcovered many miſdemeanours in the conduct of ſeveral perſons, "as in the affair of Berghen in Norway; in the plundering the Eaſt India ſhips while the Dutch paſſed by; in the not ſetting out a ſufficient fleet laſt year; in the ſeparation of thoſe that were out, ſo that they became uſeleſs; in the want of proviſion and ammunition in the fleet, and in the forts; in payment of the ſeamen by tickets; in the want of intelligence and dividing the fleets in the ſecond year of the war; in the buſineſs of Chatham, &c." The commons accuſed Brounkard, that, after the firſt battle, he had carried falſe orders from the duke of York, while that prince was repoſing himſelf, which had prevented the entire deſtruction of the enemy's fleet, and expelling him the houſe ordered him to be impeached. As to to the affair of Chatham, they accuſed commiſſioner Pett for having neglected his duty. Sir William Penn was accuſed of having embezzled great quantities of rich goods taken in a Dutch prize[t].

The king was doubly concerned to put an end to theſe examinations, ſince moſt of the miſcarriages reflected upon him, though only ſome particular officers were directly accuſed, and beſides, the commons waſted the time, which, according to him, would have been better employed in conſidering the ſupplies he had demanded. He therefore preſſed the commons, by three ſeveral meſſages, to haſten the money bill, telling them in his laſt meſſage, that he intended to prorogue the parliament the 4th of May. But, being

[r] Charleroy, Oudenard, Tournay, Douay, Courtrich, Liſle, &c. Kennet, p. 293.

[s] This triple alliance was ſigned January 23. Temple's lett. p. 59.

[t] Whereby the king was defrauded of above a hundred and fifteen thouſand pounds. Echard, tom. III. p. 223.

informed the houſe was not pleaſed with his meſſage, becauſe a prorogation would have defeated all their proceedings againſt delinquents, he let them know, the 24th of April, that he intended only an adjournment for three months; and withal deſired, that the money bill might be ready againſt the 4th of May.

Beſides the ſupply, the houſe of commons was employed in another affair, with which they were deeply affected. They began to diſcover the king's ſecret intentions, and believed, that under colour of eaſing the preſbyterians, his deſign was to obtain a general indulgence for all the non-conformiſts, including the papiſts under that general denomination. An inſinuation in his ſpeech confirmed this ſuſpicion. Wherefore, to ſtop the progreſs of a deſign ſo contrary to their principles, with regard both to popery and preſbyterianiſm, they preſented an addreſs to the king, to pray him "That he would iſſue out his proclamation for enforcing the laws againſt conventicles; and that care might be taken for the preſervation of the peace againſt all unlawful aſſemblies of papiſts and non-conformiſts."—The king, according to his uſual cuſtom, failed not to publiſh a proclamation, declaring, "That upon information, that divers perſons abuſing the clemency uſed to the diſſenters (even whilſt it was under conſideration to find out a way for the better union of his proteſtant ſubjects) had of late openly held unlawful aſſemblies and conventicles, he would by no means permit ſuch notorious contempts of himſelf and his laws to go unpuniſhed, &c." He ſuppoſed, the parliament was upon this union, becauſe he had recommended it to them. But the commons were far from thinking of this affair, unleſs by this union the king meant an entire conformity with the church of England, which was not his intention.

At the ſame time a great diſpute aroſe between the two houſes, occaſioned by Mr. Skinner, a merchant of London, who believing to have juſt cauſe of complaint againſt the Eaſt India company, brought the matter by petition into the houſe of lords originally. The lords, after an examination, relieved him in five thouſand pounds coſts. On the other hand, the company having petitioned the commons, Skinner was taken into cuſtody, for applying originally to the lords, in a common plea, which was not agreeable to the law. The petition preſented to the commons by the Eaſt India company was voted ſcandalous by the lords, and ſeveralc onferences between the two houſes, were not capable to decide this difference. At laſt, the commons voted, "That whoever ſhould be aiding or aſſiſting in putting in execution the order or ſentence of the houſe of lords, in the caſe of Thomas Skinner againſt the Eaſt India company, ſhould be deemed a betrayer of the rights and liberties of the commons of England, and an infringer of the privileges of the houſe."

The ſame day this vote paſſed in the houſe of commons, being the 8th of May, the king came to the houſe of peers, and paſſing the bill for raiſing three hundred and ten thouſand pounds by an impoſition on wines and other liquors, and ſome other acts, he adjourned the parliament to the 11th of Auguſt. He adjourned it again a ſecond time to the the 1ſt of March, and at laſt prorogued it to the 19th of October, 1669 [u].

I have already mentioned the affairs between France and Spain, and the alternative offered by the French king. The marquis of Caſtel Rodrigo, or rather the court of Spain, not being in haſte to make a choice, Lewis XIV. in February invaded Franche Comté [w], and in leſs than a fortnight ſubdued the whole province. This conqueſt however did not make him riſe in his demands, but he was ſtill willing to ſtand to the offer of the two conditions he had propoſed. But the court of Spain delayed, as much as poſſible, to declare upon the offered alternative, deſigning to engage England and the ſtates in a war againſt France. Mean while, as the treaty of the triple league was directly contrary to the deſign of Spain (the three allies having only engaged to take up arms in caſe the king of France refuſed to ſtand to his propoſal) it was not poſſible for the court of Spain to accompliſh their ends. At laſt, after many tergiverſations, the marquis of Caſtel Rodrigo declared, he accepted the firſt condition, by which France was to keep what had been conquered the laſt campaign. This choice greatly ſurpriſed the ſtates, who had relied on the Spaniards accepting rather the ſecond condition, which appeared leſs advantageous to them. But the policy of the Spaniſh court was to throw England and the ſtates into an unavoidable neceſſity of making war againſt France, if ſhe ſhould offer to purſue her conqueſts in the Netherlands.

This choice being made, the peace was no longer difficult. The town of Aix la Chapelle was agreed on for the place of treaty, and the plenipotentiaries of France and Spain, of England, Sweden, and the ſtates, repairing thither, the treaty was concluded and ſigned the 2d of May, after a fortnight's negotiation. The treaty contained in ſubſtance, That the king of France ſhould keep poſſeſſion of Charleroy, Binch, Aeth, Douay, Fort-de-la Scarpe, Tournay, Oudenarde, Liſle, Armentieres, Courtray, Berghes, Furnes, with all their dependencies. The king of France, on his ſide, reſtored Franche Comté to the crown of Spain. The allied ſtates were guarantees of this peace, and all other princes and ſtates were allowed to be ſo if they pleaſed [x].

Though the treaty of Aix la Chapelle had conſiderably increaſed the power of France, the ſtates general of the United Provinces believed it a great advantage, to have ſtopped the progreſs of the French arms. They aſcribed to themſelves the whole glory, though, indeed, the triple league would never have been thought of by them, had it not been firſt propoſed by the king of England. To immortalize their glory, they ſtruck a medal, on one ſide of which was ſeen Holland leaning againſt a trophy, and on the reverſe, an inſcription to this effect: "That they had ſecured the laws; reformed religion; aſſiſted, defended, and reconciled kings; reſtored freedom to the ocean; procured by their arms a glorious peace, and eſtabliſhed the tranquillity of all Europe." On the other hand, Joſuah Van-Beuninghen, who had been employed in negotiating the peace, ſtruck a medal, and compared himſelf to Joſhua ſtopping the courſe of the ſun. As the king of France had taken the ſun for his device, the meaning of the medal could not be miſtaken. But the ſtates immediately ſuppreſſed it. As for the firſt, and ſome others, which diſcovered too great preſumption, they were not broke till two years after. They had afterwards cauſe to repent of this inſult offered to Lewis XIV.

When I ſaid, that Charles, in all appearance, propoſed the triple league only to amuſe the public, and appeaſe in ſome meaſure the diſcontents of the people, which began to appear, I founded my conjecture, firſt, upon ſir William Temple's ſuſpicion, that the king would not long continue in this reſolution. This ſuſpicion appears in ſeveral of his letters. But as they were writ to the earl of Arlington, ſecretary of ſtate, he contented himſelf with inſinuating his belief, without daring to ſpeak too openly. Secondly, it has been ſeen in a letter of the king of France to d'Eſtrades, how little Charles concerned himſelf for the preſervation of the Netherlands, ſince, believing, that Lewis directed his views that way, he offered to let him make that conqueſt unmoleſted, without reſerving an inch of land to himſelf, provided Lewis would abandon the ſtates general. Thirdly, the ſale of Dunkirk to France ſhewed, that Lewis's conqueſts in Flanders would give but little jealouſy to Charles. In the fourth place, at the very time that all Europe was diſſolved in joy for the concluſion of the triple league, ſir Thomas Clifford, the king's favourite, ſaid openly,—"Well, for all this noiſe, we muſt yet have another war with the Dutch before it be long." Fifthly, France herſelf did not diſcover much uneaſineſs at this triple alliance. She not only inſiſted upon all her pretenſions, but even Mr. de Lionne, ſecretary of ſtate, writing to d'Eſtrades on occaſion of the triple alliance, has theſe words,——"If the Dutch enter into alliances contrary to the intereſts of his majeſty, we ſhall not be ſo much troubled at it as they imagined: I know what I ſay, and upon what foundation I ſpeak it." If to this be added, king Charles's ſtrange conduct afterwards, in making a league with France againſt Holland, it cannot but be ſuſpected, that there was at that time a ſecret correſpondence between France and England. Sixthly, events are commonly the beſt interpreters of men's actions. And it will preſently appear, that

[u] In the beginning of May, the queen miſcarried a ſecond time. Idem, p. 226.

[w] Which then belonged to the king of Spain. Echard, tom. III. p. 226.

[x] From this time, England had the beſt opportunity of holding the ballance of Europe, which if it had immoveably obſerved, and with reaſonable vigour, it might have ſaved ſpending thoſe millions of treaſure, and oceans of blood, that have ſince happened. Echard—Whatever the Spaniſh loſt by the French ravages, the Engliſh gained a very great private benefit by it; for one Brewer, ſaid to be of Engliſh parents, with about fifty Walloons, who wrought and dyed fine woollen cloths, thereupon came into England, and by them the Engliſh were in a few years inſtructed to make and dye fine woollen cloths, cheaper by forty per cent. than they could before. R. Coke, tom. II. p. 161.

John

Charles made but little account of his engagements, entered into by the triple alliance; but it is not yet time to ſpeak of theſe matters.

After the removal of the earl of Clarendon, the face of the Engliſh court was entirely changed. The king, more at eaſe by the abſence of a troubleſome miniſter, whoſe very preſence was a reproof to his conduct, gave himſelf up to his pleaſures, without any reſerve or diſcretion. The duke of Buckingham, who had no religion, and gloried in his debaucheries, and Wilmot, earl of Rocheſter, the greateſt wit, and the moſt ſatirical and licentious poet of his age, were his principal favourites[y]. With theſe two men, and his miſtreſſes, the king ſpent almoſt his whole time, and it was with difficulty that his miniſters could find an opportunity to ſpeak to him of his affairs. Pleaſures and debauches were the ſole entertainments of the court, and vice appeared there barefaced. In a word, England had never ſeen a more diſorderly court, and, unhappily, their example had but too much influence upon the reſt of the people. The king was prodigal to exceſs. Beſides his ſtanding revenues, which, as we have ſeen, amounted to twelve hundred thouſand pounds ſterling, he had conſumed the eighteen hundred thouſand pounds given him the laſt year by the parliament, in uſes for which that money was not intended. This year, he had aſked a ſupply of his parliament, pretending a neceſſity to build ſome new ſhips of war, and to put a great fleet to ſea, in maintenance of his engagements by the triple alliance. The parliament had granted him three hundred and ten thouſand pounds, but the act not paſſing till two days after the ſigning of the treaty of Aix la Chapelle, not a ſingle ſhip was built, and the neceſſity of putting a fleet to ſea, vaniſhed at once. Notwithſtanding this, he was always in want, and his revenues perpetually anticipated.

But a ſtill greater misfortune to England was, that only papiſts, or men of no religion, had any credit at court. The duke of Buckingham, the earl of Rocheſter, and the king's miſtreſſes, were not perſons who gave themſelves any trouble to ſtop the progreſs of popery. The earl of Arlington, ſecretary of ſtate, was, like the king, a diſguiſed, and Clifford, a declared papiſt. The duke of York was not only a catholic, but alſo very zealous for his religion. Being conſidered as preſumptive heir to the crown, great court was made to him, and with the more application, as his revenues being large, and his management frugal, he had wherewithal to gain courtiers. It may be judged, that his zeal had ſuffered him not to advance proteſtants to places of truſt, when he could introduce perſons of his religion. He had ſo powerful a party at court, and ſo many creatures about the king's perſon, that he was in a manner abſolute there, and directed the reſolutions of the council. Laſtly, if the king had any religion, he was moſt inclined to popery. He found, beſides, a conſiderable advantage in careſſing the papiſts, whom he eſteemed his firm friends, whereas he could not help dreading the zeal of the proteſtants, in caſe they ſhould diſcover he had abjured their religion.

After this view of the ſtate of the Engliſh court, it is eaſy to conceive, that thoſe who had moſt credit and acceſs to the king, could hardly intend the benefit of the kingdom. Every one of his moſt intimate councillors would have been glad to ſee the king abſolute, that he might have at command the whole riches of England to laviſh upon them. The king himſelf was ſo uneaſy to be continually forced to deviſe freſh pretences to demand money of his parliament, that he could have wiſhed to be delivered from that trouble, and to have free liberty to take what he wanted without aſking. But on the other hand, he thought himſelf obliged to proceed circumſpectly, the example of his father not permitting him to engage in the ſame courſe, before he had taken greater precautions. This was the reaſon, that for ſome years the court projects were executed gradually, and with great diſſimulation, notwithſtanding the warm temper of the duke of York, and the eagerneſs of the papiſts. For it may be affirmed, that the king alone oppoſed their career, whether out of fear or prudence.

This ſummer, the king diverted himſelf with making ſeveral progreſſes into the country, to view the ports and the navy. He ſent a ſquadron into the Mediterranean, commanded by ſir Thomas Allen, who forced the Algerines to a peace very advantageous to England.

Nothing more of any importance paſſed during the reſt of this year, except ſome embaſſies, which the ſequel requires ſhould be mentioned. Sir William Godolphin was ſent to the court of Spain; Mr. Ralph Montague was firſt envoy, and ſoon after embaſſador to France; the earl of Carliſle went embaſſador to Stockholm[z], and ſir William Temple embaſſador extraordinary to the ſtates general. On the other hand, monſieur Colbert was ſent from France to reſide as embaſſador at the Engliſh court.

There were alſo ſome changes at court: among others, ſir Thomas Clifford was made treaſurer of the houſhold, the duke of Monmouth, the king's natural ſon, was made captain of his life-guard of horſe; ſir John Trevor, lately returned from France, where he had been envoy, was ſworn one of his majeſty's principal ſecretaries of ſtate, on the reſignation of ſir William Morrice, to whom was given ten thouſand pounds ſterling.

This year died Algernoon Percy, earl of Northumberland, who was ſucceeded by his ſon[a]; the famous poets Davenant, and Denham; and the great ſoldier ſir William Waller, ſo often mentioned in the hiſtory of the civil wars. He had been impriſoned by the independent parliament, and confined till the king's reſtoration, when he was delivered, being conſidered on account of his ſufferings as a ſort of royaliſt.

[1669.] Though the year produced no memorable events, it was however fatal to Europe, ſince it was, probably, this year that meaſures began to be taken for the ſtrict union of France with England. At leaſt, it appears in ſir William Temple's letters, that Mr. Puffendorf, who had this year been ſent envoy from Sweden to the court of France, calling at the Hague in his return, ſaid to ſir William Temple[b], that a miniſter at the French court had aſſured him, that the triple alliance would not ſubſiſt, and that the Engliſh court had already changed their meaſures. The ſame Mr. Puffendorf ſaw a letter in marſhal Turenne's hands at Paris, from monſieur Colbert the French embaſſador in London, wherein that embaſſador, ſpeaking of the Engliſh court, has theſe words:—"I have at laſt made them ſenſible of the whole "extent of his majeſty's liberality." So, it is ſcarce to be doubted, that Colbert's embaſſy to London was deſigned to gain or corrupt the Engliſh court, and that he ſucceeded. It is the time only that is queſtioned, ſince the thing itſelf appeared manifeſtly in the ſequel.

The latter end of March, Coſmo de Medici prince of Tuſcany arrived in England, where he was received with all the reſpect due to his birth and particular merit. As his deſign was only to ſee England after he had viſited Spain and France, he was ſhewn, by order of the king, whatever was curious, and particularly the two univerſities.

Shortly after his departure, prince George of Denmark came alſo to pay the king a viſit, but made no long ſtay then in England.

The 9th of July the large and magnificent theatre at Oxford, built at the expence of Dr. Sheldon archbiſhop of Canterbury, was opened. He was chancellor of the univerſity, and ſhortly after reſigned that honour to the duke of Ormond. The duke was ſtill lord lieutenant of Ireland, but ſoon after was removed, and ſucceeded by the lord Roberts, who was not of the duke's principles.

In all appearance, the king had now formed a ſort of ſcheme with regard to religion. This was to incorporate the preſbyterians with the church of England, and procure a toleration for all the other non-conformiſts. He might have in this a double view. Firſt, to gain the preſbyterians, who were very numerous in the kingdom, and perhaps make uſe of them, thus united with the church of England, to check the fury of the epiſcopalians, who were not leſs enemies to the papiſts than to the preſbyterians. If the king had not been a papiſt, which was then little known, it would be difficult to underſtand this policy, ſince, ſuppoſing him a zealous member of the church of England, what occaſion had he to guard againſt her? But being a catholic, the advantages of theſe precautions are very viſible. His ſecond view, univerſally allowed, and afterwards manifeſtly diſcovered, was, by procuring an indulgence for all non-conformiſts without diſtinction, to procure alſo the ſame favour for the papiſts. In purſuance of this ſcheme, the king and his miniſters affected to expreſs great kindneſs for the preſbyterians, and this kindneſs encouraged them to appear more openly, and hold their aſſemblies with leſs caution and ſecrecy. In

[y] John Wilmot earl of Rocheſter, was then but twelve years old, an age too young to partake of the king's debaucheries.

[z] With ſir Samuel Moreland as envoy.

[a] Who died within two years, and with him was extinct the antient and famous family of the Percy's.

[b] He ſaid ſo to Mr. de Wit, who told ſir William Temple of it. See Temple's let. p, 179.

Dr.

ſhort, ſir Orlando Bridgeman lord keeper, whether privy to the king's ſecret intentions, or led by motives of mildneſs and humanity, acquainting two of the moſt eminent preſbyterian miniſters[c], that he deſired a conference with them; they waited on him accordingly, and he freely told them, he deſigned to make them ſome propoſals for a comprehenſion for the preſbyterians, and a toleration for the independents and the reſt. Upon this occaſion, theſe two preſbyterian miniſters had ſeveral conferences with two epiſcopal doctors[d], one of whom was chaplain to the lord keeper. When it is conſidered, that in the Savoy conference, at the beginning of this reign, the two parties could not agree in any one point, and that in the preſent conference an agreement was immediately made, it can hardly be doubted, that the two epiſcopal divines came fully prepared to facilitate the accommodation. However this be, they agreed among them concerning reordination, which was the point they moſt differed about, That all preſbyterian miniſters who had been already ordained, ſhould be admitted into the miniſtry of the church of England with this form of words, "Take thou legal authority to preach the word of God, and adminiſter the holy ſacraments, in any congregation of England, where thou ſhalt be lawfully appointed thereunto." This was not properly a new ordination, but only a power to exerciſe their miniſtry in the church of England. It was alſo agreed, that ceremonies ſhould be left indifferent, ſo that they might be uſed or not, according as every one ſhould think fit: and that the liturgy ſhould be altered: Moreover, that thoſe who could not be comprehended ſhould be indulged: and for ſecurity to the government, the names of the teachers, and all the members of the congregations ſhould be regiſtered. Agreeably to this ſcheme, the lord chief juſtice Hale undertook to draw up a bill againſt the enſuing parliament, and the lord keeper promiſed to ſupport it with all his power. It is eaſy to perceive, this project, however neceſſary to the king's deſigns, was however directly contrary to the principles of the parliament, who were averſe to all condeſcenſion. Accordingly it came to nothing.

Mean time, whether the ſecret of what paſſed in the conferences was not well kept, or the non-conformiſts, encouraged by the court, aſſumed too much liberty, the archbiſhop of Canterbury reſolved to uſe his utmoſt endeavours to break their meaſures. For that purpoſe he writ to all his ſuffragan biſhops a circular letter, requiring them to take a very particular account of them in their dioceſes. When he was provided with the neceſſary informations, he went to the king, and obtained from him a proclamation to enforce the laws againſt conventicles, and particularly the act for reſtraining non-conformiſts from inhabiting in corporations. This proclamation was executed like thoſe againſt the papiſts. For, about two months after, the king cauſed the non-conformiſt miniſters to be told, that he inclined to favour them, and if they would addreſs him for his clemency and the liberty they enjoyed under him, it would be accepted. Whereupon ſuch an addreſs was prepared, and preſented to the king at the earl of Arlington's lodgings, who received it graciouſly, and returned a favourable anſwer[e].

The parliament, according to the prorogation, met the 19th of October. The king in a ſhort ſpeech demanded money for the diſcharge of his debts, and briefly propoſed the union of the two kingdoms of England and Scotland. Then the lord keeper enlarged upon theſe points. But the commons, inſtead of taking the king's ſpeech into conſideration, proceeded upon other affairs. The public accounts were examined[f], with the uſes to which the king had applied the money given him by the parliament, and ſir George Carteret, who had the keeping of ſome of the books being found very blameable, was expelled the houſe. Then they addreſſed the king to thank him for his proclamation againſt conventicles, praying him to continue the ſame care to ſuppreſs them for the future.

But, not contented with this, they appointed a committee to enquire into the behaviour of the non-conformiſts. This committee reported, "That there were divers conventicles and other ſeditious meetings near the parliament, where great numbers of diſaffected perſons frequently met, which was not only an affront to the government, but alſo of imminent danger to both houſes, and the peace of the kingdom." It ſeems, the houſe was aſhamed to ſhew ſo much reſentment againſt the preſbyterians, ſolely on the account of religion, and therefore took great care to intereſt the ſtate, in order to create a belief, that the preſbyterians were guilty of ſedition. For they were always included under the general denomination of non-conformiſts, ſo that it was believed they ought to be reſponſible for the conduct of the other ſects, with whom however they had no communication. Upon the report of the committee, the houſe declared, that they would firmly adhere to the king in the maintenance of the eſtabliſhed government of the church and ſtate, againſt all enemies whatſoever. When it is conſidered, that the ſtate had never enjoyed a more perfect tranquillity than at preſent, it can hardly be queſtioned, that this declaration of the commons was owing to the forementioned project, which, doubtleſs, was come to their knowledge, and of which they were reſolved to prevent the execution, by directly declaring how much they were againſt it.

At laſt the commons voted the king a ſupply of four hundred thouſand pounds. But, before they conſidered of the means to raiſe this ſum, they revived the debate concerning Skinner and the Eaſt India company, and came to ſeveral reſolutions, which the lords looked upon as ſo many violations of their privileges in point of judicature. The difference between the two houſes daily increaſing, the king ſaw, it would be very difficult to reconcile them, and that the commons would not proceed upon the money bill till this affair was adjuſted; and as he had no room to expect an agreement, he prorogued the parliament the 11th of December, to the 14th of February following.

The parliament of Scotland met the ſame day with that of England. But before I ſpeak of the tranſactions of that parliament, it will not be improper, briefly to ſhew the character of the duke of Lauderdale, the king's high commiſſioner. This lord made ſo great a figure in this reign, both in England and Scotland, that his character muſt not be thought foreign to our hiſtory.

John Maitland, earl (afterwards duke) of Lauderdale, was, during the troubles in Scotland, a rigid preſbyterian, a zealous covenanter, and a diſtinguiſhed enemy of the royal authority. But he turned to the king's intereſt in 1647, when duke Hamilton invaded England, for the ſervice of Charles I. From that time, he was looked upon in Scotland as an enemy of his country. But, after the arrival of Charles II. in Scotland, and the compoſure of the differences between the Scots, he followed the king into England, was taken at the battle of Worceſter, and confined in ſeveral priſons, till the king's reſtoration. During his impriſonment he had great impreſſions of religion on his mind. But after the king had received him into his favour and council, he ſo entirely wore them out, that ſcarce any trace of them was left. Whether he knew the ſecret ſentiments of the king and duke of York, with regard to religion and the government, or only ſuſpected them, he imagined, the beſt way to preſerve his favour, was to enter into all the king's ſuppoſed views, and endeavour to render him abſolute in both kingdoms. Upon the king's reſtoration, it was debated in council, whether epiſcopacy ſhould be reſtored in Scotland. The earl of Lauderdale ſtrenuouſly oppoſed it, for an extraordinary reaſon, namely, "That if the king pleaſed the Scots, he would be ſure of them in order to the executing of any deſign he might afterwards be engaged in." This advice, though it was not followed, was acceptable to the king, and rivetted the duke in his favour. The reſolution to reſtore epiſcopacy having been executed, no man appeared more ardent againſt the preſbyterians, nor had they a more violent perſecutor. I ſhall doubtleſs have occaſion to ſay more of him hereafter, but this ſuffices to give ſome idea of his character.

It was through his means and intrigues that the parliament, held this year in Scotland, paſſed an act which raiſed the king's ſupremacy higher than ever. The ſame parliament approved the raiſing of the militia, and it was enacted, that it ſhould be kept up, and be ready to march into any of the king's dominions, for any cauſe in which his majeſty's authority, power, or greatneſs, ſhould be concerned; and that orders ſhould be tranſmitted to them from the council, without any mention of orders from the king. It was not at firſt known, what could be the intent of an act which ſeemed to take the militia out of the king's hands, and put it into the power of the council. But it was afterwards perceived, that this was Lauderdale's contrivance, that if the king ſhould have occaſion to call in the Scotiſh army, it ſhould not be neceſſary to ſend any orders himſelf, but that

[c] Dr. Martin, and Mr. Baxter.

[d] Dr. Wilkins, and Dr. Burton the keeper's chaplain.

[e] His anſwer was, "That he would do his utmoſt to get them comprehended within the public eſtabliſhment."

[f] And, after all the moſt ſhameful items that could be put into an account, there was none offered for about eight hundred thouſand pounds. Burnet, p. 268.

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JOHN DUKE of LAUDERDALE.

PLely Anxt

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the council, upon a ſecret intimation, might do it without order; and then, if the deſign ſhould miſcarry, it ſhould lie on the council, whom the king might diſown, and ſo none about him be liable for it. This ſhews, that projects were then forming to render the king abſolute in England.

This year, the king's mother died in France, the 10th of Auguſt, in the ſixtieth year of her age. The famous duke of Albemarle died likewiſe the 3d of January, and was ſucceeded in his eſtate and honour by Chriſtopher his only ſon. To theſe deaths may be added that of the famous Prynne, the indefatigable author of more than two hundred treatiſes, moſt of them of little eſteem[g].

[1669-70] The parliament meeting the 14th of February, the king told the two houſes, "That when they laſt met, he aſked them a ſupply, and now aſked it again with great inſtance: the uneaſineſs and ſtraitneſs of his affairs could not continue without very ill effects to the whole kingdom. He let them know, that having fully informed himſelf of the expences of the laſt war, he could aſſure them, that no part of the monies they had given him, had been diverted to other uſes. But on the contrary, a very great ſum had been raiſed out of his ſtanding revenue and credit, and a very great debt contracted, and all for the war. Laſtly, he recommended to them, not to ſuffer any occaſion of difference between themſelves to be revived."———

The lord keeper then made a ſpeech, which I think neceſſary to inſert at length, to ſhew the king's confidence in this parliament, which had already granted him ſuch large ſums.

My lords, and you knights, citizens, and burgeſſes of the houſe of commons,

"AT your laſt meeting, his majeſty did acquaint you with the great occaſions he had for a ſupply, and that he had forborn to aſk it ſooner, more in conſideration of giving ſome time for the eaſe of the people, after the burden of the war, than that the condition of his affairs could ſo long have wanted: and his majeſty hath commanded me now to ſpeak more fully and plainly upon this ſubject. His majeſty hath not only by his miniſters, but in his own royal perſon, examined the accompts, touching the expences of the laſt war, and had thought himſelf concerned to let you know, that all the ſupplies which you gave him for the war, have been by him applied to the war, and no part of them to any other uſes: nay, ſo far from it, that if the preparations towards the war ſhall be taken to be for the uſe of the war, as they muſt be, a great part of his own revenue, to many hundred thouſands of pounds, hath been employed alſo, and ſwallowed up in the charge of the war, and what did neceſſarily relate to it. To which may be added the great debts contracted by his majeſty in the war, and the great charges in the repairs of the hulls of his ſhips, and putting his navy into ſuch a condition as it was before. Beſides, his majeſty thinks it ought to be conſidered, that when the charges of the war were at the higheſt, the inevitable effects of it, and thoſe other calamities, which it pleaſed God at that time to bring upon us, did make ſo great a diminution of his revenues, that, beſides all other accidents and diſadvantages, the loſs that he ſuſtained in three branches of his revenue, in his cuſtoms, exciſe, and hearth-money, by reaſon of the war, the plague, and the fire, did amount to little leſs than to ſix hundred thouſand pounds. Thus you ſee, that though your ſupplies have been great, yet the charges occaſioned by the war, and the calamities which accompanied it, have been greater: and that the debt which is left upon his majeſty, and which he complains of, hath been contracted by the war, and not by the diverſion of the monies deſigned for it.

"His majeſty hath commanded me to ſay one thing more to you upon this ſubject, That he did not enter into the war upon any private inclination or appetite of his own. The firſt ſtep he made towards it, did ariſe from your advice, and the promiſes of your aſſiſtance: but if the charges and accidents of the war have outgone all your ſupplies, and left him under the burden of this debt, he thinks, that as well the juſtice to your promiſe, as the duty and loyalty you have always ſhewed him, will oblige you to relieve him from it: and the rather, when you ſhall ſeriouſly conſider, how uneaſy this burden muſt be to him, and what ill conſequences the continuance under it muſt draw upon all his affairs; in which particular you, and every perſon you repreſent in this nation, will be concerned, as well as himſelf. His majeſty doth therefore command me in his name, to deſire you once more, and to conjure you, by that conſtant duty and loyalty which you have always expreſſed to him, and by all the concernment you have for the ſupport of the honour and ſafety of his government, to provide ſuch a ſupply for him at this time, as may bear proportion to the preſſing occaſions that he hath, and to the ſtate of his affairs at home and abroad; and ſo ſpeedily and ſo effectually, as may anſwer the ends for which he hath deſired it. His majeſty hath further commanded me, to put you in mind of what was at your laſt meeting propoſed to you concerning an union between the two kingdoms, and to let you know, that the parliament of Scotland, hath ſince declared to his majeſty, That ſuch commiſſioners as his majeſty ſhall name, ſhall be authorized on their part, to treat with commiſſioners for this kingdom upon the grounds and conditions of the union. His majeſty therefore thought fit now again to recommend it to you, to take that matter effectually into your conſideration."

It would have been cruel not to be moved with the king's wants, after having ſo gloriouſly maintained a war againſt Holland, for which the parliament had granted him but five millions five hundred and fifty thouſand pounds ſterling, ſince the peace. Wherefore the commons, as an effectual mark of their affection for the king, and of their reliance on the truth of the keeper's ſpeech, voted the king a ſupply capable to deliver him from his heavy burden. For this purpoſe they prepared two bills, one "to lay a duty upon all wines and vinegar imported into the kingdom, from the 24th of June, 1670, to the 24th of June, 1678;" the other "for the advancing the ſale of his majeſty's fee farm rents, and other rents." The firſt is computed at five hundred and ſixty thouſand pounds ſterling; the other, is believed to have raiſed more than double that ſum, ſo that he could depend upon ſeventeen hundred thouſand pounds. Thus the king received for this glorious war with Holland, ſeven millions ſeven hundred and ſixty thouſand pounds ſterling, which amounts to eighty two millions five hundred and ſixty thouſand Dutch florins. And yet, there are Engliſh writers who ſeem to triumph, that this war coſt the ſtates forty millions.

The difference between the two houſes being revived this ſeſſion, the king, fearing the conſequences, ſummoned both houſes to Whitehall, and propoſed to them an expedient to end it; namely, by razing all entries and records, votes and reſolutions concerning Skinner's affair, which was agreed to, and ſo the diſpute was at end.

This agreement produced an addreſs, preſented jointly to the king by both houſes the 11th of March, to pray him to give order for the ſuppreſſion of conventicles in and near London and Weſtminſter, and to put the laws in execution againſt popiſh recuſants. The king anſwered, that effectual courſe ſhould be taken in both caſes.

[1670.] The 11th of April, the king came to the houſe of peers and paſſed twelve bills, among which were the two money bills, and a third for the ſuppreſſion of ſeditious conventicles. The ſubſtance of this act was, that, "If any perſon upwards of ſixteen, ſhould be preſent at any aſſembly, conventicle, or meeting, under colour or pretence of any exerciſe of religion, in any other manner, than according to the liturgy and practice of the church of England, where there were five perſons, or more, beſides thoſe of the houſehold; in ſuch caſes the offenders were to pay five ſhillings for the firſt offence, and ten for the ſecond. And the preachers and teachers in any ſuch meetings, were to forfeit twenty pounds for the firſt, and forty for the ſecond offence. And laſtly, thoſe who ſuffered any ſuch conventicles in their houſes, barns, yards, &c. were likewiſe to forfeit twenty pounds[h]." Moſt of the Engliſh hiſtorians, attached to the church of England, endeavour to excuſe the ſeverity of this act, by ſaying, it was made more upon political, than upon religious accounts. But this is always by means of the general name of non-conformiſts, under which the preſbyterians were compriſed, though, ſince the king's reſtoration, they had never been concerned in any inſurrection, or ill deſign againſt the government.

After paſſing theſe acts, the king adjourned the parliament to the 24th of October.

It ſeems, that hitherto the king had reaſon to be pleaſed with a parliament, which, beſides a ſtanding revenue of

[g] Let it be remembered of him, that he was a conſiderable inſtrument in the reſtoration, was received into favour, had the records of the Tower committed to him, which he put into good order, and died a member of the preſent parliament, being one of the repreſentatives for the city of Bath.

[h] This act was ſeverely executed in London, and put things in ſuch diſorder, that many of the trading men began to talk of removing with their ſtocks over to Holland. But the king put a ſtop to further ſeverities. Burnet, p. 270.

twelve hundred thouſand pounds ſterling, had granted him ſolely for the war with Holland, above ſeven millions and a half, without reckoning ſo many other extraordinary ſums given him before the war. This parliament, ſuppoſing the king a zealous member of the proteſtant church of England, deſired but two things, which, upon that ſuppoſition he might readily grant. The one was, to come into their views and meaſures for the deſtruction of the preſbyterians; the other to diſable the papiſts from giving any jealouſy to the proteſtants. On the other hand, the parliament might juſtly ſuppoſe, that after having carried the royal prerogative ſo high, the king had reaſon to be pleaſed, and would endeavour to preſerve a happy union with a parliament ſo devoted to him. It is certain, if the king had entirely complied with the parliament in theſe two articles, and confined his prerogative within the extenſive bounds which the parliament ſeemed to preſcribe to it, he might have ſpent his days with more happineſs, tranquillity, and plenty, than any of his predeceſſors. But the parliament's ſuppoſition being falſe, it is not ſurpriſing, that the king would not enter into their views. Inſtead of being zealous for the proteſtant religion, his intention was to overturn it. Inſtead of deſtroying the preſbyterians, his deſign was to grant them an indulgence, in order to have a pretence to procure the ſame for the papiſts. Inſtead of being content with the power aſcribed him by the parliament, he thought it unworthy a king to found the extent of his authority upon acts of parliament only. Beſides, it was a pain to him to be forced to demand money, and to uſe for that purpoſe pretences notoriouſly falſe, though the parliament ſeemed to be ſatisfied with them. It would have been more agreeable to him to ſay, "It is my will and pleaſure," than to be obliged to uſe humble intreaties to the commons. This his favourites were continually repreſenting to him, and to this the example of what he had himſelf ſeen practiſed in neighbouring ſtates ſtrongly prompted him. He was therefore impatient to free himſelf from this yoke of the parliament, and the more, as by augmenting his power, he ſhould be better able to countenance the papiſts, and introduce their religion, which was his own as well as his brother's. But if father Orleans the jeſuit is to be credited, theſe were not the motives which induced the king to take other reſolutions. "It was ſolely the indignation of his miniſters to ſee a republican ſpirit creeping into the parliament, and engaging them in ſo many proceedings againſt the royal authority. Among other things, the triple alliance into which the republican cabal had forced the king, contrary to his inclination, appeared to the miniſters an audacious uſurpation upon the royal prerogative, the conſequences of which were to be prevented. Full of theſe reſentments, they perſuaded the king to render himſelf abſolute, in purſuance of the rights of his crown, and the laws of the kingdom, to confine the parliament within the bounds preſcribed by immemorial cuſtom, and not to ſuffer a mixture of a republic with a monarchy, introduced by violence and encroachments, for fear this mixture ſhould in time produce a monſtrous anarchy, and expoſe England to a horrible confuſion, like that from whence ſhe was ſo lately delivered."

I ſhall make no remark on the little foundation this writer had to aſcribe a republican ſpirit to this parliament, nor on the king's being forced into the triple alliance by the pretended republican cabal, nor laſtly on the maxims he eſtabliſhes with reſpect to the conſtitution of the Engliſh government; becauſe every unbiaſſed reader is, I ſuppoſe, able to ſee clearly the weakneſs of this reaſoning. But, ſince father Orleans ſays himſelf that he was informed by James II. of the particulars of his own and his brother's reign, I believe this hiſtorian's word may be taken, that at the time I am ſpeaking of, Charles had reſolved to render himſelf abſolute. This is a truth which muſt always be remembered, if we deſire to underſtand all the events of this reign.

This reſolution being taken, the king eaſily ſaw, that the execution of it required an artful and cautious conduct, and ſuch ſecret and imperceptible methods, as would not too plainly diſcover his intentions. For he could not ſuppoſe, that becauſe he deſired to be abſolute, the people of England would immediately give up their liberties and privileges. It was therefore neceſſary, to lead them to it inſenſibly and by degrees, and to that end he wanted a ſecret council compoſed of few perſons, in whom he might entirely confide, and whoſe intereſt it was to accompliſh this deſign. The ordinary council conſiſting of twenty-one perſons, was not proper to conduct the affair; for, beſides that ſome counſellors had a right to their places, as for inſtance the archbiſhop of Canterbury, it was very difficult to engage ſo many perſons of the firſt rank in ſuch a plot. To effect therefore the undertaking with the more caution, the king eſtabliſhed a cabinet council of five perſons only, namely,

Clifford,
Arlington,
Buckingham,
Aſhley,
Lauderdale.

As the initial letters of theſe five names compoſe the word CABAL, this ſecret council was from thence called the cabal. But before I proceed to the reſolutions taken by this council, it will be neceſſary to give a brief character of the members.

Sir Thomas Clifford, according to father Orleans, only wanted a ſtage, where ſound reaſon and virtue were more frequent than at this time in England, to appear ſuperior to the others. He was a declared and known papiſt, ſo that he took no pains to diſguiſe his religion. It was he who, after the triple alliance was concluded, ſaid, "notwithſtanding all this noiſe, we muſt yet have another war with Holland." As the event juſtified his prediction, very probably, the ſcheme I have juſt mentioned, was then formed, and he in the ſecret.

Henry Bennet, earl of Arlington, ſecretary of ſtate, paſſed for a man of the leaſt genius of the five, but this was well ſupplied by his great experience, and knowledge in foreign affairs. It is pretended, that being one of the king's retinue in his journey to Fontarabia in the year 1659, he was the principal inſtrument to induce him to change his religion. However that be, he was truly a catholic, though, with the king, he outwardly profeſſed the proteſtant religion[j]. This is now univerſally agreed.

George Villiers duke of Buckingham, the king's favourite, had a very lively wit. He might have made a great miniſter of ſtate, had not his ſtrong paſſion for pleaſures, and all ſorts of debaucheries, diverted him from buſineſs. But nothing could tempt him to quit a diſſolute life, to which he had been uſed from his youth. He gloried in having no religion, and was reckoned an atheiſt. Such a favourite was no great honour to the king[k].

Sir Anthony Aſhley Cooper, created two years after earl of Shaftſbury, was one of the greateſt geniuſes England had produced for many years. This is the teſtimony equally given him by his friends and enemies. Father Orleans gives the following character of him, "He was the moſt capable of the five to manage any important undertaking, and was the ſoul of this I am now ſpeaking of. He had a vaſt genius, was penetrating, bold, and equally ſteady, both on the right and the wrong ſide; a conſtant friend, but an implacable enemy, and the more dangerous, as being void of all religion and conſcience, it was the eaſier for him to plot, becauſe he was not deterred by the number or enormity of any crimes, when he judged them neceſſary to preſerve himſelf, or deſtroy thoſe who had incurred his hatred." I ſhall obſerve here, that this character of the earl of Shaftſbury is not founded upon what he had done before his admiſſion into the cabinet council, but upon what he did afterwards. For, leaving the king's party for that of the people and parliament, the royaliſts aſcribe to his intrigues alone, all the troubles which afterwards happened. Mr. Locke ſpeaks otherwiſe of him. It is true, he ſays nothing advantageous of him in reſpect of religion. But however this be, in allowing the character given by father Orleans, it is eaſy to ſee, what ſort of men the king thought he wanted for the execution of his deſign[l].

[j] In the whole courſe of his miniſtry, he ſeemed to have made it a maxim, That the king ought to ſhew no favour to popery, but that all his affairs would be ſpoiled, if ever he turned that way; which made the papiſts become his mortal enemies.

[k] Burnet ſays farther of him, That he had the art of turning perſons and things into ridicule beyond any man of his age; he poſſeſſed the king when abroad with very ill principles, both as to religion and morality, and with a very mean opinion of his father king Charles I. whoſe ſtrictneſs was with him a frequent ſubject of raillery, p. 52.

[l] Burnet ſays of him, That as to religion he was a deiſt at beſt: he had a wonderful faculty in ſpeaking to a popular aſſembly, and a particular talent to make others truſt to his judgment. He had the art of governing parties, and make himſelf head of them. He was good at oppoſing and running things down, but had not the like force in building up. He had a general knowledge of the ſlighter parts of learning, but underſtood little to the bottom. He pretended Oliver Cromwell offered to make him king. He was indeed of great uſe to him, in withſtanding the enthuſiaſts of that time. His ſtrength lay in the knowledge of England, and of all the conſiderable men in it. He knew the ſize of their underſtandings and their tempers, and how to apply himſelf dexterouſly to them. He often changed ſides, and gloried in doing it at the propereſt ſeaſon. But his reputation was at laſt ſo low, that he died in good time for his family, and party, p. 57. He

The duke of Lauderdale was the moſt proper of the five to ſerve the king in this affair. To deſcribe a lord, who had ſo great a ſhare in the affairs of England and Scotland in this reign, I ſhall inſert here, the characters given of him by father Orleans, Mr. Echard, and Dr. Burnet biſhop of Saliſbury.

The firſt contents himſelf with ſaying, that the duke of Lauderdale, ſecretary of ſtate in Scotland, was a very ſubtle man, and a refined politician.

Mr. Echard ſays of the duke, "The enlarging of the king's power and grandeur in Scotland, was much owing to the management of the preſent commiſſioner Lauderdale, who had formerly been as much for depreſſing, as he was now for exalting the prerogative. From the time of his commiſſion, the Scots are ſaid to calculate the date of all the enſuing inconveniences in this, and the following reign. For having there undertaken to make the king's power abſolute, and arbitrary, he ſtrained the royal prerogative to all kinds of exceſſes; and aſſumed to himſelf a ſort of a lawleſs adminiſtration of affairs, the exerciſe of which was ſuppoſed to be granted to him, upon the large promiſes he had made: and more apprehending other mens officious interfering than diſtruſting his own abilities, he, in time, took care to make himſelf his majeſty's ſole informer, as well as his ſole ſecretary, and by that means, not only upon pretence of the king's prerogative, the affairs of Scotland were diſpoſed of in the court of England, without any notice taken of the king's council in Scotland; but ſtrict obſervation was alſo made of all Scotchmen that came to the Engliſh court; and to attempt an addreſs, and acceſs to his majeſty, otherwiſe than by Lauderdale's mediation, was to hazard his perpetual reſentment. By theſe ways he gradually made himſelf the almoſt only ſignificant perſon of the whole Scotiſh nation; and in Scotland itſelf, procured to himſelf that ſovereign authority, as to name the privy counſellors, to place and remove the lords of the ſeſſion, and exchequer, to grant gifts and penſions, to levy and diſband forces, to appoint general officers, and to tranſact all matters of importance."

This ſhews to a demonſtration, how much the king was delighted with the abſolute power exerciſed in his name in Scotland, and, conſequently, that he would have been glad to enjoy the like power in England.

If I ſhould tranſcribe all that is ſaid of duke Lauderdale, by Dr. Burnet, I ſhould, I fear, be too tedious, and therefore I ſhall content myſelf with ſelecting a paſſage, where he is beſt deſcribed.——"The earl of Lauderdale, made a very ill appearance: he was very big: his tongue was too big for his mouth, which made him bedew all that he talked to: and his whole manner was rough and boiſterous, and very unfit for a court. He was very learned, not only in Latin, in which he was a maſter, but in Greek and Hebrew. He had read a great deal of divinity, and almoſt all the hiſtorians ancient and modern; ſo that he had great materials. He had with theſe an extraordinary memory, and a copious, but unpoliſhed expreſſion. He was a man, as the duke of Buckingham called him to me, of a blundering underſtanding. He was haughty beyond expreſſion, abject to thoſe he ſaw he muſt ſtoop to, but imperious to all others. He had a violence of paſſion, that carried him often to fits like madneſs, in which he had no temper. If he took a thing wrong, it was a vain thing to ſtudy to convince him: that would rather provoke him to ſwear he would never be of another mind: he was to be let alone: and perhaps he would have forgot what he had ſaid, and come about of his own accord. He was the coldeſt friend, and the violenteſt enemy I ever knew: I felt it too much, not to know it. He at firſt ſeemed to deſpiſe wealth; but he delivered himſelf up afterwards to luxury and ſenſuality: and, by that means, he ran into a vaſt expence, and ſtuck at nothing that was neceſſary to ſupport it. In his long impriſonment he had great impreſſions of religion on his mind: but he wore theſe out ſo entirely, that ſcarce any trace of them was left. His great experience in affairs, his ready compliance with every thing that he thought would pleaſe the king, and his bold offering at the moſt deſperate counſels, gained him ſuch an intereſt in the king, that no attempt againſt him, nor complaint of him, could ever ſhake it, till a decay of ſtrength and underſtanding forced him to let go his hold. He was in his principles much againſt popery, and arbitrary government: and yet by a fatal train of paſſions and intereſts, he made way for the former, and had almoſt eſtabliſhed the latter. And whereas ſome, by a ſmooth deportment, made the firſt beginnings of tyranny leſs diſcernable and unacceptable, he, by the fury of his behaviour, heightened the ſeverity of his miniſtry, which was liker the cruelty of an inquiſition, than the legality of juſtice. With all this he was a preſbyterian, and retained his averſion to king Charles I. and his party, to his death."

If to theſe five members of the cabal, are joined, as in reaſon they ought, the king and the duke of York, it will be found that all the ſeven were for an abſolute and arbitrary government; and that, with regard to religion, four were papiſts, namely, the king, the duke, Arlington and Clifford, and three without any religion, or at leaſt they conſidered it only as an engine of ſtate, theſe were Buckingham, Aſhley, and Lauderdale.

It would be difficult to know the tranſactions of the cabal, if father Orleans inſtructed by king James II. had not told us that a war with Holland was there reſolved, in order to furniſh the king with a pretence to keep on foot both land and ſea forces. For it is manifeſt, that ſuch a deſign could be accompliſhed, but by force or fear. The pretence for this war was to be taken from the diſpute about the flag, which might eaſily be renewed, and from the general complaints of the Engliſh merchants concerning their commerce, of which great uſe had been made for undertaking the former war. "But, adds father Orleans, the true reaſon of making this war upon Holland, was the ſecret correſpondence between the republicans of England and the Dutch, who were inceſſantly exciting them to rebellion, and to ſhake off the yoke of monarchy, being ever ready to ſupport thoſe that ſhould attack it." This ſeems to contradict what the ſame author advances a few lines before, namely, that the true ground of the war was to furniſh the king with a pretence for raiſing an army. There is however no contradiction: for it muſt be conſidered, that the deſign of the king and the cabal concerned two points, which went hand in hand, and formed properly but one deſign; namely, to introduce an arbitrary government, and to extirpate the proteſtant religion. As it could not be expected, that the Engliſh would tamely give up their religion and liberty without any reſiſtance, it was natural to begin with depriving them of the only aſſiſtance they could hope for, by attacking the Dutch, and diſabling them to ſuccour England. Thoſe therefore who are called by father Orleans the republicans of England, were the perſons, who, it was ſuppoſed, would oppoſe the king's deſigns, as well epiſcopalians as preſbyterians, and the republicans properly ſo called. It is therefore clear, that the true reaſon of making war upon the ſtates, was as much to put it out of their power to aſſiſt the Engliſh, as to have a pretence for raiſing forces, and that this was but one and the ſame reaſon.

Some time before, Mr. Colbert de Croiſſy, the French embaſſador at London, having ſounded the king and his miniſters, concerning a ſtrict alliance with his maſter, found them very favourably diſpoſed[m], eſpecially when he had told them, that the deſign of the alliance was to humble the pride of the ſtates general. Indeed nothing could more promote their intention, than the concurrence of France to deſtroy the hated and formidable power of the Dutch, who were alone capable of aſſiſting the Engliſh. Some pretend, that the king then ſigned a ſecret treaty with France; but if ſo, this treaty, in all appearance, was only in general terms, which required more particular articles. However this be, the king of France to finiſh this affair ſo happily begun, came to Dunkirk on pretence of viewing the Riſbank which was then raiſing; and bringing with him the ducheſs of Orleans his ſiſter-in-law, ſhe took occaſion from the neighbourhood of England to deſire leave to viſit her brother, which was readily granted, ſince every thing was already concerted. She was met by the king at Dover, where ſhe arrived the 15th of May, and ſtayed above a fortnight amidſt continual pleaſures and diverſions. But theſe diverſions hindered her not from executing the commiſſion ſhe was charged with, which was, as it is pretended, to make a propoſal to her brother in the name of his moſt chriſtian majeſty, of inſuring him an abſolute authority over his parliament, and reſtoring the catholic religion in his three kingdoms, as ſoon as the ſtates ſhould be ſufficiently humbled. Though the conferences between the king and his ſiſter were managed with great ſecrecy, the events with which they were followed, clearly diſcovered that this was the ſubject of them; and abbot Primi and father Orleans poſitively ſay it, except what concerns re-

[m] He found a way to bring them into a favourable diſpoſition, namely, by diſtributing among them a hundred thouſand piſtoles, which were ſent to him for that purpoſe, by his maſter the king of France. See Life of De Witt, tom. II. p. 344.

The

ligion, which popiſh authors and ſome others ſcruple to own, for fear of juſtifying the ſuſpicions afterwards entertained by the parliament, and the meaſures they would have taken to preſerve religion from utter deſtruction [n].

An accident which happened ſhortly after, ſeemed likely to break the good underſtanding between the courts of France and England. The 19th of June, the ducheſs of Orleans in perfect health, called, according to cuſtom, for a glaſs of ſuccory water at four in the afternoon. She had no ſooner drank it, but ſhe found herſelf ill, and her pain increaſing, ſhe died about two in the morning. She was univerſally believed to be poiſoned, but the author of her death is not ſo unanimouſly agreed on, though the duke of Orleans her huſband was by many ſecretly accuſed [o]. The firſt account of her death was brought to the king by ſir Thomas Armſtrong, who told him plainly, what the French thought of this ſudden death, adding, that though he was in the chamber of the deceaſed at ſix the ſame morning, the ſtench of the corps was ſo ſtrong, that he could hardly bear the room. The king could not help falling into tears, and expreſſing himſelf very paſſionately againſt the duke of Orleans, ſaying, "He was a—! but, prithee, Tom, do not ſpeak of it." Preſently after, arrived the marquis of Bellefonds with the news, and to pay the compliment of condolence from the French king. He gave an account of the ducheſs's death, in the moſt proper manner to remove all ſuſpicion.

The king was ſoon comforted for the loſs of his ſiſter, and not thinking that this death, uncommon as it was, ought to break, or even retard, the meaſures taken with the court of France, he ſent the duke of Buckingham to Paris, to conclude and ſign the Dover agreement. The pretence uſed by the duke of Buckingham for his journey, was his deſire to ſee France, and learn the language.

In September, Lewis XIV. made an irruption into Lorrain by his general marſhal de Crequi. The duke, who had not expected to be attacked, was obliged to fly, and leave his duchy a prey to the marſhal, who took poſſeſſion in the name of his maſter. In vain did the duke hope for the interceſſion of Charles to the king of France, in return for the money lent and given him in his exile, and for the offer to ſerve him with all his forces. His envoy was anſwered, "That the king was ſorry for what had happened, and that the preſent violence, like the miſchiefs of a ſudden inundation, muſt be endured at this time."

The parliament being to meet the 24th of October, the king, a few days before, publiſhed a proclamation, commanding all officers and ſoldiers ſerving in any of the armies of the late uſurped powers, not having a conſtant habitation, to depart out of the cities of London and Weſtminſter, and not to return again or come within twenty miles, till after the 10th day of December next; and in the mean time to carry no ſword, piſtol, or any other arms. This was to ſhew the houſes his care of their preſervation.

The parliament aſſembling, the king after a ſhort ſpeech to both houſes, referred all to the lord keeper. Probably, he durſt not with his own mouth declare things ſo oppoſite to his deſigns, and which tended only to inſnare the parliamen. He choſe rather to have this done by the keeper, who not being privy to the ſecrets of the cabal, might ſpeak with more aſſurance, as being perſuaded of what he ſaid. He repreſented therefore in his ſpeech——"That France and the ſtates general are powerfully arming by ſea and land; are building new ſhips, and filling their magazines with all ſorts of warlike proviſions. That, ſince the beginning of the laſt Dutch war, France has ſo increaſed the number of her ſhips, that her ſtrength by ſea is thrice as much as it was before; and ſince the end of it, Holland has been very diligent alſo in augmenting her fleets. That in ſuch a juncture common prudence requires, that his majeſty ſhould make ſome ſuitable preparations: that he has therefore given order, for the fitting out fifty ſail of the greateſt ſhips againſt the ſpring, beſides thoſe which are to be for the ſecurity of the merchants in the Mediterranean, as foreſeeing, if he ſhould not have a conſiderable fleet, temptation might be given to thoſe who ſeem not now to intend it, to give us an affront, if not to do us miſchief. To which may be added, that his majeſty, by the leagues he hath made for the good of his kingdoms, is obliged to have a certain number of forces in caſe of infraction thereof; as alſo for the aſſiſtance of ſome of his neighbours, in caſe of invaſion. And his majeſty would be in a very ill condition to perform his part of the leagues, if, (while the clouds were gathering ſo thick about us) he ſhould, in hopes that the wind would diſperſe them, omit to provide againſt the ſtorm." He then told them, "that his majeſty had made ſeveral leagues, as the triple alliance; another with the ſtates general; another with the duke of Savoy; another with the king of Spain; not to mention the leagues formerly made with Sweden and Portugal, nor thoſe treaties now depending between his majeſty and France, or between him and the ſtates general touching commerce; wherein his majeſty will have a ſingular regard to the honour of this nation, and alſo to the trade of it, which never was greater than now it is." He added, "that his majeſty finds by his accounts from the year 1660 to the late war, the ordinary charge of the fleet communibus annis, came to about five hundred thouſand pounds a year. If that particular alone takes up ſo much, the revenue will in no degree ſuffice to take off the debts due upon intereſt, much leſs give him a fund for ſetting out this fleet, which by common eſtimation cannot coſt leſs than eight hundred thouſand pounds." He then intimated to them, "that his majeſty intended to put an end to this meeting before Chriſtmas, and therefore prayed them to take his majeſty's affairs into their ſpeedy and affectionate conſideration [p]."

The houſe of commons, charmed with all theſe great alliances made for the honour and advantage of the nation, prepared immediately three bills, one to raiſe eight hundred thouſand pounds by way of ſubſidies [q]; another to lay an additional exciſe upon beer, ale, and other liquors for ſix years; a third for laying impoſitions upon proceedings at law for nine years. Theſe three bills were to produce to the king two millions five hundred thouſand pounds ſterling. But, before any bill was finiſhed, the king adjourned the parliament to the latter end of January.

The prince of Orange came to London about the cloſe of the year 1669 [r], to pay a viſit to the king his uncle. The principal motive of his journey, was to demand of the king the re-payment of money lent him by the prince his father in the time of his exile [s]. He was graciouſly received, and after a ſtay of about three months, returned into Holland.

Before his arrival, ſir William Temple was recalled from his embaſſy in Holland [t]. He was not a proper inſtrument to be employed in the deſigns of the cabal. Beſides, the court was diſpoſed to a ſpeedy rupture with the Dutch [u].

The parliament meeting towards the latter end of January after a ſhort receſs, the commons began with preparing a bill which made it death for any man "maliciouſly to diſable or diſmember another, to put out an eye, to cut off a noſe or lip, &c [x]." This was owing to an attempt upon ſir John Coventry, a member of the commons, in the ſtreet, in which his noſe was ſlit. This fact was, by the king's order, committed to the duke of Monmouth his natural ſon, and the duke had employed ſome other perſons, who, after the deed, retired to his houſe [y].

The 14th of February, the king ſent a meſſage to the

[n] The ducheſs of Orleans brought over with her, and left in England, madame Louiſe de Quercualle, as a miſtreſs for the king; probably, with deſign to retain and attach him to the intereſt of France. She was afterwards created ducheſs of Portſmouth, and is ſaid to be ſtill alive. See Echard, tom. III. p. 254.

[o] The duke, her huſband, heard ſuch things of her behaviour, that it was ſaid, he ordered a great doſe of ſublimate to be given her in a glaſs of ſuccory water, of which ſhe died a few hours after in great torments: and when ſhe was opened, her ſtomach was all ulcerated. Burnet, p. 301.

[p] This ſpeech was thought fit to be ſuppreſſed, nor is it in the journals of the houſe of commons. Echard, tom. III. p. 256.

[q] Upon real and perſonal eſtates. Idem. p. 259.

[r] He arrived the 29th of October, 1669, and took his leave the 15th of February following. Kennet, p. 303, 304.

[s] And alſo to try what offices the king would do, in order to his advancement to the ſtadtholderſhip. Burnet, p. 273.

[t] Under pretence that it was only with intention of his informing his majeſty better in the ſeveral points that concerned the preſent conjunctures of his ſtation there. Temple's letters, p. 241.

[u] This year died Henry Jenkins, who deſerves to be remembered on account of his extreme age. He was a poor fiſherman of Yorkſhire, born in 1501, and living in the reigns of eight kings and queens of England, died this year, aged 169 years, exceeding the famous Thomas Parr, who died 1635, full ſeventeen years.

[x] This was afterwards called Coventry's act, from the name of the perſon that was the occaſion of it.

[y] The perſons that committed this fact were, ſir Thomas Sandys, Charles Obrian, eſq. Simon Parry, and Miles Reeves, who all fled from juſtice. Statutes, 22 Car. 2. c. 1. The reaſon of his uſage, it ſeems was this: he was an oppoſer of the money bills, and when paſſed, moved the laying a tax on the play houſes, which were become neſts of proſtitution. This was oppoſed by the court: it was ſaid, the players were the king's ſervants, and a part of his pleaſure. Coventry aſked, whether did the king's pleaſure lie among the men or women players? This was carried with great indignation to court. It was ſaid, this was the firſt time the king was perſonally reflected on: if it was paſſed over, more of the ſame kind would follow. Whereupon, the forementioned perſons were ſent to watch for ſir John, and leave a mark upon him. He defended himſelf ſo well, that he got more credit by it than

houſe of commons, to haſten the money bills. But the houſe thought proper, before theſe bills were preſented to the king, to addreſs him concerning the growth of popery, for which the concurrence of the lords was obtained. As this addreſs may ſerve to illuſtrate the hiſtory of this reign, it is not unneceſſary to inſert it entire.

May it pleaſe your moſt excellent majeſty,

" WE your majeſty's moſt humble and loyal ſubjects, the lords and commons in this preſent parliament, being ſenſible of your majeſty's conſtancy to the proteſtant religion, both at home and abroad, hold ourſelves bound in conſcience and duty, to repreſent to your majeſty the cauſes of the dangerous growth of popery in your majeſty's dominions, the ill conſequence whereof we heartily deſire may be prevented. And therefore what we humbly conceive to be ſome preſent remedies for the ſaid growing evils, we have hereunto added in our moſt humble petitions.

Cauſes of the growth of popery.

" THAT there are great numbers of prieſts and jeſuits frequenting the cities of London and Weſtminſter, and moſt of the counties of this kingdom, more than formerly, ſeducing your majeſty's good ſubjects.

" 2. That there are ſeveral chapels, and places uſed for ſaying of maſs, in the great towns, and many other parts of the kingdom, beſides thoſe in embaſſadors houſes, whither great numbers of your majeſty's ſubjects conſtantly reſort and repair without controul; aud eſpecially in the cities of London and Weſtminſter, contrary to the laws eſtabliſhed.

" 3. That there are fraternities or convents of Engliſh popiſh prieſts and jeſuits at St. James's, and at the Combe in Herefordſhire, and other parts of the kingdom; beſides, ſeveral ſchools are kept in divers parts of the kingdom for the corrupt educating of youth in the principles of popery.

" 4. The common and public ſelling of popiſh catechiſms, and other ſeditious books, even in the time of parliament.

" 5. The general remiſſneſs of the magiſtrates and other officers, clerks of the aſſize, and clerks of the peace, in not convicting of papiſts according to law.

" 6. That ſuſpected recuſants are free from all offices chargeable and troubleſome, and do enjoy the advantage of offices and places beneficial; executed either by themſelves, or perſons entruſted for them.

" 7. That the advowſance of churches, and preſentations to livings are diſpoſed of by popiſh recuſants, or by others entruſted by them as they direct; whereby moſt of thoſe livings and benefices are filled with ſcandalous and unfit miniſters.

" 8. That many perſons take the liberty to ſend their children beyond the ſeas, to be educated in the popiſh religion; and that ſeveral young perſons are ſent beyond the ſeas, upon the notion of their better education, under tutors and guardians, who are not put to take the oaths of allegiance and ſupremacy, and uſually corrupt the youth under their tuition into popery.

" 9. That there have been few exchequer proceſſes iſſued forth ſince the act of parliament againſt popiſh recuſants convict, though many have been certified thither.

" 10. The great inſolences of papiſts in Ireland (where do publickly appear archbiſhops and biſhops reputed to be made ſo by the pope, in oppoſition to thoſe made under his majeſty's authority, according to the religion eſtabliſhed in England and Ireland) and the open exerciſe of maſs in Dublin, and other parts of that kingdom, is further a great cauſe of the preſent growth of popery. That Peter Talbot, the reputed archbiſhop of Dublin, was publicly conſecrated ſo at Antwerp with great ſolemnity; from whence he came to London, where he exerciſed his function; and was all along, in his journey to Cheſter, treated with the character of his grace by the popiſh recuſants whom he viſited; and at his landing at Dublin, was received with great ſolemnity by thoſe of the popiſh religion there, where alſo he exerciſed his function publicly, great multitudes then flocking to him, and ſtill continues to do the ſame. His preſent reſidence is within three miles of Dublin, at his brother's colonel Richard Talbot, who is now here ſoliciting your majeſty as public agent on the behalf of the Iriſh papiſts of that kingdom."

Remedies againſt theſe growing miſchiefs.

" We the lords and commons aſſembled in this preſent parliament, do in all humility repreſent to your ſacred majeſty in theſe our petitions following;

" 1. THAT your majeſty by your proclamation would be moſt graciouſly pleaſed to command, that all popiſh prieſts and jeſuits do depart this realm, and all other your majeſty's dominions, on or before a ſhort day to be prefixed, at their perils; except only ſuch foreign prieſts as attend her majeſty's perſon by the contract of marriage, and embaſſadors according to the law of nations: and that all judges, &c. do cauſe the laws now in force againſt popiſh recuſants convict, to be put in due execution: and in the firſt place, for the ſpeedy convicting ſuch popiſh recuſants, that all judges and juſtices aforeſaid do ſtrictly give the ſaid laws in charge unto the juries at all aſſizes and ſeſſions, under the penalty of incurring your majeſty's higheſt diſpleaſure.

" 2. That your majeſty would be pleaſed to reſtrain and hinder the great concourſe of your native ſubjects from hearing of maſs, and other exerciſes of the Romiſh religion, in the houſes of foreign embaſſadors or agents, and in all other chapels and places of this kingdom.

" 3. That your majeſty would be pleaſed to take care, and cauſe, that no office or employment of public authority, truſt or command in civil or military affairs, be committed to, or continued in the hands of any perſon being a popiſh recuſant, or juſtly reputed ſo to be.

" 4. That your majeſty would be pleaſed to take notice of all fraternities or convents of Engliſh, and other popiſh prieſts, jeſuits or friars, and ſchools for the educating of youth in the principles of popery, erected within your majeſty's dominions, and to cauſe the ſame to be aboliſhed, and the ſaid prieſts, jeſuits, friars, and ſchool-maſters to be duly puniſhed for ſuch their inſolences.

" 5. That your majeſty would be pleaſed, from time to time, to require and cauſe, that all the officers of, or relating to the exchequer, iſſue forth proceſſes effectually againſt popiſh recuſants convict certified thither. And that ſuch officers as ſhall refuſe or neglect to do their duty as aforeſaid, be ſeverely puniſhed for ſuch their failures.

" 6. That your majeſty would be pleaſed to give order, for apprehending and bringing over into England, one Plunket, who goes under the name of primate of Ireland, and one Peter Talbot, who takes on him the name of archbiſhop of Dublin, to anſwer ſuch matters as ſhall be objected againſt them."

The king replied to this addreſs, that he would do what was deſired, but ſuppoſed, no perſon would wonder, if he made a difference between thoſe papiſts, that had newly changed their religion, and thoſe that were bred up in it, and had faithfully ſerved him and his father in the late wars. A few days after, the king publiſhed a proclamation, which ran much in the ſame ſtile with thoſe that had been iſſued on this occaſion, and was no better obſerved. From the beginning of the reign of James I. to the end of that of Charles II. the ſame method was conſtantly practiſed. Upon the inſtances of the parliament to prevent the growth of popery, theſe three kings had never ſcrupled to grant whatever was deſired, and in conſequence to publiſh proclamations; but there was a wide difference between the publication and the execution.

I ſhall obſerve here, that in the beginning of the civil wars, Charles I. poſitively denied he had any papiſts in his ſervice. But Charles II. his ſon, in his forementioned anſwer, not only publicly owns it, but ſays alſo, that in conſideration of the great ſervices of the papiſts to his father and himſelf in the civil wars, he is obliged to give them marks of his favour.

This affair being ended, the commons proceeded upon the three money bills, and as if theſe had not been ſufficient to ſupply the king's extreme wants, they afterwards added a fourth, for impoſitions on foreign commodities. Theſe bills being ſent up to the lords, were debated in their houſe. On the ſecond reading of the ſubſidy bill, the lord Lucas roſe up, and in preſence of the king, who was then in the houſe (where he frequently came without any formality) made a ſpeech, which was very diſagreeable to his majeſty.

than by all the actions of his life. His noſe was ſo nicely needled up, that the ſcar was hardly to be diſcovered. The commons put a clauſe in the bill, that it ſhould not be in the king's power to pardon the perſons concerned. Burnet, p. 269.

I do not think it neceſſary to inſert the whole ſpeech, but however, ſhall relate ſome paſſages, which will ſhew what many thought, though few had the boldneſs of the lord Lucas to ſpeak it publicly.

He firſt complained, "That whereas, upon the king's reſtoration, it was the hopes of all good men, that the nation would be freed from the burthens they had been ſo long oppreſſed with, theſe burthens were heavier than ever, whilſt their ſtrength was diminiſhed, and they were leſs able to ſupport them.———that if the vaſt ſums given were all employed for the king and kingdom, it would not ſo much trouble them: but they could not, without infinite regret of heart, ſee ſo great a part of the money pounded up in the purſes of a few private men, who, in the time of his majeſty's moſt happy reſtoration, were worth very little or nothing, but were now purchaſing lands, and kept their coaches and ſix horſes, their pages, and their lacqueys; while in the mean time, thoſe that had faithfully ſerved the king, were expoſed to penury and want, and had ſcarce ſufficient left to buy them bread.—But, ſuppoſing all the money given was employed for the uſe of his majeſty, and he was not cozened, as without doubt he is, are there no bounds to, no moderation in, giving? Will it be ſaid, that his majeſty will not be able to maintain the triple alliance, without a plentiful ſupply, and we ſhall thereby run the hazard of being conquered: this may be a reaſon for giving ſomething, but it is ſo far from being an argument for giving ſo much, that it may be clearly made out, that it is the direct and ready way to be conquered by a foreigner. And it may be the policy of the French king, by his often alarms of armies and fleets, to induce us to conſume our treaſure in vain preparations againſt him; and after he has by this means made us poor and weak enough, he may then come upon, and deſtroy us. It is not the giving a great deal, but the well managing the money given, that muſt keep us ſafe from our enemies.———Beſides, what is this but ne moriare mori, to die for fear of dying, and for fear of being conquered by a foreigner, to put ourſelves in a condition almoſt as bad? Nay, in ſome reſpect, a great deal worſe; for when we are under the power of the victor, we know we can fall no lower, and the certainties of our miſeries are ſome ſort of diminution of them: but in this wild way, we have no certainty at all; for if you give thus much to day, you may give as much more to morrow, and never leave giving, till we have given all that ever we have away.—It is therefore neceſſary to be able to make ſome eſtimate of ourſelves: would his majeſty be pleaſed to have a quarter of our eſtates? For my part he ſhall have it: would he be pleaſed to have half? For my part, upon good occaſions he ſhall have it. But then let us have ſome aſſurances of the quiet enjoyment of the remainder, and know what we have to truſt to.—The commons have here ſent up a bill for the giving his majeſty the twentieth part of our eſtates, and I hear there are other bills alſo preparing, which together will amount to little leſs than three millions of money, a prodigious ſum! And ſuch, that if your lordſhips afford no relief, we muſt ſink under the weight of it. I hope, therefore, your lordſhips will ſet ſome bounds to the over-liberal humour of the commons. If you cannot deny or moderate a bill for money, all your great eſtates are wholly at their diſpoſal, and you have nothing that you can properly call your own.—Upon the whole matter, I moſt humbly propoſe, that you would be pleaſed to reduce the twelve pence in the pound, to eight pence."—

This ſpeech, afterwards printed and publiſhed, was ſo offenſive to the king and his miniſters, that it was ordered to be burnt by the common hangman. But however, it made ſome impreſſion upon the lords, who ſent the bill to the commons with amendments, that is, with ſome alterations[z]. This occaſioned a diſpute between the two houſes, the commons refuſing to receive the amendments. But in a conference the difference was ended, by the acquieſcence of the lords, to the reaſons of the commons. The two firſt money bills, namely, the ſubſidy bill, and the additional tax upon beer, and other liquors, being ready, the king came to the houſe of lords the 6th of March, and paſſed theſe two acts, with another, "for reveſting the power of granting wine licences in his majeſty's heirs and ſucceſſors, and for ſettling a revenue on his royal highneſs in lieu thereof," which amounted to twenty-four thouſand pounds a year[a].

There ſtill remained two other money bills, which had been ſent to the lords, one for "impoſitions on proceedings at law," and another for "an additional impoſition upon ſeveral foreign commodities." The firſt bill paſſed the houſe of lords without any difficulty. But the ſecond occaſioned a violent conteſt between the two houſes. The London merchants having preſented a petition to the lords, in which they ſhewed the diſproportion of the rates impoſed upon certain commodities, to be ſuch as would utterly ruin the whole trade of theſe commodities, and bring an irreparable prejudice upon all the Engliſh plantations, and conſequently upon the kingdom; thereupon the lords judged it neceſſary to make alterations in the bill, and lower ſome of the rates, and then returned the bill to the commons. The commons maintained, the lords had no right to make any amendments in bills of impoſitions and rates, and could only receive or reject them as they were ſent, and the lords aſſerted the contrary. This diſpute produced ſeveral conferences, in which the two houſes mutually communicated their reaſons, anſwers, and replies. It would be too long to enter into the diſcuſſion of this difference, which, beſides, would hardly be intelligible to thoſe who have not a thorough knowledge of the conſtitution of Engliſh parliaments. I ſhall only relate one circumſtance, which may be underſtood by all, and wherein conſiſted the eſſential part of the diſpute. The commons maintained, that by a fundamental right, it belonged to their houſe (in excluſion of the lords) to impoſe rates upon merchandiſe. They meant by this fundamental right, a conſtant uſage or cuſtom, according to the principles of the parliament, in the time of Charles I. The lords, after the example of Charles I. demanded of the commons where was the charter or contract to be found, by which the lords diveſted themſelves of this right, and appropriated it to the commons with an excluſion to themſelves? To this the commons replied by another queſtion, where was the record by which the commons ſubmitted, that this judicature ſhould be appropriated to the lords in excluſion of themſelves? Wherever their lordſhips ſhould find the laſt record, they would ſhew the firſt endorſed upon the back of the ſame roll. In ſhort, the king perceiving the conteſt daily increaſed, came to the houſe of peers, and after the royal aſſent given to an act for impoſitions on proceedings at law, and ſome others, he prorogued the parliament to the 16th of April, 1672, and afterwards by ſeveral prorogations to the 4th of February 1672-3. So that this prorogation continued a year and nine months.

Probably, every reader will be ſurpriſed at the extreme liberality of the commons to the king, and eſpecially in this ſeſſion. As to the former ſupplies, it may be ſaid, they had ſome foundation true or falſe. But for the preſent ſupply, which was greater than any before, it was founded upon a contingency which had not even the leaſt appearance. For it was upon a ſuppoſition, that France and the ſtates general, who were making great preparations, might invade England, if they found her unarmed, though ſhe was in peace with France, and in ſtrict alliance with Holland. Beſides, the ſtates had hitherto made no extraordinary preparations, becauſe they did not yet ſuſpect, they ſhould be attacked. And as to France, the king knew, he had nothing to fear from that quarter. Nevertheleſs, upon the king's bare propoſition, ſupported by no probability, a ſum of two millions and a half was granted him, which ſome even compute at three millions. Nothing is more proper to render probable what is aſſerted by many authors, that ſcarce a member, however inconſiderable, was without a penſion from the king according to his credit in the houſe, and that theſe penſions were increaſed in proportion to the ſums granted to the king. Thus much is certain, that afterwards upon an enquiry, ſome were found guilty of this colluſion.

[1671.] Before I proceed, it muſt not be forgot to ſpeak of the death of Anne Hyde ducheſs of York, daughter to the earl of Clarendon, the late chancellor. She died the 31ſt of March in the 34th year of her age, after an abjuration of the proteſtant religion during her long indiſpoſition[b]. From her marriage proceeded eight children, two of which only ſur-

[z] They alledged in particular, that the diſtreſſes allowed and appointed in that bill, ſuch as the breaking open of doors, were not agreeable to the antient privileges of peers. Echard, tom. II. p. 270.

[a] There was alſo paſſed at the ſame time, among others, an act to prevent the malicious burning of houſes, ſtacks of corn, and killing or maiming of cattle. Statute—8.

[b] Some imagined, That that unhappy princeſs had been prevailed upon, againſt her conſcience, to ſign a paper, containing the grounds of her converſion, which ſhe attributed chiefly to the reading of Dr. Heylin's hiſtory of the reformation. Her father, when he heard of her wavering in her religion, was more troubled at it, than at all his own misfortunes. He writ her a very grave and long letter upon it, incloſed in one to the duke, which ſee in the life of king James. Supplement, p. 5, &c.——Burnet, p. 309. Echard, p. 277.

Theſe

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vived her, Mary and Anne, who were both queens of England. The reſt all died young [c].

The duke of York was a papiſt before the king's reſtoration, but I can't find at what time he changed his religion. It was a ſecret for ſome time, but had now been ſo divulged, that it was openly talked of in the court and country. At laſt, ſoon after the death of his ducheſs he made a formal abjuration of the proteſtant religion before father Simons, an Engliſh jeſuit, and from that time openly declared himſelf a papiſt. His inducement, as it is ſaid, to make public profeſſion of his religion, was this: The king had, for ſome years, even before Clarendon's diſgrace, entertained a ſecret deſign of divorcing his queen, whom he had never loved. He had communicated this deſign to ſome of his confidents, but it was always oppoſed by the earl of Clarendon, whether from the injuſtice of the thing, or for the ſake of his daughter the ducheſs of York, and her poſterity. After the removal of that miniſter, the king finding himſelf more free, perſiſted in his deſign, which, as it is affirmed, was encouraged by the papiſts, and approved by the court of Rome. One pretence for the divorce, was, that the queen had been pre-engaged to another, who however was not named. It was alſo pretended, ſhe was incapable of having children, though ſhe had twice miſcarried. But as theſe facts are very difficult to be proved, the king was aſſiſted to find a more plauſible pretence; which was to lay ſnares to betray the queen into ſuch freedoms, as might be the ground of an accuſation of adultery. But the king could not reſolve to uſe a method ſo unjuſt and diſhonourable [d]. Nevertheleſs the divorce was reſolved, and as a pretence only was wanting, an effectual one would certainly have been found. The prieſts and jeſuits who were continually about the duke of York, had long preſſed him to make open profeſſion of the Roman catholic religion, but had not yet been able to ſucceed, becauſe the duke ſaw, it would make him forfeit the affection of moſt of the Engliſh. At laſt, upon the duke of York's refuſal they ſtrenuouſly laboured the affair of the divorce, and cauſed, as it is ſaid, the pope to promiſe his conſent. When the buſineſs was thus far advanced, they intimated to the duke of York, that they were able either to effect or hinder the king's divorce, and would undertake the latter, if he would make open profeſſion of the catholic religion. This, as it is pretended, engaged him to declare himſelf a papiſt, being apprehenſive, that if the king ſhould be divorced from his queen, he would marry again, and have ligitimate children. I relate theſe particulars as I found them in the hiſtories and memoirs of thoſe times, but I muſt warn the reader, that the authors of them alledge no other proof than their own teſtimony [e].

After the prorogation of the parliament, the cabal ſought, with all poſſible ardour, means to execute their projects. Theſe were, firſt, to render the king abſolute, or in their language, a great prince: and under this article was compriſed, the eſtabliſhment of popery, if not the entire deſtruction of the proteſtant religion. For there is no viſible medium between theſe two things. I have already given the reaſon why the article of religion is omitted by the king's adherents. The ſecond project was to break the triple alliance. The third, to make war upon Holland, though it was difficult to invent any the leaſt plauſible pretence. To execute the two laſt, Mr. Henry Coventry, who had been plenipotentiary at the treaty of Breda, was ſent to Sweden, and ſir George Downing to the Hague. Temple, as I have ſaid, was recalled; but to amuſe the ſtates, the king feigned to ſend for Temple only to be informed of ſome matters, and that he ſhould immediately return. He was however ſtill in London, and though the king had no deſign to ſend him back to Holland, yet to take away all ſuſpicion from the Dutch of his intention to break with them, he had hitherto refuſed his permiſſion to ſir William to ſend for his wife and family. At laſt, he was openly recalled, and obtained leave for his wife and children to come over, who were ſtill at the Hague. The recalling of Temple, and ſending of Downing in his place, ſufficiently diſcovered the king's intentions [f]. Temple was extremely beloved in Holland, as he had always behaved with integrity and a concern for the common intereſts of both nations. The other had ſerved for inſtrument to engage the king and the ſtates in the late war, and was looked upon in Holland as a man of no honour, and a real incendiary. So that when the ſtates heard, he was coming in the room of Temple, they no longer doubted of a rupture with England. Mean while Downing being arrived at the Hague, was not wanting in proteſtations, that the king his maſter was reſolved to maintain the triple alliance, and if he was equipping a fleet, it was wholly owing to the great preparations of his neighbours, and particularly the king of France, of whom he had juſt cauſe to be jealous. But withal, he failed not to complain of the obſtinacy of the Dutch, upon an affair of little importance, concerning the colony of Surinam: adding ſome complaints of the Engliſh merchants againſt the Dutch Eaſt India company. Theſe were the two articles on which the king intended to found a rupture; but as he did not think them of ſufficient weight, he projected to draw the ſtates into a ſort of inſult upon him, which might give him a more plauſible pretence for a war.

To this end, the king having granted ſir William Temple a yacht to bring over his lady, the admiralty gave expreſs orders to the captain to go in queſt of the Dutch fleet, then at ſea, and, if they refuſed to ſtrike, to fire upon them. The captain met with them as he was returning with the embaſſadreſs and her children. When he ſaw, the fleet paid no regard to the king's yacht, he fired ſeveral ſhots at them. Mr. de Ghent, who commanded the fleet, ſurpriſed at this inſult, ſent a boat to the yacht to know the meaning of it. The captain only anſwered, he had his inſtructions, and was bound to follow them. Upon this Mr. de Ghent went to the yacht on pretence of paying a compliment to the embaſſadreſs, which being performed, he talked with the captain, and was anſwered as before. The admiral replyed, he had no orders from his maſters in that point, and did not know how the affair was agreed between his majeſty and the ſtates; but though it were ſettled, the captain could not pretend the fleet ſhould ſtrike to a yacht, which was but a pleaſure boat, and could not paſs for a man of war. The captain ſtill perſiſted in ſaying, he only followed his orders. However, the fleet did not fire a ſingle ſhot at the yacht, and the captain purſued his courſe, pleaſed that he had come off ſo well.

Beſides the two millions and a half granted to the king by the parliament, the king of France, if abbot Primi is to be credited, ſent him alſo a very conſiderable ſum to enable him to equip a fleet much ſuperior to that of the ſtates [g]. So the king thought only of war, though with all poſſible artifice he endeavoured to remove all ſuſpicion of his having any ſuch deſign. He ſpent the whole ſummer, and part of the autumn in progreſs through ſeveral parts of his kingdom. The 28th of May he celebrated the feaſt of St. George in a very ſolemn manner at Windſor, and inſtalled in the order of the garter, the king of Sweden and the elector of Saxony, by their proxies, and after them the young duke of Albemarle. He alſo made a viſit to the univerſity of Cambridge, where he was magnificently entertained, and to ſeveral other places, which it is needleſs to mention. After his return, both their majeſties were invited to the lord mayor's feaſt, on the 30th of October, where no coſt was ſpared to diſplay the grandeur and riches of the city of London.

Before I proceed to the tranſactions of the next year, I think myſelf obliged to take notice of an attempt, the moſt extraordinary that can poſſibly be deviſed by a private man. I mean that of Blood, a famous villain, robber, and aſſaſſin, who formed the deſign of ſtealing the crown, ſcepter, and globe, which are kept in the Tower. With the aſſiſtance only of two or three more, he executed this deſign ſo dexterouſly and happily, that they were got out of the Tower with their booty, before they were ſeized. To give ſome account of Blood, I ſhall briefly ſay here, that the duke of Ormond, when he was lord lieutenant of Ireland, having

[c] Their names were, Charles, born October 22, 1660. Mary, April 30, 1662. James, July 12, 1663. Anne, February 6, 1664. Charles, July 4, 1666. Edgar, September 14, 1667. Henrietta, January 13, 1668. And Catharine, February 9, 1670. Charles, James, Charles, and Henrietta, died before their mother, and Edgar and Catharine ſhortly after. Sandford, p. 677.

[d] Others were ſet on to deal with her confeſſor, that he might perſuade her to leave the world, and to turn religious. Burnet, p. 263.

[e] Burnet ſays, the duke of Buckingham offered, that if the king would give him leave, he would ſteal the queen away, and ſend her to a plantation, where ſhe ſhould be well looked after. But the king himſelf rejected this propoſal with horror. He ſaid, it was a wicked thing to make a poor lady miſerable, only becauſe ſhe was his wife, and had no children by him which was no fault of hers, p. 262, 263.

[f] Mr. de Witt told ſir William's ſecretary, That he ſhould take ſir William's ſtay or coming back for certain ſigns of what the king's intentions were, towards the preſerving or changing the meaſures he had taken with the ſtates. Temple's lett. p. 248.

[g] He was promiſed ſix millions of livres, beſides three hundred thouſand crowns a month, or three hundred and fifty thouſand pounds ſterling a year, during the war. Life of de Witt, tom. II. p. 344. Burnet. p. 304.

cauſed ſome of Blood's accomplices to be hanged, who intended to ſurpriſe the caſtle of Dublin, Blood ſwore, he would revenge their deaths. For this purpoſe, Blood followed the duke of Ormond into England, when he was recalled, and watched him ſo well, that with the aſſiſtance of ſeven or eight perſons on horſeback, he ſtopped his coach in the night, as he was going to Clarendon-houſe, where he lived, knocked down his footmen [h], and forced the duke up behind one of the horſemen, in order to carry him to Tyburn, and hang him there, with a paper pinned on his breaſt, to ſhew the cauſe of this execution. But the duke forcibly throwing himſelf off the horſe, with the villain who had tied the duke faſt to him, defeated the deſign, and the authors could never be diſcovered till after Blood's attempt upon the crown. This attempt was very extraordinary, but the king's conduct on the occaſion was ſtill more ſurpriſing. For having a curioſity to examine Blood himſelf, he ordered him to be brought to Whitehall, and put ſeveral queſtions to him, which the villain anſwered with aſtoniſhing boldneſs, confeſſing all, and unconcernedly relating the circumſtances of the thing. Then the king aſked him, whether he knew the authors of the attempt upon the duke of Ormond? Blood confeſſed, it was himſelf. Not content with this, he told the king, he had been engaged in a deſign to kill him with a carbine, from out the reeds by the Thames ſide above Batterſea, where he often went to ſwim. But that when he had taken his ſtand in the reeds for that purpoſe, his heart was checked with an awe of majeſty, and did not only relent himſelf, but diverted his aſſociates from the deſign. He alſo told the king, he was prepared to ſuffer death, as having deſerved it; but muſt tell his majeſty, that he had hundreds of accomplices, who had bound themſelves by a horrible oath, to revenge the death of any of the fraternity, upon thoſe who ſhould bring them to juſtice; which would expoſe his majeſty and all his miniſters, to the daily fear and expectation of a maſſacre. But, on the contrary, if he ſpared the lives of a few perſons, his own would be ſecure. The king was ſurpriſed, and probably, intimidated by Blood's diſcourſe, and thought, doubtleſs, the attempt of this villain on the duke of Ormond, to revenge the death of his accomplices, might be imitated, in revenge of his death, by his ſurviving comrades. However this be, the king ſent the earl of Arlington to the duke of Ormond, to deſire him not to proſecute Blood, which the duke could not refuſe [i]. Afterwards, he gave him his pardon, and not content with ſaving his life, conferred on him five hundred pounds a year in land in Ireland. From that time, Blood was continually at court, and the king treated him with that freedom and familiarity, that many perſons applied to him for favours from the king. This gave occaſion to the king's enemies to ſay, that he kept the villain about him, to intimidate thoſe who ſhould dare to offend him in things which were not puniſhable by law, as had been practiſed in the caſe of ſir John Coventry, for ſome railleries upon him in the houſe of commons. As for Edwards, the keeper of the crown, a man fourſcore years old, who had done his utmoſt, though in vain, to hinder the theft, and had received ſo many wounds that he was left for dead, the king contented himſelf with aſſigning him a reward of two hundred pounds, the payment of which was ſo long delayed, that the poor man died before he received it [k].

In the courſe of this year died two famous generals, diſtinguiſhed by their bravery and experience in the civil wars. The firſt was the lord Fairfax, the generaliſſimo, and the other Edward Montague earl of Mancheſter. I ſhall ſay no more of them, becauſe they have been ſufficiently deſcribed in the reign of Charles I. I ſhall only add, that both were very ſerviceable in the king's reſtoration [l].

The league againſt Holland, much like that of Cambray againſt the common-wealth of Venice, was ſtill kept ſo ſecret, that the ſtates could only ſuſpect it, without any certainty. The deſign of the allies was to begin with the ruin of the Dutch, before declaration of war, and then to attack them all together, at the ſame time and in different places. The king of France, the elector of Cologne, and the biſhop of Munſter, were to invade them by land, and the Engliſh and French fleets jointly to attack them by ſea. This was the project, but it met with an unforeſeen difficulty. Though Charles had received two millions five hundred thouſand pounds from the parliament, and ſeven hundred thouſand pounds from the king of France, he was ſtill in want. Indeed, he had applied part of the money received to the equipment of his fleet, which could not amount to half, and it was difficult to conceive what became of the reſt. However this be, he ſignified to his miniſters, that he could not begin the war without fifteen hundred thouſand pounds, and as he could not apply to the parliament, which was prorogued, he promiſed the treaſurer's ſtaff, to the perſon who ſhould invent the means of raiſing that ſum. Sir Thomas Clifford proved the moſt happy and ingenious. He went to the king, and told him, that by ſhutting up the exchequer he would be ſure of that ſum. The king readily underſtood the advice, and reſolving to follow it, performed his promiſe, and made Clifford lord treaſurer. Some however aſcribe this project to the lord Shaftſbury, and ſay, that Clifford having artfully drawn it from him, gloried in it to the king [l].

To underſtand this project (which though plain to Engliſh readers, is not ſo to foreigners) it is to be obſerved, that at the exchequer are received, by direction from the lord treaſurer, all the ſums deſtined to public uſes, and the intereſts of the money borrowed upon parliamentary funds, which commonly cannot be raiſed under ſeveral months, or even years. So, when the king has a mind to have all at once the money that has been granted him, he borrows it of private perſons at a large intereſt, and aſſigns them payment upon the exchequer, which applies to this uſe the money, raiſed from the granted funds, as it comes in. Moreover, at the time I am ſpeaking of, all the monied men in London, not to keep large ſums in their houſes, put their money into the hands of bankers and goldſmiths, without intereſt. And when they wanted any part, they drew upon their goldſmiths or bankers, who immediately paid it. Now, as it was morally impoſſible, that all the private perſons who had money at a banker's, ſhould want it all at once, thoſe who had the money in their hands kept only a ſum ſufficient to anſwer the uſual demands, and lent the reſt to the king at a large intereſt, upon the parliamentary funds. So, in ſhutting up the exchequer, he received all the money which came into it [n], without paying any thing of what he owed. But at the ſame time, the perſons who had put their money into the hands of the bankers and goldſmiths, were entirely

[h] Rapin, by miſtake ſays, he killed the coachman and footmen.

[i] The duke anſwered, "That the king ſhould ſee, he valued his life as little, as his majeſty did his crown." Echard, tom. III. p. 286.

[k] Edwards had a grant of two hundred pounds for himſelf, and one hundred for his ſon. Both, by the delays of payment, were obliged to ſell their orders for half the money, and the old man lived not long to enjoy the remainder. The manner of Blood's ſtealing the crown was thus; he goes to the Tower in a clergyman's habit, with a woman whom he called his wife, and who, he pretended, wanted to ſee the crown; and having ſeen it, ſhe feigned to be taken with a qualm, and deſired Mr. Edwards, the keeper of the crown to ſend for ſome ſpirits, who immediately cauſed his wife to fetch ſome, of which ſhe drank, and being invited to repoſe herſelf on a bed, ſhe did ſo, and ſoon recovered. At their departure, they were very thankful for this civility. Three days after Blood comes with a preſent of gloves from his wife, and having thus begun an acquaintance, he improves it by frequent viſits. At laſt he tells Mr. Edwards that he had a mind to make a match between a nephew of his, and Mr. Edwards's daughter, which nephew, he ſaid, had three hundred pounds a year. Accordingly, a day was appointed for the young couple to ſee one another. Blood comes with three more, armed with rapier blades in their canes, and every one a dagger, and a pair of pocket piſtols. One of the fellows ſtays at the door, and the others go in. Blood told Mr. Edwards, he would not go up ſtairs till his wife came down, and deſired him, in the mean time, to ſhew his friends the crown, to paſs away the time. As ſoon as they were in the room, and the door ſhut as uſual, they immediately gagged the old man, and knocked him down for endeavouring to make a noiſe. One of the companions put the globe in his breeches, Blood kept the crown under his gown, and a third was filing the ſceptre (being too long to manage) when their companion without gave them notice, that young Mr. Edwards was juſt come home, and gone up ſtairs; upon which they all made off with the crown and globe. But old Edwards getting up and making a noiſe, they were purſued and taken, as they were making to their horſes, which waited at the Iron Gate in St. Catherine's. Blood, though he ſaw himſelf a priſoner, had the impudence to ſtruggle for the crown. Strype's Contin. of Stow's Survey, tom. I. p. 92. Echard.

[l] This year alſo died William Seymour duke of Somerſet; and the famous critic, Meric Caſaubon, prebend of Canterbury.

[m] The ſubſtance of the ſtory, as it is told by Mr. Echard, from a manuſcript of ſir Joſeph Tyley's, is this:—The king, under preſent neceſſities, promiſed the white ſtaff to any one of his miniſters, who could put him in a way to raiſe fifteen hundred thouſand pounds, without applying to his parliament. The next day lord Aſhley told ſir Thomas Clifford, that there was a way to do this; but that it was dangerous, and might in its conſequences inflame both parliament and people. Sir Thomas, impatient to know the ſecret, plied the lord Aſhley with viſits, and having drunk him to a proper height, led him inſenſibly to the ſubject of the king's indigence; lord Aſhley, warm and unguarded, dropt the important ſecret of ſhutting up the exchequer. Sir Thomas took the hint, left Aſhley as ſoon as he could, went the next night to Whitehall, and attending till the king rose, demanded the white ſtaff. The king renewed his promiſe, if the money could be found, and then ſir Thomas diſcloſed the ſecret. The project was put in execution, and Clifford advanced to be treaſurer, and created a peer. Aſhley was touched, and ſaid, That Clifford had ploughed with his heifer. However, to ſatisfy him, he was firſt made earl of Shaftſbury, and ſoon after lord chancellor of England. Tom. III. p. 288.

[n] The bankers, who had formerly furniſhed the king with large ſums of money, at the extorſive intereſt of eight per cent. had lodged in the exchequer between thirteen and fourteen hundred thouſand pounds. R. Coke, p. 168. Burnet, p. 306.

ruined, ſince it was not in their power to diſpoſe of their capital; eſpecially, as the bankers refuſed even to pay the notes drawn daily upon them, on pretence, that they received nothing from the exchequer. This cauſed an extreme conſternation in London, but the king and his miniſters purſued their meaſures, and, deaf to the complaints of ſo many ruined families, kept the exchequer ſhut up one year; and, at the expiration of that term, it continued ſhut up by a new order, ſome months longer. But the whole misfortune did not conſiſt in twelve or eighteen months expectation. It is eaſy to imagine, the king having received all the money which came into the exchequer during that time, the ſums which were brought in, when it was opened, were not ſufficient to diſcharge the arrears of theſe eighteen months. This is the true ſtate of the affair, which cauſed the Engliſh to exclaim ſo loudly againſt the king and the cabal. But the hopes the cabal then had to render the king abſolute, made them very eaſy under the complaints and reproaches of the people.

[1671-2] But Charles had in his thoughts a project which would furniſh him with ſtill more conſiderable ſums. This was to ſurpriſe the Dutch fleet returning from Smyrna richly laden [o], before any declaration of war. He had practiſed the ſame thing the laſt year, with regard to the Bourdeaux fleet, and received a great advantage from it. This fleet being much richer, inſpired him with great expectations. To this end he put to ſea thirty ſix men of war [p] under the command of Holms, who had orders to cruiſe in the channel, and intercept this fleet. Holms being informed that the Dutch fleet approached, divided his own into three ſquadrons. That of Holland conſiſted of ſeventy two ſail of merchant ſhips, many of which had no guns, under the convoy of five men of war, commanded by experienced officers. Theſe drew up the merchantmen in three ſquadrons, in good order, and put themſelves between them and the Engliſh fleet, after having enjoined them to purſue their courſe without breaking their line. Holms attacked this fleet the 13th of March [q], and fought the whole day without gaining the leaſt advantage. The next day at nine in the morning the fight was renewed, and laſted all the day, though on the ſide of the Dutch, captain de Haes, who acted as admiral, had been killed about noon. On the ſide of the Engliſh, the vice-admiral's ſhip was diſabled. On the morrow, at eight in the morning, Holms, who had been reinforced by ſome frigates, renewed the engagement, and at laſt took one man of war, the captain and moſt of the ſailors being ſlain, and three merchant ſhips [r], which were brought into the Thames. This was all the advantage the Engliſh received from an action, which highly reflected on the king. It was carefully publiſhed at London, that this engagement was but an effect of chance, becauſe the Dutch refuſed to ſtrike. Though every one openly ſpoke againſt ſo diſhonourable an action, the king was not affected with the ſentiments of the vulgar, and inſtead of repairing the injury done to the ſtates, in ſeizing their ſhips before the war was declared, ſent out a ſquadron to meet four Dutch Indiamen, which were immediately taken and condemned. At the ſame time, he ordered all the Dutch ſhips in his ports to be ſeized, though, by an expreſs article of the treaty of Breda, no merchant ſhips were to be taken till ſix months after a declaration of war. The ſtates, ſeduced by ſo ill an example, ſeized alſo the Engliſh ſhips. But, upon the ſtrong repreſentation of ſome of the deputies, how much the honour of princes and ſtates was wounded by theſe depredations, and that the king of England's acting againſt the faith of treaties, was not a ſufficient reaſon to engage the ſtates to imitate ſo blameable a conduct, the Engliſh ſhips were diſcharged and ſent into England. The king could not then help releaſing ſome of the Dutch ſhips, but did not reſtore all.

One of the branches of the project formed by the cabal was, as I ſaid, to render the king abſolute [s], and under this branch was compriſed the extirpation of the proteſtant, or at leaſt the introduction of the popiſh religion; though father Orleans, and the writers on the king's ſide, when ſpeaking of this project, ſay nothing of this article. Father Orleans, however, could not forbear owning it in the courſe of his hiſtory. I ſhall tranſcribe a paſſage from him, which, though extremely ſoftened with reſpect to the end, clearly ſhews, it was one of the branches of the project. After ſpeaking of what had paſſed concerning the papiſts, and other non-conformiſts, he adds, "The king, who was no good chriſtian in his actions, though a catholic in his heart, did all that could be expected from his indolent temper, to preſerve the common liberty, that the catholics might partake of it. But the church of England prevailed, and chancellor Hyde was ſo warm upon this occaſion, that the king was obliged to yield rather to his importunities than his reaſons. It was therefore the re-eſtabliſhment of this liberty of conſcience, that the lord Aſhley believed neceſſary to the execution of the projected deſign. He communicated his thoughts to his colleagues of the cabal, who were of the ſame opinion, not only on account of the reaſon he alledged, which was, the gaining of the non-conformiſts who were juſtly feared, but alſo upon another, which he readily approved, namely, the favouring of the catholics whom moſt of them loved, and the reſt eſteemed. Arlington and Clifford were ſecretly catholics, and both died in the communion of the church. Buckingham had no occaſion to be converted, could he only have prevailed with himſelf as to libertiniſm. Aſhley was not averſe to the catholic religion, till intereſt and malice threw him into the contrary party. It will eaſily be conceived, that the king readily conſented to it, ſince he was a catholic, and continued ſo to his death, though policy cauſed him to pretend the contrary. As for the duke of York, he ſupported the deſign with all his power. All the difficulty lay in the extent of this liberty, and the two kings of France and England, acting in concert, debated the affair in the negotiation of their treaty. Several propoſals were made, ſome more, ſome leſs, advantageous to the catholics. France was for the moſt moderate, ſafeſt, and moſt reaſonable methods. At laſt, it was agreed, that Charles ſhould grant liberty of conſcience to all his ſubjects in general."

It appears from hence, that religion was concerned in the projects of the cabal. But probably, ſome were for having the progreſs of the popiſh religion ſubſervient to render the king abſolute, and others were for rendering the king abſolute to favour the progreſs of popery. Wherefore, theſe two articles were never ſeparated, nor indeed could be, ſince they entirely depended on each other. The king plainly ſhewed it, when he publiſhed his declaration for liberty of conſcience, ſince he could not grant this liberty without aſſuming a power to abrogate acts of parliament, or at leaſt ſuſpend the execution thereof ſo long as he pleaſed. This declaration, dated the 15th of March, 1672, conſiſted of various articles, of which I ſhall here give the ſubſtance:

1. His majeſty publiſhes it, "in virtue of his ſupreme power in eccleſiaſtical matters," which is a right inherent in his perſon, and declared to be ſo by ſeveral acts of parliament.

2. He declares his expreſs reſolution to be, that the church of England be preſerved and remain entire in her doctrine, diſcipline and government, as now it ſtands eſtabliſhed by law.

3. That no perſon ſhall be capable of holding any eccleſiaſtical benefice or preferment of any kind, who is not exactly conformable.

4. That the execution of all penal laws in matters eccleſiaſtical againſt whatſoever ſort of non-conformiſts or recuſants, be immediately ſuſpended.

5. He declares, that he will from time to time allow a ſufficient number of places, as ſhall be deſired, in all parts of his kingdom, for the uſe of ſuch as do not conform to the church of England, to meet and aſſemble in, in order to their public worſhip and devotion.

6. That none of his ſubjects do preſume to meet in any place, until ſuch place be allowed, and the teacher of that congregation be approved by him.

7. He declares, that this indulgence, as to the allowance of public places of worſhip, and approbation of teachers, ſhall extend to all ſorts of non-conformiſts and recuſants, except the recuſants of the Roman catholic religion, to whom he will no ways allow public places of worſhip, but only

[o] It was reckoned worth a million and a half. Burnet, p. 307.

[p] This fleet conſiſted but of nine frigates and three yachts; but the next day there came a reinforcement of four or five men of war. See Echard, tom. III. p. 291. Baſnage, tom. II. p. 192.

[q] But before that, he endeavoured to decoy, by ſtratagem, into his own ſhip, the Dutch admiral, the vice admiral, &c. See Primi in ſtate tracts, tom. I. p. 17.

[r] Our hiſtorians ſay five. See Kennet, p. 310.

[s] The lord Clifford told a perſon of quality in private diſcourſe, that the king, if he would be firm to himſelf, might ſettle what religion he pleaſed, and carry the government to what height he would: For if men were aſſured in the liberty of their conſciences, and undiſturbed in their properties, able and upright judges made in Weſtminſter-hall; and if, on the other hand, the fort of Tilbury was finiſhed to bridle the city, the fort of Plymouth to ſecure the weſt, and arms for twenty thouſand men in each of theſe, and in Hull for the northern parts, with ſome addition (which might be eaſily and undiſcernedly made to the forces on foot) there were none who would have either will, opportunity, or power to reſiſt. Kennet, p. 312, note.

indulge them their ſhare in the common exemption from the executing the penal laws, and the exerciſe of their worſhip in their private houſes only [t].

[1672] Two days after, the king publiſhed his declaration of war againſt the ſtates, dated the 17th of March [u]. This declaration, as that of the former war, was founded upon generals, and affected pretences. This is always the caſe when war is firſt reſolved, and reaſons or pretences are afterwards ſought. "The king hiſtorically introduced his juſt reaſons to begin the firſt war upon the ſtates, though it was ended by the treaty of Breda. He added, that peace was no ſooner concluded, than violated by the ſtates, in not ſending commiſſioners to London to ſettle the trade of the two nations in the Eaſt Indies: and when he ſent over his embaſſador to put them in mind of it, he could not in three years get any ſatisfaction from them in the material points, nor a forbearance of the wrongs which his ſubjects received in thoſe parts."

It is eaſy to ſee to what great diſcuſſions theſe generals are liable.

"2. He ſaid, that having reſtored Surinam to them, they were obliged, by the treaty of Breda, to permit the Engliſh in that colony to remove with their effects, but that this permiſſion was refuſed."

The Dutch maintained on the contrary, that the Engliſh inhabitants of Surinam remained there upon their own choice.

"3. He complained of abuſive pictures and medals diſperſed over Holland, reflecting on his honour."

The ſtates ſaid, they knew but of one abuſive medal, the ſtamp of which they had ordered to be broke.

"4. He complained, that in Holland his right of the flag had been repreſented as ridiculous."

It is eaſy to perceive, whether his pretenſion concerning the yacht which brought over the lady Temple was juſt or not.

This was the ſubſtance of what was moſt plauſibly alledged for undertaking the war. He ended with this declaration:——"And whereas we are engaged by a treaty to ſupport the peace made at Aix la Chapelle, we do finally declare, that notwithſtanding the proſecution of this war, we will maintain the true intent and ſcope of the ſaid treaty; and that in all the alliances which we have or ſhall make in the progreſs of this war, we have and will take care, to preſerve the ends thereof inviolable, unleſs provoked to the contrary." He took but little care of his honour, in pretending to ſhew, that his deſign in breaking with the ſtates and uniting with France, was, to maintain the treaty of Aix la Chapelle. But there was nothing ſo abſurd which the cabal did not think they could impoſe on the public, wherein they were much miſtaken, as will appear in the ſequel.

This war was ſo contrary to the intereſts of England and all Europe, the defence of which Charles had ſo often boaſted to undertake by means of the triple league; it was ſo directly oppoſite to juſtice, equity, faith, and the religion of the Engliſh, publicly profeſſed by the king, that no man could believe it till the blow was ſtruck. The Hollanders imagined, he only intended to exact ſome money from them, or at moſt, to intimidate them in order to oblige them to reſtore the prince of Orange his nephew to the poſts enjoyed by his anceſtors. France herſelf could hardly believe, but that he intended to deceive her, till he had fallen upon the Smyrna fleet. But all were miſtaken in aſcribing to the king any affection for his people. His ſole aim was to render himſelf abſolute, in order to enjoy all the riches of England without controul, and without any obligations to his parliament. The duke of York, his preſumptive heir, found his account in ſo fine a ſcheme, and, beſides, thought of eſtabliſhing his religion for which he was exceſſively zealous. As for the cabal, they were men entirely deſtitute of all principles of honour, juſtice, or religion, each of whom was ſolely intent upon making his fortune by ſacrificing the intereſt of the public. For it cannot be thought, that perſons of their abilities could be ignorant, that what they were acting was directly contrary to the intereſts of England. They did not believe, they could execute their grand project without a ſtrict alliance with the king of France, who artfully perſuaded them, that after the republic of Holland ſhould be deſtroyed, the two crowns would jointly labour to render the king abſolute in England, and eſtabliſh the catholic religion. But they had too much cauſe afterwards to ſee that they were deceived by France. Indeed it was not Lewis's intereſt to render the king of England abſolute in his dominions, but rather to ſow and cheriſh diviſion between the king and his ſubjects, in which, by ſeeming to enter into the views of the cabal, he was but too ſucceſsful. But there occurred in the execution of the project an obſtacle, which the ſecret councillors ſhould have foreſeen, and perhaps did foreſee without being able to help it. This was the king's immenſe profuſeneſs, which was the reaſon that all the ſums received from France and the parliament were inſufficient to ſupport the war two years, ſo that he was obliged to have recourſe to the parliament, who at laſt broke meaſures ſo well concerted. On the other hand, this project alarming all Europe, the ſtates found protectors, who rendered the execution very difficult.

The ſame day that the declaration of war againſt the ſtates was publiſhed at London, the like was publiſhed at Paris, founded upon no juſter grounds. For the king of France gave no other reaſon of the war than his diſpleaſure at the conduct of the ſtates. This union between France and England (which then appeared openly, whatever care had been hitherto taken to conceal it) ſhewed the ridiculouſneſs of what the king ordered the lord keeper to tell the parliament, "That common prudence required, that his majeſty ſhould make ſuitable preparations, when France had ſuch forces both at land and ſea." It appeared by this, that the king ſcrupled not to tell his parliament the contrary of what he thought, which could not but make him loſe the confidence of his people, as it happened accordingly.

About a month after, the biſhop of Munſter alſo proclaimed war againſt the Dutch, on pretence, that they had endeavoured to corrupt the governors of his frontier places. As for the elector of Cologne, he had already introduced French troops into his dominions, to provide, as he pretended, for his ſecurity. But though he proteſted an intention to obſerve an exact neutrality, the ſtates were perfectly informed of his treaty with France. Thus theſe four princes were united for the utter deſtruction of the republic of the United Provinces, without mentioning ſeveral princes of Germany engaged by the king of France to ſtand neutral, that they might not aſſiſt Holland.

The ſtates having ſome time foreſeen the impending ſtorm, had endeavoured to divert it, by giving the king of England all the ſatisfaction he could reaſonably expect. They had offered to agree to whatever he deſired concerning the flag, and beſides, they had on the 24th of February made the prince of Orange captain general, and admiral, though he was then but twenty two years of age. They believed, this would ſuffice to content the king his uncle, for they were yet ignorant that his deſign was to overturn their republic, without any regard to the intereſts of the prince of Orange. This change in favour of the young prince, would, perhaps, have never been made, had it not been deemed neceſſary to appeaſe the king of England. There were three parties in Holland: that of the penſionary (which was the more powerful, and called the Louveſtein party, from the name of the caſtle where the prince's father had confined the leading men of this faction) that of the prince of Orange; and a third which affected a neutrality, and had hitherto joined with neither of the two firſt, but on this occaſion believed it neceſſary to join with the ſecond, in hopes of ſatisfying the king of England. The ſtates therefore ſent a deputation to the prince, to offer him the dignities of captain general, and admiral, and the penſionary de Witt, to his mortification, was appointed head of the deputation. Thus the prince of Orange ſaw himſelf captain general, but without an army, or at leaſt, with an army ſo inconſiderable, and filled for the moſt part with unexperienced officers, choſen more for their attachment to the penſionary, than their perſonal merit.

I ſhall not relate the progreſs of the king of France, and his two allies, the biſhop of Munſter, and the elector of Cologne, in the firſt campaign. This is ſo well known, that it would be loſt time to recite it. Let it ſuffice to obſerve, that the king of France took the field the beginning of May; made himſelf maſter of ſeveral places on the Rhine without almoſt any oppoſition; and ſwimming that river, ſubdued all Guelderland with the towns upon the Yſſel, and at laſt

[t] The preſbyterians went in a body, and dr. Manton, in their name, thanked the king for this declaration. Moſt of them had yearly penſions of fifty pounds, and the chief of them of a hundred pounds. Burnet, p. 308.

[u] To furniſh the government with ſome fair pretenſions at leaſt for this war, the committee for the Eaſt India company was ſummoned to ſhew, whether the Dutch had not broke in upon their trade, for which public ſatisfaction ought to be demanded? They anſwered, and gave it under their hands, That ſince the treaty at Breda, the Dutch had ſufficiently obſerved the articles of trade. Kennet, p. 310.

Baſnage

arrived at Utrecht, which had ſent deputies to Doeſburgh to offer their ſubmiſſion to his orders. At the ſame time, the biſhop of Munſter, after ravaging the province of Overyſſel, invaded Frieſeland and Groninghen, ſo that only Holland and Zealand remained free, of which the former was threatened with a like invaſion.

But this was not all the ſtates had to fear. Whilſt three of their provinces were loſt, and two others attacked, the danger from ſea was no leſs. The two fleets of France and England joined the beginning of May; the firſt conſiſting of forty, and the laſt of a hundred men of war. That of the ſtates had ſeventy-two large ſhips, and forty frigates and fire-ſhips, and conſequently was very inferior in number to the combined fleet of England and France[x]. It was commanded by the famous Ruyter, aſſiſted by Cornelius de Wit, the penſionary's brother, as deputy from the ſtates. Ruyter having put to ſea before the enemy's fleets were joined, had endeavoured to prevent the junction. But not ſucceeding, and being informed, that the two fleets lay at anchor in Solbay in Suffolk, he reſolved to attack them. He had like to have ſurprized them, but being diſappointed, prepared for battle. The two fleets of France and England (now compoſing but one) were ranged in three ſquadrons. The duke of York, high admiral of England, commanded the red ſquadron; the count d'Etrees, the white; and the earl of Sandwich, the blue. The fleet of the ſtates was likewiſe divided in the ſame manner; Ruyter was oppoſed to the duke of York, Bankert to count d'Etrees, and Van Ghent, to the earl of Sandwich. All I can gather from the various deſcriptions of this battle, fought the 28th of May, is, that both ſides diſplayed all the art and ſkill which experience had taught the commanders and officers, that they fought with equal bravery, with almoſt equal loſs, and both ſides challenged the victory. The admiral-ſhip of the Engliſh being diſabled, the duke of York was obliged to hoiſt his flag in the London. The Royal James, commanded by the earl of Sandwich, not being able to diſengage from a fireſhip, after ſhe had ſunk two, was blown up with the earl and her whole crew[y]. The Engliſh loſt two ſhips more, the Hollanders three, and Van Ghent was killed. The hiſtorians of the two parties equally pretend, that their fleet chaced that of the enemies, but both ſpeak of it very faintly. For, it is not entirely the ſame with engagements at ſea, as with thoſe at land, where commonly he that remains maſter of the field of battle, juſtly aſſumes the honour of the victory; whereas in naval engagements, a fog, a calm, a wind, either contrary or tempeſtuous, may oblige the victorious fleet to retire the firſt. However this be, bonfires were equally made at London, and the Hague, for the ſucceſs of this battle, though with very little reaſon. The Engliſh complain, the French did not diſcharge their duty, and only fought at a diſtance, after having ſeparated from the fleet. This conduct is aſcribed to ſecret orders given to count d'Etrees, not to expoſe too much his majeſty's ſhips, but to leave the Engliſh and Dutch fleets to deſtroy one another[z].

Some time before, the king had created the earl of Lauderdale, duke of the ſame name; the lord Aſhley Cooper, earl of Shaftſbury; lord Arlington, earl of Arlington; and ſir Thomas Clifford, lord Clifford. About the ſame time ſir Thomas Oſborn was ſworn into the privy council, and the new duke of Lauderdale, and the earl of Arlington, received the order of the garter. This was doubtleſs, to recompenſe theſe members of the cabal, for their great ſervices, in adviſing him to ſuſpend, by his ſole authority, the execution of two acts of parliament[a], till he ſhould think fit to take off the ſuſpenſion. Though this ſuſpenſion was not in itſelf diſadvantageous to the public, yet, as it proceeded from the ſame principle by which the king aſſumed a power of ſuſpending the penal laws againſt the non-conformiſts, it was ſufficiently clear, that he would not ſtop there.

I have already taken notice of the ſad condition of the ſtates of the United Provinces. There were two provinces, Guelderland, and Utrecht, in the power of the French. Overyſſel was in the hands of the elector of Cologne, and the biſhop of Munſter. The two provinces of Frieſeland and Groninghen were not only threatened, but alſo attacked. In ſhort, the province of Holland found no readier way to ſtop the progreſs of the French king[b], who was at Utrecht, than by opening the ſluices, and laying the country under water[c]. This melancholy ſituation of affairs, raiſed a great diſcontent in the people of Holland: and as the penſionary de Witt had been many years at the head of the government, all the calamities of his country were charged to his ill conduct. Moreover, the people openly accuſed him of betraying his country. At laſt, the general diſcontent roſe into ſedition, and cauſed the ſtates of Holland to annul the perpetual edict made in the year 1667, by which they had obliged themſelves never to own the prince of Orange for Stadtholder, and to diſpenſe with that oath; after which, the prince was made Stadtholder. Some time after, the two brothers, Cornelius, and John, de Witt, the firſt grand bailiff of Putten, and the other penſionary of Holland, but who had lately thrown up his employ, were torn in pieces by the mob of the Hague. The ſtory is too well known to need a recital. It ſuffices to ſay, the prince of Orange remained in peaceable poſſeſſion of the government of Holland and Zealand; for Frieſeland, and Groninghen had a ſeparate Stadtholder, namely, the young prince Henry Caſimir, of Naſſau, under the tuition of the princeſs his mother[d], and three provinces were in the hands of the enemy.

The king of France, who had ever feared the prince of Orange's advancement, no ſooner ſaw him inveſted with his eminent dignity, than he endeavoured to corrupt him with the offered ſovereignty of Holland. But he found the young prince deaf to all his offers, and reſolute to ſerve the ſtates who had intruſted him with its government, to the laſt moment of his life[e]. The king of England ſeconded his ally in this deſign. The ſtates had ſent embaſſadors to him with propoſals of peace, as they had alſo to the king of France at Utrecht. But the king, after a refuſal to treat but in conjunction with France, and fearing the ſtates deſign was to diſunite them, or render them jealous of each other, diſpatched the duke of Buckingham, and the earl of Arlington, (two members of the cabal) with George Savil, lord Hallifax, into Holland, on pretence of treating of a peace jointly with France. Theſe embaſſadors paſſing through the Hague, in their way to Utrecht, affected to give out, that they were come to bring peace. But when they came to treat, their propoſals were ſo exorbitant, that it was evident peace was not the king's view in this embaſſy. It was rather to draw cloſer the alliance between France and England, and concert new meaſures for the proſecution of the war, as the ſequel clearly diſcovered. In paſſing through the Hague, the duke of Buckingham aſked the prince, what it was he propoſed to himſelf in the deſperate ſituation of his country. To which the prince replied, "That it was true their condition was dangerous, but he had one way ſtill not to ſee its ruin compleated, and that was to lie in the laſt dyke." It is reported, the ſame duke, in a viſit to the princeſs of Orange, having told her that they were good Hollanders, was immediately anſwered by her, "That was more than they aſked, which was only that they ſhould be good Engliſhmen." For the war was ſo evidently contrary to the intereſt of England, that the Engliſh themſelves openly murmured at it. But, as I have ſaid, not only on this occaſion, but throughout this whole reign, the intereſt of the king, and that of the people were always directly oppoſite. The king, after the

[x] Baſnage ſays, it conſiſted, in all of a hundred and fifty-eight ſhips, tom. II. p. 206. In the Engliſh fleet there were twenty thouſand men, and four thouſand guns; in the French, thirteen thouſand men, and two thouſand guns; and in the Dutch, twenty-two thouſand men, and four thouſand guns. Maiole, or Primi, p. 24.

[y] Of the thouſand men on board, ſix hundred were killed on the deck. When the ſhip was on fire, the earl retired to his cabin, where he was followed by his capt. ſir Richard Haddock, who finding him with a handkerchief before his eyes, told him of the danger; but he anſwered, "He ſaw how things went, and was reſolved to periſh with the ſhip." It ſeems, the day before the earl obſerving, that the Engliſh fleet rode in Souldbay, in danger of being ſurpriſed by the Dutch, adviſed, that they ſhould weigh anchor, and get out to ſea. But the duke of York, ſlighting the advice, told the earl, "That he ſpake that out of fear:" which the earl is thought to have ſo highly reſented, that it rendered him careleſs of his own ſafety. Kennet, p. 314. Echard, tom. III. p. 300.

[z] There were two Engliſh ſhips burnt, three ſunk, and one taken; and of the French, one was burnt, and another ſunk. Burchett, p. 403. The Engliſh alſo loſt the captains of the following ſhips; of the Henry, Cambridge, Prince, St. George, Anne, Triumph, and Alice. They loſt alſo the lord Maidſtone, Mr. Montague, ſir Phillip Cartwright, ſir Charles Harbord, Mr. Cotterel, Mr. Napier, &c.—The body of the earl of Sandwich was diſcovered by one of the king's ketches (being known by the George he had on) and being taken up, and brought to Harwich, was thence removed to London, and ſolemnly buried in Weſtminſter Abbey. Kennet, p. 314.

[a] One was, for the encouraging and increaſing of ſhipping and navigation; and the other, for the encouragement of trade. Kennet, p. 314.

[b] Who was approaching with an army of one hundred and eighteen thouſand foot, and twenty-ſix thouſand horſe; commanded by the prince of Condé, and the marſhal de Turenne. Idem, p. 315.

[c] By which the country received damage, to the value of eighteen millions of guilders. Ibid.

[d] Rapin ſays, by miſtake, John Caſimir, born 1687, ſon of Henry Caſimir, who was born 1657, and died 1696.

[e] He always anſwered, That he would never betray a truſt that was given him, nor ever ſell the liberties of his country, that his anceſtors had ſo long defended. Temple's mem. p. 381.

He

example of his father and grandfather, thought he could ſilence the complaints of the people by a proclamation to forbid, under ſevere penalties, to ſpeak againſt the government, but this ſerved only to increaſe the murmurs.

In the mean time, the king of France ſeeing, that the drowning of Holland put a ſtop to his conqueſts, marched his army into Flanders, leaving the duke of Luxemburgh at Utrecht, and came to Paris in Auguſt, attended by the duke of Monmouth, who, in purſuance of Charles's engagement in their treaty, had brought him, at the opening of the campaign, ſix thouſand effective men.

I ſhall not relate the particulars of the war carried on by land during the reſt of the campaign, becauſe England had no part in it, and, beſides, it is fully deſcribed by the hiſtories of thoſe times. It is ſufficient for the reader to know in general, that though the ſtates had ſome ſucceſs againſt the biſhop of Munſter, their affairs were reduced to a wretched condition, and the neighbourhood of the duke of Luxemburgh ſcarce gave them time to breathe. Their whole refuge lay in the alliances they expected to make with the emperor, Spain, and ſome princes of Germany, and in the hopes that the Engliſh parliament which was to meet, according to the prorogation the 30th of October, would ſee the intereſt of England and of all Europe. But the king deprived them of this laſt reſource, by proroguing the parliament to February.

The 4th of December the king declared in council, that he would raiſe more forces, and diſpoſe of them in convenient quarters, to be employed on occaſion. And for payment of them, he ordered that the exchequer ſhould continue ſhut till the 1ſt of May 1673, though he had poſitively promiſed it ſhould be opened the beginning of the year. He publiſhed on this account, a proclamation, in which it was ſaid, "That notwithſtanding his majeſty had not been wanting on his part, to comply with all honourable ways and means that might effect a peace, yet the continuance of thoſe inevitable neceſſities which firſt obliged him to ſhut up the exchequer, compelled him to continue to ſtop the payment of monies till the 1ſt of May next: doubting not but that his loving ſubjects would have ſuch truſt and confidence in his juſtice, that it would take away all apprehenſions of their being in the leaſt defrauded of their juſt dues."

The ways and means uſed by the king to effect a peace, conſiſted, in that his two embaſſadors at Utrecht were contented to demand in his name, a million of pounds ſterling, for the expences of the war; the compliment of the flag without any exception; a hundred thouſand pounds yearly for the liberty of fiſhing; the ſovereignty of all that ſhould remain of the United Provinces, for his nephew the prince of Orange; a participation of the whole India trade; the town of Sluis, the iſles of Cadſant, Walcheren, Goerée, Voorne; and laſtly, an entire ſatisfaction to the king of France. It muſt have been great obſtinacy in the ſtates to find fault with ſuch reaſonable demands. Conſequently the king could not in honour diſpenſe with the continuation of the war, and the keeping the Exchequer ſhut to maintain it.

Sir John Trevor dying this year, ſir Henry Coventry, lately returned from Sweden, where he had ſucceſsfully negotiated for the king, ſucceeded him in the office of ſecretary of ſtate.

Sir Orlando Bridgeman reſigning the great ſeal, the new earl of Shaftſbury was made lord high chancellor[f]. A few days after, the king performed his promiſe to Clifford, by making him lord treaſurer, ſo that all the great offices of the ſtate were held by the cabal, or by perſons devoted to their intereſts. But that it may be ſeen, how the five lords of the cabal flattered the king, and one another, at the very time, the nation was moſt loudly exclaiming againſt the government, I ſhall inſert here part of a ſpeech made by the lord Shaftſbury, as chancellor, to the lord Clifford, when he tendered him the oath in Weſtminſter-hall, upon his admiſſion to the office of treaſurer. After telling him the nature of his office, he added,—"My lord, I may juſtly ſay you are in a place of the very firſt rank as to dignity, power, truſt, and influence of affairs; a place that requires ſuch a man as our great maſter's wiſdom hath found for it; from whoſe natural temper we may expect courage, quickneſs and reſolution; from whoſe education wiſdom, and experience; and from whoſe extraction that noble and illuſtrious houſe of the Cliffords[g], an heroic mind, a large ſoul, and an unſhaken fidelity to the crown. My lord, it is a great honour, much even beyond the place itſelf, that you are choſen to it by the king, who, without flattery, I may ſay, is as great a maſter in the knowledge of men and things, as this, or any other age hath produced: and let me ſay farther, it is not only your honour that you are choſen by him, but it is your ſafety too, that you have him to ſerve; with whom no ſubtle inſinuations of any near him, nor the aſpiring intereſt of a favourite, ſhall ever prevail againſt thoſe that ſerve him well. Nor can his ſervants fear to be ſacrificed to the malice, fury, or miſtake of a more ſwelling popular greatneſs: a prince under whom the unfortunate fall gently: a prince in a word, that beſt of all mankind deſerves the title of deliciæ humani generis. Let me end with this wiſh, or rather prophecy, that you may exceed all your predeceſſors in this place; the abilities and fidelity of the renowned lord Burleigh; the ſagacity, quickneſs, and great diſpatch of his ſon the lord Saliſbury; and the uprightneſs, integrity, and wiſdom of that great man that went laſt before you, the earl of Southampton."

It will hereafter appear, that the earl of Shaftſbury preſerved not long the ſentiments of eſteem and admiration for the king, expreſſed in this ſpeech.

[1672-3] Hitherto the cabal had ſailed with a proſperous gale on a very dangerous ſea, famous for wrecks, without any oppoſition. But at laſt they were ſtopped in their courſe by a rock which it was not poſſible to avoid, I mean the parliament. It was now almoſt two years ſince the parliament was aſſembled, and as, in that interval, the king had taken ſome ſteps which inſtilled great fears into his ſubjects, the new ſeſſion was expected with the utmoſt impatience, in hopes, that the parliament would apply proper remedies to the preſent evils, and find means to prevent thoſe with which the kingdom was ſtill threatened. The parliament therefore met the 4th of February, and choſe a ſpeaker by the direction of the court, ſir Edward Turner, the laſt ſpeaker having been made chief baron of the Exchequer. The choice falling upon ſir Job Charleton, he deſired to be excuſed; but the lord chancellor Shaftſbury told him, before the king and both houſes, that no excuſes would be admitted. "The conjuncture of time (ſays he) and the king's and kingdom's affairs, require ſuch a houſe of commons, and ſuch a ſpeaker. For, with reverence to the holy ſcripture, the king may on this occaſion ſay, he that is not with me is againſt me: for he that doth not now put his hand and heart to ſupport the king in the common cauſe of this kingdom, can hardly ever hope for ſuch another opportunity, or find a time to make ſatisfaction for the omiſſion of this." Preſently after, the king made the following ſpeech to both houſes:

My lords and gentlemen,

"I AM glad to ſee you here this day; I would have called you together ſooner, but that I was willing to eaſe you and the country, till there was an abſolute neceſſity. Since you were laſt here, I have been forced to a moſt important, neceſſary and expenſive war; and I make no doubt, but you will give me ſuitable and effectual aſſiſtance to go through with it. I refer you to my declaration for the cauſes, and indeed the neceſſity of this war; and ſhall now only tell you, that I might have digeſted the indignities to my own perſon, rather than have brought it to this extremity, if the intereſt as well as the honour of the whole kingdom had not been at ſtake: And if I had omitted this conjuncture, perhaps I had not again ever met with the like advantage. You will find, that the laſt ſupply you gave me, did not anſwer the expectation for the end you gave it, the payment of my debts. Therefore I muſt in the next place recommend them again to your eſpecial care.

"Some few days before I declared the war, I put forth my declaration for indulgence to diſſenters, and have hitherto found a good effect of it by ſecuring peace at home, when I had war abroad. There is one part in it that hath been ſubject to miſconſtruction, which is that concerning the papiſts; as if more liberty were granted to them, than to the other recuſants; when it is plain, there is leſs: for the others have public places allowed them, and I never intended that they ſhould have any, but only have the freedom of their religion in their own houſes, without any concourſe of others. And I could not grant them leſs than this, when I had extended ſo much more grace to others, moſt of them having been loyal, and in the ſervice of me, and of the king my father: and in the whole courſe of this indulgence, I do not intend, that it ſhall any any ways prejudice the church, but I will ſupport

[f] He refuſed to put the great ſeal to the declaration for indulgence, as judging it contrary to law: ſo he was diſmiſſed. Burnet, p. 307.

[g] The treaſurer was deſcended from the Cliffords, earls of Cumberland. See Dugdale's baron. tom. I. p. 334.

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its rights, and it in its full power. Having ſaid this, I ſhall take it very ill to receive contradiction in what I have done. And I will deal plainly with you, I am reſolved to ſtick to my declaration. There is one jealouſy more that is maliciouſly ſpread abroad, and yet ſo weak and frivolous, that I once thought it not of moment enough to mention; but it may have gotten ſome ground with ſome wellminded people, and that is, that the forces I have raiſed in this war, were deſigned to controul law and property: I wiſh I had more forces the laſt ſummer, the want of them convinces me, I muſt raiſe more againſt this next ſpring; and I do not doubt but you will conſider the charge of them in your ſupplies. I will conclude with this aſſurance to you, that I will preſerve the true reformed proteſtant religion, and the church, as it is now eſtabliſhed in this kingdom; and that no man's property or liberty ſhall ever be invaded. I leave the reſt to the chancellor."

The ſpeech afterwards ſpoke by the chancellor, is ſo remarkable, that it well deſerves a place in this hiſtory.

" My lords, and you knights, citizens, and burgeſſes of the houſe of commons,

" The king hath ſpoke ſo fully, ſo excellently well, and ſo like himſelf, that you are not to expect much from me. There is not a word in his ſpeech that hath not its full weight: And I dare with aſſurance ſay, will have its effect with you. His majeſty had called you ſooner, and his affairs required it, but that he was reſolved to give you all the eaſe and vacancy to your own private concerns; and the people as much reſpite from payments and taxes, as the neceſſity of his buſineſs, or their preſervation, would permit. And yet (which I cannot but here mention to you) by the crafty inſinuations of ſome ill-affected perſons, there have been ſpread ſtrange and deſperate rumours, which your meeting together this day, hath ſufficiently proved both malicious and falſe. His majeſty hath told you, that he is now engaged in an important, very expenſive, and indeed a war abſolutely neceſſary and unavoidable. He hath referred you to his declaration, where you will find the perſonal indignities by pictures and medals, and other public affronts, his majeſty hath received from the ſtates, their breach of treaties, both in the Surinam, and Eaſt India buſineſs: And at laſt they came to that height of inſolence, as to deny the honour and right of the flag, though an undoubted jewel of this crown, never to be parted with, and by them particularly owned in the late treaty of Breda, and never conteſted in any age. And whilſt the king firſt long expected, and then ſolemnly demanded ſatisfaction, they diſputed his title to it, in all the courts of Chriſtendom, and made great offers to the French king, if he would ſtand by them againſt us. But the moſt chriſtian king too well remembered, what they did at Munſter, contrary to ſo many treaties and ſolemn engagements; and how dangerous a neighbour they were to all crowned heads. The king and his miniſters had here a hard time, and lay every day under new obloquies. Sometimes they were repreſented as ſelling all to France for money to make this war: Portſmouth, Plymouth, and Hull, were to be given into the French hands for Caution. The next day news came, that France and Holland were agreed. Then the obloquy was turned from treachery to folly; the miniſters are now fools, that ſome days before were villains.

And indeed the coffee-houſes were not to be blamed for their laſt apprehenſions; ſince if that conjunction had not taken effect, then England had been in a far worſe caſe than it now is, and the war had been turned upon us. But both kings knowing their intereſts, reſolved to join againſt them, who were the common enemies to all monarchies, and I may ſay eſpecially to ours, their only competitor for trade and power at ſea; and who only ſtand in their way, to an univerſal empire, as great as Rome. This the ſtates underſtood ſo well, and had ſwallowed ſo deep, that under all their preſent diſtreſs and danger, they are ſo intoxicated with that vaſt ambition, that they ſlight a treaty, and refuſe a ceſſation. All this you, and the whole nation ſaw, before the laſt war; but it could not then be ſo well timed, or our alliances ſo well made. But you judged aright, that at any rate, DELENDA EST CARTHAGO, that government was to be brought down. And therefore the king may well ſay to you, it is your war! he took his meaſures from you, and they were juſt and right ones; and he expects a ſuitable aſſiſtance to ſo neceſſary and expenſive an action; which he has hitherto maintained at his own charge, and was unwilling either to trouble you, or burthen the country, until it came to an inevitable neceſſity. And his majeſty commands me to tell you, that unleſs it be a certain ſum, and ſpeedily raiſed, it can never anſwer the occaſion.

" My lords and gentlemen, reputation is the great ſupport of war or peace. This war had never begun, nor had the ſtates ever ſlighted the king, or ever refuſed him ſatisfaction; neither had this war continued to this day, or ſubſiſted now, but that the ſtates were deceived in their meaſures, and apprehended his majeſty in that great want of money, that he muſt ſit down under any affronts, and was not able to begin or carry on a war. Nay, at this day the ſtates ſupport themſelves amongſt their people by this only falſehood, that they are aſſured of the temper of England, and of the parliament, and that you will not ſupply the king in this war; and that if they can hold out till your meeting, they will have new life, and take new meaſures. There are lately taken two of their principal agents, with their credentials and inſtructions to this purpoſe, who are now in the Tower, and ſhall be proceeded againſt according to the law of nations. But the king is ſufficiently aſſured of his people; knows you better; and can never doubt his parliament. This had not been mentioned, but to ſhew you of what importance the frankneſs and ſeaſonableneſs of this ſupply is, as well as the fulneſs of it. Let me ſay, the king has brought the ſtates to that condition, that your hearty conjunction at this time in ſupplying his majeſty, will make them never more formidable to kings, or dangerous to England. And if after this you ſuffer them to get up, let this be remembered, the ſtates of Holland are England's eternal enemies both by intereſt and inclination. In the next place, to the ſupply for the carrying on of the war, his majeſty recommends to you the taking care of his debts. What you gave the laſt ſeſſion did not anſwer your own expectation. Beſides another conſiderable aid, you deſigned his majeſty, was unfortunately loſt in the birth; ſo that the king was forced for the carrying on his affairs, much againſt his will, to put a ſtop to the payments out of the exchequer. He ſaw the preſſures upon himſelf, and growing inconveniences to his people by great intereſt; and the difference through all his buſineſs between ready money and orders. This gave the king the neceſſity of that proceeding; to make uſe of his own revenue, which hath been of ſo great effect in this war. But though he hath put a ſtop to the trade and gain of the bankers, yet he would be unwilling to ruin them, and oppreſs ſo many families as are concerned in thoſe debts; beſides, it were too diſproportionable a burthen upon many of his good ſubjects. But neither the bankers, nor they, have reaſon to complain, if you now take them into your care, and they have paid them what was due to them when the ſtop was made, with ſix per cent. intereſt from that time. The king is very much concerned both in honour and intereſt, to ſee this done, and yet, he deſires you not to miſtime it; but that it may have only the ſecond place, and that you will firſt ſettle what you intend about the ſupply,

" His majeſty has ſo fully vindicated his declaration from that calumny concerning the papiſts, that no reaſonable ſcruple can be made by any good man. He has ſufficiently juſtified it by the time it was publiſhed in, and the effects he had from it; and might have done it more from the agreeableneſs of it to his own natural diſpoſition, which no good Engliſhman can wiſh other than it is. He loves not blood, or rigorous ſeverities; but where mild and gentle ways may be uſed by a wiſe prince, he is certain to chuſe them. The church of England, and all good proteſtants, have reaſon to rejoice in ſuch a head, and ſuch a defender. His majeſty doth declare his care and concerns for the church, and will maintain them in all their rights and privileges, equal, if not beyond any of his predeceſſors. He was born and bred up in it: it was that his father died for: we all know how great temptations and offers he reſiſted abroad, when he was in his loweſt condition; and he thinks it the honour of his reign, that he hath been the reſtorer of the church. It is that he will ever maintain, and hopes to leave to poſterity in greater luſtre, and upon ſurer grounds, than our anceſtors ever ſaw it. But his majeſty is not convinced, that violent ways are the intereſt of religion, or the church. There is one thing more, that I am commanded to ſpeak to you of, which is the jealouſy that hath been fooliſhly ſpread abroad, of the forces the king had raiſed in this war. Wherein the king hath opened himſelf freely to you, and confeſſed the fault on the other hand. For if this laſt ſummer had not proved a miracle of ſtorms and tempeſts, ſuch as ſecured their Eaſt India fleet, and protected their ſea coaſts from a deſcent, nothing but the true reaſon, want of money, could have juſtified the defect in the number of our forces. It is that his majeſty is provided for againſt the next ſpring, having

having given out orders for the raiſing of ſeven or eight regiments more of foot, under the command of perſons of the greateſt fortunes and quality. And I am earneſtly to recommend to you, that in your ſupplies, you will take into your conſideration, this neceſſary addition of charge.

" And after his majeſty's concluſion of his ſpeech, let me conclude, nay, let us all conclude with bleſſing God, and the king! let us bleſs God, that he hath given us ſuch a king, to be the repairer of our breaches, both in church and ſtate; and the reſtorer of our paths to dwell in: that in the midſt of war and miſery, which rages in our neighbour countries, our garners are full, and there is no complaining in our ſtreets; and a man can hardly know that there is a war. Let us bleſs God that he hath given this king ſignally the hearts of his people, and moſt particularly of his parliament, who in their affection and loyalty to their prince, have exceeded all their predeceſſors: a parliament, with whom the king hath many years lived with all the careſſes of a happy marriage. Has the king had a concern? you have wedded it. Has his majeſty wanted ſupplies? you have readily, chearfully, and fully provided for them. You have relied upon the wiſdom and conduct of his majeſty in all his affairs: ſo that you have never attempted to exceed your bounds, or to impoſe upon him: whilſt the king, on the other hand, hath made your counſels the foundation of all his proceedings; and hath been ſo tender of you, that he hath upon his own revenue and credit, endeavoured to ſupport even foreign wars, that he might be leaſt uneaſy to you, or burthenſome to his people. And let me ſay, that though this marriage be according to Moſes's law, where the huſband can give a bill of divorce, put her away and take another; yet I can aſſure you, it is as impoſſible for the king to part with this parliament, as it is for you to depart from that loyalty, affection and dutiful behaviour, you have hitherto ſhewn towards him. Let us bleſs the king for taking away all our fears, and leaving no room for jealouſies; and for thoſe aſſurances and promiſes he hath made us. Let us bleſs God and the king, that our religion is ſafe; that the church of England is the care of our prince; that parliaments are ſafe; and that our properties and liberties are ſafe. What more hath a good Engliſhman to aſk? But that this king may long reign, and this triple alliance of king, parliament, and people, may never be diſſolved."

I ſhall make no reflections on this ſpeech, becauſe it would lead me too far; and beſides, I imagine every diſintereſted reader can ſee the falſity of moſt of the things related, and the groſs artifice wherewith they are vented. I ſhall only obſerve, that this ſpeech was ſpoke by a member, or rather by the head of the cabal, who perfectly knew the king's ſecret intentions. The earl of Shaftſbury therefore muſt have had a forehead of braſs to pronounce ſuch a ſpeech before ſo auguſt an aſſembly. But very likely, this was only for form ſake, and the cabal believed themſelves ſo ſecure, that the parliament itſelf would not dare to ſeem to know their artifices. But they were miſtaken, and even the houſe of commons had already given ſome indications of vigour, before the king and chancellor had delivered their ſpeeches. Preſently after their meeting, they loudly complained of writs iſſued out by the lord chancellor, for electing and returning of perſons to ſit in their houſe, in the room of ſuch as were dead, or removed. And by the way, all the members elected by virtue of theſe writs, were the chancellor's creatures. This complaint cauſed the king immediately after the two ſpeeches, to declare to the commons, " That he had given order to the lord chancellor to ſend out writs, for the better ſupply of their houſe, having ſeen precedents for it; but if any ſcruple or queſtion did ariſe about it, he left it to the houſe to debate as ſoon as they could." Accordingly, the very next day the commons voted the writs and returns irregular, and expelled all the members thus elected.

There were in this parliament, as in moſt others, two parties, called the court and country party. This was their diſtinction, and it manifeſtly implied, that the intereſts of the court were directly oppoſite to thoſe of the people, as the intereſts of one party are uſually to thoſe of the contrary. The court party had always prevailed, while the people were perſuaded of the good intentions of the king and his miniſters. But as the king diſcovered himſelf, both by his way of living, and frequent ſigns of irreligion; or by his inclination for the papiſts; or by his profuſion, and avidity of money; or laſtly, by his union with France, and the war with the ſtates, his party ſenſibly decreaſed every day, for two very natural reaſons. Firſt, becauſe many of thoſe members, who, at the beginning, were of the king's party through inclination and zeal for religion, whilſt they conſidered him as protector of the church of England, loſt this inclination, as ſoon as they were convinced, that the king was far from deſigning the good of the church or ſtate. The king's proteſtations loſt all their effect, when it was once ſeen, that his actions correſponded ſo little with his words. Secondly, for the ſame reaſon, the people, perceiving that religion and the ſtate were in danger, choſe ſuch repreſentatives to fill the vacancies of the houſe, whoſe principles were directly oppoſite to the deſigns of the court. As the vacancies by the death of the members could not but be very numerous in a parliament, which had now ſat twelve years, the country party came by degrees to prevail, and the king and his miniſters no longer found it ſo eaſy to carry whatever they deſired, as at the beginning of the parliament. It is certain, ſo long as the people do not ſuſpect the king of ill deſigns againſt liberty and religion, the court party prevail in the parliament, or rather there are not then two different parties. For, ſuppoſing the king an exact obſerver of the laws himſelf, and careful to ſee them punctually obeyed, there can be no difference between the two parties, but with reſpect to the quantity of money granted to the king. But as the people are under obligations to the king, for his maintenance of order, equity, moderation, and juſtice in the government, they are never uneaſy with the power and wealth heaped on ſuch a king, and commonly the country party, if there is one in the parliament, is much inferior to the king's. But the caſe is quite different, when the people are once prejudiced againſt their ſovereign, and no longer confide in his promiſes. For then, the court party is compoſed of men, who have only their own private fortune in view, and is not ſo numerous as that of the people, which, beſides the public intereſt, finds likewiſe a private advantage in oppoſing the deſigns of the court. In this caſe, the people uſually chuſe able repreſentatives, and ſuch as are believed well affected to their country, and it is very rarely that the intrigues of the court are capable of hindering theſe elections. A proof of what I advance was ſeen in the elections of the parliament of the 3d of November 1640, under Charles I. wherein the country party was ſo ſuperior to that of the court. This proof is confirmed by the tranſactions of the parliament I am now ſpeaking of, which for twelve years had appeared ſo devoted to the king, and which changed from one extreme to another, when they had once loſt their former confidence in the king and his miniſters. It is in vain to aſcribe this change to the intrigues and cabals of ſome particular enemies of the court. Never would private perſons be powerful enough to corrupt a whole parliament, or the greater part, if their credit was not built upon the miſmanagement of the king and his miniſters. As we are entering upon a new period, I believed it neceſſary to prepare the reader for this change, by ſhewing him the true cauſe of it.

We have ſeen in the two ſpeeches of the king and the chancellor, what vaſt ſupplies the king demanded of his parliament, namely, a conſiderable aid for the ſea ſervice; another for the land; a third to diſcharge ſome old debts; a fourth to refund the money taken out of the exchequer, and which could not amount to leſs than two millions two hundred and fifty thouſand pounds ſterling for the ſpace of ſeventeen months. All this computed, muſt have amounted at leaſt to five millions. Though the chancellor's ſpeech made but little impreſſion on the commons, they would however ſhew, that in demanding a redreſs of grievances, as was their intention, they did not act through a ſpirit of paſſion and revenge. Wherefore, though they were by no means convinced of the neceſſity or juſtice of the war undertaken by the king, they voted a ſupply of an eighteen months aſſeſſment of ſeventy thouſand pounds per menſem, which in all amounted to twelve hundred and ſixty thouſand pounds, for the king's extraordinary occaſions, without ſpecifying that it was for the ſupport of the war. But for fear the king ſhould prorogue them when the money bill was paſſed, they reſolved that the redreſs of grievances ſhould keep an even pace with it.

For this purpoſe, the 19th of February the commons preſented an addreſs to the king, in which they told him—" That having taken into conſideration his declaration for indulgence to diſſenters, they found themſelves bound in duty to inform his majeſty, That penal laws in matter eccleſiaſtical cannot be ſuſpended but by act of parliament; they therefore moſt humbly beſought his majeſty, to give ſuch directions, that no apprehenſions or jealouſies, might remain in the hearts of his faithful ſubjects." To this addreſs the king ſent the following anſwer. " That he is very much

much troubled, that the declaration which he put out for ends ſo neceſſary to the quiet of this kingdom, eſpecially in that conjuncture, ſhould prove the cauſe of diſquiet, and give occaſion to the queſtioning of his power in eccleſiaſtics, which he finds not done in the reigns of any of his anceſtors. That he never had thoughts of uſing it otherwiſe than as it hath been intruſted in him to the peace and eſtabliſhment of the church of England, and the eaſe of all his ſubjects in general: neither doth he pretend to ſuſpend any laws wherein the properties, rights, or liberties of any of his ſubjects are concerned, nor to alter any thing in the eſtabliſhed doctrine or diſcipline of the church of England: but his only deſign in this was, to take off the penalties inflicted by ſtatutes upon the diſſenters, and which he believed, when well conſidered of, they themſelves would not wiſh executed according to the rigour of the law: neither hath he done this with any thought of avoiding, or precluding the advice of his parliament; and if any bill ſhall be offered to him, which ſhall appear more proper to attain the aforeſaid ends, and ſecure the peace of the church and kingdom, when tendered in due manner to him, He will ſhew how readily he will concur in all ways that ſhall appear for the good of the kingdom."

The commons eaſily perceived, the king was not inclined to deſiſt from his declaration. Wherefore, three days after, they preſented another addreſs, in which, "They thanked him for his gracious aſſurance and promiſes of maintaining the religion eſtabliſhed, and the liberties and properties of the people: and they did not in the leaſt doubt, but that his majeſty had the ſame gracious intentions in giving ſatisfaction to his ſubjects, by his anſwer to their laſt petition and addreſs: but that they found, that the ſaid anſwer was not ſufficient to clear the apprehenſions that might juſtly remain in the minds of his people, by his majeſty's having claimed a power to ſuſpend penal laws in matters eccleſiaſtical, and which his majeſty did ſtill ſeem to aſſert, in the ſaid anſwer, to be entailed in the crown, and never queſtioned in any of the reigns of his anceſtors: wherein they humbly conceived his majeſty had been much miſinformed, ſince no ſuch power had ever been claimed or exerciſed by any of his majeſty's predeceſſors. And if it ſhould be admitted, might tend to the interrupting the free courſe of the laws, and altering the legiſlative power, which had always been acknowledged to reſide in his majeſty, and in his two houſes of parliament. They therefore with an unanimous conſent became humble ſuitors to his majeſty, that he would be pleaſed to give them a full and ſatisfactory anſwer to their ſaid petition and addreſs, and that his majeſty would take ſuch effectual order, that the proceedings in this matter might not for the future be drawn into conſequence or example." The king's anſwer to this addreſs was, "It is of conſequence, and I will take it into conſideration."

At the time, theſe addreſſes were preparing, ſir Job Charleton, ſpeaker of the houſe of commons being taken ill, humbly prayed his majeſty, that he might be eaſed of the burden he was not able longer to ſuſtain. Edward Seymour, ſo famous in the reign of William III. was, by the court's recommendation, choſen in his room.

The king and the cabal were extremely miſtaken in imagining, that the declaration for liberty of conſcience, would gain the preſbyterians, in return for ſo great a favour. The leaders of the preſbyterians were too wiſe to be taken in ſo palpable and dangerous a ſnare. It was eaſy for them to ſee, they were only deſigned for inſtruments to advance the intereſts of the Romiſh religion. When they reflected, that this favour was received from the king, the duke of York, and the members of the cabal, they could not believe, it flowed from a principle of religion or humanity. They ſaw beſides ſo many extraordinary proceedings, ſo many invaſions upon the rights of the people; the papiſts indulged in their religion; the king making exorbitant demands upon his parliament; an army incamped at the very gates of London [h] in the midſt of winter; a war begun to deſtroy the only proteſtant ſtate capable of ſupporting religion; and papiſts in the principal poſts; all this ſufficiently demonſtrated, that the ſuſpenſion of the penal laws was not for their ſake. So, inſtead of thanking the king for this pretended favour, alderman Love, a city member, and an eminent diſſenter, ſpoke with the greateſt warmth againſt the declaration [i]. This declaration for liberty of conſcience, wrought a great change in the houſe of commons. For that houſe, which had been ſo fiercely animated againſt the preſbyterians, ſeeing them ſacrifice their own, to the intereſts of religion and the kingdom, ordered a bill to be brought in for their eaſe; a bill by which all the penalties againſt them in the act of uniformity were removed, and nothing required but the taking the oaths of allegiance and ſupremacy. This bill was read the firſt time on the 27th of February, and in a few days was completed. But the lords having made ſome amendments, the king prorogued the parliament before theſe amendments could be agreed to by the commons.

This bill, which was readily paſſed by the commons, ſufficiently ſhewed their diſtruſt of the court with regard to the declaration for liberty of conſcience, ſince by it all pretence was taken away of confounding the preſbyterians with the other non-conformiſts. So long as the commons had not ſuſpected the king's intention to favour the papiſts, they had affected to rank all the diſſenters in one claſs, in order to include the preſbyterians in the ſtatutes made againſt the non-conformiſts in general. But when the king was perceived to uſe this confuſion to favour the papiſts, the commons were willing to own, the ſeveral ſects ought to be diſtinguiſhed, and rather than abandon religion to the intrigues and artifices of the court and the papiſts, reſolved to eaſe the preſbyterians. In this, they diſcovered a true zeal for the proteſtant religion in general, knowing, it was not ſo dangerouſly attacked by the preſbyterians, as by the papiſts. But it was not on this occaſion only that they ſhewed their attachment to the proteſtant religion. At the very time they were preparing the bill for the eaſe of the preſbyterians, another was brought in to enjoin frequent catechiſing in the parochial churches [k] for the inſtruction of youth, intimating thereby, how neceſſary this precaution was thought in the preſent juncture. But this bill, as well as the other, was rendered abortive by the prorogation of the parliament [l].

There is no plainer indication, of what the parliament thought of the deſigns of the court in favour of the papiſts, than the addreſs preſented by both houſes to the king about the ſame time. This addreſs contained, firſt complaints on the growth of popery; on the great reſort of Romiſh prieſts and jeſuits in the kingdom; on the admiſſion of ſo many recuſants into places of truſt, and particularly in the army. After this, the two houſes deſired, "1. That his majeſty would be pleaſed to iſſue out his royal proclamation, to command all prieſts and jeſuits (without exception of thoſe in attendance upon the queen, not being natural born ſubjects) to depart within thirty days out of the kingdom: and that his majeſty would be pleaſed, in the ſame proclamation, to command all judges and other officers, to put the laws in execution againſt all ſuch prieſts and jeſuits, as ſhould be found in the kingdom after that time. 2. That his majeſty would be pleaſed likewiſe to iſſue out commiſſions, to tender the oaths of allegiance and ſupremacy to all officers and ſoldiers now in his ſervice and pay, and that ſuch as refuſed the ſaid oaths, might be immediately diſbanded. 3. That the commiſſaries of the muſters be commanded and enjoined by his majeſty's warrant, upon the penalty of their places, not to permit any officer to be muſtered in the ſervice and pay of his majeſty, until he hath taken the oaths of allegiance and ſupremacy, and received the ſacrament of the lord's ſupper, according to the uſage of the church of England; and that every ſoldier ſhould take the ſaid oaths before his firſt muſter, and receive the ſacrament in like manner, before his ſecond muſter." Upon this addreſs, the king publiſhed a proclamation in the uſual ſtile, the ſeventh of that kind, by which (after a declaration, that as he had always adhered to the church of England, againſt all temptations whatſoever, ſo he was reſolved to maintain and defend it) he ſtrictly commanded all jeſuits and Romiſh prieſts to depart the kingdom, and the laws to be put in due execution, againſt all popiſh recuſants, or juſtly ſuſpected to be ſo, &c. This proclamation was not ſatisfactory to the commons, becauſe it extended but to one ſingle article of their petition, without any mention of the removal of papiſts from places of truſt. Wherefore, they proceeded to a new bill, in order to obtain their end, being reſolved not to finiſh the money bill, till they had procured a redreſs of their grievances, and particularly a revocation of the declaration for liberty of conſcience.

The king was never ſo perplexed ſince his reſtoration. The cabal had promiſed to make him abſolute, but, after all, ſuggeſted no other means than the uſing of force, at all hazards. He had hoped to obtain his aim by degrees,

[h] On Blackheath; raiſed without advice of parliament, and under many popiſh officers. Kennet, p. 318.

[i] He declared, he had much rather ſtill go without their deſired liberty, than have it in a way that would prove ſo detrimental to the nation. Ibid.

[k] Every Sunday in the afternoon. Echard, tom. III, p. 317.

[l] It was ſtopped in the houſe of lords, ſays R. Cooke, tom. II. p. 180.

in gaining now one point, then another, and to ſee himſelf at laſt able to trample on all his oppoſers. He had moreover relied on the aſſiſtance of France, after the commonwealth of Holland ſhould be deſtroyed. But he had preposterouſly imagined, he ſhould have time to form all his meaſures, and be able to ſupport his deſign, whenever it ſhould be oppoſed. Perhaps too, he had depended upon the condeſcenſion of the parliament, which had always been ſo favourable to him. But as the commons were proceeding, the time was come, that the king muſt either give way, or break with the parliament. In this laſt caſe, he had too much ſenſe to believe, that a handful of papiſts, with a few flattering courties and miniſters, were able to ſupport him, at a time when he could expect no aſſiſtance from France, and when the malecontents might be countenanced by a Dutch fleet. Beſides, his exchequer was empty; and therefore he muſt have reſolved to raiſe money on his ſubjects by means of his army: for he knew, if he had not wherewith to content his adherents, he would hardly engage them to betray the intereſts of their country. But this army was proteſtant, excepting a few popiſh officers and ſoldiers. The officers of the fleet, and the ſailors, were alſo proteſtants. It was therefore unnatural to expect to engage ſuch a fleet and army in his deſigns, ſo contrary to their religion and liberties. Laſtly, he conſidered that theſe very miniſters and courtiers, who appeared ſo devoted to his ſervice, would deſert him, as it happened to the king his father, when he ſhould be no longer able to protect them. In a word, it was too ſoon to begin the execution of a project of this nature, for which he was unprepared, and yet, by the parliament's laſt addreſs, he was obliged either to execute or relinquiſh it. His honour ſeemed engaged to ſupport the declaration for liberty of conſcience, for he had told the parliament, that he would adhere to it, and his inclination led him to favour the papiſts, whoſe religion he had ſecretly embraced. He found himſelf moreover obliged, not to abandon to the reſentment of the parliament, miniſters, who, in giving him their advice, had depended upon his protection. But honour was not capable to ballance the difficulties which he foreſaw, if he perſiſted in his enterpriſe. On the other hand, his council was divided. The duke of Ormond, and the earl of Arlington adviſed him to wait a more favourable opportunity; but the duke of York, and the reſt of the cabal, were for his throwing off the maſk, and ſupporting his declaration. They repreſented, that his father's ruin was owing to his condeſcending to the firſt demands of the parliament of 1640; and ſaid, they ſaw no leſs cauſe to fear now; for ſhould the declaration be recalled, other demands would be ſet up, which would never end, till they were carried ſo high, that the king would not be able to grant them, without undoing himſelf: and that after a thouſand condeſcenſions, he would be at laſt forced to break with the parliament, and all the fruit he ſhould reap from his compliance, would be to make them the bolder. They farther added, that his holding his reſolution a few days would bring the parliament to reaſon, his majeſty having a party among them which began to make the leaders waver; and that there were forces ſufficient on foot to ſupport the one ſide, and intimidate the other. It is pretended the earl of Shaftſbury undertook to anſwer for the ſucceſs. All this was very capable to hold the king in ſuſpence. It is believed, the ladies engaged in this affair, and fearing that a rupture would deprive them of the king's bounties, ſtrongly ſollicited him to recall his declaration. However that be, the king, after ſome heſitation, called for the declaration, and with his own hands broke the ſeal.

The 8th of March the king came to the parliament, and after preſſing the commons to diſpatch the money-bill, ſaid to both houſes,——"If there be any ſcruple yet remaining with you touching the ſuſpenſion of the penal laws, I here faithfully promiſe you, that what hath been done in that particular, ſhall not for the future be drawn into example and conſequence; and as I daily expect from you a bill for my ſupply, ſo I aſſure you I ſhall as willingly receive and paſs any other you ſhall offer me, that may tend to the giving you ſatisfaction in all your juſt grievances."

This ſpeech was ſo agreeable to the parliament, that both houſes went in a body and thanked the king for ſo full and ſatisfactory an anſwer.

But if the two houſes were pleaſed, the cabal was not ſo. They had formed a project, and prepared a ſcheme to render the king abſolute. Nay, they had taken ſome ſteps towards the execution. This ſcheme had never been formed, had it not been ſuppoſed, the king would have the courage and reſolution to withſtand the complaints of the parliament; for the projectors could never think, the parliament would ſuffer the liberties of the people to be invaded without oppoſition. All their hope therefore was founded upon the king's ſteadineſs. They were to engage in a conteſt, in which they flattered themſelves to render the king victorious. But they ſaw, to their great aſtoniſhment, the king was retreating, when he ſhould have prepared for battle, and conſequently the hopes of victory were entirely vaniſhed. But this was not at all they had to fear; they were in danger of being abandoned by the king, after this firſt ſtep, to the reſentment of the two houſes; for how could they hope for the protection of the king, who had juſt given ſuch manifeſt marks of his own fear?

The earl of Arlington, as I have obſerved, had in ſome meaſure, deſerted the cabal, by his advice to the king, to revoke his declaration for liberty of conſcience. The earl of Shaftſbury ſoon followed him, but in a manner more ſurpriſing, more public, and with more remarkable circumſtances. As ſoon as he ſaw, the king had not ſufficient reſolution to execute the great work which was projected, he thought it but juſt to forſake a prince, who had forſaken himſelf, and left his counſellors expoſed to danger. This was the ſecond time the earl had experienced the king's inconſtancy, and want of reſolution. The affair of the declaration was common to him with the reſt of the cabal. But the writs iſſued out of chancery for the election of members to fill the vacancies of parliament, were peculiar to him. He had undertaken to iſſue theſe writs as chancellor, on pretence of ſome precedents which were never known, upon the king's poſitive promiſe to ſtand by him, and yet, he was deſerted by the king, at the firſt inſtance of the commons, or rather before their complaints. This was, however, a thing of very great conſequence. For if the crown could have iſſued writs for filling the vacancies in parliament, it would have been very eaſy for the miniſters to have had ſuch members returned as they pleaſed, as it happened on this firſt occaſion, wherein all thoſe that were choſen were creatures of the court. Father Orleans, who received his information of the Engliſh affairs from king James II. poſitively affirms, as one that could not be miſtaken when he follows ſuch a guide, "That the ancient cuſtom was, on the death of a member, for the chancellor to iſſue a writ under the great ſeal, for the election of another: and though the writ contained nothing to obſtruct the freedom of the elections, yet the king might find means to prevent any member from being choſen, who was againſt him. That this cuſtom had been changed during the troubles of the laſt reign, when the commons aſſumed the power of iſſuing the writs by their ſpeaker, and that this abuſe had been ſuffered to continue, ſince the king's reſtoration, through the weakneſs or ignorance of the chancellors before Shaftſbury." But this is a groundleſs aſſertion, as appears from what the king ſaid himſelf to both houſes, at the beginning of this ſeſſion, "That he had given order to the lord chancellor to ſend out writs, for the better ſupply of their houſe, having ſeen precedents for it." Had this been a right inherent in the crown, and firſt invaded by the commons, during the troubles of the laſt reign, would the king have ſaid only, "That he had ſeen ſome precedents for it." This remark is only to ſhew, with what caution the hiſtory of father Orleans, though dictated by king James himſelf, is to be read.

The earl of Shaftſbury was therefore more expoſed to the reſentment of the commons, than any other of the cabal, not only for pernicious counſels given the king, in conjunction with his four colleagues, the ſecret whereof was not yet known, but chiefly for the writs iſſued by him as chancellor, ſo deſtructive of their rights and privileges. He had therefore reaſon to fear a vigorous proſecution for this fact, and it is certain, the party oppoſite to the court had already projected an accuſation againſt him. On the other hand, the weakneſs he had diſcovered in the king, gave him no hopes of a protection from thence. He believed, therefore, he had no other way to divert the impending ſtorm, than by quitting the king's party, and throwing himſelf into the contrary. "He executed this reſolution, ſays father Orleans, the day after the king reſolved to revoke his declaration for liberty of conſcience. It was eleven at night before the king had taken his laſt reſolution, and the next morning the earl of Shaftſbury appeared in the houſe of lords, at the head of the moſt violent party, againſt the catholic religion, the Dutch war, and the union with France." He did more, if father Orleans is to be credited, for in a full houſe he diſcovered the reaſons which had induced the king to grant liberty of conſcience, join with France, and declare war againſt

againſt the ſtates. I doubt not his diſcovering this ſecret to his new party, but confeſs, I muſt have better evidence than that of father Orleans, to convince me, that this diſcovery was made publicly in a full houſe, and on this very occaſion, eſpecially, before the king and duke of York, who were that day preſent in the houſe. This would have been a formal accuſation againſt the king, the duke of York, and the other four members of the cabal, of which he could have given no proofs, if they had been demanded. He had too much ſenſe to expoſe himſelf to ſuch a danger. The occaſion of his declaring publicly againſt the king, on the day I am ſpeaking of, was this.

The lord treaſurer Clifford, ignorant of Shaftſbury's intentions, paid him a viſit the night before, and communicating to him a project for eſtabliſhing a perpetual fund to free the king from his dependance on the parliament, read to him a ſpeech, he had prepared to ſpeak on the morrow concerning this project in the houſe of lords. The earl of Shaftſbury ſeemed highly pleaſed with the ſpeech, and deſired to hear it again. The next day, the king and duke of York coming to the houſe to countenance the project with their preſence, the lord Clifford ſpoke his ſpeech. He had no ſooner done, than the earl of Shaftſbury ſtood up and anſwered his ſpeech from the beginning to the end. He demonſtrated the project to be extravagant and impracticable; that it would overturn the government, and perhaps ſend the king and royal family abroad again, to ſpend their days in exile without hopes of a return. If the treaſurer's ſpeech ſurpriſed the lords who perceived the deſign of it, their aſtoniſhment was increaſed when they ſaw the chancellor, a leading member of the cabal, declare ſo openly againſt the king. It is ſaid the duke of York, whilſt Shaftſbury was ſpeaking, whiſpered the king, "What a rogue have you of a lord chancellor!" and that the king replied, "What a fool have you of a lord treaſurer!" I know not whether the truth of theſe particulars is to be relied on, ſome of which are improbable. For what likelihood is there, that the king, after breaking the ſeal of his declaration with his own hands, for fear of the parliament, ſhould appear, within a few hours after, in the houſe of lords, to ſupport, by his preſence, the treaſurer's project, which tended to the ſubverſion of parliaments? or that he ſhould call the treaſurer fool, for a propoſal which the king could not be ignorant of, and had doubtleſs approved [z].

However, the earl of Shaftſbury from this time was always at the head of the country party, and cauſed the king to undergo great mortifications, as will hereafter appear. But I muſt give here a very material caution to thoſe who read father Orleans's hiſtory, or ſuch Engliſh or foreign authors as eſpouſe the king's cauſe. All theſe writers paint the earl of Shaftſbury in very black colours. He was, according to them, the greateſt villain that ever lived; his wickedneſs was anſwerable to the extent of his genius, and the depth of his penetration. He was perpetually contriving how to torment the king and duke of York, or rather to ruin them irrecoverably. He was not only the head but the ſoul, of his party, by which they were actuated. In ſhort, every thing tranſacted afterwards by the parliament againſt the king, is ſolely imputed to him, and it is artfully inſinuated, that, had it not been for ſuch an agent, the nation would have remained in tranquillity, and the parliament, content with the king's favourable anſwers, and gracious promiſes, would have been quiet, and attempted nothing againſt the court. Thus, according to theſe writers, all the meaſures and precautions taken afterwards by the parliament againſt the deſigns of the court, were entirely owing to Shaftſbury's malice and revenge. It is eaſy to perceive, that their deſign is to cauſe to vaniſh the grounds of the parliament's fear and complaint of the conduct of the court, by inſinuating, that theſe complaints were frivolous, and the effects of Shaftſbury's vengeance, who, they ſay, directed both houſes of parliament, or rather had them entirely at command. For my part, I am no way concerned to vindicate the earl of Shaftſbury's honour, but believe myſelf obliged to remark, for the more eaſy diſcovery of the truth, that the project of the cabal to render the king abſolute, and introduce popery, is of unqueſtionable certainty. The authors juſt mentioned, ſcruple not to own it, and ſhould they deny it, the thing would not be leſs true. Conſequently the parliament coming to a full and exact knowledge of this deſign, which was only ſuſpected before, had all the reaſon in the world for their fear and caution againſt the king and his miniſters. This being granted, let the earl of Shaftſbury have been a villain, or an honeſt man; let him have betrayed the king's ſecrets, and acted only through a ſpirit of revenge; let his fear of the parliament be the ſole motive of his engaging in the country party againſt the king; or let him have acted from a principle of honour and duty, in order to ſave the church and ſtate, the thing itſelf, remains the ſame. The good or bad qualities of the earl of Shaftſbury did not cauſe the parliament to have more or leſs reaſon to fear the deſigns of the king and his miniſters. If they were prejudicial to religion and the ſtate, as cannot be denied, the parliament had reaſon to take the beſt meaſures to prevent them. Why therefore are theſe meaſures, theſe precautions, aſcribed to Shaftſbury's malice and artifices, ſince there was another and more natural cauſe. Before the earl of Shaftſbury appeared in the party contrary to the court, the parliament had begun to take theſe precautions, though the court's deſigns were yet but ſuſpected: they were better informed by the earl of Shaftſbury; why therefore is it ſuppoſed, that after this information, they ſuddenly relinquiſh their former motives, and act only with a view to ſerve as inſtruments of Shaftſbury's revenge? this is not even probable, and yet the authors abovementioned loſe no opportunity of reproaching the earl of Shaftſbury, and aſcribing ſolely to him all the mortifications, the king afterwards received. Beſides the reader's inſtruction, my deſign, in what I have ſaid, is to hinder ſuch as have read, or ſhall read the other hiſtorians, from thinking it ſtrange that I do not every moment exclaim againſt the earl of Shaftſbury's conduct, as if he were the ſole author of what was done againſt the king; and that I content myſelf with ſaying in a word, this lord uſed all his intereſt and credit to break the meaſures of the king and his miniſters.

Immediately after this change in the earl of Shaftſbury, the commons paſſed a bill, afterwards called the teſt act, intitled, "An act for preventing the dangers which may happen from popiſh recuſants." This act required that all perſons enjoying any office or place of truſt and profit, ſhould take the oaths of allegiance and ſupremacy in public and open court, and ſhould alſo receive the ſacrament in ſome pariſh church, immediately after divine ſervice; and deliver a certificate ſigned by the miniſters and churchwardens, atteſted by the oaths of two credible witneſſes, and put upon record: and that all perſons taking the ſaid oaths of allegiance and ſupremacy ſhould likewiſe make and ſubſcribe this following declaration——"I do declare, that I do believe, that there is not any tranſubſtantiation in the ſacrament of the lord's ſupper, or in the elements of bread and wine, at or after the conſecration thereof, by any perſon whatſoever."——This bill readily paſſed the houſe of commons, and after ſome difficulties, was alſo

[z] This buſineſs of Shaftſbury's turning againſt the court is thus related by Burnet. The lord Clifford reſolving to aſſert the declaration for liberty of conſcience, ſhewed the heads he intended to ſpeak on to the king, who approved of them. He began the debate with rough words, calling the vote of the commons, Monſtrum horrendum ingens, and run on in a high ſtrain. When he had done the earl of Shaftſbury, to the amazement of the whole houſe ſaid, He muſt differ from the lord that ſpoke laſt, toto cœlo. He ſaid while theſe matters were debated out of doors, he might think with others that the king's ſupremacy did warrant the declaration: But now, that ſuch a houſe of commons were of another mind, he ſubmitted his reaſons to theirs. They were the king's great council, and muſt both adviſe and ſupport him. The king was all in fury to be thus forſaken by his chancellor, and told the lord Clifford how well he was pleaſed with his ſpeech, and how highly offended with the other. The debate went on, and upon a diviſion the court had the majority. But above thirty of the moſt conſiderable of the houſe proteſted againſt the vote. So the court ſaw they gained nothing in carrying a vote, that drew after it ſuch a proteſtation. It ſeems Clifford, Buckingham, and Lauderdale, were for violent meaſures, whilſt Arlington and Shaftſbury preſſed the king to content the parliament. Accordingly, in the afternoon of the day that the matter had been argued in the houſe of lords Shaftſbury and Arlington got all thoſe members of the commons, who were in the court party, to go privately to the king one after another, and tell him, that upon Clifford's ſpeech the houſe was in ſuch fury, that probably they would have gone to impeachments, had it not been for Shaftſbury's ſpeaking on the other ſide, who, they believed, ſpoke the king's ſenſe, as the other did the duke's. So they made the king apprehend, the chancellor's ſpeech, with which he was ſo offended, was really a great ſervice done him, and perſuaded him farther, that he might now ſave himſelf, and obtain an indemnity for his miniſters, if he would part with the declaration, and paſs the bill. Whereupon, before night the king was quite changed, and ſaid to his brother, that Clifford had undone himſelf, and ſpoiled all by his ſpeech; and though Shaftſbury had ſpoke like a rogue, yet that had ſtopt a fury, which the other's indiſcretion had kindled. The duke, in the evening told Clifford what the king ſaid. Upon which Clifford went to the king, and ſaid, he thought, that in what he had done he had both ſerved and pleaſed the king, but was ſurpriſed to find by the duke, that the king was of another mind. The king, in ſome confuſion, owned, that all he had ſaid was right in itſelf, but he ſhould have conſidered better what the commons could bear. Clifford finding he muſt loſe the white ſtaff, conſulted with Buckingham whom to recommend for treaſurer, and they pitched upon ſir Thomas Oſborn, afterwards duke of Leeds, p. 348, &c.

approved by the lords [a]. The earl of Briſtol, though a papiſt, made a ſpeech on this occaſion, and concluded with ſaying, "Upon the whole matter, however the ſentiments of a catholic of the church of Rome (not of the court of Rome) may oblige me, upon ſcruple of conſcience, to give my negative to this bill, yet as a member of a proteſtant parliament, my advice prudentially cannot but go along with the main ſcope of it, the preſent circumſtances of time, and affairs conſidered, and the neceſſity of compoſing the diſturbed minds of the people."

Beſides this bill there was another preparing to prevent intermarriages between proteſtants and papiſts. This tended directly to break the preſent negotiation of the duke of York's marriage with an archduchеſs of Inſpruch [b], and to hinder him from marrying any other catholic princeſs. The king, in the mean while, was very uneaſy, as he ſaw the parliament was informed of his ſecret reſolutions, and effectual meaſures were taken to prevent their execution. Wherefore he quickened the commons by ſeveral meſſages, to finiſh the money bill. But, inſtead of ſatisfying him, the commons, having provided for the ſecurity of religion, preſented him two addreſſes of grievances, one concerning England, the other Ireland. In the firſt, they told the king, that they were firmly perſuaded of his intention to govern according to the laws and cuſtoms of the kingdom. Yet finding that ſome abuſes and grievances were crept into the government, they craved leave humbly to repreſent them to his majeſty's knowledge, and to deſire,

"1. That the impoſition of twelve pence per chaldron upon coals, for providing of convoys, by virtue of an order of council, dated the 15th of May 1672, may be recalled, and all bonds, taken by virtue thereof, cancelled.

"2. That his majeſty's proclamation of the 4th of December 1672, for preventing diſorders which may be committed by ſoldiers, and whereby the ſoldiers now in his majeſty's ſervice are in a manner exempted from the ordinary courſe of juſtice, may likewiſe be recalled.

"3. And whereas great complaints have been made out of ſeveral parts of the kingdom, of divers abuſes committed in quartering of ſoldiers, that his majeſty would be pleaſed to give orders to redreſs thoſe abuſes, and in particular, that no ſoldiers be hereafter quartered in any private houſes, and that due ſatisfaction may be given to the inn-keepers and victuallers where they lye, before they remove.

"4. And, ſince the continuance of ſoldiers in this realm will neceſſarily produce many inconveniences to his majeſty's ſubjects, they humbly repreſented it as their petition and advice, that when this preſent war is ended, all the ſoldiers that have been raiſed ſince the laſt ſeſſion of parliament may be diſbanded.

"5. That his majeſty would likewiſe be pleaſed to conſider of the irregularities and abuſes in preſſing ſoldiers, and give orders for the prevention thereof in future."

Theſe demands ſhew, how by degrees the court was labouring to introduce an abſolute authority: Firſt, by a light impoſition, by virtue of an order of council, of twelve pence upon every chaldron, or thirty ſix buſhels of coals. The tax was inconſiderable, but the conſequence very great. Secondly, the magiſtrates, in aſſuming the power of quartering ſoldiers in private houſes, eaſily found an opportunity to gall and oppreſs their enemies, and ſuch as were not well inclined to the court. Thirdly, in preſſing ſoldiers, the officers had room to commit many acts of injuſtice, by liſting not the moſt proper perſons for the ſervice, but the rich who were able to redeem themſelves with money. Though this practice was much uſed with regard to ſailors, and continues to this day, it had never extended to ſoldiers, or at leaſt but on very extraordinary occaſions.

The petition concerning the Iriſh grievances contained ſeveral articles, chiefly relating to religion. In one of theſe the commons deſired, his majeſty would be pleaſed to diſmiſs out of all command, civil or military, colonel Richard Talbot, who notoriouſly aſſumed the title of agent for the Roman catholics in Ireland, and forbid him all acceſs to his court. This Talbot was afterwards created duke of Tyrconnel, and lord lieutenant of Ireland by James II [c].

The king replied to theſe addreſſes, that as they conſiſted of ſo many different parts, it could not be expected he ſhould give a preſent anſwer. But promiſed, that for the ſeveral particular things contained in them, he would before the next meeting take ſuch effectual care, that no man ſhould have reaſon to complain. After this the money bill paſſed without oppoſition. But, not to approve expreſly the war for which the money was intended, the bill was intitled, "A ſupply of his majeſty's extraordinary occaſions [d]," and a particular proviſo was tacked to it, "That no papiſt ſhould be capable of holding any public employment."

[1673.] Before the bill in favour of the proteſtant diſſenters and ſome others were ready, the king came to the parliament the 29th of March, and paſſed ſeveral acts, amongſt which were the money bill, the teſt act, and an act for a general and free pardon, but with many exceptions [e]. Then he adjourned the parliament to the 20th of October. If the king in his declaration for liberty of conſcience had intended the eaſe of the proteſtant non-conformiſts, as he would have had it believed, he might have deferred the adjournment of the parliament a few days, till the bill paſſed in their favour was ready, or at leaſt might have preſſed the two houſes to finiſh it. But as the papiſts were excluded from the benefit of this act, he ſhewed no farther concern for the intereſt of the preſbyterians, but adjourned the parliament before the lords had given their conſent to the bill.

The teſt act having received the royal aſſent, moſt of the catholic officers quitted their places. The duke of York himſelf, who was the lord high admiral, reſigned that profitable office [f], and the lord Clifford that of high treaſurer. He retired to his paternal eſtate at Chudleigh in Devonſhire, where he died ſhortly after.

While theſe things paſſed in the parliament, preparations for the ſea war were making in England and Holland with equal ardour and vaſt expence. The duke of York having reſigned his office of lord high admiral, prince Rupert was appointed to command the fleet. Ruyter having ſecret intelligence, that the Engliſh fleet would not be ready ſo ſoon, put to ſea with forty two men of war, and ſixteen veſſels to be ſunk in the Thames [g]. He came into the mouth of the river the 2d of May, where he found he had been miſinformed, and that forty five large ſhips were coming to attack him. Upon this diſappointment, he retired to expect the reſt of his fleet at Schonevelt in Zealand. In this interval, prince Rupert ſailed to meet the French fleet coming from Breſt, and joined them in the channel the 16th of May. After the junction, the combined fleet conſiſted of one hundred and forty ſail of all ſorts, of which there were thirty large French ſhips [h]. The Dutch fleet had but an hundred and nine ſail, namely, fifty four large ſhips, fourteen frigates, twenty four fireſhips, eleven advice boats, and ſix galliots [i]. As I am not ſufficiently verſed in marine affairs to give clear ideas of ſea engagements, I ſhall only ſay, that this year was ſignalized by three naval engagements, fought with ſuch equal loſs, that neither could juſtly boaſt of victory, though both challenged it in every battle. The firſt was fought near Schonevelt the 28th of May. The ſecond off Fluſhing the 4th of June, but this was rather a cannonading of about four hours, after which both ſides retired to their reſpective coaſts. The third, fought the 11th of Auguſt, was the moſt obſtinate. The Engliſh loſt vice-admiral Spragg, who was drowned in changing his ſhip [k], and the Dutch, vice-

[a] This bill was particularly promoted, if not invented by the earl of Shaftſbury, who reſolved to ſtrike directly at the duke of York and his friends. Echard, tom. III. p. 321.

[b] The articles of that marriage were concluded in October, 1672; and, as the earl of Arlington ſent word to ſir William Godolphin, "upon terms ſomewhat incongruous as to our government here, but in ſubſtance much to his majeſty's and royal highneſs's ſatisfaction." Arlington's letters, tom. II. p. 391. But though the princeſs of Inſpruch's religion pleaſed the French king, yet the intereſt this marriage would bring with it, did not; ſo that he propounded the princeſs of Modena. R. Cooke, p. 160. The duke had, before this, made his addreſſes to the lady Bellaſis, who was a proteſtant. Burnet, p. 353.

[c] February 26, 1671, the king had iſſued out a proclamation in Ireland, whereby he granted a general licence to all papiſts to live in corporations, exerciſe trades there, and enjoy the ſame privileges as other ſubjects ought to do; which was a greater privilege than his proteſtant ſubjects had, for by their charter, all who were not free of the corporations could not have the benefit of their privileges. R. Coke, p. 266.

[d] The ſum granted was twelve hundred thirty eight thouſand, ſeven hundred and fifty pounds. Statutes 25 Car. II. c. 1.

[e] There was alſo an act paſſed, to enable the county palatine of Durham, to ſend knights and burgeſſes to ſerve in parliament. Statutes 25 Car. II.

[f] Burnet ſays, when the duke carried all his commiſſions to the king, he wept as he delivered them up, but the king ſhewed no concern at all, p. 352.

[g] In order to ſtop the Canary, Bourdeaux, and Newcaſtle fleets from coming in. Kennet, p. 323.

[h] The white ſquadron was commanded by count d'Etrées, and the blue by ſir Edward Spragg. Burchett, p. 403.

[i] Baſnage ſays, it conſiſted of fifty men of war, twelve frigates, fourteen yachts, and twenty five fireſhips. Tom. II, p. 412.

[k] He was forced to move out of his ſhip into the St. George, but this ſoon after loſing her mainmaſt, he was obliged to leave her; and as he was going on board the Royal Charles, his barge was ſunk with a cannon ſhot.

admiral Sweers. The loſs of the great ſhips in theſe three engagements was inconſiderable, but on both ſides many leſſer ones were either burnt or ſunk. In a word, nothing deciſive happened at ſea this campaign, and therefore I need not be more circumſtantial [1].

As to what paſſed at land between France and the ſtates, I ſhall only ſay, that the king of France took Maeſtricht in June, and the prince of Orange, Naerden, a town near Amſterdam, in September, and afterwards Bonn, the reſidence of the elector of Cologne, in October. Theſe two conqueſts, and the neceſſity the king of France was under to maintain the war againſt Spain (which had at laſt declared againſt him, beſides that the emperor, and ſeveral German princes, were alſo upon the point of declaring for the ſtates) obliged him to abandon all his conqueſts in the United Provinces, except Maeſtricht and Grave, where he left garriſons, after having drawn out all the reſt in November.

In the mean time, a congreſs was held at Cologne for peace, but with no ſucceſs.

The 19th of June the king, at Buckingham's recommendation, made ſir Thomas Oſborn, afterwards earl of Danby, lord treaſurer.

The duke of York, as I have ſaid, had caſt his eyes upon an archduchеſs of Inſpruch, a branch of the houſe of Auſtria. But the empreſs dying at that time, the emperor married this princeſs himſelf. The duke was therefore obliged to make his addreſſes elſewhere; and as his zeal for the popiſh religion allowed him not to marry a proteſtant princeſs, he made choice of Maria d'Eſte, ſiſter to Francis duke of Modena, and the marriage was immediately concluded and ſolemnized by his proxy Henry Mordaunt, earl of Peterborough. The king of France greatly contributed to the marriage, by declaring the young princeſs, then but fifteen years of age, an adoptive daughter of France, and by engaging to pay her portion.

As the duke's marriage with a catholic princeſs could not but be very diſagreeable to the Engliſh, the court eaſily foreſaw, that the parliament, which was to meet the 20th of October, would endeavour to oppoſe it. There were ſeveral bills ready, which could be finiſhed in a few days; and as the parliament was only adjourned, the court feared they would begin with compleating theſe bills, two of which the court was deſirous to put a ſtop to, namely, the bill againſt intermarriages between proteſtants and papiſts, and that for the eaſe of the proteſtant diſſenters. Wherefore the king eaſily reſolved to prorogue the parliament. The firſt thing the commons did, after their meeting, was, to preſent an addreſs to the king, to deſire that the duke's marriage with the princeſs of Modena might not be conſummated, and that he might not be married to any but a proteſtant. Upon this, the king prorogued the parliament to the 27th of the ſame month, to defeat the two bills above mentioned, and ſome others not more agreeable to him.

The 27th of October the king coming to the parliament with the uſual formalities, made a ſpeech to both houſes, in which he told them,——"That having conſented to a negotiation at Cologne, he hoped to have welcomed them with an honourable peace; but the Dutch had diſappointed him in that expectation, and treated his embaſſadors at Cologne with the contempt of conquerors, and not as might have been expected from men in their condition. That this obliged him to move them again for a ſupply, the ſafety and honour of the nation neceſſarily requiring it; that it muſt be proportionable to the occaſion, and if he had it not ſpeedily, the miſchief would be irreparable in his preparations for the next ſpring."—He told them, "That he was ſteady in maintaining all the profeſſions and promiſes made to them concerning religion and property; and ſhould be very ready to give them freſh inſtances of his zeal for preſerving the eſtabliſhed religion and laws, as often as any occaſion ſhall require. In the laſt place, he commended to their conſideration and care, the debt he owed the goldſmiths, in which very many others of his good ſubjects were involved."——

This debt to the goldſmiths was contracted by the king when he ſhut up the exchequer, and amounted to more than two millions ſterling. Thus the king, after a ſeizure of other men's property, by a pure act of authority, pretended, it belonged to the parliament to make reparation, on account of the application of the money to a war, of which he had not vouchſafed to communicate the deſign to them. This was the hardeſt caſe that had for a long time happened in England. For, on one hand, it was a melancholy thing to ſee ſo many families ruined, in ſupport of an expence which ought to have been common to the whole nation. But on the other hand, to pay this debt, was to eſtabliſh a precedent of a terrible conſequence, and authoriſe the king and his ſucceſſors to employ the ſame, or the like methods, for raiſing of money, without conſent of parliament. As for the twelve hundred and ſixty thouſand pounds granted the king for his extraordinary occaſions in the laſt ſeſſion, he believed, that ſum ought not to be employed in diſcharging this debt, nor even in maintaining the Dutch war, ſince a new ſupply was demanded for that purpoſe.

After the king had ended his ſpeech, the chancellor enlarged with great eloquence upon all the points touched by the king. But his ſpeech made little impreſſion upon the commons. They were no ſooner returned to their houſe, but inſtead of voting the king thanks for his ſpeech, they adjourned themſelves to the 30th of the month. The ſame day the king ſent them his anſwer to their addreſs concerning the duke of York's marriage, the ſubſtance of which was,——"That he perceived the houſe of commons had wanted a full information of this matter, the marriage not being barely intended, but compleated, according to the forms uſed amongſt princes, and by his royal conſent and authority: nor could he in the leaſt ſuppoſe it diſagreeable to the houſe of commons, his royal highneſs having been, in the view of the world, for ſeveral months, engaged in a treaty of marriage with another catholic princeſs, and yet a parliament held during the time, and not the leaſt exception taken at it." The houſe was by no means pleaſed with this anſwer; and therefore reſolved to preſent a ſecond addreſs, with their reaſons againſt the marriage. The ſame day it was voted, that a bill ſhould be prepared for a general teſt between proteſtants and papiſts, that is to ſay, an oath which ſhould ſerve to diſtinguiſh proteſtants from papiſts, with this clauſe, "That they who refuſed to take it ſhould be incapable of bearing any office civil or military, or to ſit in parliament, or to come within five miles of the court."

The 31ſt of October the commons took the king's ſpeech into conſideration, and after a ſerious debate in a grand committee, came to the following reſolution, "That the houſe conſidering the preſent condition of the nation, will not take into any farther debate, the conſideration of any aid, or ſupply, or charge upon the ſubject, before the time of payment of the eighteen months aſſeſſment granted by a late act of parliament, intitled, An act for raiſing the ſum of twelve hundred thirty eight thouſand, ſeven hundred and fifty pounds, be expired; except it ſhall appear, that the obſtinacy of the Dutch ſhall render it neceſſary; nor before this kingdom be effectually ſecured from popery, and popiſh counſellors, and the other preſent grievances be redreſſed."

The king, as may well be imagined, was extremely offended with this reſolution, and the more as it was followed by an addreſs for a general faſt, to be obſerved throughout the whole kingdom, which intimated to the people, that the kingdom was in great danger. Two days after, the houſe in a body waited on the king with a ſecond addreſs againſt the duke of York's marriage, in which, after many compliments, they repreſented to him,——"1. That if this match do proceed, it will be a means to diſquiet the minds of his proteſtant ſubjects at home; and to fill them with endleſs jealouſies and diſcontents; and will bring his majeſty into ſuch alliances abroad, as will prove highly prejudicial, if not deſtructive to the intereſts of the very proteſtant religion itſelf. 2. They find by ſad experience, that ſuch marriages had increaſed and encouraged popery in the kingdom, and had given opportunity to prieſts and jeſuits, to propagate their opinions, and ſeduce great numbers of his majeſty's ſubjects. 3. They do already obſerve, how much the party is animated with the hopes of this match, which was lately diſcouraged by his majeſty's gracious conceſſions in the laſt meeting of the parliament. 4. They greatly fear this may be an occaſion to leſſen the affections of the people to his royal highneſs, who is ſo nearly related to the crown, and whoſe honour and eſteem they deſire may always be entirely preſerved. 5. That for another age more at leaſt, this kingdom will be under the continual apprehenſions of

In this laſt engagement, ſir William Reeves and captain Heyman were alſo loſt; and likewiſe captain le Neve, and captain Merryweather, both foot officers. Burchett, p. 404. Echard.

[1] This year ſir Tobias Bridges took the iſland of Tobago in the Weſt Indies, from the Dutch; who, by way of reprisals, took the iſland of St. Helena, but it was ſoon after recovered by captain Richard Munden. Burchett, p. 404.

Nephew

the growth of popery, and the danger of the proteſtant religion. Laſtly, they conſidered, that this princeſs having ſo near a relation and kindred to many eminent perſons of the court of Rome, may give them great opportunities to promote their deſigns, and carry on their practices here, and by the ſame means penetrate into his majeſty's moſt ſecret counſels, and more eaſily diſcover the ſtate of the whole kingdom. And finding by the opinions of very learned men, that it is generally admitted, that ſuch treaties and contracts by proxies are diſſolvable, of which there are ſeveral inſtances to be produced, they do in all humility beſeech his majeſty, to put a ſtop to the conſummation of this intended marriage. And this they do the more importunately deſire, becauſe they have not, as yet, the happineſs to ſee any iſſue of his majeſty, that might ſucceed in the government of his kingdom."———To this addreſs the king briefly replied, "That it was a matter he would take into his preſent conſideration, and would ſpeedily return an anſwer." After which the commons proceeded farther, and voted the ſtanding army a grievance, and accordingly, prepared an addreſs to be preſented to his majeſty, ſhewing, "That the ſtanding army was a grievance, and a burthen to the nation."

But the 4th of November, the day on which the commons were to preſent their addreſs, the king came unexpectedly to the houſe of peers, and ſent for the commons. It happened that the ſpeaker and the uſher of the black rod met both at the door of the houſe of commons, but, as the ſpeaker was within the houſe, the door was immediately ſhut againſt the uſher, who came with the king's meſſage. The ſpeaker was forced into the chair, and while the uſher continued knocking at the door, the houſe voted, "That the alliance with France was a grievance. 2. That the evil counſellors about the king were a grievance. And, 3. That the duke of Lauderdale was a grievance, and not fit to be truſted or employed in any office or place of truſt." Upon which there was a general cry, "to the queſtion, to the queſtion!" But, the black rod knocking earneſtly at the door, the ſpeaker leaped out of the chair, and the houſe roſe in great confuſion. When the commons came to the houſe of lords, the king made a ſhort ſpeech to both houſes, in which he repreſented the great advantages which the enemy would reap from the leaſt appearance of a difference between him and his parliament.—He told them, he would not be wanting to let all his ſubjects ſee, "That no care ſhould be greater than his own in the effectual ſuppreſſing of popery." He then prorogued the parliament to the 7th day of January following, and thus put an end to the twelfth ſeſſion of this long parliament, which had continued but nine days.

Immediately after the prorogation of the parliament, the king took the great ſeal from the earl of Shaftſbury, and gave it to ſir Heneage Finch[m], with the title of lord keeper. Soon after, the king ordered that no perſon who was a Roman catholic, or reputed to be ſo, ſhould preſume to come near his perſon or court. He likewiſe publiſhed a proclamation for the rigorous execution of the laws againſt papiſts. This was the eighth of the kind ſince his reſtoration, and executed as the other ſeven.

But the proclamation was not capable to remove the fears occaſioned by the duke of York's marriage with the princeſs of Modena, which was conſummated the 21ſt of November, on the day of her arrival in England with the ducheſs her mother[n].

[1673-4.] The parliament meeting the 7th of January, the king repreſented to both houſes,—"That no propoſal of peace from the Dutch had been yet offered with an intent to conclude, but only to amuſe: that therefore, the way to a good peace, was to ſet out a good fleet, which there was time enough to do effectually, if the ſupply was not delayed. That a ſpeedy, a proportionable, and above all, a chearful aid, was now more neceſſary than ever: he once more put them in mind of his debt to the goldſmiths: and then told them, that his alliance with France had been very ſtrangely miſrepreſented to them, as if there were certain ſecret articles of dangerous conſequence; but he would make no difficulty of letting the treaties, and all the articles of them, without any the leaſt reſerve, be ſeen by a ſmall committee of both houſes, who might report the true ſcope of them."

Then the lord keeper enlarged upon all theſe points with exceſſive flattery to the king, for his extraordinary care to maintain the laws and religion, and that this might not be doubted, he alledged for proof, the aſſurances given by the king. Above all, he magnified the king's offer, of letting them ſee the treaties with France, as a condeſcenſion which could not be ſufficiently acknowledged, but by an extraordinary ſupply. In a word, the king's and the keeper's ſpeeches were founded upon this principle, that the war with the ſtates was juſt and neceſſary, and conſequently to be vigorouſly maintained, in order to an honourable peace.

It does not appear, that the two houſes much regarded the king's offer of laying before them his treaties with France, ſince it was in his power to ſhew them what he pleaſed, and ſuppreſs the reſt. The king perceived therefore, into what difficulties the cabal had thrown him by their violent counſels. He had loſt the confidence of his people, and neither his words nor his promiſes were any longer relied on. It was in vain for him to proteſt his zeal for the proteſtant religion, and the liberties of his ſubjects: theſe proteſtations could not obliterate his paſt proceedings, which gave but too juſt cauſe to ſuſpect his ſincerity. Wherefore, the parliament, without regarding his words, conſidered his actions, and laboured to take effectual meaſures, to prevent the execution of the court's deſigns, which were but too manifeſt. There were many things concerning which they openly expreſſed their fear and diſcontent. 1. The growth of popery publicly encouraged by the court. 2. The exorbitant power of France, which in the end could not but prove prejudicial to England. 3. The Dutch war, undertaken directly contrary to the intereſt of England, and for which however the king was inceſſantly demanding ſupplies, on a ſuppoſition of its being juſt and neceſſary, though he had alledged no lawful cauſe for it. 4. The management of affairs in Ireland, where the act of eſtabliſhment was openly trampled upon, and papiſts continually advanced or encouraged. 5. The king's proceedings in England, which were clear evidences of his principles and deſigns; namely, his raiſing a land army without any neceſſity; his granting liberty of conſcience by his ſole authority; his ſhutting up the exchequer; his diſpenſing with acts of parliament; his making a ſtrict alliance with France, when he ſhould rather have uſed his endeavours to oppoſe the increaſe of her greatneſs. 6. The open profeſſion of the popiſh religion by the duke of York, and his marriage with a popiſh princeſs, authoriſed by the king, notwithſtanding the remonſtrances of the parliament. 7. The three miniſters, ſtill employed by the king, namely, Arlington, Buckingham, and Lauderdale, all three of the moſt arbitrary principles, plainly ſhewed, it was not for the good of the kingdom, that the king uſed their counſels. Theſe were too real cauſes of complaint, to be ſilenced by the king's general proteſtation on every occaſion to maintain the laws and religion. Something more ſubſtantial than words was neceſſary to diſpel the ſuſpicions and fears of the people and parliament. Wherefore the parliament reſolved to reſtore the government to its natural ſtate. This very parliament which had conſidered as execrable rebels, the oppoſers of Charles I's uſurpations, was obliged to purſue the ſame meaſures againſt the encroachments of Charles II. as were begun with by the parliament of 1640. If this produced not a civil war, it is to be aſcribed to the weakneſs, fears, or, perhaps, to the abilities of the king, who, leſs obſtinate, and more diſcerning than his father, did not think proper to abandon himſelf entirely to the counſels of his miniſters, and particularly of the duke his brother. For, certainly, as the parliament ſtood affected, an extreme confuſion, if not a ſecond and more bloody civil war muſt have been the conſequence of the king's attachment to his principles and deſigns. Nothing is more proper to confirm this conjecture, than the revolution in the reign of James II. That prince, naturally more furious and obſtinate than his brother, reſolving to run all hazards, found the Engliſh, in their turns, as reſolute to venture all in the defence of their laws, religion, and liberty.

In order to proceed according to this plan, the houſe of lords preſented an addreſs to the king, praying him to iſſue out his royal proclamation, requiring all papiſts and reputed papiſts to remove out of London and Weſtminſter, during the ſeſſion of the parliament. Accordingly his majeſty without delay publiſhed a proclamation, dated the 14th of January, declaring, "That as he had always manifeſted his zeal for the preſervation of the true religion eſtabliſhed in this kingdom, and to hinder the growth and increaſe of popery, ſo he was now ready, upon this occaſion, to prevent all fears and dangers that might ariſe by the concourſe of perſons of that profeſſion, in or near the cities of London and Weſtminſter, &c." This pretended zeal had ſhewed

[m] Nephew of ſir John Finch, lord keeper in king Charles the 1ſt's reign. Kennet, p. 324.

[n] They were married at Dover by Nathaniel Crew, biſhop of Oxford—This year died Oliver St. John, ſo often mentioned in the reign of king Charles I.

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itſelf but in eight proclamations, already publiſhed by him at ſeveral times againſt the papiſts, the negligent execution of which is very viſible from the number. When the king's affectation of boaſting continually his zeal for the proteſtant religion and againſt popery is conſidered, and when on the other hand it is remembered, that he had abjured the proteſtant religion, and had a chapel ſecretly in his palace, where he daily heard maſs, and ſometimes even communicated the ſame day at his proteſtant and popiſh chapels, one knows not what to think of ſuch monſtrous diſſimulation.

The next day, both houſes joined in an addreſs to the king for a general faſt, to implore God's bleſſing againſt the efforts of popery, &c. Nothing was more offenſive to the king than ſuch addreſſes, which plainly implied, that religion was in danger, and through his fault; but he durſt not refuſe them, and therefore the 4th of February was appointed for a day of humiliation.

At laſt, the commons taking the king's laſt ſpeech into conſideration, voted, "That the houſe will in the firſt place proceed to have their grievances effectually redreſſed, the proteſtant religion, their liberties and properties effectually ſecured, and to ſuppreſs popery, and remove all perſons and counſellors popiſhly affected, or otherways obnoxious or dangerous to the government." Then they preſented an addreſs to the king——"That the militia of the city of London, and county of Middleſex, might be in readineſs at an hour's warning, and the militia of all other counties in England at a day's warning, for ſuppreſſing of all tumultuous inſurrections which might be occaſioned by papiſts or any other malecontented perſons." The king anſwered to this addreſs, "That he would take a ſpecial care, as well for the preſervation of their perſons, as of their liberties and properties."

This addreſs was only to inſinuate to the people, that the kingdom was in danger, and to juſtify beforehand the meaſures intended to be taken by the houſe, againſt thoſe who were conſidered as the principal authors of the danger, I mean the members of the cabal. By the death of lord Clifford, and the change in the earl of Shaftſbury, this council was reduced to three, namely, the dukes of Buckingham and Lauderdale, and the earl of Arlington. The houſe began with the duke of Lauderdale, and unanimouſly voted, "That an addreſs ſhould be preſented to his majeſty, to remove the duke of Lauderdale from all his employments, and from his preſence and councils for ever, being a perſon obnoxious and dangerous to the government."

The duke of Buckingham, while the commons were debating upon the heads of his accuſation, requeſted to be heard before their houſe, which was granted. But as his ſpeech, in vindication of himſelf, was full of ambiguities, the houſe referred his examination to the next day, and drew up ſome queries, to which he was required to give diſtinct anſwers. As theſe queſtions follow from what had paſſed, and tend to illuſtrate the hiſtory, I think myſelf obliged to inſert them, without adding his anſwers, the greateſt part of which left things as obſcure as they were before [o].

1. Whether any perſons declared to his grace any ill advice or purpoſes againſt the liberties and privileges of the houſe of commons: or to alter the government; who they were, and what they adviſed?

2. Some words fell from your grace yeſterday, wherein you were pleaſed to ſay, you had got nothing, but others had gotten three, four, or five hundred thouſand pounds; who were they that had gotten theſe ſums, and by what means?

His anſwer to this was,——That he was not at all acquainted by what means they got ſo much: that the duke of Ormond had got five hundred thouſand pounds, which was upon record; that lord Arlington had not got ſo much, but had got a great deal.

3. By whoſe advice was the army raiſed, and monſieur Schomberg made general [p]?

4. By whoſe advice was this army brought up to awe the debates and reſolutions of the houſe of commons?

5. Who made the triple alliance?

6. Who made the firſt treaty with France, by which the triple alliance was broken?

He anſwered, I made it.

7. By whoſe advice was the exchequer ſhut up, and the order of payment there broken?

8. Who adviſed the declaration in matters of religion?

9. Who adviſed the attacking the Smyrna fleet before the war was proclaimed [q]?

10. By whoſe advice was the ſecond treaty at Utrecht?

11. By what council was the war begun without the parliament, and thereupon the parliament prorogued?

12. By whoſe advice was the parliament prorogued the 4th of November laſt?

I did not think fit to add all the duke's anſwers, becauſe it is not juſt to prejudice the reader againſt thoſe whom the duke of Buckingham accuſed to clear himſelf. But the queſtions are very proper to ſhew, what it was that the commons blamed in the conduct of the king and the cabal. They were ſo little ſatisfied with the duke's anſwers, that they paſſed the ſame vote againſt him as againſt Lauderdale.

The commons, it ſeems, principally intended to ruin the earl of Arlington, ſince, notwithſtanding his defence before the houſe, they drew up an impeachment againſt him, conſiſting of ſeveral articles. But as the impeachment was not purſued, I do not think it juſt to inſert the articles, ſince I cannot alſo inſert what the earl could urge in his defence. I ſhall therefore only ſay, that the impeachment chiefly concerned the open protection, granted by the earl of Arlington, as ſecretary, to the catholics; and ſome actions tending to promote arbitrary power, or his own private intereſt [r].

After this, the commons proceeded to prepare a bill for a general teſt, by which every perſon refuſing to take it ſhould be made incapable to enjoy any office civil or military, to ſit in either houſe of parliament, or to come within five miles of the court. The teſt was in theſe words:

"I do ſolemnly, from my heart, and in the preſence of almighty God profeſs, teſtify and declare, that I do not believe in my conſcience that the church of Rome is the only catholic and univerſal church of Chriſt, out of which there is no ſalvation; or that the pope hath any juriſdiction or ſupremacy over the catholic church in general, or over myſelf in particular; or that it belongs to the ſaid church of Rome alone to judge of the true ſenſe and interpretation of the holy ſcriptures; or that in the holy ſacrament of the euchariſt, there is made a perfect change of the whole ſubſtance of the bread into Chriſt's body, or of the whole ſubſtance of the wine into Chriſt's blood, which change the ſaid church of Rome calleth Tranſubſtantiation; or that the virgin Mary, or any other ſaint ought to be worſhipped or prayed unto: and all theſe aforeſaid doctrines and poſitions I do renounce and diſclaim, as falſe and erroneous, and contrary to God's word, and the chriſtian religion." It was not without reaſon that this oath was called the teſt or trial, ſince it was as a touchſtone to diſtinguiſh the papiſts from the proteſtants, there being no catholic who could in conſcience take this oath. The king had already given his conſent to an act which impoſed much the ſame oath. But that was only for thoſe who were in office or employment, whereas this was univerſal, and might be required of all ſuſpected perſons. But, before the bill was ready, the king prorogued the parliament, and ſo defeated both this, and ſeveral other bills tending to the ſame end.

Since the ſtates general had perceived that the parliament approved not of the war the king was making againſt them, they had never ceaſed to ſollicit the king to a ſeparate peace [s], and had offered him whatever he could reaſonably expect, in ſuppoſing he deſigned the advantage of his kingdom. But as that was not the caſe, it is plain, their offers could not ſatisfy him. To content him, the commonwealth of the ſeven provinces ſhould have been entirely deſtroyed, and the king of France put in poſſeſſion. But as he durſt not openly avow this demand, he pretended to find in the offers of the ſtates, only ambiguous or inſolent propoſitions, and from thence took occaſion to reject them. But affairs afterwards took a turn which obliged him to come into other meaſures. The victories he hoped for at Sea with the aſſiſtance of France, came to nothing. If his fleet was

[o] The firſt day of his being before the houſe, he fell into ſuch diſorder, that he pretended he was taken ill, and deſired to be admitted again. Next day he was more compoſed. He juſtified his own deſigns, laying all the ill counſels upon others, chiefly the lord Arlington, intimating plainly, that the root of all errors was in the king and duke. He ſaid, hunting was a good diverſion, but if a man would hunt with a brace of lobſters, he would have but ill ſport. He had applied this ſaying to prince Rupert and lord Arlington; but now it was underſtood to go higher. Burnet, p. 367.

[p] This army was to make a deſcent into Holland. See a little lower.

[q] He ſaid, it was lord Arlington. See Echard, tom. III. p. 348.

[r] The earl excuſed himſelf, but without blaming the king. This had ſo good an effect, that he was acquitted, though by a ſmall majority. But the care he took to preſerve himſelf, loſt him his high favour with the king. Burnet, p. 366.

[s] The ſtates, ſays Burnet, committed a great error in deſiring this peace, without deſiring at the ſame time, that king Charles ſhould enter into the alliance for reducing the French to the terms of the triple alliance. But the prince of Orange thought, that if he could once ſeparate the king from his alliance with France, the other point would ſoon be brought about, p. 366.

not beaten in the four late engagements, at leaſt, it had gained no advantage over that of the ſtates. He had expected to give a mortal wound to the ſtates by a deſcent into Holland, and for that purpoſe had ſent for Schomberg to head his forces. But that general had been unſucceſsful in his expedition, and obliged to return without any thing done. The king of France, as I ſaid, had been forced to abandon his conqueſts in Holland, to defend himſelf againſt the new enemies raiſed him by the ſtates. In ſhort, the parliament diſcovering the ſecret intent of this war, not only refuſed any farther ſupplies, but were preparing to bring the adviſers to juſtice. On the other hand, the king had managed the money granted by parliament, and that of the exchequer, with ſo little œconomy, that he had not a ſhilling left. His profuſion had been ſo exceſſive, that it appeared, from orders counterſigned by the earl of Arlington ſecretary of ſtate, that he had given away above three millions ſterling, to ſeveral private perſons. In a word, he did not know which way to turn himſelf for the continuance of the war, as he ſaw his parliament little inclined to furniſh the means. All theſe reaſons were very capable to induce him to liſten to the offers made him by the ſtates. He therefore began by degrees, to diſcover, that he ſhould not be averſe to a reaſonable peace, provided the ſtates would have ſuch regard to his honour as he had room to expect. When there was no other difficulty, the ſtates wrote him a very ſubmiſſive letter, and at the ſame time ſent full powers to the marquis del Freſno, the Spaniſh embaſſador at London, to conclude a peace in their name, on the conditions already offered, but rejected by the king, on pretence they were only deſigned to amuſe him. Theſe propoſals were ſo reaſonable, and offered in ſo ſolemn a manner, that they could not be rejected without alarming the whole kingdom, and confirming the ſuſpicions, which were but too general, that the war was not deſigned for the advantage of the people. Beſides, the king's affairs required a ſpeedy peace [t].

Preſently after the receipt of the ſtates letter, the king came to the parliament the 24th of January, and communicated to both houſes the offers from the Dutch, deſiring their advice on the affair. They anſwered that it was their opinion, his majeſty ſhould proceed in a treaty with the ſtates, in order to a ſpeedy peace. From that time, all difficulties relating to the peace were removed, in the conferences between the marquis del Freſno, and the king's commiſſioners [u], and the treaty was concluded in a fortnight [w].

In this ſhort interval, the commons proceeded to take into conſideration the grievances of the nation. They inſiſted chiefly upon keeping an army compoſed of regular troops, and after a vote that it was a grievance to the kingdom, they reſolved to addreſs the king for diſbanding all forces raiſed ſince the year 1663. The examination of this affair gradually led them to that of the horſe and foot guards, eſtabliſhed by the king without the concurrence or approbation of the parliament. It was found, that they were of vaſt charge to the king and kingdom: that they were a ſtanding army in diſguiſe, which might be eaſily augmented: that guards were only in uſe in arbitrary governments: that they were altogether uſeleſs, as appeared from the king's daily truſting his perſon to his people without a guard.

The debate was interrupted by the king's coming to the houſe of peers, the 11th of February. The commons being ſent for, the king communicated to both houſes, that he had ſigned the peace with the Dutch. He told them moreover, in anſwer to their addreſs concerning the forces, that he had given orders for diſbanding even more than were deſired, and for ſending back the Iriſh regiments. He added, that he muſt needs acquaint them, that there was a great want of capital ſhips, and he ſhould be glad to be equal in number with his neighbours: he hoped therefore to have their aſſiſtance on ſuch an occaſion, to preſerve the honour and ſafety of the nation. The houſes thanked him for the peace he had made, and for his gracious anſwer to their addreſs.

This however was not capable to induce the commons to ſuſpend their debates upon the grievances. They voted, "that a committee ſhould be appointed to inſpect the laws lately made in Scotland, whereby an army is authoriſed to march into England or Ireland, by the ſole direction of the council of Scotland; and peruſe ſuch other laws as tend to the breach of the union of the two nations." They likewiſe in a grand committee reſolved, that a committee ſhould be appointed to inſpect the ſtate and condition of Ireland, more eſpecially with regard to religion, the militia, and the forces of that kingdom. They moreover appointed another committee,——"To inſpect the law, and to conſider how the king might commit any ſubject by his immediate warrant as the laws then ſtood; and to report their opinions;" and further, "they were to conſider how the law then ſtood touching the committing of perſons by the council table, and to report the ſame." Upon this occaſion they ordered a particular bill to be brought in, concerning writs of Habeas Corpus, which was read three times, and paſſed the houſe. A bill was likewiſe ordered to be brought in for a teſt to be taken by the members of both houſes.

It was a great mortification to the king to ſee the commons ſo rigouroufly examining his conduct; for all their reſolutions, in this ſeſſion, pointed to the former proceedings of the court. It may well be thought, that, as the project of the cabal was to render the king abſolute, and advance the intereſts of popery, the king and his miniſters had not been very ſcrupulous to gain firſt one point, and then another, in order to eſtabliſh precedents, and put the king in poſſeſſion of arbitrary power, in things which were not equally obvious to all. As the commons proceeded, it appeared plainly, they were reſolved not to omit any point. The king, therefore, to defeat their deſigns, made uſe of his conſtant method, and coming to the parliament the 24th of February, prorogued it to the 10th of November following, before any bill was ready for the royal aſſent. Thus ended the 13th ſeſſion of this parliament, after ſitting ſix weeks and three days. The prorogation was afterwards continued, and laſted about fourteen months.

The peace was proclaimed the 28th of February in London, with much greater demonſtrations of joy and ſatisfaction from the people, than the war had been two years before. The ſole difference between this peace and that of Breda was, that the ſhips and veſſels belonging to the ſtates, whether ſingle or in fleets, ſhould ſtrike the flag, and lower their topſail to thoſe of England [x], whether ſingle or in fleets, provided they carried the king's flag. Moreover the ſtates were to pay the king eight hundred thouſand patacoons at four payments, namely, two hundred thouſand on the exchange of the ratifications, and the reſt at three payments, within the ſpace of three years. Thus the people of England diſcharged the expence of the war, and the king alone reaped the benefit [y].

[1674] The king finding himſelf freed from the cares of war, and the uneaſineſſes cauſed by the parliament, abandoned himſelf entirely to a ſoft, indolent, and effeminate life. The ducheſs of Orleans his ſiſter had brought him, at their interview at Dover, the daughter of a gentleman of Bretagne, called de Queroualle, who commanded the king's affection beyond any of his miſtreſſes, and was created ducheſs of Portſmouth. But this particular fondneſs for her did not prevent his having many others, by whom he had ſeveral children, educated with no ſmall expence. In a word, not to dwell on what paſſed at a court ſo corrupted as that of Charles II. I ſhall only ſay, that the king's miſtreſſes had engroſſed the whole credit of the court, and that he could refuſe them nothing.

It does not appear, that France complained much of Charles for deſerting her, in making a ſeparate peace with the Dutch. This cauſed ſeveral politicians to think, that the king of France had given a full conſent to the peace, in order to make Charles mediator between him and his enemies, whoſe number was greatly increaſed, ſince the

[t] Lewis XIV. ſtrenuouſly oppoſed the concluſion of this peace, and offered king Charles five millions and a half, with forty men of war, if he would break the negotiation. Baſnage, tom. II. p. 496.——After the ſigning of the peace, king Charles told the French embaſſador, that he had been doing a thing which went more againſt his heart, than the loſing of his right hand. Burnet, p. 367.

[u] They were the lord keeper Finch, the lord treaſurer Oſborn; the dukes of Monmouth and Ormond, the earl of Arlington, and Henry Coventry, eſq. ſecretaries of ſtate. Collect. of treat. tom. III. p. 276.

[w] It was concluded in three days. See Temple's lett. p. 195.

[x] From cape Finiſterre, to point Van Staten in Norway. Collect. of treat. tom. III. p. 277.

[y] This peace was ſigned at Weſtminſter, Feb. 9. See collect. of treat. tom. III. p. 280.——Burnet ſays, lord Arlington preſſed the Spaniſh miniſter, to prevail with the ſtates, and the prince of Orange, to get a propoſition for a peace to be ſet on foot. And that it might have ſome ſhew of a peace both begged and bought, he propoſed, that a ſum of money ſhould be offered the king by the ſtates, which ſhould be made over by him to the prince, for the payment of the debt he owed him. Rouvigny, the French embaſſador, preſſed the king much to give his parliament all ſatisfaction in points of religion. The king anſwered him, if it was not for his brother's folly (la ſottiſe de mon frere) he would get out of all difficulties. In concluſion, the prince of Orange brought the ſtates to make applications to the king, in the ſtyle of thoſe who begged peace, though it was viſible they could have forced it, with the offer of two or three hundred thouſand pounds for the expence of the war, p. 366, 367.

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laſt year. This ſuſpicion is farther confirmed by Charles's offer of his mediation to the king of France, ſoon after his peace with the ſtates, which he readily accepted, without the leaſt reſentment of what had been lately tranſacted. When the king was aſſured that his mediation was accepted by France, he ſent ſir William Temple into Holland to offer the ſame to the ſtates. As their towns and provinces were now recovered, except Maeſtricht and Grave, they paſſionately wiſhed for peace. The only obſtacle was, the intereſt of their allies, the emperor, the empire, and Spain, who having engaged in the war for their ſake, could not be abandoned without extreme ingratitude. The only way to pleaſe them was to bring things to a treaty, where they might find their ſatisfaction. So, without being much ſollicited, they accepted the king of England's mediation. It is true, France and the allies had already accepted that of the king of Sweden, who had uſed his endeavours to procure a peace by his embaſſadors at the congreſs of Cologne. But ſince that congreſs was broken off by the forcible carrying away of prince William of Fuſtemberg [z], the Swede had rendered himſelf ſuſpected to the allies, by diſcovering too much partiality to France. So the ſtates were not diſpleaſed to find another mediator to renew the conferences, though they had no great reaſon to confide in the king of England. But they were deſirous of peace, and ſuch was the ſituation of the affairs of Europe, that another mediator was not eaſy to be found. Wherefore, it was more advantageous to accept him, than to have none at all, and loſe the hope of ending the war. However this be, they ſo ſtrongly ſolicited all the princes their allies, that at laſt they were induced to accept the king of England's mediation. But there was a wide difference between agreeing upon a mediator and concluding a peace. So many various intereſts to adjuſt, made it eaſy to foreſee, that peace would be a very difficult work, beſides the accidents which the continuation of the war might produce, and which would be too apt to alter the pretenſions of the two parties. For inſtance, whilſt a mediation of peace was talked of at the Hague, a battle was fought at Seneff, which indeed decided nothing, but might have had great conſequences, if victory had entirely declared for one of the armies [a]. Moreover the prince of Orange took Grave in October.

I cannot forbear taking notice of a thing which became more public afterwards, and of which I ſhall have occaſion to ſpeak more amply, namely, that, at the very time Charles performed the office of a mediator, he received from France an annual penſion of one hundred thouſand pounds ſterling. By this we may judge of his impartiality. Moreover it appears in Coleman's letters, the duke of York's ſecretary [b], ſome of which were writ this year, that there was a cloſe union between the king of France and the duke of York, and that the latter entirely relied on the aſſiſtance of France for the execution of the project formed in favour of the Engliſh papiſts. This manifeſtly ſhews, that Charles had not deſiſted from his firſt deſigns, and only waited a favourable opportunity to execute them, when France, diſcharged from the burden of the preſent war, ſhould be in a condition to grant him the neceſſary aſſiſtance.

During theſe tranſactions, the papiſts of England were labouring to prevail with the king to diſſolve a parliament which was ſo oppoſite to them; this appears alſo in Coleman's letters. But the king did not think proper to take ſuch a ſtep ſo ſoon, which might have done him great prejudice, by exaſperating the people, and from which he could reap no other advantage, than to procure ſome eaſe for the papiſts. But this was not his principal view. For though he was a diſguiſed papiſt, he had ſo little zeal for religion, that he was by no means inclined to hazard his temporal intereſts, in complaiſance to the papiſts. He publiſhed therefore, on the contrary, a proclamation, to ſtifle the falſe report that the parliament would quickly be diſſolved, and to ſatisfy the people that the thing had never come under deliberation.

To finiſh the events of this year 1674, I ſhall only take notice of ſome particulars which may be of uſe for the ſequel. In September, the earl of Arlington was made lord chamberlain of the king's houſhold, and ſir Joſeph Williamſon, who had been plenipotentiary at the congreſs of Cologne, was made ſecretary in his room. On the other hand the duke of Buckingham, who had been the king's principal favourite, loſt his favour and credit to ſuch a degree, that the king, without any ceremony, gave him a public affront, in declaring his office of chancellor of Cambridge vacant, and in influencing the election in favour of his natural ſon the duke of Monmouth.

The earl of Clarendon died this year at Roan in the 67th year of his age, after a ſeven years exile; during which he digeſted the memoirs he had collected to compoſe his hiſtory of the rebellion and civil wars of England. The famous John Milton, author of the poem called Paradiſe loſt, died alſo this year [c].

[1674-5] Of the five members of the cabal, only the earl of Arlington, and the duke of Lauderdale remained about the king. The firſt finding himſelf in a very diſagreeable ſituation, ſince the parliament had ſo openly declared againſt him, believed, he had no other way to ſupport himſelf, than by taking, or pretending to take meaſures oppoſite to thoſe of which the cabal was accuſed. Accordingly he was the firſt who adviſed the king to call in his declaration for liberty of conſcience; and when he ſaw the parliament acting with ſuch vigour to break the meaſures of the court, he affected an extraordinary zeal for the proteſtant religion. He was conſtant at ſermons and ſacraments, and carried his diſſimulation ſo far, as to perſecute the papiſts, whom he had till now protected. Some even ſay, he adviſed the king to remove the duke of York from his court. But if, by theſe proceedings, he gained any favour with the people, he loſt more with the king and duke, who no longer confided in him as before. The king had particularly ſhewn, he was diſpleaſed with him, by giving the treaſurer's ſtaff to ſir Thomas Oſborne, afterwards earl of Danby, which had ever been Arlington's ambition. This rendered the two earls mortal enemies to each other, and cauſed them to labour one another's deſtruction. The earl of Arlington, ſeeing that his enemy daily gained ground upon him, imagined he might recover his former credit and favour by performing a ſignal ſervice for the king; which was to engage the prince of Orange to enter into the meaſures of the Engliſh court, for procuring ſuch a peace as was deſired by the courts of France and England. As his counteſs was Mr. Odyck's ſiſter, who was much in the prince's confidence, he imagined, that with the aſſiſtance of Odyck, and his other relations and friends, it would be eaſy to ſucceed in the ſcheme he had projected. Wherefore, he obtained the king's leave to go to the Hague to execute his deſign. But as he was ignorant of the temper, humour and character of the prince of Orange, he took the very courſe to gain him which he ſhould have avoided. He endeavoured to vindicate all the proceedings of the cabal and Engliſh Court, by reaſons ſo weak and oppoſite to the truth, that he ſeemed in his diſcourſe to the prince, to think he had to deal with a child, ignorant of the moſt common affairs, which could not but offend him. But what offended him ſtill more, was, that he attempted to draw him into a diſcovery of the Engliſh lords, with whom he had held a ſecret correſpondence during the laſt war. In a word, this journey proved ſo unſucceſsful, that he loſt not only the prince of Orange's eſteem, but all his credit with the king. Beſides, he farther incurred the duke of York's hatred, by propoſing to the prince, without any order, as it is ſaid, a marriage with the princeſs Mary, the duke's eldeſt daughter, which was afterwards accompliſhed. It ſeems, the duke foreſaw how fatal that marriage would be to him. After the earl's return to court, his credit declined ſo viſibly, and the king ſhewed it ſo openly, that the courtiers made no ſcruple to mimick him in his preſence, for the king's diverſion. Thus had the earl of Clarendon been uſed. It is ſaid, that colonel Talbot, afterwards earl of Tyrconnel, having been ſome time abſent from court, and upon his return happening to ſee the earl of Arlington one day acted by a perſon with a black patch on his noſe, and and a white ſtaff in his hand, could not forbear reproaching the king with his ingratitude, in ſuffering a man to be thus unworthily treated, who had ſerved him ſo faithfully, as well in his exile, as ſince his reſtoration; to which the king in

[z] He was a prince of the empire, and was employed by Lewis XIV. to ſow diſcord between the princes of Germany. He and his brother were the chief inſtruments in promoting the Dutch war; and were the perſons that perſuaded the archbiſhop of Cologne to let the French forces march through his dioceſe. Baſnage, tom. II. p. 484.

[a] The prince of Orange, though but twenty three years old, highly ſignalized himſelf in this battle. Temple's mem. p. 387.

[b] He was ſecretary to the Ducheſs. He was a clergyman's ſon, but was early catched by the jeſuits, and bred among them. He was a bold man, had a great eaſineſs in writing in ſeveral languages, and writ many long letters, being the chief correſpondent the party had in England. He underſtood the art of managing controverſies, particularly that of the authority of the church. Burnet, p. 368.

[c] He was Latin ſecretary to the long parliament, and afterwards to Oliver Cromwell himſelf.

Lately

his excuſe replied, that he had no reaſon to be ſatisfied with the earl's conduct; "for, not content to come to prayers as others did, he muſt be conſtant at ſacraments too. Why, anſwered Talbot, does not your majeſty do the very ſame thing? God's fiſh! replied the king with ſome heat, I hope there is a difference between Harry Bennet and me."

This ſhews, the king had changed neither inclination nor principles ſince his deſigns had appeared to be ruined. The truth is, he was not ſatisfied with the members of the cabal, though it was not for their counſels, but their not having purſued the general deſign with ſufficient ability. Sir William Temple in his memoirs, relates, that before he departed to offer the king's mediation to the ſtates, he endeavoured, in a private audience, to make the king ſenſible how ill-adviſed, and how ill-ſerved he had been by the cabal; to which the king anſwered—"It is true, I have ſucceeded ill, but if I had been well ſerved, I might have made a good buſineſs enough of it:" and ſo proceeded to juſtify what was paſt. The king is therefore to be conſidered at the time I am ſpeaking of, that is, during the fourteen months interval between the two ſeſſions, as waiting a favourable opportunity for the better executing his deſigns. And this opportunity was not to be found till France ſhould be at peace with her enemies, and in a condition to aſſiſt her ſecret ally. In the mean time, the king ſeems to have had no other buſineſs, than to get as much money as he could from his parliament. He began therefore, according to cuſtom, with publiſhing a proclamation againſt popiſh prieſts and jeſuits to prepare the parliament to be favourable to him.

[1675.] The fourteenth ſeſſion of this parliament began the 13th of April. The king opened it with a ſpeech to both houſes, in which he told them—"That the principal end of his calling them now, was to know what they thought might yet be wanting to the ſecurity of religion and property, and to give himſelf the ſatisfaction of having uſed his utmoſt endeavours to procure and ſettle a right underſtanding between him and his parliament———For he muſt tell them, that he found the contrary was ſo much laboured, and the pernicious deſigns of ill men had taken ſo much place under ſpecious pretences, that it was high time to be watchful in preventing their contrivances; of which this was not the leaſt, that they endeavoured, by all means they could deviſe, to make it impracticable any longer to continue this preſent parliament———That he had done as much on his part as was poſſible to extinguiſh the fears and jealouſies of popery; and would leave nothing undone that might ſhew the world his zeal to the proteſtant religion as eſtabliſhed in the church of England, from which he would never depart. He then recommended the condition of the fleet, which he was not able, he ſaid, to put into that ſtate it ought to be, and which required a conſiderable ſum of money as well to repair as to build. Laſtly, he told them, that the ſeaſon of the year would not permit a long ſeſſion—That he intended to meet them again the next winter, and in the mean time recommended to them all ſuch temper and moderation in their proceedings, as might tend to unite him and them in counſel and affections, and diſappoint the expectations of thoſe, who could only hope by violent and irregular motions to prevent the bringing the ſeſſion to a happy concluſion."

The commons thanked the king for his ſpeech and promiſes to preſerve their religion and liberties: but as he had given them only proclamations, the little efficacy of which was well known, they believed them inſufficient, and accordingly proceeded to a new bill againſt the growth of popery, and particularly popiſh prieſts, that is, ſuch as had received orders from the ſee of Rome.

This done, the commons preſented a long addreſs againſt the duke of Lauderdale, in which they ſaid,———"That upon a ſerious examination of the ſtate of the kingdom, they found, that ſome perſons in great employment under his majeſty, had fomented deſigns contrary to the intereſt of both his majeſty and his people, intending to deprive them of their ancient rights and liberties, amongſt which was the duke of Lauderdale [d], (this was clearly pointing at the cabal). That he had openly affirmed in the preſence of his majeſty ſitting in council, and before divers of his ſubjects attending there, that his majeſty's edicts ought to be obeyed; for his edicts are equal with laws, and ought to be obeyed in the firſt place. They then repreſented to his majeſty ſome acts which had been made by the parliament of Scotland, by which it appeared, that there was a militia ſettled in that kingdom of twenty thouſand foot, and two thouſand horſe, who are obliged to be in a readineſs to march into any part of this kingdom, for any ſervice wherein his majeſty's honour, authority, and greatneſs may be concerned; and are to obey ſuch orders and directions, as they ſhall from time to time receive from the privy council there, and that the duke of Lauderdale was the promoter of this act. That by this means England was expoſed to an invaſion from Scotland under any pretence whatſoever, while the duke of Lauderdale was intruſted with the adminiſtration of that kingdom. For theſe reaſons, they humbly beſought his majeſty to remove the ſaid duke for ever from his perſon and council." The king did not think proper to grant this requeſt, and gave ſome reaſons for his refuſal, which were not ſatisfactory to the commons. And therefore they reſolved to prepare a ſecond addreſs againſt the duke.

The commons, after attacking the old members of the cabal, proceeded againſt a new one, namely, the lord treaſurer Danby, who was believed to be deeply engaged in the deſign of making the king abſolute. They examined his whole conduct ſince his admiſſion to his high poſt, and drew up ſeveral articles, in which they accuſed him of great miſdemeanours. In one of theſe articles, he was accuſed of ſaying at the hearing of a cauſe in the treaſury chamber, "That a new proclamation is better than an old act." But as ſufficient proofs were not found to ſupport the charge, it was dropt.

It may be eaſily inferred from theſe proceedings of the commons, that they were extremely jealous of the king and his miniſters, and did not doubt of the court's intention to introduce popery, and invade the liberties of the ſubject. Thoſe who would wholly aſcribe the ill humour of the commons to Shaftſbury's influences, can hardly anſwer the above-mentioned facts, which would not be leſs true, though the earl of Shaftſbury had never been born.

The commons ſhewed alſo their diſtruſt in another point which was no leſs grievous to the king. By an addreſs they prayed him to recall his troops out of France, and prevent his ſubjects from engaging in that ſervice for the future. The king rejected the firſt part of the addreſs, on pretence that in the treaty concluded with the ſtates, he had not engaged to recall thoſe troops, and that it could not be done without prejudice to the peace, which he now enjoyed with all his neighbours: but by a proclamation he prohibited his ſubjects from entering into the ſervice of France.

Whilſt the commons were thus proceeding with vigour, and giving on all occaſions ſignal marks of their diſtruſt, the lords remained idle, and ſeemed regardleſs of the fears and jealouſies expreſſed by the commons. Nay, ſome, and particularly the biſhops, obſerving that the commons were gradually departing from the principle which had been eſtabliſhed by this ſame parliament, as well concerning the church of England, as the royal authority, feared, they would lean too much to the oppoſite ſide. At the beginning of this parliament, whilſt it was believed that the king was and ever would be a protector of the church of England, and would give continual proofs of his affection for a people who had ſo generouſly reſtored him, it was thought the royal authority could not be carried too high, nor too many precautions taken againſt the non-conformiſts. But the face of things being changed, and the king having ſhewn by his conduct ſince he was on the throne, that he really deſigned to introduce popery, and render himſelf abſolute, theſe ſame principles, which had been conſidered as a bulwark to defend both church and ſtate, appeared too apt to countenance the deſigns aſcribed to the king and his miniſters, of invading the government and the eſtabliſhed religion. The commons therefore ſeeing, the king was not the perſon he was thought to be, and that he took advantage of the acts made in his favour to advance his own intereſts, which were not thoſe of the nation, uſed all poſſible precautions to hinder the execution of his deſigns. Theſe precautions went ſo far, that the houſe of lords were at laſt apprehenſive, that the commons intended to overturn every thing eſtabliſhed concerning the royal prerogative and the church's ſecurity, and that by degrees the nation would again become republican and preſbyterian. It is pretended, the biſhops were all or moſt of them of this opinion. To prevent an evil which to them appeared very dangerous, Robert Bartu, earl of Lindſey brought into the houſe of lords a bill, intitled, "An act to prevent the dangers which may ariſe from perſons diſaffected to the government." By this bill all perſons who enjoyed any office eccleſiaſtical, civil, or military, all privy councillors and members of parliament, were obliged, under a penalty, to take the oath which had been in-

[d] Lately created earl of Guilford.

troduced firſt in the corporation act, then in the militia act, and afterwards more fully in the five mile act. The oath, to ſave the reader the trouble of looking for it elſewhere, was thus expreſſed, " I do declare that it is not lawful upon any pretence whatſoever to take up arms againſt the king; and that I do abhor the traiterous poſition of taking arms by his authority againſt his perſon, or againſt thoſe that are commiſſioned by him, in purſuance of ſuch commiſſion: and I do ſwear, that I will not at any time endeavour the alteration of the government either in church or ſtate. So help me God."

When this oath was inſerted in the three forementioned acts, it produced no conſiderable debate, for the reaſons I have been ſpeaking of; but the caſe was very different when it was propoſed in this ſeſſion. Firſt, becauſe it was rendered in a manner univerſal, ſince it was extended to all perſons in any office whatever, and even to privy counſellors and members of parliament. Secondly, becauſe the times were altered, and moſt men had not the ſame opinion of the king, as when the three former acts were made. This bill occaſioned debates in the upper houſe, which laſted ſeventeen days, without a poſſibility of coming to any concluſion[e]. There were two powerful parties in the houſe, one for, and the other againſt the bill, and the votes of the biſhops turned the ſcale on the ſide of the firſt. This appeared, in that notwithſtanding all the efforts of the oppoſers of the bill, to hinder its being referred to a committee, they could not ſucceed. Whereupon ſome lords of that party entered their proteſtation againſt it[f]. The ſame thing happened, when the bill came to be examined in a committee of the whole houſe. In fine, with regard to the ſubſtance of the bill, the two parties diſplayed all their art and eloquence, the one for the paſſing, and the other for the rejecting it. In general, thoſe who argued for the bill maintained, that " the poſition of taking up arms by the king's authority againſt his perſon, or againſt thoſe that are commiſſioned by him," was falſe and pernicious; and they ſupported their opinion by inſtances of what had been done in the laſt reign, where it cauſed ſuch great diſorders, and occaſioned the ſubverſion both of church and ſtate. They ſaid therefore, that the kingdom being ſtill full of fanatics, republicans, and enemies of the church, it was abſolutely neceſſary to impoſe this oath upon them, to diſtinguiſh them, that it might be known who were to be guarded againſt. That, otherwiſe, there was danger of ſeeing one day renewed, the diſorders which had reduced the kingdom to ſo deplorable a condition, and that the oath enjoined by this bill, was, " a moderate ſecurity to the church and crown[g]."

The other party maintained[h], " That the oath impoſed by this, contained three clauſes, the two firſt aſſertory, and the laſt promiſſory; that it was worthy the conſideration of the biſhops, whether aſſertory oaths, which are properly appointed to give teſtimony of a matter of fact, of which a man is capable to be aſſured by the evidence of his ſenſes, be lawful to be made uſe of to confirm or invalidate doctrinal propoſitions; and whether that legiſlative power, which impoſes ſuch an oath, does not neceſſarily aſſume to itſelf an infallibility. And as to promiſſory oaths, it was deſired, that the learned prelates would conſider the opinion of Grotius de jure belli et pacis, lib. 2. cap. 3. who ſeems to make it plain, that thoſe kind of oaths are forbidden by our ſaviour Chriſt, Matt. v. 34, 37. And whether it would not become the fathers of the church, when they have well weighed that and other places of the new teſtament, to be more tender in multiplying oaths, than hitherto the great men of the church have been?" But the queſtion being put, the oath was voted by the majority of the houſe, the biſhops being all for it.

Then they proceeded to the particulars of the oath contained in the bill, and it was alledged by the oppoſers, that the poſition of " taking arms by the king's authority againſt his perſon," was true and neceſſary in a limited government, like that of England, otherwiſe this would be to ſurrender the rights and liberties of the ſubject, to a prince, who being ſuppoſed a tyrant, (which was a very poſſible caſe) would not be reſtrained by the fear, either of God or man. That ſhould ſuch a future king undertake to aboliſh all the laws, and invade the eſtates and liberties of his ſubjects, they would be obliged by this oath, not to reſiſt him, but to ſubmit to his yoke. That even without ſuppoſing ſuch a tyranny, a king might happen to be made priſoner by his own ſubjects, as was the caſe of Henry III. and Henry VI. and then thoſe who ſhould have the ſovereign in their hands, might act in his name, and authority, by virtue of his commiſſions, while the ſubjects would be reſtrained by the obligation of this oath from endeavouring to free him from captivity. In ſhort, ſeveral other probable caſes were alledged, by which it was clearly proved, that the oath ought neceſſarily to have ſome reſtrictions, if it was not intended to ſurrender to the king all the liberties of the nation. But as ſuch reſtrictions were not eaſy to be expreſſed, they concluded, it was much better, to leave the oath in generals which ſhould not comprehend all poſſible caſes, as ſeemed to be the intention of this oath from the terms in which it was conceived.

This affair was interrupted by an accident which raiſed a violent conteſt between the two houſes. I ſhall not relate the particulars, which ſuppoſe the knowledge of many things concerning the privileges of both houſes, which few foreigners are acquainted with. I ſhall content myſelf with briefly ſhewing the occaſion of it. One Dr. Shirley having brought an appeal in the houſe of lords from a decree in chancery againſt ſir John Fagg, a member of the houſe of commons, they ordered Shirley to be taken into the cuſtody of the ſerjeant at arms for a breach of privilege. The warrant for taking Shirley into cuſtody was forcibly taken from the ſerjeant's deputy, by the lord Mohun. The commons demanded juſtice of the peers againſt the lord Mohun, and were anſwered by the lords, that he had only done his duty. The quarrel thus begun, daily increaſed, ſo that the houſes, in their anſwers and replies, came to language ſo reproachful, that there was no hope of an accommodation[i]. Wherefore the king came to the houſe of peers the 9th of June, and prorogued the parliament to the 13th of October. Thus ended the 14th ſeſſion of this parliament, before the money bill and other public bills were ready for the royal aſſent. The commons had deſigned to grant the king three hundred thouſand pounds ſterling[k], but at the ſame time reſolved to apply the antient tunnage and poundage to the maintenance of the navy, according to its original deſign, which amounted to four hundred thouſand pounds a year. As the king would have been a real ſufferer by ſuch an appropriation, he was not ſorry to have occaſion to prorogue the parliament, chuſing rather to be deprived of a ſum of three hundred thouſand pounds, than loſe a revenue of four hundred thouſand.

During the campaign of 1675, the king of France loſt the famous marſhal Turenne, who had done him very great ſervices. He was killed by a cannon ball in an action not important in itſelf, but rendered ſo by the death of that general, his army being obliged to repaſs the Rhine. Their retreat facilitated the recovery of Treves to the allies, which was yet in the hands of the French. In the beginning of the year, the contending powers had agreed, after long negotiations, to treat of a peace in the city of Nimeguen. But nothing conſiderable was done this year.

In England, ſince the laſt ſeſſion, there were ſome intrigues at court to engage the king to diſſolve the parliament. The preſbyterians earneſtly wiſhed it, hoping that the people diſſatisfied with the court, would, as uſually happens, chuſe repreſentatives who had other principles than thoſe of the preſent parliament. The papiſts had paſſion-

[e] The great ſpeakers for this bill, were, the lord treaſurer, and the lord keeper, with biſhop Morley, and biſhop Ward. The ſpeakers againſt it, were, the duke of Buckingham, the earl of Shaftſbury, the lords Holles and Hallifax, and the earl of Saliſbury. Kennet, p. 332.

[f] The proteſting lords, who were looked upon as of the country party, were Buckingham, Bridgewater, Wincheſter, Saliſbury, Bedford, Dorſet, Ayleſbury, Briſtol, Denbigh, Paget, Holles, Petre, Berkſhire, Mohun, Stamford, Hallifax, De-la-mer, Eure, Shaftſbury, Clarendon, Grey of Rolleſton, Say and Seal, Wharton. It muſt be obſerved, that this bill was contrived by the church party, and was diſliked by the duke, and the papiſts in general, becauſe they thought the bringing any teſt in practice, would certainly bring on one that would turn them out of the houſe.

[g] Theſe were the lord chancellor's words.

[h] They ſaid, there ought to be no teſts, beyond the oath of allegiance, upon the elections to parliament; it being the great privilege of Engliſhmen, that they were not to be taxed but by their repreſentatives; it was therefore thought a diſinheriting men of the main part of their birthright, to do any thing that ſhould ſhut them out from their votes in electing: all teſts in public aſſemblies were thought dangerous, and contrary to the public liberty: a great deal was ſaid, to ſhew, that the peace of the world was beſt ſecured by good laws, and good government, and that oaths and teſts were no ſecurity: the ſcrupulous might be fettered by them: yet the bulk of the world would boldly take any teſt, and as boldly break through it. Burnet, p. 384.

[i] The lords affirmed, that it is the undoubted right of the lords in judicature, to receive and determine in time of parliament, appeals from inferior courts, though members of either houſe be concerned. The commons, on the other hand, maintained it to be the undoubted right of their houſe, that none of the members thereof be ſummoned to attend the houſe of lords, during the ſeſſion and privilege of parliament.

[k] For the building of ſhips.

ately desired this dissolution before the last session, but, as it appears in one of Coleman's letters of August this year, they had altered their mind, and expected much from this very parliament which had hitherto been so averse to them. But it is not seen on what this hope was founded. I shall hereafter speak of this and some other letters of Coleman, in which it evidently appears, that the papists were at this time very active to procure great advantages to their religion, and relied much on the duke of York, and the assistance of France.

The 13th of October the king opened the 15th session of the parliament with a very short speech, in which, after recommending union to both houses, and the interests of the church of England, he demanded money, as well for building ships, as for taking off the anticipations upon his revenues, desiring them to remember, it was now above three years since he had asked any thing of them for his own private use.

Then the lord keeper made a speech full of flattery to the king, in which he endeavoured to shew, that no king had ever a more sincere affection for his subjects, or laboured with more zeal for the preservation of religion and liberty, and therefore it was not to be doubted, but they would behave themselves like those that deserved to be called the king's friends, and that they would put him at ease too.

But the commons, instead of being moved by so unseasonable a rhetoric, and by such ill-grounded reasons, resumed the consideration of the bills left unfinished the last session for the liberty of the subject, and added others for its better security.

Afterwards they took into consideration the sums granted to the king for the last war, and the expences of the same, and found, that the charges amounted to a million less than the receipt, and without being able to discover to what uses this million had been applied [l].

In the report made of this affair, it was said, that the parliament was not obliged to pay the king's private debts by a tax, for if this pretension was admitted, they would have to pay the like debts about a year and a half hence, and so encourage the court to exact yearly a million and a half, as they had hitherto done: that since the end of the war, the whole charge of the government, both by sea and land, amounted not to above seven hundred thousand pounds sterling, and the clear income of the revenue came at least to sixteen hundred thousand, and consequently there ought to have been a yearly remainder of near a million: and yet the king had anticipated his revenues near a million more, to pay which, would be to entail perpetual anticipations upon the kingdom, to its utter ruin and desolation. The parliament therefore resolved to grant the king nothing for taking off these anticipations. Nevertheless, a few days after they voted a supply of three hundred thousand pounds sterling for the building of twenty large ships of war [m], but withal resolved to appropriate tunnage and poundage to the use of the navy, which could not but be very disagreeable to the king.

Then the commons proceeded to examine the trade with France, and found, that the French imported yearly into England commodities to the value of a million more than they exported, upon which a bill was ordered to be prepared.

Lastly, the commons being informed of a public report, that many of their members were pensioners to the court, resolved to oblige all their members to take an oath, by which they were to protest, that they had not received any money from the court, since the 1st of January 1672. But I know not whether this resolution was executed [n].

The debates of the commons were a little interrupted, by a report made to the house of the insolence of a French jesuit named St. Germain. The jesuit being informed, that one Luzancy a French priest had embraced the protestant religion, and afterwards had publicly preached to justify his conversion, went to him, and, threatening to assassinate him, or carry him away by force into France, extorted from him a recantation in writing of his conversion and sermon. This was done during the session of the parliament. A complaint was laid before the secretaries of state, and also before the commons, attested by Luzancy, with an addition of the following particulars, which he offered to swear. That father St. Germain in several conferences with him declared: 1. That the king was a Roman catholic in his heart. 2. That the court were endeavouring to get a liberty of conscience in England for the Roman catholics, and that granted, in two years, most of the English would acknowledge the pope. 3. That he knew the king's intention concerning religion, and that he was sure his majesty would approve of all he should do in that matter. 4. That he laughed at the parliament, as being only a wave that had but a little time; and said, that nobody was better welcome at court, and had greater intrigues with any of the nobility than he. 5. That it was good sometimes to force people to heaven; and that there were an infinite number of priests and jesuits in London, that did God very great service. Luzancy added farther, that many persons of good credit and repute, were ready to justify upon oath, that several of the Roman catholics had spoken things quite as bad or worse. In a word, that they were grown so bold and insolent, that a proselyte could not walk the streets without being threatened and called opprobrious names.

This affair threw the house into a ferment, and obliged the king to publish a proclamation, promising two hundred pounds for the apprehending of St. Germain. But that jesuit was now retired into France, from whence he kept a constant correspondence with Coleman the duke of York's secretary, in whose letters it appeared, that the duke laboured the advancement of popery to the utmost of his power.

I have observed, how much this parliament had been against the presbyterians, and that the discovery of the court's design had induced them to bring in a bill for their ease, but that the bill became abortive by the sudden prorogation of the parliament. The affair of Luzancy and St. Germain caused the commons to think of a like bill, but they were prevented by the lords. The duke of Buckingham having in a speech to the peers shewn the mischiefs arising from the persecution of the protestant dissenters, desired leave to bring in a bill for their ease, which was granted immediately.

But this bill, and all the rest prepared by the commons, were unhappily stifled in their birth by the revival of the former contest between the two houses. This dispute about privileges was managed with such heat on both sides, that it was moved in the house of lords, to present an address to the king to dissolve the parliament; and the question being put, it was passed in the negative by only two voices. At last, the king seeing, no expedient could be possibly found to reconcile the two houses, prorogued the parliament from the 22d of November to the 15th of February 1677, that is, for fifteen months.

I shall close this year with some less important transactions, which ought not to be omitted.

In May, the prince of Newburg came into England, and was received with great distinction by the king, as well on account of his personal merit, as in consideration of the civilities received by the king in his exile from the duke his father.

The duchess of Mazarine having a difference with her husband, retired into England this year, where it is pretended, she would have supplanted the duchess of Portsmouth [o], had not an intrigue with a certain courtier been too soon discovered to the king. He assigned her however an annual pension of four thousand pounds sterling. Her house, to the day of her death, was the rendezvous

[l] The charges of the war were, two millions and forty thousand pounds, and the receipt, three millions and forty thousand pounds: consequently, a million was misapplied, or wasted by ill management.

[m] One first rate, of fourteen hundred tuns; eight second rates of eleven hundred tuns; and eleven third rates, of seven hundred tuns. Echard. tom. III. p. 395.

[n] The words of this oath or test ran thus:——"I A. B. do protest before God and this house of parliament, that directly nor indirectly, neither I, nor any for my use, to my knowledge, have since the first day of January 1672, had or received any sum or sums of money by ways of impress, gift, loan, or otherwise, from the king's majesty, or any other person by his majesty's order, direction, or knowledge, or by authority derived from his said majesty, or any pardon, discharge, or respite of any money due to his said majesty upon account, or any grant, pension, gratuity, or reward, or any promise of any such office, place, or command, of or from his majesty, or out of any money, treasure, or estate of or belonging to his majesty, or of from, or by any foreign embassador or minister, or of, or from any other person in the name, or by the appointment, or with the knowledge, of his majesty or any of them; otherwise than what I have now in writing faithfully discovered and delivered to this house, which I have subscribed with my name: neither do I know of any such gift, grant, or promise so given or made, since the said time, to any other member of this house, but what I have also inserted in the said writing; nor have I given my vote in parliament for any reward or promise whatsoever."

So help me God, &c. Ibid.

[o] It is said, that she was brought into England for that very purpose, by the country party. Life of St. Evremond.

Author

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of all the men of wit and quality, and St. Evremond, a refugee as well as herſelf, was one of her moſt conſtant attendants.

The 19th of December, Heneage lord Finch, baron of Daventry, who had been only lord keeper, was made lord high chancellor.

The moſt remarkable deaths were thoſe of dr. Lightfoot, dr. Willis, and Bulſtrode Whitelocke [p]. The laſt has been frequently mentioned in the recital of the differences between Charles I. and the parliament.

[1675-6] As there was to be no meeting of parliament the next year, the catholics, and the court, which openly protected them, were leſs reſerved and more active. This gave great uneaſineſs to the people, who, beſides, ſaw with concern the growing greatneſs of Lewis XIV. and the indolence of the king, who, inſtead of being uneaſy or jealous, manifeſtly ſeemed to behold it with pleaſure. It may be affirmed, that the principal article of Charles II's reign conſiſts, in the perpetual oppoſition between the particular intereſts of the king, and thoſe of the Engliſh nation. All the world ſaw and were ſenſible of it. It was the common talk, and the ſubject of daily libels. The king therefore by proclamation ſuppreſſed all coffee-houſes, on pretence of being places where diſaffected perſons met and deviſed malicious and ſcandalous reports againſt the king and his miniſters. Immediately after was publiſhed another proclamation, for diſcovering and puniſhing the writers, who daily publiſhed libels in London againſt the government. But it is ſeldom known, that ſuch proclamations produce any great effects, eſpecially in England, where the liberty of ſpeaking againſt the government is more unreſtrained, than in any other country.

Though all the contending powers had, the laſt year, conſented to ſend their plenipotentiaries to Nimeguen, to treat of a peace, by the mediation of England, there was no great likelihood of a general peace. Sir William Temple and ſir Leoline Jenkins, the Engliſh mediators and embaſſadors, repaired to Nimeguen in July, and only found there the plenipotentiaries of France, and thoſe of the ſtates general. The emperor, the king of Spain, the elector of Brandenburgh, retarded the negotiations, as much as poſſible, in hopes, that the king of England, being concerned in the preſervation of the Netherlands, would not ſuffer them to fall under the dominion of France, and that this would oblige him in the end to declare for the allies. But they were extremely miſtaken in imagining that the intereſt of England was that of the king. It was this that made the proceeding of the Engliſh court always unintelligible to them, as well as the reſt of the princes of Europe, who were ignorant of Charles's ſecret deſigns and his engagements with France.

[1676] In the beginning of the campaign of 1676, the king of France took Conde and Bouchain; after which, in June he returned to Paris, leaving his army to the conduct of the count de Schomberg. On the other ſide, the prince of Orange beſieged Maeſtricht towards the end of July, which gave Schomberg time to take Aire, and march to the relief of Maeſtricht. His approach, and ſome other accidents, obliged the prince to raiſe the ſiege.

The campaign being ended, all eyes were turned to the negotiations at Nimeguen. It ſoon appeared, that the deſign of France was only to divide the allies, and make a ſeparate peace with the ſtates. The king of England had alſo the ſame view, and therein aſſiſted France with all his power, having ſent orders to ſir William Temple, to endeavour to perſuade the ſtates and the prince of Orange, to give their conſent. The ſtates were inclinable enough, but the prince of Orange could not be prevailed with, who thought, it would be a betraying of the common cauſe and the intereſts of the princes, who had engaged in the preſervation of Holland, which without their aſſiſtance had been irrecoverably loſt. He ſaid, it was in his uncle's power to make peace when he pleaſed, by declaring againſt France. Bnt nothing was farther from the king's intention, who, inſtead of being jealous of the king of France, was privately doing him all the ſervice he could, in ſolliciting the ſtates and his nephew the prince, to make a ſeparate peace. This diſcovers with what partiality he acted as mediator.

The hope entertained by the allies, that England would at laſt declare againſt France, was the greateſt obſtacle to peace. The king not being ignorant of it, believed he ought to undeceive the allies, in order to induce them to make ſuch a peace as was deſired by France. For this purpoſe, he publiſhed two proclamations, in which, on pretence of regulating ſome things concerning the neutrality, his deſign was to ſhew, he had no intention to depart from it.

Since the king had made peace with Holland, the French privateers infeſted the Channel in ſuch a manner, that without any regard to the neutrality of England, they ſeized her ſhips, and, as if in open war, made prizes of them [q]. It was proved, that they had taken fifty three ſince the peace. At laſt, the thing went ſo far, that the commiſſioners of trade were obliged to preſent a report concerning theſe indignities, to the king, and to pray him that he would take ſome courſe about it. The king very graciouſly received the report, and ſent orders to his embaſſador at Paris to make complaints on this occaſion; but that was all the ſatisfaction the merchants could obtain [r]. For the court of France, knowing that Charles would not break with them for fifty three ſhips belonging to private men, took no notice of theſe complaints. The king's indolence produced at leaſt this effect, that the people of England, enraged to ſee themſelves thus expoſed to the piracies of the French, were extremely deſirous of a war with France, in order to be revenged, and impatiently waited the meeting of the parliament, in the belief that both houſes would be more careful than the king, of the intereſts of the nation.

The remaining part of this year afforded nothing memorable, beſides a proclamation publiſhed by the king, forbidding his ſubjects to hear maſs in the queen's chapel in Somerſet houſe, or in the houſes of embaſſadors. Theſe proclamations were always expreſſed in very rigorous terms, but executed with ſuch negligence, that the frequency of them only ſerved to ſhew, how little deſirous the king was to have his orders ſtrictly obſerved. They were uſually a preparative to the next ſeſſion, but during the intervals of parliament, the Romiſh prieſts and jeſuits, who ſwarmed in the kingdom, and all other papiſts were ſure of impunity.

This year died George Digby earl of Briſtol in the ſixty fifth year of his age, who has often been remembered in the courſe of this hiſtory [s].

[1676-7] The king, as I ſaid, had prorogued the parliament for fifteen months, except a few days. This prorogation, the longeſt that ever was known, raiſed a doubt, whether by it the parliament was not actually diſſolved. This doubt was owing to a ſtatute of Edward III. never repealed, whereby it was enacted, that a parliament ſhould be held once every year, and oftener if occaſion required. This diſpute made a great noiſe in the kingdom, and books were publiſhed on both ſides the queſtion. In general the court party maintained, that the parliament was not diſſolved, and the contrary party pretended it could not meet, after a fifteen months interruption. I believe the intereſt of neither party was herein much concerned, though perhaps ſome private perſons might have found ſome advantage in a new parliament.

The parliament however met the 15th of February according to the prorogation. The king in his ſpeech to both houſes declared, "That he was prepared to give them all the ſatisfaction and ſecurity, in the great concerns of the proteſtant religion as eſtabliſhed in the church of England, that ſhould be reaſonably aſked, or could conſiſt with chriſtian prudence. And he declared himſelf as freely, that he was ready to gratify them in a further ſecurity of their liberty and property, (if they could think it was wanted) by as many good laws as they ſhould propoſe, and as could conſiſt with the ſafety of the government, without which there could be neither liberty nor property left to any man." After this, reckoning he had given both houſes entire ſatisfaction, he told them, "That he expected and required from them, that all occaſions of differences between the two houſes ſhould be carefully avoided.———In the next place, he deſired them to conſider the neceſſity of building more ſhips, and how much all their ſafeties were concerned in it—And as they knew him to be under a great burthen of debts, he hoped, they would not deny him the continuance of the additional revenue of exciſe, which was near expiring.—And, that they might be ſatisfied how impoſſible

[p] Author of the memorials of the Engliſh affairs. He was upon the ſtage above twenty years, but the laſt fifteen years of his life he lived retired.

[q] Pretending they were only Dutch ſhips with Engliſh paſſes. Burnet, p. 390.

[r] No wonder; ſince ſir Ellis Leighton, ſecretary to the Engliſh embaſſador at Paris, received bribes in the proſecution of the merchants affairs, and ſometimes made corrupt agreements with the French privateers. Kennet, p. 338.

[s] This year alſo died ſir Matthew Hale, chief juſtice of the King's Bench; ſir William Morrice, formerly ſecretary of ſtate; and John Ogilby, the publiſher of ſeveral books.

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it was (whatever ſome men thought) to ſupport the government with leſs than the preſent revenue, they might at any time ſee the yearly eſtabliſhed charge, by which it would appear, that the conſtant and unavoidable charge being paid, there would remain no overplus towards the diſcharging thoſe contingencies which might happen in all kingdoms, and which had been a conſiderable charge to him the laſt year."

Then the chancellor enlarged upon all theſe points; but as his ſpeech was wholly founded upon this unqueſtionable truth, according to him, that the king had only the welfare of his people in view; I ſhall tranſcribe only this ſingle paſſage——"For the king hath no deſires but what are public, no ends or aims which terminate in himſelf; all his endeavours are ſo entirely bent upon the welfare of his whole dominions, that he doth not think any man a good ſubject, who doth not heartily love his country: and therefore let no man paſs for a good patriot, who doth not heartily love and ſerve his prince. Private men indeed are ſubject to be miſled by private intereſts, and may entertain ſome vain and ſlender hopes of ſurviving the public; but a prince is ſure to fall with it, and therefore can never have any intereſts divided from it. To live and die with the king, is the higheſt profeſſion a ſubject can make, and ſometimes it is profeſſion only and no more; but in a king it is an abſolute neceſſity, it is a fate inevitable, that he muſt live and die with his people. Away then with the vain imaginations of thoſe who infuſe a miſbelief of the government; away with all thoſe ill-meant diſtinctions between the court and the country, between the natural and the political capacity; and let all who go about to perſuade others, that there are ſeveral intereſts, have a care of that precipice, to which ſuch principles may lead them."

As ſoon as the commons were withdrawn, the duke of Buckingham ſtood up in the houſe of lords, and made a very long ſpeech, to prove, that the parliament was diſſolved by the laſt prorogation. He grounded his opinion upon antient ſtatutes (which, he ſaid, are not like women, the worſe for being old) and chiefly upon the ſtatute of Edward III. namely, "That a parliament ſhould be holden every year once, and more often, if need be." He added, "Though theſe words are as plain as a pike ſtaff, and no man living that is not a ſcholar, can poſſibly miſtake their meaning, yet the grammarians in thoſe days made a ſhift to explain, that the words, if need be, related as well to the words, every year once, as to the words, more often, and ſo by this grammatical whimſey of theirs, have made this ſtatute to ſignify nothing. For this reaſon in the 36th year of the ſame reign, a new act of parliament was made, in which thoſe unfortunate words, if need be, are left out, and that act, relating to magna charta, and other ſtatutes, made good. Here now, my lords, there is not left the leaſt colour for any miſtake: for it is plainly declared, That the kings of England muſt call a parliament once within a year." Then he reduced the whole matter to this dilemma, "Either the kings are bound by theſe acts, or elſe the government of England by parliaments is at an end. For if the kings have power, by an order of theirs, to invalidate an act made for the maintenance of magna charta, they have alſo a power, by an order of theirs, to invalidate magna charta itſelf." It appears by the ſequel of this ſpeech, that the duke of Buckingham's aim was to put an end to this parliament, which had continued ſo long, and thereby rendered the commons, in ſome meaſure, ſovereigns over their countrymen. The duke was ſeconded by the earls of Saliſbury and Shaftſbury, and the lord Wharton. At laſt, after great debates, the houſe ſent all four to the Tower[t], from whence they were ſhortly after releaſed, except the earl of Shaftſbury, who was continued there above a year, becauſe he would not own the juſtice of his impriſonment[u].

A few days after, the commons voted the king a tax of five hundred and eighty four thouſand pounds, to build thirty ſhips, without appropriating tunnage and poundage. Beſides, they continued for three years the additional tax upon beer, which was to expire the 24th of June.

It appeared ſoon after, that their grand affair was to ſtop the great progreſs of France in the Netherlands, and engage the king in a war with that kingdom, for which purpoſe they preſented the following addreſs:

"We your majeſty's moſt loyal ſubjects, do moſt humbly offer to your majeſty's conſideration, that the minds of your people are much diſquieted with the manifeſt dangers ariſing to your majeſty, by the growth and power of the French king, eſpecially by the acquiſitions already made, and the farther progreſs like to be made by him in the Spaniſh Netherlands, in the preſervation and ſecurity whereof we humbly conceive the intereſt of your majeſty, and the ſafety of your people are highly concerned; and therefore we humbly beſeech your majeſty to take the ſame into your royal care, and to ſtrengthen yourſelf with ſuch ſtricter alliances, as may ſecure your majeſty's kingdoms, and ſecure and preſerve the Spaniſh Netherlands, and thereby quiet the minds of your majeſty's people." To which the king anſwered,——"That he was of the opinion of his two houſes of parliament, that the preſervation of Flanders was of great conſequence; and that he would uſe all means in his power for the ſafety of his kingdom."

[1677] This anſwer not being ſatisfactory, the houſe preſented a ſecond addreſs on the ſame ſubject the 30th of March. It was much the ſame with the firſt, excepting the addition, that in caſe his majeſty ſhould happen to be engaged in a war with France, they ſhould always be ready to aſſiſt him with ſuch ſupplies, as might enable him to proſecute the ſame with ſucceſs.

The king gave no anſwer to this addreſs till twelve days after, when he ſent a meſſage, "That the only way to prevent the dangers which might ariſe in theſe kingdoms, would be to put him timely in a condition to make ſuch fitting preparations, as might enable him to do what ſhould be moſt for their ſecurity."

This drew from the commons a third addreſs to the king, in which they informed him, that they were preparing a bill for the additional duty of exciſe, on which he might borrow two hundred thouſand pounds, and promiſed to give him ample teſtimony of their affection at their next meeting, after a ſhort receſs during Eaſter. The king not ſatisfied with ſo ſmall a ſum, told them plainly, that without ſix hundred thouſand pounds, it would not be poſſible for him to anſwer the ends of their ſeveral addreſſes.

Many members being abſent on account of the expected adjournment at Eaſter, the commons were cautious of proceeding upon other money bills; but deſired his majeſty's leave to adjourn, promiſing, that, after the receſs, they would comply with his demands. The ſame day, the 16th of April, the king came to the houſe of peers, and gave his aſſent to ſeveral acts. The chief were, 1. An act for the raiſing of five hundred and eighty four thouſand pounds ſterling, for building of thirty ſhips. 2. An act for an additional exciſe upon beer, and other liquors, for three years. 3. An act for prevention of frauds and perjuries. 4. An act for taking away the writ de hæretico comburendo. 5. An act for eradicating a judicature to determine differences touching houſes burnt by the late dreadful fire in Southwark[w]. Then the chancellor acquainted the two houſes, that the king gave them leave to adjourn to the 21ſt of May next.

The king, undoubtedly, had no deſire to begin a war with France, his private engagements with Lewis being too ſtrong to allow him ſuch a thought. However, he improved the preſent occaſion to draw money from his parliament, on pretence of providing for the ſafety of the nation. For that was all he had yet obliged himſelf to, though the commons imagined, he was ready to come into their meaſures, as ſoon as he ſhould be aſſured of a ſupply. The vigour with which the commons acted, was owing to the progreſs of Lewis in the Netherlands and on the Rhine, while Charles, plunged in pleaſures, remained unconcerned, and by his conduct effectually deſtroyed the principles eſtabliſhed by his chancellor, that it was impoſſible for the king and kingdom to have oppoſite intereſts. The 17th of March, the king of France took Valenciennes, and beſieged Cambray, while St. Omer was inveſted by the duke of Orleans. Cambray coſt him but ſeven days, and while he beſieged the citadel, the prince of Orange marched to the relief of St. Omer, and was overcome by the duke of Orleans at Montcaſſel. After this defeat, the citadel of Cambray and St. Omer, ſurrendered by capitulation, about the 20th of April. By this means the Spaniſh Netherlands were open on

[t] The two earls, upon having leave to have their own ſervants wait on them, named their cooks firſt, which the king highly reſented, as carrying in it an inſinuation of the worſt ſort. Burnet, p. 402.

[u] The earl of Shaftſbury, it ſeems, had reflected on the duke of Buckingham, as a man inconſtant and giddy in his conduct. As the duke was taking coach, on his diſcharge out of the Tower, the earl looking out of his window, cried, "What, my lord, are you going to leave us?" "Ay, my lord, replied the duke, ſuch giddy headed fellows as I can never ſtay long in a place."

[w] Alſo an act for the better obſervation of the Lord's day. And another for confirming and perpetuating augmentations, made by eccleſiaſtical perſons, to ſmall vicarages and curacies.

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all ſides, and could be preſerved but by the aſſiſtance of England. This was clearly ſeen by the commons, and excited their endeavours to awaken the king out of his affected lethargy. The king knew the danger as well as, or better than his parliament. But, contrary to the maxim of his chancellor, the kingdom's danger was not his. The more powerful the king of France rendered himſelf, the greater was his private advantage, becauſe it was by the aſſiſtance of France, that he pretended to enſlave his own kingdom. Let a man ſtudy never ſo much to find plauſible reaſons for the king's conduct and negligence, with regard to the Netherlands and the growing power of France, he will find none, without ſuppoſing what I have ſaid concerning the king's deſigns. The Spaniards, and Dutch, the emperor and the princes of Germany, all reaſoned wrong. They ſuppoſed, that Charles would not ſuffer the Netherlands to be loſt, becauſe it was the intereſt of England to preſerve them, and were miſtaken in imagining, the king would be influenced by the good of his kingdom. But he had a particular intereſt directly contrary to that of England, namely, his own, which he blindly purſued. He would have ſeen the laſt town of the Spaniſh Netherlands loſt without being moved. Nevertheleſs, as it was alſo his intereſt not to diſcover his deſigns before the time, for fear of alarming the Engliſh, and engaging the parliament in other meaſures, he pretended to approve of their views. But this was only to obtain a ſupply, without promiſing however any thing but to make preparations, which properly was obliging himſelf to nothing at all. Such was the king's conduct in this whole affair, as will appear ſtill more plainly in the ſequel.

The parliament meeting the 21ſt of May, by the king's proclamation of ſummons, after an adjournment of near five weeks, the commons believed the king had ſpent this interval in making the alliances they had deſired, and that he would communicate to them what had been done. But the king only told them, by ſecretary Coventry, that he expected the houſe would forthwith proceed to the money bill, and the rather, becauſe he intended there ſhould be a receſs very quickly. This meſſage occaſioned warm debates in the houſe. They were inclined to give the king the ſix hundred thouſand pounds he had aſked, but were willing to have ſomething for their money, whereas the king was for being ſure of the ſupply before he proceeded in what was deſired by the commons. Their diſtruſt was not very honourable to him, but it was his fault, becauſe he had given ſo many occaſions for it, and therefore he could not think it ſtrange. He made it however ſubſervient to his deſign, and pretended in his turn to fear, that the commons intended to engage him in a war with France, and then leave him to extricate himſelf as well as he could, without granting the neceſſary aſſiſtance to ſupport it. On this pretence he ſent for the commons to Whitehall, and made them the following ſpeech:

"Gentlemen, I have ſent for you hither, that I might prevent thoſe miſtakes and diſtruſts, which I find ſome are ready to make, as if I had called you together only to get money from you, for other uſes than you would have it employed. I do aſſure you on the word of a king, that you ſhall not repent any truſt you repoſe in me, for the ſafety of my kingdoms, and I deſire you to believe, I would not break my credit with you; but as I have already told you, That it will not be poſſible for me to ſpeak or act thoſe things which ſhould anſwer the end of your ſeveral addreſſes, without expoſing my kingdoms to much greater dangers, ſo I declare to you again, I will neither hazard my ſafety nor yours, until I be in a better condition than I am able to put myſelf, both to defend my ſubjects, and offend my enemies. I do farther aſſure you, I have not loſt one day ſince your laſt meeting, in doing all I could for your defence, and I tell you plainly, it ſhall be your fault, and not mine, if your ſecurity be not ſufficiently provided for."

As this ſpeech, under general and obſcure terms, perfectly anſwered the king's ſecret intentions, it is abſolutely neceſſary to make ſome remaks, in order to ſhew diſtinctly and plainly, both the king's intention and character.

Firſt, the commons had deſired the king to provide for the ſafety of his kingdoms, upon the foundation, that their ſafety depended on the preſervation of the Spaniſh Netherlands. But the king ſays not a word which may oblige him to the defence of the Netherlands, and contents himſelf with promiſing, upon his royal word, that he will provide for the ſafety of his kingdom; which general promiſe left him room to ſay afterwards, that whatever he had done was for the ſafety of his kingdom.

Secondly, he ſuppoſed, that in providing for this ſafety, his kingdoms would be expoſed to great dangers, unleſs he had the money beforehand, which was a groundleſs ſuppoſition.

Thirdly, he told them, he ought to be put in a better condition to defend his ſubjects, and offend his enemies. By this laſt expreſſion he inſinuated, that he would enter into a league offenſive againſt France, which was not his intention as will hereafter plainly appear.

Fourthly, he told them, he had not loſt one day in doing all he could for their defence, which expreſſion ſignified nothing, ſince he had juſt told them, he could neither ſpeak nor act, before he had the demanded ſupply. In what therefore did his five weeks care conſiſt?

Fifthly, there is but one thing clear in this ſpeech, and that is, he would be ſure of the money before he began to act. By which he intimated to the commons, that he pretended to have as much reaſon to diſtruſt them, as they could have to diſtruſt him, though aſſuredly the caſe was very different.

This ſpeech occaſioned very great debates in the houſe of commons. The court party propoſed a ſpeedy grant of the deſired ſupply, to enable the king to make alliances, otherwiſe, they could not be expected to be made; and alledged, that the king had the ſame power of making war and leagues, as the houſe had in giving money; he could not have money without them, nor they alliances without him. The contrary party remarked, that nothing poſitive was promiſed by the king, except that he would provide for the ſafety of the kingdom, which might be explained ſeveral ways, without any aſſurance it ſhould be underſtood in the ſenſe of the Commons. As for ſaying that the king would make alliances when he ſhould have the ſupply, the expreſſion was too general to hazard upon it a ſum of ſix hundred thouſand pounds. But if alliances were made forthwith, and declared to day, the ſix hundred thouſand pounds would be granted to morrow.

This laſt opinion prevailed, ſuch was the diſtruſt conceived of the king. So, the houſe reſolved to preſent an addreſs to the king, which ſhould oblige him to ſpeak more plainly, that they might know how to proceed. The ſubſtance of this addreſs was:

"It is a great affliction to us, to find ourſelves obliged to declare againſt the granting the ſupply you are pleaſed to demand, conceiving it not agreeable to the uſage of parliaments, to grant ſupplies for the maintenance of wars and alliances, before they are ſignified in parliament; from which uſage if we depart, the precedent might be of dangerous conſequence in future times.———

"We humbly beſeech your majeſty to enter into a league offenſive and defenſive with the ſtates general of the United Provinces, againſt the growth and power of the French king, and for the preſervation of the Spaniſh Netherlands, and to make ſuch other alliances with other ſuch of the confederates as you ſhall think fit and uſeful to that end.———

"Laſtly, they laid before him ſeveral reaſons to convince him, that, in this juncture, a war with France was abſolutely neceſſary, in order to oblige her to leave the reſt of Chriſtendom in repoſe, and promiſed to put him in a condition for a vigorous maintenance of the ſame."

Had the king really intended to ſtop the great progreſs of the king of France, this addreſs would have been more than ſufficient to engage him in a war with that prince, or at leaſt to have done ſomething to make him fear it. But as nothing was farther from his thoughts, he affected a diſtruſt of the commons, which he really had not. He had undertaken the firſt war againſt the ſtates, upon a like aſſurance without the leaſt heſitation. He had engaged in the ſecond war without even imparting his deſign to the parliament. But when a war with France was deſired, he pretended to fear from the commons, what he had not feared when a war with Holland was in queſtion; though it was manifeſt, this fear was entirely groundleſs. But any delay was to be uſed rather than oppoſe the progreſs of his good friend, and yet, he was unwilling to loſe the opportunity of procuring a ſupply from his parliament.

The commons pretended by their laſt addreſs to oblige the king to give a clear anſwer. But they found themſelves miſtaken. The king receiving this addreſs the 26th of May, ſent, two days after, for the commons to Whitehall, and for anſwer ſharply reproved them for invading his prerogative, in requiring him to enter into a league offenſive and defenſive with the ſtates general. "Should I, ſaid he, ſuffer this fundamental power of making war and peace to be ſo far invaded, as to have the manner and circumſtances of leagues

preſcribed to me by parliament, no prince or ſtate would any longer believe, that the ſovereignty of England reſts in the crown.———Wherefore you may reſt aſſured, that no condition ſhall make me depart from ſo eſſential a part of the monarchy." At the concluſion of this ſpeech he declared his pleaſure to them, that the houſe be adjourned till the 16th of July[x], telling them, he would give them notice by his proclamation when he intended they ſhould ſit again, which, he ſaid, would not be till winter, unleſs ſome extraordinary occaſion ſhould happen.

Nothing is a plainer demonſtration, how different the king's intereſts were from thoſe of his kingdom, than his conduct on this important occaſion. The commons believed it abſolutely neceſſary for the ſafety of the kingdom, to check the progreſs of the French king, and preſerve the Netherlands, and to that end, make alliances with the ſtates general and their confederates. This was a very evident truth. The king himſelf did not deny it, while there was hope of getting the ſix hundred thouſand pounds, demanded on pretence of putting himſelf in a condition to defend the kingdom, which ſhewed at leaſt that he believed it in danger. But when he ſaw the commons would not be ſatisfied with general promiſes, but required ſomething real, the neceſſity of putting the kingdom in a ſtate of defence vaniſhed at once. He adjourned the parliament for ſeveral months, without any notice of the danger with which the kingdom was threatened, though that danger ſubſiſted no leſs, than at the beginning of the ſeſſion. Thus the danger was preſſing to the kingdom, when it was no longer ſo to the king: a clear evidence that the king and parliament had different views and intereſts. So, on pretence of an attempt of the commons upon his prerogative, he took occaſion to order a long adjournment, which broke all the meaſures of the commons, and almoſt deſtroyed the hopes entertained by the allies, of aſſiſtance from England, which could not but be very advantageous to France. I do not think it poſſible to account for the king's conduct in a manner ſatisfactory to the impartial, without ſuppoſing that he expected aſſiſtance from France to make himſelf abſolute, and change the eſtabliſhed religion. On this ſuppoſition, inſtead of being concerned to ſtop the progreſs of France, it could not but be for his intereſt that ſhe ſhould become ſtill more powerful. Accordingly this was what he wiſhed, as all his proceedings manifeſtly ſhewed.

We learn from ſir William Temple himſelf, that whilſt he was at Nimeguen as plenipotentiary mediator for a peace, he was ſent for to London by the king, on pretence of making him ſecretary of ſtate, but in reality to diſpatch him to the Hague, to endeavour to perſuade the prince of Orange to conſent to a ſeparate peace with France. But Temple declined a commiſſion which he had before tried to execute, without being able to ſucceed. This ſhews with what zeal the king endeavoured to ſerve France, which only wanted to divide the allies by ſuch an expedient. It is certain, the king of France, though till now ſuperior to his enemies, was little able longer to ſuſtain a war with almoſt all Europe united againſt him. It was therefore in the king of England's power to procure a juſt and reaſonable peace by declaring againſt France, as he was deſired by the parliament. But this could never be obtained of him. On the contrary, fearing to be forced to it at laſt by the clamour of his people, he ſecretly laboured to procure France an advantageous peace, by the diviſions of her enemies.

Sir William Temple having refuſed to be employed upon this errand, Mr. Laurence Hyde was ſent to the Hague, to try to gain the ſtates and prince of Orange.

The king had the more hopes of prevailing with the prince, as there had been ſome time ſince a propoſal from him for his marriage with the princeſs Mary, eldeſt daughter to the duke of York; and as he did not doubt, that to ſucceed in that affair, the prince would grant every thing deſired of him concerning the ſeparate peace with France. It was for this end probably, that the king permitted the prince his nephew to come to his court, and ſollicit his affairs in perſon: but without any poſitive aſſurance that his addreſſes would be well received. The prince could not leave the army before the campaign was ended, and therefore arrived not in England till the 9th of October, when he landed at Harwich, and from thence went to the court. The king, the duke of York, the lord treaſurer, and ſir William Temple, were the only perſons informed of the motive of the prince's journey. The court, which was then at Newmarket, being returned to London, the prince had a ſight of the princeſs, and then demanded her in form of the king and duke of York, by whom his propoſal was differently received. The duke of York ſeemed very cold, and the king appeared to embrace it with joy: but it was on condition that he and the prince ſhould previouſly agree upon the terms of a general peace. This condition was like to render the prince's journey entirely fruitleſs. The prince was abſolutely againſt ſpeaking of a peace till after the marriage, and the king as reſolute to agree upon the plan of a peace before the marriage ſhould be concluded. They continued five or ſix days fixed to their reſolutions. The prince acquainted the king, by ſir William Temple, "That his allies, who were like to have hard terms of the peace, as things then ſtood, would be apt to believe, that he had made his match at their coſt, and for his part he would never ſell his honour for a wife. All this was not capable to divert the king from his reſolution, and the affair ſeemed upon the point of breaking off. But all was reconciled. Temple paying a viſit to the prince one night after ſupper, was told by him, "That he repented his coming into England, and reſolved to be gone in two days, if the king continued in his mind of treating upon the peace before he was married; but that before he went, the king muſt chuſe how they ſhould live hereafter; for he was ſure it muſt be either like the greateſt friends, or the greateſt enemies; and deſired ſir William to let his majeſty know ſo next morning, and give him account of what he ſhould ſay upon it." Sir William, in diſcharge of his commiſſion, repreſented to the king the ill conſequences of a breach with the prince, conſidering the ill humours of ſo many of his ſubjects on account of his engagements with France, and the invitation made the prince by ſeveral of them during the late war. The king having heard him with great attention, anſwered, "I never yet was deceived in judging a man's honeſty by his looks,———and if I am not deceived in the prince's face, he is the honeſteſt man in the world; and I will truſt him, and he ſhall have his wife, and you ſhall go immediately and tell my brother ſo, and that it is a thing I am reſolved on." The duke of York appeared at firſt a little ſurpriſed, but however anſwered, the king ſhould be obeyed, that he ſhould be glad his ſubjects would learn from him the obedience which they owed to their ſovereign,———adding, "I tell him my opinion very freely upon any thing, but when that is done, and I know his pleaſure upon it, I obey him." Immediately after ſir William waited on the prince with the agreeable news. The ſame day, the marriage articles were drawn and agreed, the princeſs's portion being forty thouſand pounds ſterling, and the day after the king declared the marriage in full council[y]. The city of London teſtified an extraordinary joy at the news, and ſir Francis Chaplain the lord mayor invited the king to a magnificent entertainment the 29th of October. The marriage was conſummated on the prince's birth-day, the 4th of November[z].

A few days after, the king, the duke of York, the prince of Orange, the lord treaſurer, and ſir William Temple, entered into conference for ſettling the ſcheme of a general peace, and after ſome debates, agreed upon theſe terms: "All ſhould be reſtored by France to the emperor, that had been taken from him in the war, the duchy of Lorrain to that duke, and all on both ſides between France and Holland: and to Spain, the towns of Aeth, Charleroy, Oudenard, Courtray, Tournay, Conde, Valenciennes, St. Guillain, and Binch. That the prince of Orange ſhould endeavour to pro-

[x] They were adjourned by the ſpeaker, without the conſent of the houſe, or ſo much as his putting the queſtion, though ſir John Finch was, for the ſame thing, impeached of high treaſon in 1640. Kennet, p. 343.

[y] The French embaſſador, and lord Arlington, appeared the only two perſons unſatisfied upon it at court; the firſt, not knowing how he ſhould anſwer it to his maſter, that an affair of that importance ſhould paſs without his communication, much leſs advice, in a court where nothing had been done ſo, for many years; and the lord Arlington, that it ſhould paſs without his knowledge, who ſtill endeavoured to keep up the court opinion of his confidence with the prince. Temple's mem. p. 455.

[z] Burnet, in his account of this matter, ſays that the lord treaſurer Danby ſeeing his ruin was inevitable, if he could not bring the king off from a French intereſt, gave the prince of Orange, by ſir William Temple, great hopes of a marriage with the duke's daughter, and got the prince to aſk the king's leave to come over to England. When the prince, after a fruitleſs ſtay for ſome weeks, was going away, the lord Danby preſſed his ſtaying a few days longer, and that the management of the matter might be left to him. So next morning he came to the king, and told him, he had received letters from all his majeſty's beſt friends in England, and ſhewed him a bundle of them, which he was ſure the king would not trouble himſelf to read. They all agreed, he ſaid, that the king ſhould make a marriage between the prince of Orange and the duke's daughter. If not, the parliament would certainly addreſs for it, and ſo the king would loſe the thanks of it. Whereas, if the king did it of his own motion, he would have the honour of it. Having enforced the thing with all the arguments he could, the king was convinced, and ſent for the duke, who obeyed the king's pleaſure. Danby ſo ordered the matter, that the ducheſs of Portſmouth could not ſpeak with the king, before he had declared the matter in council, p. 409, 410.

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cure the conſent of Spoin; and the king that of France, for which purpoſe he ſhould ſend ſome perſon immediately over with the propoſition, who was to demand a poſitive anſwer in two days." The lord Duras, afterwards earl of Feverſham, a creature of the duke of York, was the perſon fixed upon to execute this commiſſion.

The prince and princeſs of Orange embarked for Holland ſhortly after. The king poſitively aſſured the prince, he would never depart from the ſcheme agreed upon for a general peace, and that if France refuſed her conſent, he would declare war againſt her. And yet, the prince had the mortification before his departure, to ſee the adjournment of the parliament prolonged from the 3d of December to the 4th of April[a].

The court of France were extremely ſurprized, as well with the ſcheme of the peace, as the manner in which it was pretended to impoſe it on them. But whether the lord Duras had ſecret orders to give hopes, that the ſcheme might be altered, or it was not deſpaired to gain the king of England, the envoy, after ſtaying ſome days beyond his commiſſion, returned without an anſwer, or at leaſt with an anſwer of no ſignification. It contained only, "that the moſt chriſtian king hoped, his brother would not break with him upon one or two towns, to which England had no pretenſion, but however, he would ſend orders to his embaſſador at London, to treat with his majeſty himſelf." It is known, the king of France offered Mr. Montague, the Engliſh embaſſador, large ſums for the king and the treaſurer, which were not accepted, at leaſt openly; but on the other hand, the king ſuffered himſelf to be ſo mollified by the offers or articles of France, that the ſcheme of peace agreed on with the prince of Orange, was at laſt reduced to nothing, and no more heard of.

From the lord Duras's return to the meeting of the parliament, the king was actually negotiating with the king of France, the terms on which he was to reſiſt the ſollicitations of his parliament, and prevent his declaring for the allies. This appeared openly in the parliament itſelf, by the letters of the lord treaſurer Danby, produced before the commons in 1678, by Mr. Montague, embaſſador at the French court; and ſince that, a fuller conviction has been given of this by Mr. Montague's letters, publiſhed by the earl of Danby, in the reign of William III. I ſhall tranſcribe the extracts of theſe letters, that the reader may be ſatisfied of what I ſay, without relying on my word. But I am to premiſe, that the king, after prolonging the adjournment to April 1678, thought proper to aſſemble the parliament, the 15th of January, and as ſoon as they met, to adjourn the commons, by a meſſage, to the 28th of the ſame month. The letters I mentioned were as follows:

Extract of a letter from Mr. Montague to the king from Paris, in the year 1677.

—— I am ſure the greatneſs of the king of France is ſupported only by your majeſty's connivance at what he does, and the good will Chriſtendom ſees you have for him. The advantage he has by it even in point of revenue, by his conqueſts, does amount to five times the ſum you have now from him: and though after-games are hard to play, I think I underſtand this court ſo well, and if you care to have it done, I am confident I could get you by agreement a million of livres a year to be paid while the war ſhall laſt, and four millions after the peace ſhall be made, I mean, ſir, over and above what you have from France now.——

Extract of a letter from Mr. Montague to the lord treaſurer Danby, writ a little after the former.

I expect his chriſtian majeſty's anſwer to the demands I made by the king's direction of two hundred thouſand pounds ſterling, to be paid till the general peace is concluded, taking for granted that it will be conform to my orders from the king, to inſiſt upon two millions of livres a year during the war, and four millions after the peace, or elſe two hundred thouſand pounds ſterling during the war. But I am told this morning, that Mr. Courtin has agreed this matter with the king my maſter, and that his majeſty will be contented with two millions of livres a year only during the war: which I confeſs ſurpriſed me extremely, conſidering the neceſſity of his majeſty's condition, and the poſitiveneſs of his commands to me, to inſiſt upon two hundred thouſand pounds ſterling, which I had done very effectually, and muſt have ſucceeded in, conſidering the reaſonableneſs of the demand, except the generoſity of the king our maſter's nature, who values money ſo little, has already condeſcended to the leſſer ſum of two millions of livres, &c.

Extract of a letter from the lord treaſurer Danby to Mr. Montague, embaſſador in France, the 17th of January 1677-8.

—— Yeſterday young Ruvigny came to me with Mr. Barillon (having given me his father's letters the day before) and diſcourſed much upon the confidence the French king hath of the firmneſs of ours to him: of the good opinion his maſter hath of me; of his king's reſolution to condeſcend to any thing, that is not infamous to him, for the ſatisfaction of our king; how certainly our king may depend upon all aſſiſtances and ſupplies from his maſter, in caſe the friendſhip be preſerved—The main of their drift was to engage me to prevail with the prince of Orange as to the town of Tournay—The king muſt come to ſome declaration of his mind to the parliament when it meets. That which makes the hopes of peace leſs probable, is, that the duke grows every day leſs inclined to it, and has created a greater indifferency in the king than I could have imagined; which being added to the French king's reſolutions, not to part with Tournay, does, I confeſs, make me deſpair of any accommodation. Nevertheleſs, I am aſſured that one principal cauſe of this adjournment for thirteen days, has been to find an expedient for the peace; and the effect hath hitherto been, that no body will now believe other than that the peace is already concluded between us and France.

Extract of another letter from the ſame hand to the ſame perſon, dated the 25th of March 1678.

—— In caſe the conditions of peace ſhall be accepted, the king expects to have ſix millions of livres a year for three years, from the time that this agreement ſhall be ſigned betwixt his majeſty and the king of France; becauſe it will probably be two or three years before the parliament will be in humour to give him any ſupplies after the making of any peace with France; and the embaſſador here has always agreed to that ſum, but not for ſo long a time. If you find the peace will not be accepted, you are not to mention the money at all; and all poſſible care muſt be taken to have this whole negotiation as private as is poſſible, for fear of giving offence at home, where for the moſt part we hear in ten days after of any thing that is communicated to the French miniſters.

At the bottom of the letter were theſe words under the king's own hand——

This letter is writ by my order, C. R.

I ſhall make no remarks upon theſe letters, which plainly ſhew, with what ſincerity the king diſcharged the office of mediator, and how much he favoured France. The beſt excuſe for him is, that theſe ſecret proceedings and negotiations were only to get money. But when it is conſidered, that he would have received much more from his parliament, if he had purſued the paths of uprightneſs, and might have had more left of what the parliament would have granted him in one ſingle year, than he hoped to draw from France in three, a man can hardly forbear thinking, that his blind attachment to the intereſt of France was for hidden deſigns which it was not time yet to diſcover. And if it is ſaid, he took money from France, only to be freed from the trouble of applying to his parliament, this does but confirm that he intended to render himſelf abſolute[b].

[1677-8] The king had not prolonged the adjournment of the parliament to the 28th of January in order to find expedients for a general peace, as the treaſurer told Montague in his letter of the 26th of January, but to have time to receive the news of a league with Holland, which was indeed ſigned the 16th of January. This league was very far from

[a] The prince and princeſs were hurried out of town ſo faſt, (there being a ſecret deſign to invite them to an entertainment in the city by the country party, which the court did not like,) that they had ſcarce time to make proviſion for their journey. Being come to Canterbury, they repaired to an inn, where, through haſte, they came very meanly provided. Upon application to borrow money of the corporation, the mayor and his brethren, upon grave deliberation, were really afraid to lend them any. Dr. Tillotſon, then dean of Canterbury, hearing of this, immediately got together what plate and money he could, and went to the inn to Mr. Bentinck, with the offer of what he had. This was highly acceptable to the prince and princeſs, and the dean was carried to wait upon them. By this lucky accident, he began that acquaintance and correſpondence with the prince and Mr. Bentinck, as advanced him afterwards to the archbiſhoprick.

[b] This year died, Gilbert Sheldon, archbiſhop of Canterbury; Theophilus Gale, author of the Court of the Gentiles; Robert Sheringham, who writ a treatiſe, de Anglorum gentis origine; and James Harrington, eſq. author of the Oceana.

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anſwering the deſires of the parliament. It was properly but defenſive, to prevent the king of France from purſuing his conqueſts in the Netherlands. Nay, it may be eaſily judged, conſidering the king's ſtrict union with France, and the ſecret correſpondence between the two courts, whether he had any great deſire to go to war with the king of France, in order to oblige him to reſtore what he had taken. He believed nevertheleſs, that this league would be capable to impoſe upon the parliament, and therefore had deferred their meeting to receive the news of its concluſion. Supported by this league, which according to him, was to produce wonderful effects, he made the following ſpeech to both houſes, the 28th of January.

My lords and gentlemen,

"WHEN we parted laſt, I told you, that before we met again, I would do that which ſhould be to your ſatisfaction. I have accordingly made ſuch alliances with Holland, as are for the preſervation of Flanders, and which cannot fail of that end, unleſs prevented either by the want of due aſſiſtances to ſupport thoſe alliances, or by the ſmall regard the Spaniards themſelves muſt have to their own preſervation. The firſt of theſe I cannot ſuſpect, by reaſon of your repeated engagements to maintain them; and I know you are ſo wiſe as to conſider, that a war which muſt be the neceſſary conſequence of them, ought neither to be proſecuted by halves, nor to want ſuch aſſurances of perſeverance as may give me encouragement to purſue it: beſides it will not be leſs neceſſary to let our enemies have ſuch a proſpect of our reſolutions, as may let them ſee certainly that we ſhall not be weary of our arms, till Chriſtendom be reſtored to ſuch a peace, as ſhall not be in the power of any prince alone to diſturb.

"I do acknowledge to you, that I have uſed all the means poſſible by a mediation, to have procured an honourable and ſafe peace for Chriſtendom; knowing how preferable ſuch a peace would have been to any war, and eſpecially to this kingdom, which muſt neceſſarily own the vaſt benefits it has received by peace, while its neighbours only have yet ſmarted by the war; but finding it no longer to be hoped for by fair means, it ſhall not be my fault if that be not obtained by force which cannot be had any other ways. For this reaſon, I have recalled my troops from France, and have conſidered, that although the Dutch ſhall do their parts, we cannot have leſs on ours than ninety ſail of capital ſhips conſtantly maintained, nor leſs than thirty or forty thouſand landmen (with their dependencies) to be employed upon our fleets and elſewhere. And becauſe there ſhall be no fear of miſ-employing what you ſhall give to theſe uſes, I am contented that ſuch money be appropriated to thoſe ends as ſtrictly as you can deſire. I have given teſtimony enough of my care in that kind, by the progreſs I have made in building the new ſhips; wherein, for the making them more uſeful, I have directed ſuch larger dimenſions as will coſt me above one hunded thouſand pounds more than the act allows. I have gone as far as I could in repairing the old fleet, and in buying neceſſary ſtores for the navy and ordnance: and in this and other proviſions for better ſecuring both my foreign plantations and the iſlands nearer home, I have expended a great deal more than the two hundred thouſand pounds you enabled me to borrow upon the exciſe, although I have not found ſuch credit as I expected upon that ſecurity. I have borne the charge both of a rebellion in Virginia, and a new war with Algiers: I ſtand engaged to the prince of Orange for my niece's portion, and I ſhall not be able to maintain my conſtant neceſſary eſtabliſhments, unleſs the new impoſts upon wine, &c. be continued to me, which would otherways turn only to their profit to whom we leaſt intend it.

"I hope theſe things will need little recommendation to you, when you conſider your promiſes in ſome, and the neceſſity of the reſt; and to let you ſee, that I have not only employed my time and treaſure for your ſafety, but done all I could to remove all ſorts of jealouſies, I have married my niece to the prince of Orange, by which I hope I have given full aſſurances, that I ſhall never ſuffer his intereſts to be ruined, if I can be aſſiſted, as I ought to be, to preſerve them. Having done all this, I expect from you a plentiful ſupply, ſuitable to ſuch great occaſions, whereon depends not only the honour, but for ought I know, the being of the Engliſh nation, which will not be ſaved by finding fault afterwards, but may be prevented by avoiding the chief fault of doing weakly and by halves, what can only be hoped from a vigorous and thorough proſecution of what we undertake. Theſe conſiderations are of the greateſt importance that ever concerned this kingdom, and therefore I would have you enter immediately upon them, without ſuffering any other buſineſs whatſoever to divert you from bringing them to good reſolutions."

It is very ſtrange, that Charles II. with more extraordinary ſupplies than were ever granted to any king of England, with a revenue much larger than that of any of his predeceſſors, (which, by the calculation of the commons, amounted to ſixteen hundred thouſand pounds) was nevertheleſs always in want and oppreſſed with debts, and in every ſpeech told his parliament, that he had expended for the public, more than was granted him. He had however been engaged but in two wars, which he might have avoided if he had pleaſed, and ſaved his ſubjects ſeveral millions, fruitleſsly conſumed in theſe wars. But this is not the only reflection which may be made upon this ſpeech; there is another of much greater importance.

The whole ſpeech was founded upon a ſuppoſition which naturally ought to have been true, but was not, namely, that his alliance with Holland could not fail to engage him in a war with France, though nothing was farther from his intention. His aim therefore was to repreſent his alliance with Holland and the war againſt France, as one and the ſame thing, or at leaſt the war as the neceſſary conſequence of this alliance, though he gave no poſitive hopes of the war. There was indeed a wide diſtance between the one and the other. For, if the parliament had granted the immenſe ſums he demanded, it is certain, he might have made peace when he pleaſed, without expending any of the money in preparations. He would only have had to declare againſt France, and peace would inſtantly have followed. For France was not in condition to reſiſt, if England had been ſincerely united with the reſt of her enemies. Herein the king threw the parliament into a great dilemma. For, either they were to grant him the large ſums he demanded, without having other hopes of a future war, than a conſequence not abſolutely neceſſary, or in refuſing the ſupply, they gave the king a plauſible pretence to ſay, it was not his fault, that England did not join with the enemies of France. But in the houſe of commons were men of ſufficient abilities to diſcover the king's artifices, and inſtruct their fellow members, wherein they ſucceeded the more eaſily, as above two thirds of the houſe were little inclined to truſt to the king's word.

It was therefore reſolved, after great debates, to preſent an addreſs to the king, the ſubſtance of which was.—— "That they beſought him not to admit of any treaty of peace, whereby the French king ſhould be left in poſſeſſion of any greater dominion or power, than was left him by the Pyrenean treaty: that no trade be admitted with France, or any goods ſuffered to be imported from thence, on pain of forfeiture, and when he ſhould be pleaſed to communicate his alliance to them in parliament, they would give ſuch ready aſſiſtance, on all occaſions, as might bring the war to a happy concluſion."

This addreſs threw the king, in his turn, into a great perplexity. He would have it believed, that he intended to make war upon France, though he had already reſolved againſt it. He could not therefore anſwer this addreſs without a direct aſſent or diſſent, and this is what he was willing to avoid. To extricate himſelf, he had recourſe to the ſame expedient he had formerly uſed. This was, to complain of the great invaſion of his prerogative, in thus preſcribing the methods he was to uſe, which at the ſame time he ſhewed to be ridiculous and impracticable. He ſaid, his ſpeech was to both houſes, and the return ought to be from both. That however, if, by their aſſiſtance, he was put into arms ſufficient for ſuch a work, he would never be weary, till Chriſtendom was reſtored to ſuch a peace, that it ſhould not be in the power of one prince to diſturb it: that the rights of making and managing war and peace, belonged ſolely to him, and they were miſtaken, if they thought he would ever depart from that right: that if the commons would encourage him to go further in alliances, they muſt conſider of raiſing ſpeedy ſupplies; for from the conſideration of thoſe he muſt take his meaſures.

The meaning of this anſwer was eaſily underſtood, namely, that the king ſtudiouſly avoided to ſay poſitively, he intended to declare war againſt France, though he wiſhed that conſequence to be drawn from his alliance with Holland: alliance, of which the contents were not known, and which was not yet imparted to the parliament. He pretended, however, that on his bare declaration or information of an alliance with Holland, the parliament ſhould enable him to maintain

maintain ninety large ships, beſides thirty others, and forty thouſand land forces [c]. And yet, when the articles of this treaty, ſhortly after, came to be known, the commons voted, that it was not purſuant to their deſires. It is eaſy to ſee, wherein the difference between the king and the commons conſiſted. The king feared, or feigned to fear, that the parliament, after engaging him in a war with France, would leave him deſtitute of means to ſupport it. The commons really diſtruſted his ſincerity, and feared, that, after receiving the money, he would think no more of war, but ſuffer an unſafe peace to be concluded. Let the reader determine for one or other. I ſhall only ſay, that, if the reigns of Henry III. and Richard II. are excepted, England had never ſeen, till within the laſt ſixty years, ſuch mutual diſtruſt between her kings and parliaments. It muſt be imputed to this, that James I. Charles I. and Charles II. were no ſlaves to their word, and while they pretended to ſalve their ſincerity by generals, reſtrictions, obſcure or ambiguous expreſſions, they loſt entirely the confidence of their ſubjects. Every king of England is in danger of being very unhappy, when, by ſuch artifices, he renders ſuſpected the ſincerity of what he ſays in full parliament.

However this be, the commons reſolved to grant the king a ſupply, but with ſtrict limitations. At the beginning of this ſeſſion, they had granted him ſeventy thouſand pounds, for a ſolemn funeral of his father, whoſe body could not be found, though it was certainly known to be interred in Windſor chapel. I don't know whether it was ever diſcovered, or the intended obſequies performed [d].

The earl of Shaftſbury, after thirteen months confinement in the Tower, was at laſt diſcharged. But not till he had begged pardon on his knees at the bar of the lords houſe, as well for his fault as his obſtinacy in not acknowledging it [e].

While ſo much time was ſpent in England in deliberations about war, the king of France taking the field in February, made himſelf maſter of Ghent and Ipres in March, and then put his forces into quarters of refreſhment. Theſe conqueſts ſo alarmed the Dutch, that from this time they reſolved upon a ſeparate peace, though they durſt not publicly own it. Lewis XIV. who knew their intentions, and had nothing to fear from England, began to talk like a conqueror, and to form himſelf the plan of the peace he was willing to grant the allies, and which was different from that agreed on between Charles and the prince of Orange.

On the other hand, the commons of England alarmed at the progreſs of the French arms, made haſte to finiſh a bill for raiſing money by a poll tax. The 14th of March they reſolved upon an addreſs to the king, to pray him to declare war againſt France, to diſmiſs the embaſſador of that crown, and recall his own from Paris, with a promiſe of the neceſſary and plentiful ſupplies. This addreſs was ſent the next day to the lords for their concurrence: but before an anſwer was given, the king came to the houſe of lords the 20th of March, and after paſſing the poll bill [f], and ſome others, adjourned the parliament to the 11th of April.

It is remarkable that five days after, the lord treaſurer writ the ſecond of the forementioned letters to embaſſador Montague, concerning the ſecret negotiation of which I have ſpoken.

[1678] The parliament meeting the 11th of April was farther adjourned to the 29th, when the chancellor acquainted the two houſes, that the king had diſcovered that the Dutch were thinking of a ſeparate peace without his conſent or privity, and deſired their advice how to proceed. The commons gave their advice for an actual war with France, and at the ſame time voted, "That the late leagues made with the ſtates general of the United Provinces, were not purſuant to the addreſſes of the houſe, nor conſiſtent with the good and ſafety of the kingdom." The king returned an anſwer, which teſtified his reſentment of this vote. But the commons, not at all diſcouraged, preſented a ſecond addreſs, in which—— "They beſought him to communicate to them his reſolutions upon their advice."———They added, "That the inconveniences and dangers which the kingdom lay under, might have been totally, or in a great meaſure prevented, in caſe his majeſty had accepted of the advice by them given in their addreſs of the 26th of May laſt, and the 31ſt of January: they beſought him therefore, that he would be pleaſed to remove thoſe counſellors that adviſed him to give thoſe anſwers which he did to the ſaid addreſſes.———In fine, that he would be pleaſed to remove the duke of Lauderdale from his preſence and council."———The king immediately anſwered, "That he was much ſurprized at the extravagancy of their addreſs, and unwilling at preſent to give it ſuch a due anſwer as it deſerved." Two days after, namely, the 13th of May, he prorogued the parliament to the 23d of the ſame month. Thus the propoſal for a war with France never failed to produce either an adjournment or a prorogation. It muſt be remarked, that this was at the very time the ſeparate peace between France and Holland was negotiating, which the Dutch would never have reſolved, could they have believed that England would declare for a war. Nevertheleſs, the king would ſtill have it believed, he was diſpoſed to war, though hitherto he had not poſitively ſaid it. To this end, immediately after the poll bill had paſſed, he raiſed thirty thouſand men, who were completed in ſix weeks.

While theſe forces were raiſing, and before the prorogation of the parliament, the ſtates general ſent Van Lewen to the king, to acquaint him, that they were diſpoſed to a peace, becauſe they ſaw, there was no reliance on the uncertain meaſures of England. That however, if the king would immediately declare war againſt France, they would break off all negotiations, and vigorouſly proſecute the war purſuant to their alliances, and that his declaration was the only thing that could prevent a peace. This was declared to the king by ſir William Temple from the ſtates embaſſador. The king now finding that a poſitive anſwer was to be returned, which he had hitherto avoided, told ſir William Temple, "That ſince the Dutch would have a peace upon the French terms, and France offered money for his conſent to what he could not help, he did not know why he ſhould not get the money."

The weakneſs of this evaſion is manifeſt: for though the embaſſador of the ſtates had declared, there ſhould be no peace, if the king would really engage in a war, the king, ſuppreſſing this poſitive declaration, ſuppoſed that the ſtates were for a peace upon any terms. Upon this falſe ſuppoſition, he ordered ſir William Temple to treat with Barillon the French embaſſador; but ſir William wiſely declined ſuch a negotiation. What Temple refuſed was undertaken by others, and the ſame author ſays, that amongſt the articles propoſed by the embaſſador of France, for concluding a private treaty with the king, there was one article which was ſo offenſive, that the king aſſured him he would never forget it while he lived. He ſays no more, whether becauſe he was not informed of it, or did not think proper to divulge what he knew. But Dr. Swift, who publiſhed Sir William Temple's letters, acquaints us with that remarkable paſſage, namely, "That France, in order to break the force of the confederacy, and elude all juſt conditions of a general peace, reſolved by any means to enter into ſeparate meaſures with Holland, to which end it was abſolutely neceſſary to gain the good offices of the king of England, who was looked upon as the maſter of the peace whenever he pleaſed. The bargain was ſtruck for either three or four hundred thouſand pounds: but when all was agreed, Mr. Barillon, the French embaſſador, told the king, that he had orders from his maſter before payment to add a private article, by which his majeſty ſhould be engaged, never to keep above eight thouſand men of

[c] In the debates about raiſing the land forces, ſir William Coventry was for hiring bodies of troops from the German princes, and for aſſiſting the Dutch with money. He thought, that which did more properly belong to England, was to ſet out a great fleet, and to cut off the French trade every where; for they were then very high in their manufactures and trade. Burnet, p. 411.

[d] The truth of the matter ſeems to be this; that the king, either had great occaſion for that ſum of money, or thought he could put it to a better uſe, than laying it out on a ſolemn funeral for his father; and ſo never ſent to enquire for the body. For that king Charles I. was actually buried at Windſor (though the lord Clarendon ſeems, at the end of his hiſtory, to doubt of it) and that his body might have been found without much difficulty, is plain from the following certificate, given by Mr. John Sewell, regiſter at Windſor caſtle.——"Anno 1696, Septemb. 21, the ſame vault in which king Charles I. was buried, was opened, to lay in a ſtill-born child of the then princeſs of Denmark, the late queen Anne. On the king's coffin the velvet pall was ſtrong and ſound, and there was about the coffin a leaden band, with this inſcription cut through it, KING CHARLES, 1648.——— When the body of king Charles I. lay in ſtate in the dean's hall, the duke of Richmond had the coffin opened, and was ſatisfied that it was the king's body. This ſeveral people have declared they knew to be true, who were alive, and then preſent, as Mr. Randolph of New Windſor, and others." Echard, tom. II. p. 649.

[e] He had, it ſeems, had recourſe to the king's bench, whither he was brought by a habeas corpus: but the judges denied his redreſs. This application to an inferior court was ſoon taken notice of by the lords, who voted it a breach of privilege, for which the earl was to anſwer his contempt at the bar of the houſe. He was accordingly brought to the bar, where he offered to acknowledge his aſſerting the diſſolution of the parliament to be an unadviſed action, and to beg their lordſhips pardon for his offence, in bringing his habeas corpus. Which being done in a form preſcribed by the houſe, he was releaſed. Idem. p. 442.

[f] In the poll bill there was one ſtrict appropriating clauſe, for the money ſo levied, to be applied to no uſe but the intended French war; and alſo another clauſe, prohibiting the importation of any French commodities for three years. Idem, p. 444.

ſtanding troops in his three kingdoms. This unexpected propoſal put the king in a rage, and made him ſay, God's fiſh! Does my brother of France think to ſerve me thus? Are all his promiſes to make me abſolute maſter of my realms come to this? Or does he think that a thing to be done with eight thouſand men?

Hence it evidently appears, for what the thirty thouſand men the king was raiſing were intended. They could not be levied for a war againſt France, though the king uſed that pretence, ſince he had already made his bargain with that crown for four millions of livres. Nothing elſe therefore can be thought, but that the king ſeeing the peace upon the point of concluſion, which he only could, but would not prevent, imagined that after the peace, the king of France would aſſiſt him to become abſolute maſter in his kingdoms, and furniſh him with money to maintain the thirty thouſand men without his applying to the parliament. If this be not ſo, what account can be given of his conduct in raiſing an army, at a time when all his proceedings ſhewed, he had not the leaſt deſire to make war upon France?

The king was deceived by the promiſes of Lewis XIV. who artfully took advantage of the eager deſire of Charles and the duke his brother to eſtabliſh an abſolute government in England, to engage them in all the meaſures they had taken during the whole war, and which were ſo directly contrary to the intereſts of the kingdom. But when he ſaw himſelf ſecure of a peace with the Dutch, and, by a neceſſary conſequence, of a general peace with all Europe, he made a jeſt of his promiſe to his friend. He thought, doubtleſs, it was not for the intereſt of France, that the king of England ſhould be abſolute, or rather, he feared to engage, for the ſole intereſts of the king of England, in an undertaking capable of kindling a new war, in which all Europe might be concerned.

I know not whether the king conſented to Lewis's demands, and am only ſure, that he continued his levies, whether with intention to execute his deſigns without the aſſiſtance of France, or in the hope of obtaining better conditions from Lewis, by terrifying him with the apprehenſion of his joining with the allies, which might ſtill be practicable. By degrees, he ſpoke more gently of war, and ſufficiently declared his inclination for peace. In all appearance, he had adjuſted matters with France.

Affairs were in this ſituation when the parliament met the 23d of May, after a prorogation of ten days. The king opened the ſeventeenth ſeſſion of this long parliament with a ſpeech, the ſubſtance of which was as follows:

"——— I am reſolved, as far as I am able, to ſave Flanders, either by a war or a peace, which way ſoever I ſhall find moſt conducing towards it.———If I were able I would keep up my army and my navy at ſea for ſome time; but I leave it to you to conſider of ſupplies for their continuance or diſbanding; and in either caſe not to diſcourage ſo many worthy and brave gentlemen, who have offered their lives and ſervice to their country, and in purſuit of your own advices and reſolutions. I muſt tell you, that a branch of my revenue is now expiring, and another part of it is cut off by a clauſe in the poll bill; that I have borrowed two hundred thouſand pounds upon the exciſe at your requeſt, of all which you are to conſider. I never had any intentions but of good to you and my people, nor ever ſhall; therefore I deſire you will not drive me into extremities, which muſt end ill both for you and me, and (which is worſt) for the nation. I deſire to prevent all diſorders or miſchief that may befal by our diſagreement; but in caſe there do, I leave it to God Almighty to judge who is the occaſion of it. One thing more I have to add, and that is, that I will never more ſuffer the courſe and method of paſſing laws to be changed, by tacking together ſeveral matters in one bill. The reſt I leave to the lord chancellor."

The chancellor's ſpeech, according to cuſtom, tended to excuſe the king's meaſures. As he only enlarged upon what the king had ſaid more ſuccinctly, I think it needleſs to inſert the ſpeech, which offered nothing new or material.

The houſe of commons having adjourned themſelves for three days, met again the 27th of May, and came to the following reſolution: "That the houſe taking into conſideration the ſtate of the nation, and the expence occaſioned by the army, were humbly of opinion, that if his majeſty pleaſed to think fit to enter into the war againſt the French king, the houſe was, and would be always ready to aſſiſt him in that war; but if otherwiſe, they would proceed to the conſideration of providing for the ſpeedy diſbanding of the army."

The houſe further ordered, that the members of his majeſty's privy council ſhould acquaint the king with this vote, and pray his ſpeedy anſwer. The king replied, "That the French king had made ſuch offers of a ceſſation till the 27th of July, that he believed they would not only be accepted, but end in a general peace: yet, as that was uncertain, it would not be prudent to diſmiſs either fleet or army before that time." Upon this anſwer the houſe voted, "That all forces raiſed ſince the 29th of September laſt (except thoſe tranſported to foreign plantations) be forthwith paid off and diſbanded, and that they would conſider of a ſupply for that purpoſe." Accordingly the 4th of June the houſe voted two hundred thouſand pounds for the diſbanding of the army by the end of the month, and the next day they voted the ſame ſum towards defraying the expences of the fleet.

Upon theſe votes the king, by a meſſage, told the houſe, that his mind was ſtill the ſame, that the army and fleet ought to be kept up till the expected peace ſhould be concluded; and he further recommended to their conſideration, "Whether it were not diſhonourable for him to recall his forces in Flanders from thoſe towns which he had taken into his protection, before they could provide themſelves of other ſuccours." Upon this conſideration the commons extended the time, as to the forces in Flanders, to the 27th day of July.

The 15th of June, the houſe reſolved, that, "after the Tueſday following, no motions ſhould be made for any new ſupplies of money, till after the next receſs." As hitherto the houſe had experienced, that the king only amuſed them, and intended to have the money before he poſitively declared himſelf, they reſolved to put him under a neceſſity of declaring, within three days, for fear he ſhould continue to amuſe them, till it was too late. Accordingly, on that very Tueſday the king came to the houſe of peers, and, ſending for the commons, told both houſes, "That the peace between France, Spain, and Holland, was almoſt concluded, in which his part would be not only that of mediator, but alſo to give his warrants in it. That Spain writes word, that unleſs England bears the charge of maintaining Flanders, even after the peace, they will not be in a condition to ſupport it long. Therefore to that end it was neceſſary to keep up the navy at ſea; and not only ſo, but to give the world ſome aſſurance of being well united at home: that though the houſe of commons might think ſuch a peace as ill a bargain as a war, becauſe it would coſt them money, yet if they ſeriouſly conſider, that Flanders had been loſt, and perhaps by this time, he believed they would give much greater ſums than that would coſt, rather than the ſingle town of Oſtend ſhould be in French hands, and forty of their men of war in ſo good a haven, over againſt the river's mouth." Then he inſinuated to them, "That they could not but be pleaſed to underſtand the reputation England had gained abroad, by having in forty days, raiſed an army of thirty thouſand men, and prepared a navy of ninety men of war; therefore, if they deſired to keep up the honour of the crown at home, and look to the ſafety of the balance of affairs abroad; if they deſired he ſhould paſs any part of his life in quiet, and all the reſt in confidence and kindneſs with them, and other future parliaments, they muſt find a way not only to ſettle for his life his revenue as at Chriſtmas laſt, but alſo to add a new fund of three hundred thouſand pounds per annum, upon which he would paſs an act to ſettle fifty thouſand pounds upon the navy and ordnance, and ſhould be likewiſe ready to conſent to all ſuch laws as they ſhould propoſe for the good of the nation." He laſtly reminded them, "to enable him to keep his word with the prince of Orange in the payment of his niece's portion, which was forty thouſand pounds; the firſt payment being now due and demanded by him."

Would not one think at reading this ſpeech, that the king had hitherto kept the balance of Europe perfectly even, and was thereby entitled to demand, that he ſhould be enabled to preſerve it? Would not one think, that he had done the nation ſome important ſervice, which deſerved an augmentation to his revenue of three hundred thouſand pounds a year? But the commons were ſo uſed to ſuch ſpeeches, that they made no impreſſion upon them. If their diſtruſt of the king had been hitherto great, it may be affirmed, it conſiderably increaſed, when they ſaw a peace concluded, which diminiſhed not the great power of France, but left Europe expoſed to her mercy. It was evident, the king might, if he had pleaſed, have procured a more advantageous peace. After this, it is not ſtrange, that his ſtrict union with France, was ſuſpected to conceal

deſigns

deſigns which were not for the good of the nation. Accordingly, when the commons came to debate on the additional revenue demanded by the king, it was unanimouſly rejected [g]. Moreover, the houſe refuſed to give a compenſation for the loſs ſuſtained by the king in the prohibition of French commodities. In ſhort, the lords having paſſed the bill for diſbanding the army, with an enlargement of the time prefixed for one month longer, the commons abſolutely refuſed their conſent to the amendment.

The king perceiving by this, what he was to expect from the commons, came to the parliament the 15th of July, and paſſed ſeveral bills, of which theſe were the principal.

1. An act for granting a ſupply of ſix hundred and nineteen thouſand, three hundred and eighty pounds, for diſbanding the army, and other uſes therein mentioned. 2. An act for granting an additional duty to his majeſty upon wines for three years. 3. An act for burying in woollen. This act, which is ſtill in force, is very ſerviceable to the flannel manufacture, and conſequently makes a great conſumption of wool.

Theſe acts being paſſed, the chancellor acquainted both houſes, that the king thought proper to prorogue them to the firſt of Auguſt, and ſo to keep them in call, by ſhort prorogations, but that his intention was, they ſhould not meet till winter, unleſs there was occaſion for their aſſembling ſooner. Thus ended the ſeventeenth ſeſſion of this parliament. And thus England ſaw herſelf engaged in an expence of ſix hundred thouſand pounds, to pay an army and fleet, which certainly had not been prepared to make war with France, or for the ſecurity of England.

While the parliament was ſitting, the ſtates general ſeeing that nothing was to be hoped for from England, treated with France, both for themſelves and Spain, with regard to the Netherlands. At laſt, every thing being ſettled, and the king of France promiſing to reſtore to the Spaniards, Ghent, Aeth, Charleroy, Oudenard, Courtray, and Limburgh, the ſtates ordered their plenipotentiaries at Nimeguen to ſign the peace the laſt of June. It was univerſally expected, that the peace would be ſigned that day. But as the time for this reſtitution had been neglected to be fixed, (the Spaniards and Dutch not doubting but it was to be immediately after the exchange of the ratifications) the Spaniſh embaſſador happened the day before, to aſk the French plenipotentiaries, when they would reſtore the towns? To this they poſitively anſwered, that it would not be till after the reſtitution of the towns taken from the king of Sweden, by the allies in the north [h]. This unexpected pretenſion put a ſtop to the ſigning of the peace, and the Dutch plenipotentiaries received expreſs orders from their maſters not to ſign, unleſs France would engage to reſtore the ſix places, upon the ratification of the treaty. But the French were immoveable, and appeared reſolute to continue the war, unleſs Sweden was ſatisfied.

Charles being informed of this new difficulty, and told moreover by the French embaſſador, that it was his maſter's intention, immediately ſent ſir William Temple to Holland, with full power to ſign a league with the ſtates, by which they ſhould be mutually bound to continue the war, in caſe France ſhould not agree to evacuate the ſix towns within ſuch a time. This league was really concluded and ſigned the 26th of July, to the great ſatisfaction of the prince of Orange, and thoſe who thought the peace very diſadvantageous.

The readineſs with which this reſolution was taken by the king, much ſurpriſed thoſe who from his former proceedings had no great opinion of his ſincerity. But when it was ſeen that the League was concluded, and France continued obſtinate, it was hoped, the war would be renewed with more vigour than ever, and that England would incline the balance to the ſide of the allies. It is difficult to diſcover the motive of the king's vigorous reſolution. Some have believed, he was really offended at the contempt France ſeemed to ſhew of his mediation, in ſtarting ſuch an incident. Others have thought, that foreſeeing France would at laſt comply, notwithſtanding her ſeeming reſolution, he had a mind to redeem his credit by his vigour with the Engliſh, who till then ſtrongly ſuſpected him of too cloſe a correſpondence with that crown. Others have judged, that he took this reſolution, in order to obtain a large ſupply from the parliament, not doubting but he ſhould be afterwards able to procure a peace.

However this be, it appeared ſhortly after, that the king repented of what he had done, and feared that his league would rekindle the war. At the time that the Dutch were preparing to improve this happy juncture to break off the negotiation with France, and to riſe in their demands, one du Croſs, an agent of Sweden at London brought an expreſs order from the king for ſir William Temple to repair immediately to Nimeguen, and uſe his utmoſt endeavours to perſuade the plenipotentiaries of Sweden to conſent to the evacuation of the ſix towns within a limited time. The king ordered him likewiſe to aſſure them, that after the peace he would uſe the moſt effectual endeavours he could, for the reſtitution of all the territories the Swedes had loſt in the war. It was not difficult for ſir William Temple to infer from hence, that the king had no inclination to quarrel with France. But he was ſtill more fully convinced, when he was informed from penſionary Fagel, that du Croſs had been with the ſtates deputies, and acquainted them with the order he had brought; that he had alſo ſaid, the terms of the peace were abſolutely agreed between the kings of France and England, and from ſome expreſſions he had heard the king uſe, intimated, it would be in vain to pretend to prevent it. As ſir William and the penſionary could not doubt that du Croſs was ſent by the king, they concluded, either the king had changed his mind, or had never deſigned to enter into a war with France. Wherefore the ſtates, inſtead of forming new ſchemes, were contented with the plan already agreed on, with a reſolution however not to ſign the treaty till the reſtitution of the ſix towns was aſſured within ſuch a time [i].

Since the league had been concluded at the Hague, the king of France, to whom it was communicated, had uſed all poſſible artifices to elude, and bring it to a negotiation, with an offer to treat upon it, either at St. Quintin or Ghent. But the ſtates, on the contrary, had expreſsly ordered their embaſſadors to break off the negotiation, if the peace was not ſigned by ſuch a day, with the article of the evacuation of the towns in a limited time. Sir William Temple came to Nimeguen but three days before the expiration of the time fixed by the ſtates. On his arrival he found very little diſpoſition on either ſide towards ſigning the peace; the French and Dutch appeared equally inflexible, and the latter would not hear either of any negotiation or delay. At laſt came the critical day, the 11th of Auguſt, fixed by the treaty at the Hague, in the morning of which the French embaſſadors deſiſted from their pretenſions, and the peace was ſigned before twelve that night. This gave France the deſired ſatisfaction of making a ſeparate peace with Holland, which was immediately followed by a peace between France and Spain, and ſome months after with all the confederate powers, except the duke of Lorrain, who could never obtain his re-eſtabliſhment. It may be affirmed with great truth, that the king of England might have procured Europe a more advantageous peace, ſince the parliament would have granted him the neceſſary ſupplies, if he had pleaſed to act agreeably to the intereſt of Europe in general, and of England in particular. His conduct can only be aſcribed to his deſire of executing the project of rendering himſelf abſolute, and introducing the popiſh religion in England, which he thought could not be accompliſhed without the aſſiſtance of France.

The league concluded between England and Holland, the 26th of July, had, as I ſaid, fixed the 11th of Auguſt for ſigning the peace. In this interval the king of France had by his general the duke of Luxemburgh blocked up Mons. All his artifices to draw the affair of the evacuation into a negotiation, were only to gain time for Luxemburgh to become maſter of Mons before the peace was ſigned. But the Dutch being bent not to enter into treaty upon that affair, the French general had not time to make any great progreſs before that place. Mean while the prince of Orange being informed that peace was upon the point of being ſigned, and deſiring to diſtinguiſh himſelf by ſome great action, marched directly to the duke of Luxemburgh, ſurpriſed him, and gave him a conſiderable check [k]. This

[g] It was ſaid, there was a demand for a revenue, which would furniſh the court ſo well, that there would be no more need of parliaments. The court party thought ſuch a gift as this would make them uſeleſs. So, the thing was upon one debate rejected without a diviſion. Burnet, p. 421.

[h] The king of Denmark, and the elector of Brandenburgh, who had beat the Swedes out of Germany. Burnet, p. 422.

[i] This affair of du Croſs was tranſacted, one morning, in an hour's time, in the ducheſs of Portſmouth's lodgings, where the orders were diſpatched by the invention and purſuit of monſieur Barillon, the French embaſſador. Temple's mem. p. 466.

[k] The prince of Orange, in this battle, was in great danger of being loſt, had not Monſieur Ouwerkerk come to his relief, and killed a French captain

battle, called afterwards the battle at St. Denys, being fought the 14th of Auguſt, three days after the peace was ſigned, gave various opinions concerning this action of the prince of Orange. Some ſaid he knew not the peace was ſigned. Others pretended, the news was brought him by an expreſs, but not from the ſtates, and therefore he might improve the preſent advantages. However, with this action ended a war which had laſted ſix years, and was at firſt ſo fatal to Holland, that the republic ſaw itſelf on the brink of deſtruction.

We are now come to the diſcovery of the famous conſpiracy known in England by the name of the popiſh plot, which makes one of the principal periods of this reign, and has given occaſion to many politicians, to exerciſe their talents, ſome in ſupporting the reality, others in expoſing the falſity of it. What I have been ſaying is ſufficient to demonſtrate the impoſſibility for any hiſtorian whatever, to pleaſe two ſorts of men, whoſe ſentiments are diametrically oppoſite, and who, through prejudice, religion, paſſion, and party intereſt, are previouſly diſpoſed to believe or diſbelieve the popiſh plot. An hiſtorian is in vain impartial, if his readers are not ſo. The courſe of this hiſtory engages me to ſpeak of this famous conſpiracy, on which depend all the events of the reſt of this reign. It may well be judged, that I do not expect to ſatisfy all the world: this I take to be an impoſſible thing. What therefore I propoſe is, to inform the reader of the conſpiracy itſelf, whether true or falſe, of the reaſons and proofs alledged in maintenance of the reality or falſhood, and to have the inward ſatisfaction of ſaying nothing but what I believe to be true.

But before I proceed to the particulars, it is abſolutely neceſſary to clear ſome ambiguities which I have obſerved in the writers of both ſides, that the reader may be the better prepared to be upon his guard.

1. The word Plot in Engliſh, and Conſpiration in French, are always taken in a bad ſenſe. Their general ſignification is, a deſign, but an unlawful deſign to attempt ſomething againſt the perſon of the king or his miniſters, againſt the conſtitution of the government, againſt the eſtabliſhed religion, in ſhort a deſign bad in itſelf, wherein the public is concerned, and for the execution whereof means and inſtruments are already prepared. But if any one maintains, there is nothing unlawful in a deſign to change a bad religion eſtabliſhed, in order to introduce a better; or if on ſuppoſition that a government was eſtabliſhed by force and violence, it is affirmed, there is nothing ill or unlawful in a deſign to reſtore it to its antient ſtate, it is plain, this will only be a diſpute about words. Thus the fact or deſign in itſelf may be allowed, which by ſome will be termed a plot, whilſt others will not give it that name. This has been the caſe with ſome authors who have ſpoken of the popiſh plot. They own there was a deſign to alter the form of the government, and ſubvert the proteſtant religion, and yet deny there was a plot.

2. This plot, true or falſe, contained three particular deſigns. 1. To kill the king. 2. To ſubvert the government. 3. To extirpate the proteſtant religion, and eſtabliſh popery [l]. Moſt of the writers inſtead of conſidering theſe three articles, as branches of one and the ſame plot, have affected to ſeparate them. Some have chiefly inſiſted upon the deſign of killing the king, and ſlightly touched upon the other two. They believed themſelves able to prove the falſhood of this deſign, and therefore concluded that there was no real plot. Others meeting with ſome improbabilities in the depoſitions of the witneſſes concerning the deſign of killing the king, have chiefly endeavoured to prove the two laſt articles, from whence they have inferred, there was a true and real plot. The reader muſt be upon his guard againſt theſe artifices which entirely alter the ſtate of the queſtion, and always remember, that the plot did not conſiſt in the ſingle deſign to kill the king, or in the ſingle deſign to ſubvert the government, or in that to change religion, but in all theſe three deſigns united together, and making but one and the ſame conſpiracy.

3. Thoſe who aſſert the reality of the plot, pretend, that the king, the duke of York, and ſome of the miniſters were the heads and contrivers, and give many proofs, ſome of which have already appeared in the tranſactions of this reign. The oppoſite party object, that it is a manifeſt contradiction to make the king author of a plot to take away his own life: that, beſides, conſpiracies of ſubjects againſt their ſovereigns have been common, but to accuſe a prince of a plot againſt his ſubjects is a thing never heard of. To theſe objections it is anſwered, that though the plot contained three articles, the two laſt only were eſſential, and of theſe the king was the head and contriver: that the article of killing the king, though placed firſt, was only conſequent to, and depending upon, the two others. That this was only the attempt of ſome of the conſpirators, who believed, there was no readier way to execute the plot, than by ſetting the duke of York on the throne, who was leſs timorous and more active and daring than his brother. That therefore there is no contradiction in the ſuppoſition, that the king was the head and author of the two deſigns, of ſubverting the government, and changing religion; and that the other was carried on by ſome perſons without his privity, in order to advance the progreſs of the plot. That therefore the difficulty of this objection proceeds from the prepoſterous joining the three articles when they ought to be ſeparated, as on other occaſions they are ſeparated where they ought to be joined. As to the ſecond objection, that it is impoſſible a king ſhould plot againſt his ſubjects, it is drawn from the word plot, which is very rarely applicable to a ſovereign. But it is by no means impoſſible for a king of England, whoſe power is limited by law, to form a deſign of eſtabliſhing an arbitrary and deſpotic government, as appears in the examples of Edward II. Richard II. James I. and Charles I. Now a man may refuſe, if he pleaſes, to give to ſuch a deſign the name of a plot, provided he does but own the reality of the thing.

4. Laſtly, it will be proper to premiſe, that there are three opinions concerning the reality or falſhood of this plot. The firſt is of thoſe who believe it true in all its branches and circumſtances. The ſecond, of thoſe who believe it abſolutely falſe, and invented on purpoſe to exaſperate the people againſt the king and the duke of York. The third, of thoſe who believe it true with regard to the deſign of rendering the king abſolute, and altering religion, but doubtful with reſpect to the deſign of killing the king, and who after duly weighing the pro and con, think they ought to ſuſpend their judgment on this article. I thought it neceſſary to arm my readers with theſe few obſervations againſt the prejudices they may have received in reading other hiſtorians, who ſcruple not to diſguiſe and curtail the facts, to paſs over in ſilence ſuch as are diſadvantageous to them, to inſiſt and lay great ſtreſs upon others; to inſert in their relations many ſtories admitted by their party, but ſupported with no authority; to add numberleſs inſinuations founded only on their prejudices: in a word to ſuppoſe continually what they have undertaken to prove. This would evidently appear in a diſputation in form, but is very eaſy to be done in a continued narrative, where the writer inſerts whatever he thinks proper.

The 12th of Auguſt, (the day after the ſigning of the treaty of Nimeguen) Dr. Ezrael Tonge, a London divine, applied himſelf to one Chriſtopher Kirkby [m], who had ſome intereſt at court, to tell the king there was a plot againſt his perſon. Kirkby diſcharging his commiſſion the next day, whilſt the king was walking in St. James's Park, the king ordered him to bring Tonge to him at eight that evening. Tonge came to Whitehall at the appointed hour, and delivered to the king a writing or narrative, which in forty three articles, contained the particulars of a plot. The king, after looking over it ſuperficially, told Tonge, he was going to Windſor the next day, but would put the paper into the hands of the lord treaſurer, Danby, on whom he ordered him to wait the next morning.

Accordingly on the 14th of Auguſt, Tonge waited on the treaſurer, who aſked him if the paper left with the king, was an original or copy. Tonge anſwered, it was a copy of a writing which had been thrown into his houſe without his knowledge: but fancied it was by a certain perſon who had often entertained him upon ſubjects of the like nature. Some days after Tonge returned to the treaſurer, and told him, he knew the man, who had even put into his hands another narrative larger than the former, which he delivered to the treaſurer. After the earl had looked over the paper, he aſked Tonge, whether he knew the two

him that was juſt going to ſhoot him in the head. The duke of Monmouth, with ſome Engliſh and Scotch regiments, was in that battle. Upon news of the peace next day, the duke of Luxemburgh, with a great compliment, deſired an interview with the prince; and they met in the field. Baſnage, tom. II. p. 941.

[l] The chief promoters and authors of this plot, were pope Innocent XI. cardinal Howard; Johannes Paulus de Oliva, general of the Jeſuits at Rome; Pedro Jeronymo de Corduba, provincial of the Jeſuits in New-Caſtile; la Chaiſe, confeſſor to Lewis XIV. the provincial of the Jeſuits in England; the Benedictine monks at the Savoy; the Jeſuits and ſeminary prieſts in England, who were then in number about eighteen hundred; the lords Petre, Powis, Bellaſis, Arundel of Wardour, Stafford, and ſeveral perſons of quality. See Oates's narrat. H. Caro, &c.

[m] Alchemiſt, that was ſometimes in the king's laboratory. He

men ſpoken of in the narrative, as the perſons deſigned to kill the king, and went by the name of Honeſt William, and Pickering. Tonge anſwered, he knew them, that they walked frequently in the park, and if a truſty perſon was appointed to go with him, he doubted not but he ſhould have an opportunity of giving him a ſight of them in a very ſhort time. The treaſurer aſked, if he knew where they lodged, that they might be ſecured. Tonge anſwered he did not, but would endeavour to inform himſelf.

The treaſurer having given the king an account of what he had learned from Tonge, and of the contents of the two narratives, deſired him at the ſame time, that a warrant might be ſent for apprehending Honeſt William[n], and Pickering, and ſome other members of the council be informed of an affair which concerned his majeſty's life. But the king would neither ſuffer the two men to be apprehended, nor permit the earl to ſpeak of it to any perſon living, and particularly to the duke of York.

Some days after, Tonge ſent word to the lord treaſurer, that he knew where Honeſt William and Pickering lodged: he ſaid moreover, ſome of the intended aſſaſſins were to go within two days to Windſor; but that he would give notice of the time fixed for their journey, that they might be arreſted at their arrival. But ſome days after, he pretended, the journey had been prevented by an accident to one of their horſes. The king from thence concluded the whole to be a fiction, and though the truth might eaſily have been diſcovered, by apprehending the two men whoſe lodgings were known, he would never permit, either that they ſhould be apprehended, or the affair communicated to any member of the council, ſaying, "He ſhould alarm all England, and put thoughts of killing him into people's heads who had no ſuch thoughts before."

This reaſon being, as appears, very weak, it can only be inferred from the king's conduct, that he believed not the plot, or had ſome intereſt to ſhew he did not believe it.

Three days after, Tonge writ to the earl of Danby, that a packet of letters was to go to the poſt-houſe in Windſor, directed to one Bedingfield a prieſt[o]. The packet came indeed, and Bedingfield, after reading the letters, carried them to the duke of York, telling him, "He feared ſome ill was intended him by the ſaid packet, becauſe the letters therein ſeemed to be of a dangerous nature, and that he was ſure they were not the hand writing of the perſons whoſe names were ſubſcribed to the letters[p]. The king being more confirmed in the belief that there was nothing real in the pretended plot, ſeemed reſolved not to permit the papers or informations received from Tonge to be produced. But the duke of York was ſo very earneſt to have the letters, directed to Bedingfield, examined by the council, that the king at laſt conſented, and gave the treaſurer leave to declare at the ſame time the intelligence received from Tonge, and ſo the affair became public.

I have not hitherto mentioned the famous Titus Oates, principal actor in this play, becauſe having reſolved to advance nothing but what I believe exactly true, I did not think proper to adopt whatever has been ſaid concerning him and his ſecret conferences with Dr. Tonge, of which not a ſingle voucher is produced. However, I think myſelf obliged briefly to relate, what has been advanced by others, though with no other certainty than their own teſtimony.

"Titus Oates was the ſon of a ribbon weaver, who afterwards turning anabaptiſt preacher, and being chaplain to a regiment of Cromwell's forces in Scotland, was there clapt up in priſon upon Overton's plot againſt that uſurper; but having the fortune to eſcape upon the king's reſtoration, he conformed to the church, and got the living of Haſtings in Suſſex; where he continued till he thought fit to return again to his former anabaptiſtical ſtation. This ſon of his had his firſt education in Merchant Taylor's ſchool in London, and next in the univerſity of Cambridge, where he was ſtudent in two colleges, Caius's and St. John's, and where he left no reputation behind him for his parts or learning; though he ſeemed diſtinguiſhed for a tenacious memory; a plodding induſtry, and an unparallelled aſſurance, beſides a particular canting way that appeared in his academical exerciſes. Removing from thence he ſlipt into orders, and for a while officiated as curate to his father; after which he enjoyed a ſmall vicarage in Kent[q], from whence he removed to another in Suſſex, and after that for ſome time got into the duke of Norfolk's family, when he particularly ſided with the ſocinians at London: ſo that he became very uncertain as to his principles and religion, and infamous as to his morals[r]. In the laſt year, 1677, being abandoned and deſtitute of common neceſſaries, he fell into the acquaintance of Dr. Ezrael Tonge, a city divine, a man of letters, and a prolific head, filled with all the Romiſh plots and conſpiracies ſince the reformation[s]. This man was remarkable for his parts and great reading, but of a reſtleſs and humourous temper, full of variety of projects, and ſcarce ever without a pen in his hand, and a plot in his head. At firſt he ſeemed to entertain Oates out of charity, who then went by the name of Ambroſe; and complaining that he knew not where to get bread, the doctor took him to his houſe, gave him cloaths, lodging and diet, and told him he would put him in a way. After which, finding him a bold undertaker, he perſuaded him to inſinuate himſelf among the papiſts, and get particular acquaintance with them: which being effected, he let him underſtand, that there had been ſeveral plots in England to bring in popery, and if he would go beyond ſea among the jeſuits, and ſtrictly obſerve their ways, it was poſſible there might be one at preſent; and if he could make that out, it would be his preferment for ever: but however, if he could get their names, and ſome informations from the papiſts, it would be eaſy to rouze people with the fears of popery."

Purſuant to this advice, Oates reconciled himſelf to the church of Rome, and moreover, according to ſome, entered into the ſociety of the jeſuits. In April 1677, he was ſent to Valladolid in Spain, where he remained ſix months, and then returned to England. After a month's ſtay he was ſent to St. Omer's, the Engliſh ſeminary, for farther diſcoveries.

In ſhort, the latter end of June the ſame year, he returned to England, and repaired to his friend Tonge, furniſhed with materials picked up at St. Omer's. Out of theſe materials Tonge and Oates, at ſeveral conferences together either at London, or in a hired houſe at Lambeth[t], framed the papers or narratives delivered by Tonge to the king and the lord treaſurer Danby, as copies of what Oates had written with his own hand.

I omit many circumſtances of what is ſaid to paſs between Tonge and Oates, which ſeem to ſuppoſe, either there was ſome third perſon who related all theſe particulars, or elſe, that one of the two diſcovered them before his death. The intent of this recital is, as may eaſily be ſeen, to ſhew, that Tonge and Oates were the inventors of the plot, which made ſo much noiſe afterwards, and never exiſted but in their heads. It muſt be owned, that if this was well proved, it would be a ſufficient evidence, that the plot diſcovered by Oates was a fiction. In the recital appears Tonge a divine, who (having a prolific head filled with all the Romiſh plots and conſpiracies ſince the reformation) fancies it poſſible there may be one now on foot. He perſuades Oates to inſinuate himſelf amongſt the papiſts, turn catholic, and be entered into the ſociety of the jeſuits, in order to have opportunity to make diſcoveries. Oates complies, returns from St. Omer's, freighted with materials, out of which theſe two men draw up a narrative of a horrid plot againſt the perſon of the king, the government, and the proteſtant religion, and Tonge undertakes to deliver it to the king. If all this be true, there is need of no other proofs: this alone is ſufficient to demonſtrate that the plot was a fiction, and a chimera. Wherefore, if ever there is reaſon to give the readers ſome aſſurance of what is advanced, with ſo many circumſtances, it is in ſuch a caſe as this, which alone decides the queſtion. But I muſt warn the reader, that thoſe who have advanced theſe facts, have not vouchſafed to give the leaſt proof. They have not ſaid, that they were received from ſuch or ſuch perſons then living. They have cited no authors before them, nor, in ſhort, produced one voucher of what they have advanced concerning facts, which naturally could come to their knowledge, but by ſome extraordi-

[n] His true name was John Groves. Oates's narrat, p. 6.

[o] The duke of York's confeſſor. Ibid.

[p] The duke carried them to the king. And he fancied they were writ either by Tonge or Oates, and ſent on deſign to have them intercepted, to give the more credit to the diſcovery. The duke's enemies, on the other hand, gave out, that he had got ſome hints of the diſcovery, and brought theſe as a blind to impoſe on the king. Burnet, p. 425.

[q] Bobbing, which was given him in 1672, but the air being very bad he left it. H. Care. Hiſt. of the plot, p. 64.

[r] Biſhop Burnet ſays, "He was proud and ill natured, haughty, but ignorant. He had been complained of for ſome very indecent expreſſions concerning the myſteries of the chriſtian religion. He was once preſented for perjury."—p. 425.

[s] Biſhop Burnet gives him this character: "He underſtood gardening and chemiſtry, and was full of projects and notions. He was a very mean divine, and ſeemed credulous and ſimple; but always paſſed for a ſincere man." p. 424.

[t] One Lambert's houſe, a bell founder's, at Vauxhall, called afterwards the Plot houſe. Echard.

nary means. It is a deſign managed between Tonge and Oates alone, without the intervention of any third perſon. It is certain, neither Oates nor Tonge revealed theſe pretended particulars before their death, or ever retracted their informations. It was therefore juſtly wiſhed, that thoſe who have reported their ſecret conferences with ſuch particular circumſtances, had produced ſome authority for what they have advanced.

Here follows the ſubſtance of the writing delivered by Tonge to the king, in form of a depoſition. Titus Oates was the ſpeaker, though he had not ſigned it, and though his name did not appear in it.

" That in April 1677, the ſaid deponent was employed by Strange, the then provincial, Keins, Fenwick, Harcourt, and other jeſuits in London, to carry their letters to one father Suiman, an Iriſh jeſuit, at Madrid in Spain: that in his journey he broke open the ſaid letters, and found therein, an account given of what jeſuits they had ſent into Scotland, to encourage the preſbyterians to rebel; and that they feared not ſucceſs in their deſigns, by reaſon of the king's being ſo addicted to his pleaſures, and their intereſt in the duke of York, &c. That he ſaw ſeveral ſtudents ſent out of England to Valladolid, who were obliged by the jeſuits of the college to renounce their allegiance to his majeſty of great Britain; and that one Armſtrong, in a ſermon to the ſtudents there, did affirm, that Charles Stewart, the king of England, is no lawful king, but comes of a ſpurious race, and that his father was a black Scotchman, and not king Charles the firſt; with ſeveral other traiterous words and correſpondencies which he there diſcovered. Being returned to England, where he made farther diſcoveries; about the beginning of December, the ſaid deponent was ſent with another treaſonable letter, written by Strange, and ſeveral other jeſuits, to St. Omer's, wherein was expreſly mentioned their deſign to ſtab or poiſon the king; and that they had received ten thouſand pounds from la Chaiſe, which was in the hands of one Worſley a goldſmith in London. There was likewiſe incloſed a letter of thanks to father la Chaiſe, which the deponent carried to him from St. Omer's to Paris. During this his journey, and being abroad, he ſaw and read many other letters, all tending to the ſame end of cutting off the king, ſubverting the preſent government of England, and reſtoring the Romiſh religion; and they were ſo confident as in ſome of them to ſay, that his majeſty of England was brought to that paſs, [that is, ſo poſſeſſed of their fidelity] that if any malecontents among them ſhould not prove true, but offer to diſcover, he would never believe them."

But one of the principal things he tells us in this narrative, was, " That April 1678, he came over from St. Omer's with more jeſuits, to the grand conſult which was held in May, by about fifty jeſuits, at the Whitehorſe tavern in the Strand, where they met and plotted their deſigns for their ſociety: from whence they diſperſed into ſeveral clubs, five or ſix in a company, where they ſigned a reſolve for the death of the king, with the manner how it was to be done, which the deponent, as a meſſenger, carried from one company to another to be ſigned. Very ſhortly after he returned to St. Omer's, and towards the end of June came back to England; where he ſoon became privy to the treaty with Wakeman to poiſon, and Honeſt William and Pickering to ſhoot, the king; and that he heard Keins a jeſuit preach a ſermon to twelve perſons of quality in diſguiſe; wherein he aſſerted, That proteſtant and other heretical princes were ipſo facto depoſed, becauſe ſuch, and that it was as lawful to deſtroy them, as an Oliver Cromwell, or any other uſurper, &c."

Beſides theſe new diſcoveries, he tells us, that he learnt ſeveral other remarkable particulars from them, as, " That the late wars, and many other miſchiefs were brought about by them; but more particularly the dreadful fire in 1666, which was principally managed by Strange the provincial; in which their ſociety employed eighty, or eighty ſix men, he could not tell which, and ſpent ſeven hundred fire-balls, and, over and above all their vaſt expence, they were fourteen thouſand pounds gainers by the plunder, amongſt which was a box of jewels, conſiſting of a thouſand caracts of diamonds. He farther learnt, that the fire in Southwark in the year 1676, was brought about by the like means; and though in that they were at the expence of a thouſand pounds, they made a ſhift to get two thouſand clear into their own pockets."

This depoſition, as I ſaid, was at laſt communicated to the council by the king's permiſſion. Probably, the king ſo managed that the council took no great notice of the affair, and looked upon the diſcovery as a forgery. After that, the lord treaſurer ſeeing he was clear of the buſineſs, ſince it was imparted to the council, would no longer hearken to Tonge, but when he came, diſmiſſed him, either unheard, or with injurious language. This made Tonge and Oates reſolve to bring the affair before the parliament. But as they had cauſe to fear, that the court would find means to ſuppreſs this depoſition, or repreſent it as a writing without name and authority, they applied to ſir Edmundbury Godfrey, a juſtice of peace in St. Martin's pariſh, and Oates requeſted him to receive his oath, that the paper which he put into his hands, contained matters of treaſon and other high crimes. Godfrey was unwilling to grant their requeſt, and the rather, becauſe he was not ſuffered to read the particulars. But at laſt, Tonge depoſing upon oath, that the ſame had been communicated to the king, Oates was ſworn, and a certificate given him. This was the 6th of September.

Some time after, the king being returned to Whitehall, whether the council had been informed of the reſolution of Tonge and Oates, or feared to be accuſed of negligence, in an affair which concerned the king and the public, or from ſome other motive, they reſolved to examine into the bottom of the matter. For this purpoſe, the 27th of September, ſix weeks after the king had received the firſt information, Tonge was ſent for by the council, but not coming till the council was riſen, he was ordered to attend the next day. In this interval, Tonge took another copy of Oates's depoſition, and, it is pretended, inſerted ſeveral articles which were not in the firſt, but theſe new informations are not ſpecified. However, this was the copy which was afterwards publiſhed under the title of Oates's narrative. This copy being finiſhed, Tonge and Kirkby carried it to ſir Edmundbury Godfrey the juſtice, and left it in his hands[u].

On the morrow, the council examined Tonge and Kirkby, and then ordered Oates to be called in. After their examination, Tonge and Oates had lodgings aſſigned them in Whitehall, by order of the council, with a guard for their ſecurity, and a weekly ſalary for their ſubſiſtence. And now the privy council for above a week, ſat twice a day on this affair, and employed Oates, as he was the firſt diſcoverer of the plot, three days and nights to ſearch after and ſeize the perſons of the conſpirators, and ſecure their papers. By his means, and upon his depoſitions, were arreſted, ſir George Wakeman, the queen's phyſician, Mr. Edward Coleman, the duke of York's ſecretary, Mr. Richard Langhorn, Thomas Whitebread, John Gawen, Anthony Turner, William Ireland, William Marſhal, William Rumley, James Corker, Thomas Pickering, and many others. The eight laſt were Romiſh prieſts or jeſuits. In Coleman's houſe were found letters which greatly confirmed Oates's teſtimony, and will be hereafter remembered[w].

Though no particulars of the plot had yet been publiſhed, the people were informed in general, that the deſign of it was to kill the king, ſubvert the government, and change the eſtabliſhed religion. The impriſonment of ſo great a number of Roman catholics, ſuggeſted that they were at leaſt ſuſpected of being concerned. This was ſufficient to make them believed the ſole authors of the plot. But an accident, a few days after, ſo confirmed this belief, that nothing was able to ſhake it. This was, that ſir Edmundbury Godfrey, who had ſworn Oates to his narrative, after having been miſſing four days, was found dead in a ditch about a mile out of London[x], with his ſword through his body, his cane and gloves by him, rings upon his fingers, and money in his pocket[y]. The coroners inqueſt ſat upon the body, but meeting with ſome difficulties adjourned to the day following, when, upon the declaration of the ſurgeons, they gave up their verdict, " That he was murdered by

[u] He took two copies more which were ſworn to, and whereof one was left with the juſtice. Echard.

[w] Coleman, ſays Burnet, had a whole day free to make his eſcape, if he thought he was in danger. And he had conveyed all his papers out of the way: only he forgot a drawer under the table, in which the papers relating to 1674, 75, and part of 76, were left. Had he withdrawn all his papers nothing had appeared; had he left all, it might have been concluded, that the whole ſecret lay in them, p. 426.

[x] Near St. Pancras church, by Primroſe-hill. He was miſſing from October 12, to October 17, on which laſt day he was diſcovered. Relat. of his murder, p. 5.

[y] Namely, ſeven guineas, four broad pieces, two ſmall pieces of gold, and four pounds and half a crown in ſilver, Idem. p. 5.

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certain perſons unknown to the jurors, and that his death proceeded from ſuffocation and ſtrangling [z]; and that his ſword had been thruſt through his body ſome time after his death, and when he was quite cold, becauſe not the leaſt ſign of blood was ſeen upon his ſhirt, or his cloths, or the place where he was found." Though it was poſſible, this murder might not have been committed by the papiſts, they were ſo readily and publicly accuſed, that it was not ſafe to deny it, and that the people drew from it an invincible proof of the plot, and the aſſurance of the papiſts being the authors. It was not conceived, what intereſt the proteſtants could have to murder this juſtice, but it was obvious that the papiſts might do it in revenge for his ſwearing Oates to his narrative. The catholics were then in a ſituation not to dare to vindicate themſelves. The people were univerſally incenſed againſt them, and the court would not openly protect them. It paſſed therefore for certain, that the papiſts were Godfrey's murderers. Of this will hereafter appear poſitive evidence. But as, a few years after, the face of affairs was changed, the papiſts and friends of the court found means to give another turn to this murder. Firſt, they raiſed ſtrong objections to invalidate the depoſitions of the witneſſes. Secondly, they obſerved, that the death of ſir Edmundbury Godfrey could be of no great advantage to them, ſince he only ſwore Oates to his narrative, and from that time to his death meddled no more. Thirdly, they inſinuated, that Godfrey had murdered himſelf, out of fear of being hanged for not diſcovering ſooner what he knew. Fourthly, and upon this they chiefly inſiſted, they pretended that Godfrey had been murdered by the proteſtants, in order to throw the odium of his death upon the papiſts. Now as the papiſts had no intereſt to publiſh this murder, it is pretended, that his death was concealed till the body was found, and then publiſhed by thoſe who committed the deed, in order to charge the catholics with it. But though it were true, that the whole city was filled with the rumour of Godfrey's murder the day after he diſappeared, it ſeems to me, that the conſequence drawn from thence would not be neceſſary. Thus much is certain, Godfrey was murdered, and the papiſts were charged with the deed, as long as the proteſtant party prevailed; but when the face of affairs was altered, the court party did, and ſtill do, accuſe the proteſtants of it [a].

However this be, the king, who was then at Newmarket, returning to London to hold the parliament, publiſhed a proclamation, with the promiſe of five hundred pounds reward to the diſcoverer of the murderers of ſir Edmundbury Godfrey. But as this proclamation had but little effect, becauſe it was ſuggeſted that the diſcoverers would be in danger of an aſſaſſination; the king publiſhed a ſecond, with an aſſurance of his protection to thoſe who ſhould make the diſcovery [b].

Mean time, the king was extremely perplexed. He had at firſt endeavoured to ſtifle the noiſe of this conſpiracy, by concealing it from his very council; but was forced at laſt to conſent it ſhould be communicated to them: and the precautions taken by Tonge and Oates, in putting the depoſition into the hands of a juſtice, had obliged the council to take precautions alſo for their own ſakes, in cauſing many perſons to be arreſted. The murder of ſir Edmundbury Godfrey happening upon this, and the whole kingdom being alarmed at it, there was no poſſibility of ſtifling the noiſe of the plot, which had now reached the moſt diſtant parts. The king therefore reſolved to take the only courſe left, which was to prevent, if poſſible, this affair from coming before the parliament. He was not ignorant of the diſaffection of the commons. The tranſactions of the laſt ſummer ſhewed, that he was ſuſpected of deſigns prejudicial to church and ſtate, and all his proceedings had given but too juſt cauſe for this ſuſpicion. He therefore feared very juſtly, that the parliament would examine into the bottom of the plot; and, under a pretence of taking care of his perſon, diſcover many things which were yet to be concealed. For, as I have remarked, the plot contained three articles, namely, the three deſigns, of killing the king; ſubverting the government; and changing the eſtabliſhed religion. In all appearance, the king believed not the firſt, but could not be ignorant of the two laſt. Nay, his whole conduct had made this ſo clear, that all the kingdom was in a manner convinced of it. To avoid therefore ſo dangerous a diſcuſſion; he reſolved to take from the parliament the examination of the plot. For that purpoſe, he expreſsly commanded the earl of Danby, his prime miniſter, not to acquaint the two houſes with what had paſſed through his hands, and reſolved ſo to order it, that every thing concerning the plot ſhould be left to the law, in the belief that it would be much eaſier for him to manage the judges than the parliament.

The 21ſt of October, the king opened the 18th ſeſſion of this parliament with the following ſpeech:

My lords and gentlemen,

"I have thought the time very long ſince we parted laſt, and would not have deferred your meeting by ſo many prorogations, if I could well have met you ſooner. The part which I had this ſummer in the preſervation of our neighbours, and the well ſecuring what was left of Flanders, is ſufficiently known, and acknowledged by all that are abroad. And though for this cauſe I have been obliged to keep up my troops, without which our neighbours had abſolutely deſpaired; yet both the honour and the intereſt of the nation have been ſo far improved by it, that I am confident no man here would repine at it, or think the money raiſed for their diſbanding, to have been ill employed in their continuance; and I do aſſure you, I am ſo much more out of purſe for that ſervice, that I expect you ſhould ſupply it. How far it may be neceſſary, conſidering the preſent ſtate of Chriſtendom, to reduce the land and ſea forces, or to what degree, is worthy of all our ſerious conſiderations.

"I now intend to acquaint you (as I ſhall always do with any thing that concerns me) that I have been informed of a deſign againſt my perſon by the jeſuits, of which I ſhall forbear any opinion, leſt I may ſeem to ſay too much or too little: but I will leave the matter to the law, and in the mean time will take as much care as I can, to prevent all manner of practices by that ſort of men, and of others too, who have been tampering in a high degree by foreigners, and contriving how to introduce popery amongſt us. I ſhall conclude with recommending to you my other concerns. I have been under great diſappointments by the defect of the poll bill. My revenue is under great anticipations, and at beſt was never equal to the conſtant and neceſſary expence of the government, whereof I intend to have the whole ſtate laid before you, and require you to look into it, and conſider of it, with that duty and affection which I am ſure I ſhall ever find from you. The reſt I leave to the lord chancellor."

The king had hoped by his precautions to prevent the parliament from taking cognizance of the plot. But the earl of Danby broke all his meaſures, by communicating the very firſt day, Oates's narrative to the commons. It was believed, he was either afraid of being called to an account, if he concealed from the parliament an affair of ſuch importance, which had paſſed through his hands, or was willing to ingratiate himſelf with that houſe, in which he had many powerful enemies. The king was highly provoked with a procedure ſo contrary to his orders and deſigns, and gave him a ſevere reprimand; but the thing was without remedy.

The commons having communicated theſe informations to the lords, laboured inceſſantly upon the affair of the plot. For ſome days they ſat from morning till late at night, and took extreme care to keep the minutes and votes of the houſe from being divulged. The lords were no leſs diligent; ſo that in two or three days, both houſes preſented three addreſſes to the king. The firſt was to pray him to appoint a faſt. The ſecond to require the removal of all popiſh recuſants out of London. The third to pray the king's order to the lord chamberlain, that no unknown perſon might have acceſs to his majeſty.

It muſt be obſerved, theſe three addreſſes were all founded upon the diſcovery of the plot, and that both houſes did not confine it to the ſingle deſign of killing the king, but expreſsly added the two others, of ſubverting the govern-

[z] It is remarkable, that a large laced band, which he had on when he went from home, was off when his body was found. Idem. p. 6.

[a] Dr. Lloyd and Dr. Burnet went to view the body; and, beſides the circumſtances abovementioned, obſerved, that his ſhoes were clean. A mark round his neck an inch broad. His breaſt all over bruiſed, and his neck broken. There were many drops of white wax lights on his breeches, which he never uſed himſelf. And ſince only perſons of quality or prieſts uſe thoſe lights, this made all people conclude in whoſe hands he muſt have been, p. 249.

[b] Sir Edmundbury's corps being embalmed, was kept till October 31, when it was carried, in a very ſolemn manner, from Bridewell hoſpital, of which he was one of the governors, to the church of St. Martin's in the fields, where he was buried. The pall was ſupported by eight knights, all juſtices of the peace. All the aldermen of the city attended the funeral. Seventy two London miniſters marched two and two before the body. And great multitudes followed after, in the ſame order. An excellent ſermon, ſuitable to the occaſion, was preached, on 2 Sam. c. iii. v. 34. by dr. William Lloyd, vicar of St. Martin's. Kennet, p. 352. Relat. &c.

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ment, and changing the eſtabliſhed religion. This is a remark which is to ſerve for the whole proceſs of the affair. For never did the two houſes ſeparate theſe three articles, a clear evidence that they believed the plot was not confined to the deſign of killing the king, as ſome would inſinuate.

The ſame day that the third addreſs was preſented, namely the 24th of October, three days after the opening of the ſeſſion, Oates was examined in the houſe of commons ſix or ſeven hours. After his examination, he was ſeveral times interrogated, according to cuſtom, "Whether he knew any thing more of the plot, or any other perſons concerned in it, than what he had already mentioned;" to which he ſolemnly anſwered, "He did not." And yet, he afterwards added ſeveral things to this depoſition. As this is one of the objections againſt Oates's evidence, it will not be improper to inform the reader of what has been ſaid pro and con.

Firſt, it is ſaid, that Oates having been examined upon oath by the houſe of commons, and having affirmed, he knew no more of the plot, could not afterwards add new depoſitions againſt other perſons, without perjury. To improve this objection, it is ſaid, he was ſolemnly interrogated, whether he knew any thing more; and that he anſwered as ſolemnly, he did not. But this word ſolemnly is only uſed to aggravate the imputation of perjury. For it is eaſy to perceive, that a witneſs, at his firſt hearing, is not aſked whether he knows any thing more, with greater ſolemnity than the other queſtions, upon which he has depoſed. It is beſides replied to this objection, that the oath taken by Oates before he was interrogated, properly reached only to the facts which he was to depoſe, and not to the queſtion after his depoſition, whether he knew any thing more of the plot? So the charge of perjury vaniſhes, unleſs it be proved, that he was again ſworn upon the laſt queſtion.

It is anſwered in the ſecond place, that this objection being made to Oates on another occaſion, he ſaid, that having been three days and three nights without ſleep when he was examined by the commons, and the examination laſting above ſix hours, it was not ſtrange, that at the firſt hearing he ſhould not recollect all he knew. I leave to the reader to conſider the objection and anſwer.

I cannot forbear obſerving here a fallacy put upon his readers by a celebrated hiſtorian, in ſaying, "That he began ſo much to abound with new diſcoveries, that ſome began to ſuſpect his veracity. Therefore, adds the hiſtorian, to put an end to all ſuch doubtings, on the 31ſt of October, the commons reſolved, nemine contradicente, That upon the evidence that has already appeared to this houſe, this houſe is of opinion, that there is, and hath been a damnable and helliſh plot contrived and carried on by popiſh recuſants, for aſſaſſinating and murdering the king, for ſubverting the government, and rooting out and deſtroying the proteſtant religion."

Beſides, that this author, in aſcribing for ſole motive to the commons the deſire of putting an end to all doubtings of Oates's veracity, boldly accuſes them of not acting uprightly, it may be demonſtratively proved, that this could not be their motive, ſince the witneſs added nothing to his firſt depoſition in the ſix days between his examination and the vote of the commons. I was willing to make this remark, to ſhew, with what caution the hiſtorians who have writ of the affairs of that time, muſt be read.

The vote having paſſed in the houſe of commons, nemine contradicente, they ordered, "That this vote be communicated to the lords at a conference, and that the lords be deſired to join with this houſe, in providing remedies for the preſervation of his majeſty's perſon and government, and the proteſtant religion." Two days after in a conference between the two houſes, upon the ſubject of the laſt vote of the commons, this report was made, "The lords have conſidered the vote of the houſe of commons communicated to them at the conference, and have moſt readily and unanimouſly concurred with them in it, nemine contradicente; and their lordſhips are very glad to ſee that zeal which the commons have ſhewed upon this occaſion, and do fully concur with them, that the moſt ſpeedy and ſerious conſiderations of both houſes are neceſſary for prevention of the imminent dangers. In order whereunto their lordſhips have reſolved to ſit de die in diem, forenoon and afternoon, and deſire that the houſe of commons will do the ſame."

If this proves not the plot to be real, it proves at leaſt, that both houſes believed it ſo, ſince there was not the leaſt diviſion upon this article. To deny therefore that the plot was real, it muſt be ſaid, either that all the members of both houſes were groſsly miſtaken, or that they acted in a ſpirit of prejudice and party, to trouble the court. But why ſhould it be thought to trouble the court, if the king was not ſuſpected to have been the principal author of the plot, though doubtleſs, he was not concerned in the firſt article relating to the attempt upon his life, which, as I have ſaid, was only an appendix of the plot, or at leaſt was conſidered as ſuch.

The ſame day that the commons examined Oates, they ſent for the lord chief juſtice Scroggs, who took his examination upon oath, and in the houſe ſealed twenty-ſix warrants for apprehending ſo many perſons whom he had ſworn againſt, among whom were the lords Powis, Stafford, Arundel of Wardour, Petre, Bellaſis, and ſir Henry Tichbourn baronet, all papiſts, who were ſent to the Tower, and the reſt to ſeveral priſons.

The king was ſo perſuaded of his being ſuſpected, that he thought himſelf obliged to ſeem equally convinced with the parliament of the danger. To remove therefore this ſuſpicion, he publiſhed a proclamation in theſe words: "The lords and commons having taken into their ſerious conſideration, the bloody and traiterous deſigns of popiſh recuſants, againſt his majeſty's ſacred perſon and government, and the proteſtant religion; therefore he commanded them all, except ſettled houſe keepers that would take the oaths of allegiance and ſupremacy, to depart the cities of London and Weſtminſter, and all places within ten miles diſtant from the ſame."

The papiſts accordingly departed out of London; though for ſo ſhort a ſpace, that in leſs than a fortnight they returned again, whether they had leave from their leaders to take the oaths, or knew ſuch proclamations were never ſtrictly executed.

Beſides this, the king knowing, that among his foot and horſe guards, there were many papiſts and new converts to the Romiſh religion, declared in council, and publiſhed an order, with a promiſe of twenty pounds ſterling, to whoever ſhould make diſcovery of any officer or ſoldier in his horſe or foot guards, who having taken the oaths of allegiance and ſupremacy, and the late teſt, had ſince been perverted to the Romiſh religion.

The commons not ſatisfied with theſe ſlight precautions, prepared a bill to prevent the danger from ſo many papiſts ſitting in parliament, and particularly in the houſe of lords.

But this was only a preparative for the more eaſy prevention of the danger with which religion was threatened, from the hopes conceived by the papiſts of ſeeing the duke of York on the throne after his brother, who neither had, nor expected to have, any legitimate iſſue. This danger cauſed ſeveral members of the commons, to form the project of a bill for excluding the duke of York from the ſucceſſion to the crown: but this was done by degrees. On the 4th of November, a debate was ſuffered to ariſe in the houſe, for an addreſs to his majeſty, that he would be pleaſed to remove the duke of York from his perſon and counſels. But this debate was adjourned to the 8th, and afterwards to the 12th of the month.

The king perceiving the intent of the commons, came to the parliament the 9th of November, and ſending for the commons, made this ſpeech to both houſes.

My lords and gentlemen,

"I am ſo very ſenſible of the great and extraordinary care you have already taken, and ſtill continue to ſhew, for the ſafety and preſervation of my perſon in theſe times of danger, that I could not ſatisfy myſelf without coming hither on purpoſe to give you all my moſt hearty thanks for it. Nor do I think it enough to give you my thanks only, but I hold myſelf obliged to let you ſee withal, that I do as much ſtudy your preſervation too, as I can poſſibly; and that I am as ready to join with you, in all the ways and means that may eſtabliſh a firm ſecurity of the proteſtant religion, as your own hearts can wiſh: and this not only during my time, (of which I am ſure you have no fear) but in future ages, even to the end of the world. And therefore I am come to aſſure you that whatever reaſonable bills you ſhall preſent to be paſſed into laws, to make you ſafe in the reign of any ſucceſſor, (ſo as they tend not to impeach the right of ſucceſſion, nor the deſcent of the crown in the true line, and ſo as they reſtrain not my power, nor the juſt rights of any proteſtant ſucceſſor) ſhall find from me a ready concurrence. And I deſire you withal, to think of ſome more effectual means for the conviction of popiſh recuſants, and to expedite your coun-

counſels as faſt as you can, that the world may ſee our unanimity, and that I may have the opportunity of ſhewing you, how ready I am to do any thing that may give comfort and ſatisfaction to ſuch dutiful and loyal ſubjects."

During theſe tranſactions, one William Bedloe who took upon him the title of captain Bedloe, becauſe he had ſerved in the Low Countries [c], going from London to Briſtol, writ to ſecretary Coventry from Newbury, that he had many ſecrets to diſcover, and therefore deſired that he might be arreſted on his arrival at Briſtol, and ſent to London. If I do not inſert every thing ſaid againſt Bedloe by certain hiſtorians, it is their fault, becauſe they have given no authority for what they advanced, nor do I think myſelf obliged to copy implicitly from authors who writ forty years after the events, and have not thought proper to alledge the leaſt proof of what they aſſert. I ſhall however briefly ſay, that they ſpeak of Bedloe as of the greateſt villain that ever lived.

Bedloe was apprehended at Briſtol, according to his deſire, and brought to London the 6th of November, when the parliament was very buſy upon the affair of the plot. A guard was immediately aſſigned him for his ſecurity, and a penſion for his ſubſiſtence, with a lodging at Whitehall. The king was preſent at his examination before the two ſecretaries of ſtate. He declared he had been bred a proteſtant of the church of England, but within two years perſuaded to turn catholic by the jeſuits. He ſaid, he knew that ſir Edmundbury Godfrey was murdered in Somerſet-houſe, but it is pretended, he ſolemnly declared upon oath, his ignorance of the plot then in queſtion. But as I ſaid, facts ſupported by no authority deſerve little credit [d]. It is added, that the very next day, being examined by the houſe of lords, he thought fit upon new encouragement, to be more open, and launch out into the depths of the plot, with a new and ſupplemental evidence. It is eaſy to perceive the tendency of ſuch inſinuations deſtitute of authority.

However this be, Bedloe declared to the lords, that Walſh and le Phaire, two jeſuits concerned in the murder of Godfrey, informed him, "That the lord Bellaſis had a commiſſion to command forces in the north, the earl of Powis in South Wales, and the lord Arundel of Wardour had a commiſſion from the pope to grant commiſſions to whom he pleaſed: that Coleman had been a great agitator in the deſign againſt the king." He was aſked, if he knew Oates, and he poſitively denied it, but pretended afterwards, he knew him by the name of Ambroſe.

The next day, the two houſes obtained from the king a proclamation againſt Walſh, le Phaire, Conyers, Simmonds, Pritchard, and Caſtaway, but none of them could be found.

The 12th of November, Bedloe was examined a ſecond time in the houſe of lords. The ſubſtance of what he ſaid was, "That the monks of Doway firſt told him the deſign; and, after four ſacraments of ſecrecy, they ſent him to Harcourt, a jeſuit in Duke-ſtreet, London, who provided for him, and ſent him to Paris, &c. That le Phaire, Walſh, Pritchard, and Lewis, told him what lords were to govern, what men were to be raiſed; particularly forty thouſand to be ready in London: what ſuccours were to be expected, namely, ten thouſand from Flanders, twenty or thirty thouſand religious men and pilgrims from St. Jago in Spain; that Hull was to be ſurpriſed; and that, juſt in the critical time that the plot was diſcovered; that le Phaire gave him a ſacrament of ſecrecy; and they told him, who and who were to be killed, and the men that were to do the work. Le Phaire ſaid further, that Conyers was my lord Bellaſis's confeſſor, and communicated his orders; and that they were reſolved, if any plotters were taken, to diſpatch them before they could be brought to tryal, or to burn the priſon. That le Phaire, Pritchard, Lewis, Keins, and Walſh, and others, had often told him, that there was not a Roman catholic in England of any quality or credit, but was acquainted with this deſign of the papiſts, and had received the ſacrament from their father confeſſors, to be ſecret and aſſiſtant in the carrying of it on: that the part aſſigned him, was to bring and carry orders and councils, and all other intelligences from one army to another upon all occaſions, he knowing every part and road of England and Wales."

After this depoſition, the lords having conjured Bedloe to ſpeak nothing but the truth, he did in the preſence of God, as he ſhould anſwer it, at the day of judgment, aſſure all to be true he had depoſed.

Bedloe's depoſition, which was communicated to the commons, was very apt to fill the parliament and people with fears. Accordingly the effect of it was ſuch, that the king, to avoid being ſuſpected of having any hand in the plot, publiſhed a proclamation the 12th of November, "Whereby all Romiſh recuſants, and ſuch reputed, were enjoined under the penalty of the laws, to repair to their own houſes, and not to remove more than five miles from thence without licence." But the commons did not think this proclamation ſufficient to free them from their fears. The ſame day they preſented an addreſs to the king, praying, "That a ſpecial commiſſion may be iſſued forth, for tendering the oaths of allegiance and ſupremacy to all the ſervants of his majeſty, and his royal highneſs, and to all other perſons, (excepting her majeſty's Portugal ſervants) reſiding within the palaces of Whitehall, St. James's, and Somerſet-houſe, and all other his majeſty's houſes; and that there may be likewiſe ſpecial commiſſions iſſued forth, for tendering the ſaid oaths to all perſons reſiding within the two ſerjeants-inns, all the inns of court, and inns of Chancery." The king returned an anſwer in writing, that he granted their requeſt, with exception of the menial ſervants of the queen and ducheſs, who were ſo very inconſiderable in their number, and within the articles of marriage. He added, "That he could not but take notice, that in a late addreſs from the houſe of peers, the menial ſervants of the queen and ducheſs were excepted, and that he hoped the commons would proceed with the ſame moderation as to that particular." This anſwer was not ſatisfactory, and therefore they inſiſted in a ſecond addreſs, "That the perſons excepted in his majeſty's meſſage, might be comprehended in the ſame commiſſion, for which they gave ſome reaſons." But before the king had anſwered this addreſs, there happened an accident which put the commons much out of temper.

The 18th of November they were informed, that ſeveral commiſſions had been granted to popiſh recuſants, and warrants alſo, that they ſhould be muſtered, notwithſtanding they had not taken the oaths, and ſubſcribed the declaration according to the act of parliament, and that they were counterſigned by ſir Joſeph Williamſon, ſecretary of ſtate. Upon this information, Williamſon, as a member of their houſe, was immediately ſent to the Tower. This much offended the king, who the next day ſent for the commons to attend him in the Banqueting-houſe in Whitehall, where in a ſpeech he told them plainly, "That though they had committed his ſervant, without acquainting him; yet he intended to deal more freely with them, and acquaint them with his intention to releaſe his ſecretary;" which accordingly he did that very day. Upon this the commons preſented an addreſs to the king, with the reaſons of their proceedings in the commitment of his ſecretary. They ſaid, 1. That divers commiſſions were granted to popiſh officers, and counterſigned by the ſaid ſir Joſeph Williamſon, and delivered out in October laſt, ſince the meeting of this houſe, and the diſcovery of the preſent popiſh conſpiracy.

"2. Divers warrants have alſo been produced before us of diſpenſations, contrary to law, for popiſh officers to continue their commands, and to be paſſed in muſter, notwithſtanding they have not taken the oaths of allegiance and ſupremacy, and received the bleſſed ſacrament of the Lord's ſupper, according to the late act of parliament in that behalf: all which ſaid warrants were likewiſe counterſigned by the ſaid Williamſon; which being complained of to us, and confeſſed by the ſaid ſir Joſeph Williamſon, we your majeſty's moſt dutiful ſubjects, having the immediate conſideration before us, of the imminent danger of your majeſty's perſon, the ſafety whereof is above all things moſt dear to us, and likewiſe the dangers from popiſh plots ſo nearly threatening the peace and ſafety of your majeſty's government, and the proteſtant religion; we humbly are of opinion, we could not diſcharge our duty to your majeſty, and the whole kingdom, without committing the ſaid ſir Joſeph

[c] He had formerly been a ſervant to the lord Bellaſis, afterwards an enſign in Flanders. About Michaelmaſs 1674, he was ſent for over by Harcourt, recommended by the Engliſh abbeſs at Dunkirk, and ſo by degrees became acquainted with the jeſuits, and was at laſt generally employed as an agent for them, and ſent frequently with letters into foreign parts. Hiſt. of the plot, p. 127.——Burnet ſays, Bedloe had led a very vicious life. He had gone by many falſe names, by which he had cheated many perſons. He had gone over many parts of France, and Spain, as a man of quality. And he had made a ſhift to live on his wits, or rather by his cheats, p. 432.

[d] Burnet ſays, he declared, he had only heard that forty thouſand men were to come over from Spain, who were to meet at St. Jago's as pilgrims: But knew nothing of any fleet to bring them over, p. 452.

Williamſon; and therefore moſt humbly deſire, that he may be diſcharged by your majeſty. And we do further moſt humbly deſire your majeſty, to recall all commiſſions granted to all papiſts within the kingdoms of England and Ireland, or any other of your majeſty's dominions and territories."

To this the king anſwered, "That he had releaſed Mr. ſecretary Williamſon before their addreſs came, and promiſed to recall all his commiſſions whatſoever given to papiſts, or reputed papiſts."

Had not the king had ſome ſecret deſign, it muſt be owned, he ill timed theſe commiſſions while the popiſh plot made ſo much noiſe, and the parliament was employed in examining into it. But this is a myſtery which is not yet cleared. However the affair was carried no farther.

About this time, the bill to diſable papiſts to ſit in parliament, paſſed the commons, and afterwards the lords, though with more difficulty[e]. The king likewiſe publiſhed a proclamation, offering a reward to any one who ſhould diſcover or apprehend a Romiſh prieſt or jeſuit.

Mean while, the king finding the commons delayed to grant him money, came to the parliament, and after a repetition of ſome things delivered in his firſt ſpeech, he deſired them, either to grant him money to continue his forces in Flanders, or to diſband them. Whereupon the commons, who ſaw with uneaſineſs, ſo formidable an army on foot in ſuch a juncture, reſolved, nemine contradicente, "That all the forces raiſed ſince the 29th of September 1677, ſhould be diſbanded: To which purpoſe they preſented an addreſs to his majeſty.

At the ſame time, the commons had before them a bill, "For raiſing a third part of the militia to be in conſtant arms for a time," which with amendments was ſent up to the lords, and paſſed their houſe.

The 30th of November the king gave the royal aſſent to the bill, "For diſabling papiſts from ſitting in either houſe of parliament," and ſhewed himſelf very willing to recall his forces from Flanders. But the militia bill he abſolutely rejected, alledging, "That it was to put the militia out of his power, which thing he would not do, no not for one hour; but if the commons would aſſiſt him with money for that purpoſe, he would take care to raiſe ſuch a part of the militia as ſhould ſecure the peace of the government and his own perſon." But the parliament thought not fit to accept his offer.

Since the king had ſeen the unanimity of the two houſes concerning the reality of the plot, he had thought proper to feign a no leſs fear of the danger the church and ſtate were in. And this is what father Orleans can hardly forgive him, ſaying his diſſimulation was made uſe of to the committing of much injuſtice. But the king found himſelf in no condition to oppoſe the torrent, which ran ſo violently againſt the papiſts. His whole policy was confined to his endeavours to remove the ſuſpicion of his being concerned in the plot, which he ſaw both houſes were too apt to believe. So, without unſeaſonably affecting an indiſcreet zeal for a religion which he publicly diſowned, he calmly left the papiſts expoſed to the reſentment of the parliament, for fear of his own ruin by an oppoſite conduct. For this reaſon it was that he ſuffered the conſpirators to be brought to their trials[f].

Edward Coleman, ſecretary to the duke of York was firſt tried, the 27th of November, at the King's-Bench bar, before the lord chief juſtice Scroggs. The witneſſes produced againſt him were Oates and Bedloe. The firſt depoſed,

"1. That in November 1677, being brought acquainted with the priſoner by father John Keins, then the deponent's confeſſor, who lodged at Mr. Coleman's houſe, he carried ſome letters from him to St. Omer's, which he ſaw opened when he came there. In them were treaſonable expreſſions againſt the king, calling him tyrant, &c. And a letter in Latin encloſed to father la Chaiſe, to whom Oates carried it from St. Omer's to Paris; in which there were thanks returned for the ten thouſand pounds by him remitted to England, for the propagation of the catholic religion, and promiſing it ſhould be employed for no other purpoſe, but that for which it was ſent, namely, to cut off the king of England, as appeared by the letter of la Chaiſe, to which all this was an anſwer, and which Oates ſaw and read.

"2. That Coleman was concerned in the deſign of killing the king; for when, at the jeſuits great conſult, on the 24th of April, which afterwards divided into ſeveral clubs, it was reſolved that Pickering and Grove ſhould take off his majeſty by ſhooting, or other means; this reſolve was communicated to Coleman, in Oates's hearing at Wild-houſe, who did approve thereof, and ſaid, it is well contrived.

"3. That in Auguſt 1678, Coleman was preſent at a conſult with the jeſuits and Benedictine monks at the Savoy, for raiſing a rebellion in Ireland, for which forty thouſand black bills as arms were provided; and was very forward to have Dr. Fogarthy ſent over to poiſon the duke of Ormond: and at another time, being in Fenwick's chamber, in Drury-lane, Coleman ſaid to him in Oates's hearing, That he had found a way to tranſmit two hundred thouſand pounds to carry on the rebellion in Ireland.

"4. That in the month of Auguſt, Coleman knew of the four Iriſh ruffians ſent to kill the king at Windſor; and in Oates's hearing, aſked father Harcourt at Wild-houſe, what care was taken for thoſe gentlemen that went laſt night to Windſor? Who replied, that eighty pounds was ordered them, which he ſaw there on the table, moſt of it in guineas; and that Coleman was ſo zealous that he gave a guinea to the meſſenger who was to carry the money, to expedite the buſineſs.

"5. That in July 1678, Coleman was privy to the inſtructions brought by Aſhley, rector of St. Omer's, from father Whitebread, to impower the conſultors to propoſe ten thouſand pounds to ſir George Wakeman to poiſon the king, provided Pickering and Grove failed to do the work: that Coleman had read and copied thoſe inſtructions, and tranſmitted them to ſeveral others of the conſpirators, who were gathering contributions about the kingdom, who would be more encouraged to give largely, both becauſe they were aſſured the buſineſs would ſoon be diſpatched, and that they might ſee they had aſſiſtance from beyond ſeas; and that Coleman was ſo far from diſappointing this treaſon, that he ſaid, it was too little, and thought it neceſſary to give five thouſand pounds more, to make the buſineſs ſure.

"6. That in April 1678, Oates ſaw Coleman's patent or commiſſion to be ſecretary of ſtate, from Paulus de Oliva, general of the ſociety of jeſuits, by virtue of a brief from the pope, and he knew the hand perfectly well; and in Fenwick's chamber he ſaw Coleman open it, and heard him ſay, It was a good exchange. Laſt of all Oates being aſked how many came over in April to the grand conſult, and how many prieſts and jeſuits had been in England at one time? he ſaid, he could not exactly remember their numbers, but to his knowledge, there had been in England at the ſame time, a hundred and ſixty ſecular prieſts, eighty jeſuits, and by name in the catalogue above three hundred.

Bedloe depoſed,

"1. That he knew not of any commiſſion to Mr. Coleman: but that ſir Henry Tichbourn had told him, that he brought a commiſſion for him to be principal ſecretary of ſtate, when he brought over the reſt of the commiſſions for the lords and others, from the principal jeſuits at Rome, by order of the pope.

"2. That in April 1675, he carried over a large packet of letters from Coleman to father la Chaiſe, about carrying on the plot, and brought back an anſwer: and on May the 24th or 25th, 1677, he received another packet of Coleman's, to carry to Paris to the Engliſh monks; and that he had received money to carry on the deſign to ſubvert the government of England, to free England from damnation and ignorance, and to free all catholics from the hard tyranny and oppreſſion of heretics.

[e] Kennet ſays, the commons were ſo zealous for this bill, that they voted it to be a bill, "upon which the ſafety of the king and kingdom, and the proteſtant religion, did entirely depend." And when it was like to ſtick in the houſe of lords, the commons deſired them, by a meſſage, to proceed ſpeedily on it; elſe, they would think themſelves unable to prepare any effectual remedies, to prevent the evils that hung over them, p. 357. Echard, on the other hand, ſays, the bill paſſed the houſe of lords with ſome little amendments, and a particular clauſe in favour of the duke of York. But the greateſt ſtruggle about it was chiefly in the houſe of commons when it was ſent back, though it was paſſed there alſo with the ſaid alterations. In the debate, ſir Jonathan Trelawny and Mr. Aſh being violently heated, and opprobrious words paſſing between them, ſir Jonathan gave Aſh a box on the ear, which being returned by Aſh with a flap on the face, they both began to draw. Whereupon ſir Jonathan was ſent to the Tower, and Aſh publicly reprimanded by the ſpeaker, tom. III. p. 480. This bill conſiſted of a teſt againſt popery, in which tranſubſtantiation was not only renounced, but the worſhip of the virgin Mary and the ſaints, as practiſed in the church of Rome, was declared to be idolatrous. Gunning, biſhop of Ely, maintained the church of Rome was not idolatrous. He was anſwered by Barlow, biſhop of Lincoln. However, Gunning took the teſt. The duke ſpoke on the clauſe for excepting himſelf, with tears in his eyes, proteſting, that whatever his religion might be, it ſhould only be a private thing between God and his own ſoul, and no effect of it ſhould ever appear in the government. Burnet, p. 435.

[f] On November 21. William Stayley, goldſmith, was tried for treaſonable words againſt the king, and executed November 26. State trials, tom II. p. 652.

See

" 3. That upon Bedloe's return with anſwers to the laſt letters, which were delivered to Coleman by Harcourt, he heard the priſoner, at his houſe behind Weſtminſter Abbey, at the foot of the ſtair-caſe, ſay, if he had a hundred lives, and a ſea of blood to carry on the cauſe, he would ſpend it all to eſtabliſh the church of Rome in England; and if there were an hundred heretical kings to be depoſed, he would ſee them all deſtroyed. Upon this ſaying, Mr. Coleman aſked him this queſtion, Did I ever ſee you in my life? Yes, ſaid the other, in the ſtone gallery in Somerſet-houſe, when you came from a conſult, where were great perſons, which I am not to name here; that would make the bottom of your plot tremble: you ſaw me then."

The third evidence againſt Coleman was his own letters, found in his lodgings when he was arreſted. But it muſt be obſerved that only thoſe of the years 1674, and 1675, were found in a drawer under the table[g]. The general opinion was, that he had received notice of his being accuſed by Oates in the council, and ſo had time to burn or convey away thoſe of the two laſt years, with the book in which they were entered. However this be, the following extracts are taken from ſome of his letters writ with his own hand, and allowed to be authentic.

Extract of a letter from Mr. Coleman to father la Chaiſe, the 29th of June, 1674.

" I am commanded to tell you, that his royal highneſs, my maſter, is very ſenſible of the friendſhip of his moſt chriſtian majeſty, which he will endeavour to cultivate very carefully, and to give him all poſſible aſſurances of it, to take away all jealouſies that his enemies would raiſe to the contrary. That his royal highneſs has done nothing in any manner whatſoever, nor in any place, againſt the intereſt of his moſt chriſtian majeſty, but hath rendered him all the good offices he hath been capable of. That as for recalling the parliament, and touching my lord Arlington, his highneſs is altogether of opinion of his majeſty, that neither one or other is uſeful, but quite contrary, very dangerous as well for England as France; and that his moſt chriſtian majeſty is in great danger of loſing the neutrality of England, at the next ſeſſion, (if the parliament meet) as he loſt its alliance by the peace of Holland at laſt; becauſe the lower houſe and their friends (as the furious proteſtants, and the malecontents in the houſe of lords) have a deſign to leſſen his royal highneſs, and root out the catholic religion; and they think they cannot make uſe of any other fitter means to attain their ends, than to raiſe the Dutch, and to perplex his moſt chriſtian majeſty, as much as lies in their power. That his highneſs doubts not, but it is abſolutely neceſſary for the intereſt of his moſt chriſtian majeſty, and his royal highneſs, to uſe all endeavours to hinder the meeting of the parliament, by perſuading his Britannic majeſty, that his greatneſs, his honour, and his quiet, are no leſs concerned therein than theirs: ſo that if his moſt chriſtian majeſty would write freely his thoughts thereupon to his Britannic majeſty, to forewarn him of the danger he apprehends from thence, and would withal think fit to make him the ſame generous offers of his purſe, to perſuade him to diſſolve the preſent parliament, as he hath done to his highneſs, for the election of another, perhaps he would ſucceed therein by the aſſiſtance we would give him here. As for another parliament, it would be eaſy enough to get ſuch a one as we wiſh for; the conſtitutions of our parliaments being of ſuch a nature, that as there is nothing to be hoped for by the king from an old one, ſo there is nothing to be feared from a new one; becauſe ſuch a one, at their firſt meeting, muſt needs aſſiſt his majeſty, ſo far as to enable him to acknowledge his obligations both to his moſt chriſtian majeſty and to all the world."———

There was in the year 1674, a prorogation of the parliament, which laſted fourteen months: it appears in this letter, that the intereſts of the king of France and the popiſh religion were the true cauſe of this long prorogation.

Extract of a letter from Mr. Coleman to father la Chaiſe, September 25, 1674.

" FOR the firſt point of your letter, his royal highneſs has commanded me to tell you, that he will govern himſelf according to your advice, and treat of nothing concerning the catholic religion with monſieur Rouvigny, nor with any other perſon than yourſelf; but that he will communicate to you all things he ſhall find neceſſary for the good of the catholics, and ſhall be very well pleaſed to receive advices from you thereupon. For the reſt his royal highneſs does a little wonder, that he hears nothing from monſieur Rouvigny touching the ſecond point of your letter, ſince you have written ſo poſitively that he had orders to confirm, and procure execution of what his moſt chriſtian majeſty propoſed to him the ſecond of June laſt, by your mediation.—His moſt chriſtian majeſty made a very generous offer to his royal highneſs of the aſſiſtance of his purſe, to enable him to defend them both from the evils that threatened them, and by good luck his royal highneſs has laboured with ſo much diligence and ſucceſs, that the dangers which they apprehended are a little put off: but one thing more is neceſſary for the perfect ſecuring their affairs; and without making one ſtep more, all that he has already done will ſignify nothing. For that the aſſiſtance of his moſt chriſtian majeſty is no leſs neceſſary at preſent than heretofore, to ſubdue entirely thoſe, who being exaſperated againſt his moſt chriſtian majeſty, as much as againſt his royal highneſs, and are angry with his royal highneſs, only becauſe he is ſo unalterably addicted to the intereſt of his moſt chriſtian majeſty, will exerciſe their malice and their rage with more brutality than ever, if they find occaſion for it hereafter. If you can therefore, by your credit, obtain from his moſt chriſtian majeſty the accompliſhment of the offer of his purſe, for raiſing the reputation of his royal highneſs in the opinion of his Britannic majeſty, and for putting him in condition to reſiſt the ſharpeſt batteries of the adverſaries of his moſt chriſtian majeſty, and royal highneſs, to wit, the poſſibility they pretend to get money from the parliament, and the impoſſibility of having any elſewhere, by which they often keep the mind of his Britannic majeſty in ſuſpence, and wherein they place the hope they have to conquer him at laſt: there will nothing more remain, to be feared by his moſt chriſtian majeſty, or his royal highneſs, but his royal highneſs will be able to diſſolve the parliament with eaſe, and afterwards, in recompence of the ſaid aſſiſtance, will perform on his part, all that his moſt chriſtian majeſty ſhall aſk of him, and will proceed with ſincerity, upon the word of a prince, (that no man can reproach him for violation of) for the intereſt of his moſt chriſtian majeſty."

Extract of a letter from Mr. Coleman to the pope's nuncio at Bruſſels, September 4, 1674.

" ———THAT the duke's principal deſign is, to uſe the pope's interpoſition, and by that means to eſtabliſh himſelf in the poſſeſſion of his eſtate, through the aſſiſtance of France and Spain, and to turn all their cares for the eaſe of the pope's friends, and particularly for the catholics of the church, againſt their enemies; and aſſures him he will find, that the pope never had an occaſion ſo favourable as at this hour, to enrich thoſe of his family, and to augment the number of his friends; and if he lets it ſlip, he never will find the like; ſo that if ever they propoſe to make uſe of the treaſure of the church, it is now they ought to do it; for they can demand nothing that the duke will not be capable to do for the pope's friends:—on the other ſide, without their aid, he will run great hazard of being loſt, both himſelf and his aſſociates."

Extract of a letter from Mr. Coleman to the ſame nuncio, written October 23, 1674.

" YOU agree with me, that money is the only means of bringing the king into the duke's intereſt, and of diſengaging him from the parliament; and you muſt alſo agree with me, that nothing can more promote the intereſt of the catholic party, which is the principal object of the duke's care and affection, and of the hatred of the parliament, and which muſt hope, or fear, according as the one or the other of them increaſe in power.———Nothing in the world is more certain, than that the king has a good inclination towards the duke, and the catholics, and would join himſelf willingly and inſeparably to their intereſts, if he did not apprehend ſome danger from ſuch a union; which, however, he would not have cauſe to fear, if he found their intereſt, and conſequently their power, ſo far advanced above that of their adverſaries, that they ſhould neither have the power

[g] See note above, p. 476. Note w.

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nor the boldneſs to conteſt any thing with them; which the king could ſee in a very little time, if we could perſuade him to do two or three things: ——— And I am certain money could not fail of perſuading him to it; for there is nothing it cannot make him do, though it were as much to his prejudice, as this we endeavour to perſuade him to will be to his advantage."———

In another letter, Coleman poſitively ſaid, "That it was by the credit of the catholics, that the parliament was prorogued till the 13th day of April 1675."

Extract from a letter of Mr. Coleman, to father la Chaiſe.

"——— OUR prevailing in theſe things will give the greateſt blow to the proteſtant religion here, that ever it received ſince its birth."

In another.

"WE have here a mighty work upon our hands, no leſs than the converſion of three kingdoms, and by that perhaps the ſubduing of a peſtilent hereſy, which has domineered over great part of this northern world a long time; there were never ſuch hopes of ſucceſs ſince the death of queen Mary, as now in our days."

In the ſame letter.

"———THE oppoſition we are ſure to meet with is alſo like to be great; ſo that it imports us to get all the aid and aſſiſtance we can, for the harveſt is great, and the labourers but few."

After the reading of theſe letters, Coleman alledged in his defence.

"1. That Oates, who now pretended ſuch acquaintance with him, declared before the king and council, That he never ſaw him before, or did not know him."

To which the other anſwered, "That it being candle-light, and his ſight weak, and Coleman altered in habit and wig, he did at firſt ſay, he could not ſwear that was the man, or that he had ever ſeen him before; but as ſoon as he heard him ſpeak, he knew him well, and could have then ſworn it, had it been demanded."

"2. That had the things now alledged by Oates been true, he would have charged the ſame before the council: but then he only charged him with the ſending of one letter, and ſuch ſlender matters, that the council was ready to let him go at large: and therefore all the reſt muſt be invented ſince."

To this Oates replied, "That he was then ſo weak and weary, he could not tell well what he ſaid; beſides, his deſign was then to lay no more to his charge, than might ſerve for information, &c."

"3. Whereas Oates charged him with conſenting to Wakeman's poiſoning of the king, and that it was conſulted by him in Auguſt, and, as he remembered, about the 21ſt day, Coleman alledged, that he was then in Warwickſhire, and one of his men and he were there all Auguſt, as he thought, but was not ſure of it; and after conviction, he offered a book that would ſhew he was out of town from the 18th, to the 31ſt of Auguſt." But this was no evidence in itſelf, and offered too late, ſo it did not contradict Oates, who was not poſitive to a day, but only to the month. As to what was ſworn by Bedloe, he made no other anſwer than a ſolemn aſſeveration, that he never ſaw the man in his life. But as to his papers, which he did not deny, he alledged, "There was no treaſon in them, though very extravagant expreſſions; and that it would plainly appear from them, that his deſign was ſo far from killing the king, that it was only to make the king and duke as great as could be."

1. It is proper to remark upon this laſt anſwer, that according to Oates's depoſition, the reſolution to kill the king was taken but the 24th of April 1678, and theſe letters were of the years 1674, and 1675; conſequently they could not mention the deſign of killing the king, neither were they produced in proof of that article.

2. Oates had accuſed Coleman of being concerned in the plot, before his letters were found. How then, if he did not know Coleman, could he gueſs ſo right, as to lay things to his charge, which were found in letters under his own hand?

3. Coleman owned, that his intention was to make the king and duke of York as great as was poſſible. This was a neceſſary conſequence of the projected change of religion. For it was not poſſible to ſubvert religion, without a ſubverſion of the government, nor to render the king abſolute, without a deſign of altering religion, ſince the king and duke were both catholics. One of theſe articles proved, neceſſarily proves the other.

In the concluſion of his defence, he uſed theſe words; "Poſitively I ſay, and upon my ſalvation: I never ſaw theſe witneſſes, Oates but once, and Bedloe never before."

The jury, who were all gentlemen of the county of Middleſex, againſt whom Coleman had made no exceptions, withdrawing, in a little time brought him in guilty of high treaſon. The day after he received ſentence of death, and the 3d of December was hanged and quartered according to cuſtom. He perſiſted to the laſt moment in the denial of the crimes for which he was condemned. But as his letters ſeemed at leaſt to prove a deſign of extirpating the proteſtant religion, he declared his ſole intention was to procure liberty of conſcience for the papiſts. Probably it will not be univerſally agreed, that this is the natural ſenſe of the expreſſions in his letters. It is true, a report was ſpread in London, that he was promiſed a pardon, in caſe he made no confeſſion; but ſuch rumours are not much to be credited [b].

The ſame day that Coleman was tried, the king at the requeſt of the lords, publiſhed a proclamation, promiſing, "That if any perſon or perſons ſhall before the 25th day of December next, make any farther diſcovery of the late horrid deſign againſt his majeſty's perſon and government, he or they ——— ſhall not only receive from his majeſty for every ſuch diſcovery, the reward of two hundred pounds; but if he or they were a principal or principals in the ſaid deſign, they ſhall have his majeſty's gracious pardon."

Whether through a deſire of having this reward, or that they believed to have a good foundation, Oates and Bedloe had the boldneſs before the king and council to accuſe the queen herſelf, of conſenting to the death of the king, and of being in the deſign to poiſon him by means of Wakeman. But, beſides that their depoſitions contained only certain ſigns which were far from proofs, the king ſtopped this affair by his authority. But he could not prevent an addreſs from the commons, to deſire the immediate removal of the queen and her family from the court at Whitehall. The king was ſo offended at Oates's inſolence, that he ordered a ſtricter guard upon him than ever. But the day after, the commons addreſſed him, "That Oates be freed from his reſtraint, attended by his own ſervants, and that a competent allowance be appointed for his maintenance." At the ſame time they reſolved, that an addreſs be preſented to his majeſty, that all papiſts and ſuſpected papiſts within the ſeveral counties of England may be ſecured.

The 6th of December, they impeached the five lords in the Tower, at the bar of the houſe of peers. But they had not time to exhibit the articles againſt them, and the affair was reſumed by another houſe of commons.

The 17th of December were arraigned at the Old Bailey five of thoſe arreſted for the plot, namely, William Ireland, and Thomas Pickering, both prieſts; John Grove a lay brother, Thomas Whitebread provincial of the jeſuits, and John Fenwick a jeſuit alſo. But in the courſe of the evidence, there not appearing ſufficient proof againſt the two

[b] He declared before the committee, that he had acted by order in all he had done. And he believed the king knew of his employment, particularly that at Bruſſels. But though he ſeemed willing to be queſtioned about the king, the committee did not think fit to do it, nor to report what he ſaid concerning it: only in general, they reported that, he ſpoke of another matter, about which they did not think fit to interrogate him, nor to mention it. Littleton, one of the committee, gave Dr. Burnet an account of all that paſſed that very night. And he found his behaviour made great impreſſions on them all: it was given out, to make the duke more odious, that Coleman was kept up from making confeſſion, by the hopes the duke ſent of a pardon at Tyburn. But he could not be ſo ignorant, as not to know, that at that time it was not in the king's power to pardon him, while the tide ran ſo high. Burnet, p. 437.

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laſt, they were reſerved for another time. So, the three firſt only were tried that day. The ſum of Oates's evidence againſt them was:

"1. That at the grand conſults of April the 24th, at the White Horſe in the Strand, whereof Ireland was one; it was reſolved, that Pickering and Grove, as having been formerly engaged, ſhould go on in their deſign and attempt to aſſaſſinate the king; and that Grove being a layman, ſhould have fifteen hundred pounds for his reward; and Pickering being a prieſt, thirty thouſand maſſes, which at twelve pence a maſs, amounted to that ſum.

"2. That this reſolve was the ſame day drawn up in writing by one Mico, that was ſecretary to the ſociety, and companion to provincial Whitebread, at the ſaid Whitebread's chamber, who having ſigned it, it was carried by the deponent Oates, as being a meſſenger to the conſult, to be ſigned by the reſt of the colloquies; and that Ireland in his own chamber did ſign it in his preſence.

"3. That Pickering and Grove conſented to ſuch reſolve, accepted the terms, and alſo ſigned it the ſame day in Whitebread's chamber, at Mrs. Sanders's at Wild-houſe, where, in a little chapel, they, and about forty or fifty of the conſultors heard maſs, and received the ſacrament, adminiſtered by one Barton, a jeſuit, and thereupon took an oath of ſecrecy upon a maſs book, which Mico held, while Whitebread pronounced the words.

"4. That in purſuance of this reſolve, the deponent did ſeveral times ſee Pickering and Grove walk in the Park together, with ſcrewed piſtols, longer than ordinary piſtols, and ſhorter than ſome carbines: that they had ſilver bullets champt, to render the wound incurable, and that he ſaw Grove's bullets in May, and Pickering's in Auguſt: Moreover,

"5. That before the conſult, in the month of March, Pickering had a fair opportunity to ſhoot the king; but the flint of his piſtol happened to be looſe, and he durſt not venture to give fire; and becauſe by their negligence this opportunity was miſſed, Pickering underwent penance, and had twenty or thirty ſtrokes of diſcipline, and Grove was chidden for his careleſneſs, as the deponent had ſeen in Whitebread's letters.

"6. That Grove did go about with one Smith, to gather Peter pence, either to carry on the deſign, or to ſend to Rome: that he ſaw the book wherein it was entered, and heard the ſaid Grove ſay, he had been gathering it."

Bedloe the ſecond witneſs ſwore,

"1. That he was employed for the ſpace of five years as a meſſenger, by the conſpirators, for carrying their letters to the confederates beyond ſeas, and bringing others back, all, or moſt of them relating to the plot; for he had a way to open and read them, by which he fully informed himſelf of thoſe matters: and of the nature of the plot; he heard ſome of the conſpirators ſay, That they would not leave any member of any heretic in England, that ſhould ſurvive to tell hereafter, that there ever was any ſuch religion in England, as the proteſtant. And to confirm his intimacy with them, he ſwore the manner of his firſt coming to be employed by them; by means of a lady abbeſs of the Engliſh nunnery of Dunkirk, who having kept him ſix weeks in her convent, recommended him to ſir John Warner, as a proper inſtrument, who afterwards ſent him to father Harcourt to be inſtructed." And as a further confirmation, he brought his brother James Bedloe, who ſwore he knew nothing of the plot, but did teſtify, "That he had heard the priſoners often named as being of his brother's acquaintance; and that he had, on his brother's behalf, received ſeveral ſums of money from prieſts and jeſuits, as fifty or ſixty pounds at a time.

"2. That about the latter end of Auguſt, this year, at Mr. Harcourt's chamber, he met the priſoners, Ireland, Pickering and Grove, with ſome others, where he heard them diſcourſe, that ſince the four Iriſh ruffians had miſſed killing the king at Windſor, Pickering and Grove ſhould go on with their deſign, and that one Conyers, a Benedictine monk, was to be joined with them; and that they ſhould endeavour to aſſaſſinate his majeſty in his morning walks at Newmarket; that they were very eager upon it; and Mr. Grove, more forward than the reſt, ſaid, ſince it could not be done clandeſtinely, it ſhould be attempted openly; and that thoſe who ſhould fall in the attempt, had the glory to die in a good cauſe: but if they were diſcovered, the diſcovery could never come to that height, but their party would be ſtrong enough to bring it to paſs.

"3. He ſwore that Harcourt told him, Grove was to have fifteen hundred pounds, and Pickering as many maſſes, at twelve pence a maſs, as came to the like ſum.

"4. That at the ſame time, when the diſcourſe about killing the king was at Harcourt's chamber, there was likewiſe a deſign concerted amongſt them of killing ſeveral noble perſons, and the particular parts aſſigned to every one; as Knight, to kill the earl of Shaftſbury; Prichard, the duke of Buckingham; Oneil, the earl of Oſſory: Obrian, the duke of Ormond, &c.

The defence made by the priſoners conſiſted in:

"1. A peremptory denial of the whole. Grove particularly ſaid, as I have a ſoul to ſave, I know nothing of this matter charged upon me. Pickering affirmed, that he never ſhot off a piſtol in his life. And Whitebread, who was there during the trial, declared before Almighty God, that Oates had not ſpoken three words of truth.

"2. A particular denial of their knowledge of, or acquaintance with, the witneſſes. Ireland denied that he ever ſaw Bedloe, before that time in the court; and challenged him to produce one witneſs that he had ever ſpoken to him. Pickering affirmed, that he never ſaw Oates before; and offered to ſwear that he never was in Bedloe's company. And Grove affirmed, that he had ſcarce any acquaintance with Oates. Whereupon Oates gave him a remarkable token, viz. that in December laſt, when he was with him, he owned, that he and three Iriſhmen had fired Southwark; and that they had a thouſand pounds given them for it; whereof he had four hundred pounds, and the others two hundred pounds a-piece.

"3. Ireland againſt Bedloe's evidence, affirmed, he was not in London the whole month of Auguſt, and part of September; and offered to prove it by twenty witneſſes, that he was in Staffordſhire and Cheſhire all that time: and urged Bedloe to name the place, and the company wherever they met together. But not only Bedloe ſwore the contrary, but likewiſe Oates himſelf; but what ſeemed more important, one Sarah Pain, formerly a ſervant to Grove, ſwore that ſhe ſaw Mr. Ireland at a ſcrivener's door in Fetter-Lane, about the 12th or 13th of Auguſt.

"4. Ireland, as well as Whitebread, objected againſt the grand conſult of April the 24th, that hundreds could prove that Oates was at St. Omer's all the months of April and May; and offered to produce a certificate from thence, under the ſeal of the college." But ſuch certificate was not allowed as evidence by the law of England. Laſtly, they endeavoured to blaſt the reputation of doctor Oates, and prove him perjured, ſince he had ſaid before the council, that he knew no more than what he had already depoſed, and yet had ſince added other teſtimonies. As I have ſpoken of this objection, I ſhall not repeat here what has been ſaid.

In concluſion, all three were found guilty, and ſentenced to be drawn, hanged and quartered. But the execution of Ireland and Grove was deferred till the 24th of January following, and that of Pickering to the 9th of May. They perſiſted all three to their laſt breath, to proteſt they were as innocent of the crimes for which they were condemned, as the child unborn. As all the papiſts that ſuffered for this conſpiracy made uſe of the ſame manner of expreſſion, to declare their innocence, it was believed, there was ſome equivocation in theſe words, though it could not be ſaid wherein it conſiſted.

If it is conſidered, that the evidence of Oates and Bedloe upon oath was poſitive, and that the priſoners alledged in their defence only bare negations, the jury will be eaſily juſtified in their verdict. For why ſhould they credit the aſſeverations and oaths of the accuſed, more than the depoſitions of the two witneſſes? And yet, it was afterwards, and ſtill is, pretended by many, that the condemned perſons were innocent. 1. Becauſe they aſſerted their innocence with their dying breath. 2. Becauſe it is taken for granted that Oates and Bedloe were great villains. 3. But the ſtrongeſt proof, according to thoſe who are of this opinion, is, that it was upon the trial of theſe three men that Oates in the reign of king James II. was convicted of perjury upon the depoſitions of twenty-two witneſſes from St. Omer's, who ſwore that Oates was at St. Omer's, in the juſuits college, the whole months of April and May, without ever ſtirring from thence. Moreover, above forty witneſſes from the counties of Stafford and Cheſter, depoſed upon oath, that father Ireland was in thoſe counties all Auguſt, and part of September.

To aſſiſt the reader to judge of this affair, I think it neceſſary to make ſome remarks, and the rather, as the diſpute upon this ſubject is not yet ended.

1. The defence by the alibi [i] is liable to great inconveniences, ſince, there being two contradictory evidences, it leaves the judges doubtful what to reſolve. Generally if they come to a determination, it is not becauſe there is reaſon to believe one of the evidences more than the other, but becauſe equity requires that they incline rather to clemency than rigour. In the preſent trial, there were no depoſitions in favour of the alibi, but only a bare allegation of the priſoners, and an offer of proof by abſent witneſſes. So, even ſuppoſing the innocence of the three accuſed perſons, the jury could not but find them guilty, unleſs they preferred the bare aſſeveration of the priſoners, to the oaths of the witneſſes, which is never practiſed. But in the trial of Oates, the proof of the alibi was made uſe of to convict him of perjury, and ſentence him for it to a very rigorous puniſhment. It belongs to the lawyers to decide, whether this be exactly regular.

2. If the circumſtances of the times of theſe two trials are conſidered, it will be found, there is as much reaſon to believe, in reſpect of one as of the other, that prejudice and paſſion bore a great ſway. When the three jeſuits were condemned, the whole kingdom was alarmed with the noiſe of a plot, formed by that ſociety againſt the king, the government, and the proteſtant religion. The two houſes of parliament had ſupported the reality of this plot, by the unanimity of their votes, and the king himſelf ſuppoſed it in all his proclamations. It ſhould not therefore be ſtrange, that the judges and jury were prejudiced, and thereby inclined blindly to believe what Oates and Bedloe depoſed. But on the other hand, when Oates was convicted of perjury, the face of things was entirely changed. A very zealous catholic king was on the throne, and it was now dangerous to affirm, there was a popiſh plot in 1678. The papiſts had now the ſame ſuperiority over the proteſtants, as the proteſtants had in 1678 over the catholics, and the judges were entirely devoted to the king. It ſuffices to ſay in a word, that Jefferies was his judge, who forgot nothing which he thought capable to prejudice the jury againſt the priſoner. In ſhort, Oates was condemned upon the evidence of twenty two witneſſes from St. Omer's, all ſcholars or dependents of the jeſuits, and upon that of forty other witneſſes from the counties of Cheſter and Stafford, amongſt whom it is only ſaid there were ſeveral proteſtants. Moreover, the queſtion was not only, whether Ireland was in thoſe counties during the months of Auguſt and September, but whether he had never ſtirred from thence in that time [k]. Now it is hard to conceive that ſuch a negative propoſition can be proved by forty witneſſes.

Having thus repreſented what is urged on both ſides, I leave the reader to his own judgment. The affair of the conſpiracy muſt now be interrupted for ſome time, in order to proceed to another which made a great noiſe at this time. But it is neceſſary to look back a little on the ſituation of the Engliſh court.

The earl of Danby, lord treaſurer, was conſidered as the king's prime miniſter. He had a great genius, and a ſolid judgment, and as he diſapproved of the principles of the cabal, endeavoured to diſengage the king from the methods he had been led into by their counſels. This drew upon him the enmity of the duke of York, and all the French faction, with whom joined the lord Ruſſel, and other malecontents in the houſe of commons; and among the peers, the earls of Eſſex and Shaftſbury, whilſt the duke of Monmouth, and the ducheſs of Portſmouth did their utmoſt to leſſen his credit with the king. In a word, a ſtrong party was formed againſt him, who were bent to ruin him at any rate. Theſe enemies were alſo joined by another, who had been his moſt intimate friend. This was Mr. Montague embaſſador in France, who aſpiring to the office of ſecretary of ſtate, took it very ill that the treaſurer had engaged to bring in ſir William Temple. Mr. Montague was the treaſurer's moſt dangerous enemy, becauſe he had private letters in his hands from that miniſter, and though he could not divulge them without great injury to the king, this gave him no uneaſineſs, becauſe reſolving to throw himſelf into the party againſt the court, which was moſt prevalent in the parliament, he knew he ſhould be protected, even againſt the king himſelf. To this end, he got himſelf elected member for Northampton, and ſuddenly leaving Paris, without the king's conſent or knowledge, came to London, and took his ſeat in the houſe. The king offended at ſo ſtrange a proceeding, and being alſo informed by the Swediſh embaſſador of the deſign of the treaſurer's enemies, and their intention to make uſe of his letters, ſent the 19th of December the following meſſage to the houſe of commons,—"That upon information that Mr. Montague, a member of that houſe, and late embaſſador in France, had held ſeveral conferences with the pope's nuntio there, without any directions or inſtructions from his majeſty; his majeſty to the end that he might know the truth of that matter, had given orders for the ſeizing of Mr. Montague's papers [l]." The leaders of the oppoſite party to the king, made great objections to this meſſage, pretending, it ought to be firſt known, whether the information had been given upon oath and what was the nature of Mr. Montague's crime, before they could conſent to the ſeizure of his papers. Upon this Mr. Montague acquainted the houſe, "That he had in his cuſtody ſome papers, which, as he conceived, might tend very much to the ſafety of the king's perſon, and the preſervation of the government." A committee was immediately appointed to bring the writings to the houſe, which being accordingly done, and Mr. Montague ordered to ſelect ſuch of them as he thought for the ſervice of the houſe, and diſpoſe of the reſt as he pleaſed, he produced two letters out of many others, both ſubſcribed, Danby, and ſent to him at Paris, on the negotiation of the money which his majeſty expected from the king of France, at the bottom of one of which were theſe words, This letter is writ by my order, C. R. [m]. Theſe letters diſcovering to the houſe, from whence had proceeded the king's delays with regard to the war againſt France, they immediately reſolved, "That there was ſufficient matter of impeachment againſt Thomas earl of Danby, lord treaſurer of England," and within two days, by the help of Mr. Montague, the articles of impeachment were drawn up, and ſent to the houſe of lords. But this impeachment was rather againſt the king himſelf, than the earl of Danby, who had only acted by his expreſs orders. For, though in the impeachment were inſerted ſeveral articles which only concerned the earl, it was not in thoſe that the ſtrength of the impeachment conſiſted, but in thoſe relating to the negotiation with France, concerning the king's penſion, on pretence that the lord treaſurer had acted without order, though the contrary was not doubted [n]. But the intention was to oblige the earl for his own ſafety to plead the king's orders for what he had done. This perplexed him extremely, for he could not juſtify himſelf without accuſing the king, and he could not accuſe the king, without entirely forfeiting his favour. Eſpecially as the king had earneſtly deſired him not to divulge his ſecrets, offering him letters of pardon to ſcreen him from the parliament. He therefore reſolved to conceal the king's private orders upon this affair, but however could not help ſending two of Montague's letters to the commons, which diſcovered him to be the principal author of this negotiation. Theſe letters alſo ſhewed, that the court of France conſidered the lord treaſurer as their great enemy, whoſe ruin was to be effected, in order to have the king of England at their diſpoſal. But the commons were ſo enraged againſt the earl, that they would not ſuffer theſe letters to be read. On the other hand, when the articles of his impeachment were read in the houſe of lords, he in a ſpeech

[i] The proof of the alibi, is that whereby the priſoner endeavours to prove his being in a different place from that where the crime for which he ſtands indicted, was, or is ſuppoſed to be committed.

[k] A woman ſwore ſhe ſaw Ireland in London, about the middle of Auguſt. Burnet, p. 443.

[l] Burnet ſays, the earl of Danby having broke with Montague, was apprehenſive Montague might accuſe him, ſo reſolved to prevent him. Jenkins, then at Nimeguen, writ over, according to a direction ſent him, as was believed, that he underſtood Montague had been in a ſecret correſpondence with the pope's nuntio at Paris (Montague, it ſeems, had made uſe of him, and given him money, which he loved, for ſuch ſecrets as he could draw from him.) Upon Jenkins's letter, the king ſent the above meſſage to the commons. This was a device of the lord Danby's to find his own letters and deſtroy them, and then to let the proſecution drop. But Montague had put a box, in which the letters were, in ſure hands out of the way. Whilſt the debate about the meſſage was in hand, the box was brought to him, which he opened, and took out two of the lord Danby's letters, that contained inſtructions to him to treat with the king of France for three hundred thouſand pounds a year, for three years, if a peace ſucceeded; ſince it would not be convenient for the king to meet a parliament in all that time, and he was charged to mention no part of this to the ſecretary of ſtate. Theſe laſt words made very much for ſecretary Coventry, ſince now it appeared, that he was not truſted with theſe ill practices, p. 440, 442.

[m] The firſt was dated January 17, 1677-8, and the ſecond March 25, 1678.

[n] The ſubſtance of the articles againſt him, was, 1. That he had treated with foreign princes and embaſſadors, without the privity of the ſecretary of ſtate. 2. Endeavoured to ſubvert the antient form of government; and deſigned to raiſe and keep up a ſtanding army. 3. Attempted to hinder the meeting of parliaments. 4. Concealed and ſuppreſſed the evidence for the popiſh plot. 5. Had waſted the king's treaſure, and iſſued out great ſums of money for unneceſſary penſions, and ſecret ſervices to the value of two hundred and thirty one thouſand, ſix hundred and two pounds, in two years. 6. Procured for himſelf conſiderable gifts and grants. Kennet, p. 358. He

frequently inſinuated, that he could make ſuch a defence, as would admit of no reply[o]. Every one knew what he meant, but it is certain, he was not ſo much aimed at as the king himſelf, and that it was intended by this means, more than by the plot itſelf, to ſhew the public, that the king and the duke of York were the real authors of all the evils of the kingdom, and in a word, the heads of the conſpiracy to ſubvert the government and proteſtant religion. The king eaſily perceived the deſign of the earl of Danby's impeachment, and therefore, before the lords could reſolve, whether the earl of Danby ſhould be ſent to the Tower, came to the parliament the 30th of December, and prorogued it to the 4th of February, after paſſing a ſingle act againſt the papiſts.

Immediately after the prorogation of the parliament, ſir Joſeph Williamſon ſecretary of ſtate, reſigned the ſeals into the hands of the king, who appointed Robert Spencer earl of Sunderland in his room, though he had given hopes of the place to ſir William Temple, then embaſſador in Holland, and had called him over for that purpoſe. But Temple at his arrival found the poſt filled, the earl of Sunderland having paid Williamſon ſix thouſand pounds, and five hundred guineas, which Temple was not able or willing to give. Shortly after, the king diſmiſſed the earl of Danby, and put the treaſury into commiſſion[p].

[1678-9.] After the prorogation, the king was extremely embarraſſed, not only by reaſon of the earl of Danby's impeachment, which properly fell upon him, but alſo by freſh diſcoveries, both of the plot and Godfrey's murder. The 21ſt of December, Miles Prance, a goldſmith of London, a papiſt, who had ſometimes worked for the queen in her chapel of Somerſet-houſe, was taken up by a warrant from the council, upon the information of one Wren, a lodger in his houſe, that he was concerned in the murder of Godfrey. Though it was very poſſible for Godfrey to have been murdered by perſons not in the plot, yet it was generally believed, the murder was committed by papiſts, and that if the authors could be diſcovered, it would be a great means to unravel the plot. Wherefore the two houſes had appointed a committee, of which the earl of Shaftſbury was chairman, to enquire after the authors of the murder.

In this affair as in that of the plot there are, among the hiſtorians, two parties directly oppoſite, one aſſerting the murder was committed by papiſts, and the other maintaining the contrary. Theſe, in ſupport of their opinion, relate numberleſs facts, with ſo many circumſtances, that they would be more than capable of proving what they advance, could their faithfulneſs and alſo the certainty of the facts be entirely relied on. But it is very ſurpriſing, to ſee continually the truth of their opinion ſuppoſed, without any other proof than a great many unwarranted facts. This may paſs when we write only for one of the parties, ever ready to believe what is advanced by an hiſtorian of their own ſide; but as I write for foreigners, to whom the actors and the authors are equally unknown, I am not to ſuppoſe true, facts of which I ſee no proof. I do not hereby pretend to inſinuate to my readers, that all theſe facts are falſe, but only that I have not ſufficient reaſons to believe them true, and conſequently ought not to form any ſuppoſition upon them.

As for Prance the goldſmith, it is readily ſuppoſed, he was maliciouſly accuſed by Wren, becauſe Prance had forced him to pay fourteen months rent, due to him for lodging, and that having at firſt with execrations denied the murder, he was at laſt compelled by threats and ill treatment to confeſs that he knew the whole matter, and to give a particular account of all the circumſtances. If this ſuppoſition was well proved, or at leaſt ſupported by the teſtimony of any cotemporary perſon of reputation known in London, there would be no occaſion to ſeek for other proofs. But, as I have ſaid, theſe facts are declared as undeniable, without any warrant. For my part, who ſeek not to impoſe upon my readers, I ſhall only inform them of the facts univerſally acknowledged, adding alſo ſuch as are doubtful and advanced without proof, that the reader may know what he is to adhere to.

Prance being arreſted, as I ſaid, was carried to Weſtminſter to be examined before a committee of the lords.

Here a deciſive fact is begun to be advanced without any authors, namely, that Prance was firſt carried into a little room, where ſeveral perſons went to ſee him, and among others Bedloe, who knowing him not, privately enquired which was the priſoner? When he was informed, he withdrew to an eating-houſe, in the neighbourhood, where Prance was brought ſome time after, till he ſhould be called to his examination. As ſoon as Bedloe, who was purpoſely planted in the ſame room, had caſt his eyes upon him, he cried out, "This is one of the rogues that I ſaw with a dark lanthorn about the body of ſir Edmundbury Godfrey; but he was then in a perriwig."

If any care had been taken to prove that Bedloe had aſked which was Prance, and that he purpoſely waited for him in the eating-houſe, where he knew he was to be brought, there would be no need of other proof, and the caſe would be decided. But this fact entirely reſts upon the authority of the hiſtorian who relates it[q].

Prance being carried to the committee of lords, Bedloe directly charged him with the murder of Godfrey, and Wren with being out of the houſe while the body was miſſing. Prance denied all with imprecations upon himſelf. But as the bare denial of a priſoner ought not to carry it againſt the teſtimony of two witneſſes, the lords thought fit to ſend him to Newgate, where he was put in the condemned hole, loaded with heavy irons, and, ſays my author, left all night to conſider what further anſwers to make, and whether he would venture his ſoul or his body.

Herein manifeſtly appears the prejudice of the hiſtorian, who cannot have known, that the intention of the lords was to leave Prance to conſider, whether he would venture his ſoul or his body. He ſhould ſay this but by virtue of his ſyſtem, which ſuppoſes, that the committee was reſolved at any rate, to make Prance an evidence to the murder of Godfrey.

But here is another fact ſtill more important, advanced with the ſame aſſurance without any authority.

The next morning early, a man entered the condemned hole, where Prance was; and laying down a paper upon a form juſt by him, retired; ſoon after came in another with a candle, who ſet it down and left him. By that light he read the paper, wherein he found brief hints to what he was to ſwear when he ſhould be called to his ſecond examination, with a menace of being hanged if he did not confeſs what was expected of him. Prance, ſays the author, preſently imagined this to be a contrivance of the lord Shaftſbury.

A fact of this nature (which paſſed in a dungeon where there is but one man, and where two others, at ſeveral times, only go in and out, without ſaying a word, one to bring a paper, the other a candle) can only be known by Prance's own confeſſion. Now it is certain, Prance never owned any ſuch thing; if he had, it would aſſuredly have been ſaid, how and upon what occaſion. But if this be ſo, how can it be ſaid that Prance imagined this to be a contrivance of the earl of Shaftſbury? Is it a thing ſo common, to know what paſſes in a man's private thoughts, that it is not worth the while to ſay how this knowledge was attained?

I proceed to other facts which are not conteſted. Prance after he had continued in priſon all night, and part of the next day, told captain Richardſon, maſter of Newgate, that he had matters of great moment to communicate to the earl of Shaftſbury, chairman of the committee. He was, according to his requeſt, carried the ſame night to the earl, who, in preſence of three other perſons, examined him five or ſix hours. It is pretended that the earl abuſed and menaced him, telling him, "That there were great ones concerned, and he muſt diſcover them too; for the little ones ſhould not ſerve his turn," bidding him, "not ſpare the king himſelf." It does not however appear that theſe menaces made much impreſſion upon Prance, ſince his depoſitions reached only perſons of low condition. However, he diſcovered part of what he ſaid he knew, with a promiſe of a more ample confeſſion if he might have his pardon. He ſigned his depoſition, and was returned to priſon. Upon this the lords obtained for him from his majeſty a full and general pardon. Then a committee of the lords was ſent to Newgate to acquaint him with it, and to examine him. The commons likewiſe ordered him to be examined by a committee of ſecrecy. Theſe two examinations being made with great ſtrictneſs, Prance was carried the next day to Whitehall, to be examined before the king and council.

[o] He affirmed, that he had never done any thing of great moment, for which he had not always had his majeſty's command.

[p] The commiſſioners were, Arthur Capel earl of Eſſex, Lawrence Hyde the earl of Clarendon's brother, ſir John Ernle, ſir Edward Deering, and Sidney Godolphin. Kennet, p. 357.———This year died Henry Oldenburgh, ſecretary to the royal ſociety, firſt publiſher of the philoſophical tranſactions; and Andrew Marvel.

[q] Our author means Echard. Burnet ſays, Prance being taken up on Wren's information, was carried to Weſtminſter, Bedloe accidentally paſſed by, not knowing any thing concerning him: and at firſt ſight, he charged ſomebody to ſeize on him: for he was one of thoſe, whom he ſaw about Godfrey's body, p. 445.

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In this examination he accuſed five perſons, as actually preſent at the murder; namely, Girald and Kelley, two Iriſh prieſts; Robert Green, cuſhion man to the queen's chapel; Laurence Hill, ſervant to dr. Godden treaſurer of the chapel; and Henry Berry, porter of Somerſet-houſe. Being aſked, "Why he gave ſo different a relation to the committee of lords from what he now ſo freely confeſſed?" He anſwered, "That he was not then ſure of his pardon." Being further aſked, "Why he came not in upon the proclamation and reward thereof?" He ſaid, "He was afraid to truſt it." As he had been very particular concerning the circumſtances of the time, place, and manner of the murder, the king to be aſſured of the truth, appointed the duke of Monmouth, the earl of Oſſory, and the vice-chamberlain, to go with Prance to Somerſet-houſe, and make him ſhew them the places where the things were acted. The author ſo often mentioned, adds what deſerves to be remembered. Prance, ſays he, was very punctual in naming and ſhewing ſome of the rooms, but ſo uncertain and dubious in ſome particulars, eſpecially about the chief room, that when the duke of Monmouth privately aſked the earl of Oſſory, "what he thought on it?" The Earl anſwered, "It was all a cheat[r]." I purpoſely take notice of this particular, becauſe it is directly contrary to the report made to the council, as will preſently appear.

In the afternoon, Prance, in the preſence of the council, was confronted with Green, Berry, and Hill, who denied every ſyllable of the charge, and Prance ſtood as ſtoutly to every point of the accuſation. After which he was ſent back to Newgate for four or five days.

The ſame author ſays here, that his irons were ſome times off and ſometimes on, according as he was in a diſcovering temper. That is to ſay, the jailor by the ſecret orders of the committee, treated him well or ill, as he was diſpoſed to retract or adhere to his depoſition. Another particular is likewiſe added, that he was often viſited by members of both houſes, who ſometimes ſeverely threatened him when his evidence did not agree with Bedloe's, and particularly becauſe he would not own the perriwig which Bedloe had firſt mentioned. But theſe particulars tending to ſhew that Prance was forced to depoſe what he knew not, are ſupported by no author, no evidence, no authority. There are no other vouchers but the hiſtorians who report theſe particulars, without vouchſafing to inform their readers from whence they received them.

After Prance had remained four or five days in Newgate, he was once more carried to be examined before the king in council. But he made it his requeſt that he might firſt wait upon the king himſelf. Upon this Richardſon had orders to carry him to Mr. Chiffinch's lodgings, where the king came. The king taking Prance into a room by himſelf, after ſome time, opened the door, and bad Chiffinch and Richardſon take notice of what Prance ſaid; who being called to ſpeak out plainly, he declared, "That the men he had ſworn againſt were all innocent, and that all he had ſworn againſt them was falſe," which he affirmed (ſays one) with great paſſion and aſſeveration. Upon which the king aſked him, "Upon your ſalvation is it ſo?" He replied, "Upon my ſalvation the whole accuſation is falſe." He was then carried before the council, where he declared to the ſame effect, and was aſked, "What inducement he had to his former ſtory———who put him upon it?" He ſaid, "No body prompted him; he only knew the men he ſwore againſt: he never ſaw Bedloe before he was taken up; he knew nothing of the plot nor of the murder:———and could not reſt for the ſtory he had told. But Wren owed him money, and threatened him becauſe he dunned him for it, and ſo haired him into it." He was then remanded to priſon.

After ſo ſerious an aſſeveration, no man of ſenſe can imagine, that catholics, or courtiers had gained Prance to retract his firſt depoſition. For this would be only to alledge a bare ſuſpicion without proof. But to have it believed, that the committee, and ſeveral members of both houſes, had threatened Prance, in caſe his depoſition agreed not with Bedloe's, there is no need of proof, and the bare relation of an hiſtorian who writ above thirty years after, is more than ſufficient for that.

Unhappily Prance retracted once more. But this ſignifies nothing, becauſe he denied what he had lately ſaid before the king and council, by reaſon of the exceſſive torments he was made to ſuffer, till he had promiſed to depoſe whatever was deſired. Let us hear what a famous hiſtorian[s] ſays on this occaſion[t].

"Prance, excepting juſt after his return, ſtood firm and immoveable in his denial, againſt all terrors and temptations for above twelve days, from the 29th of December to the 11th of this preſent January. During which ſpace of time, his uſage was barbarous, and more like the Romiſh inquiſition, than the methods of a free nation. For nine days at leaſt his caſe was deplorable; and what with the deadly cold and naſtineſs of the place, the diſtreſs of his condition, the agony of his thoughts, under the horror of bringing new guilt upon his conſcience, and the galling weight of his irons, he lay in ſuch torments both of body and mind, that he ſpent his hours in roaring and groaning, frequently and pitifully crying out, Not guilty, not guilty! No murder, no murder! He uſed the ſame outcries, or clamours, at leaſt, to that effect, ſo often, that the impoſers had no way to cover the ſcandal, and the inhumanity of their treatment, but either by imputing the anguiſh of a wounded conſcience to the ravings of a diſtempered brain: or by converting the marks of a true repentance into the ſtory of a counterfeit madneſs. But when things were at the worſt, Prance was now and then, as the good humour prevailed, eaſed of his irons, comforted with good words and promiſes, and no artifice omitted to bring him to a proper underſtanding. The keepers were then under the ſole direction of a certain ambulatory committee, when and what degree to ſqueeze, to pinch, to eaſe, to ſhackle, to comfort, or to torment their priſoners; and moſt things were done according to the particular orders of that cabal. It would be too tedious to recite all the ſufferings of this unfortunate man, who being unable to hold out as Coral had done, and finding his life in the ſame danger with thoſe he had accuſed, he at length ſubmitted to the temptation, and upon a new aſſurance of pardon, he promiſed to ſtand by his former evidence. Immediately upon this, on the 11th of January, his irons were knocked off, and he was removed from hard boards, and a diſmal cold room, to a fine lodging and a curious bed, with variety of the beſt meats and drink. Here having pen, ink and paper, and the aſſiſtance of his friend one Mr. Boyce, he finiſhed his ſtory, and prepared for being a compleat evidence againſt Green, Berry, and Hill, who were ſhortly after to come upon their trials."

As the author of this paſſage is not content with inſinuating, that Prance was compelled by torments to ſupport his ſecond depoſition, but openly undertakes to prove it by facts which are entirely deciſive, it is abſolutely neceſſary for the reader's inſtruction to make ſome remarks on this ſubject.

1. When in a controverted matter, an hiſtorian reports facts to which he was not an eye witneſs, and which however are capable of deciding for or againſt, the reader has a right to expect from him ſome teſtimony, or ſome author; in a word, to be informed, how he came to the knowledge of ſuch facts. But here, we ſee neither teſtimony nor author, in the text or margin.

2. It appears from this very relation, that all the ill uſage of Prance, conſiſted in keeping him nine days in irons. If this is like a Romiſh inquiſition, it may be affirmed, England has a conſtant inquiſition, ſince priſoners committed for murder, or other great crimes are never treated otherwiſe. Beſides, it will be ſeen hereafter, that Prance denied his ever receiving any ill uſage in priſon, or his wanting any thing. As to the torments of his mind, and his roarings and groaning, ſuppoſing them true, only Prance himſelf could know the motives, and it muſt be ſurpriſing to hear an author talk of what paſſed in Prance's mind, as if he had been his confident.

3. He ought to have explained what was this ambulatory committee, from whom the keepers received directions; for it is well known, that during the prorogation of the parliament (and all this paſſed at the time of the prorogation) the keeper of Newgate could obey no orders but thoſe of the king, or at leaſt of the courts of juſtice.

4. Laſtly, in proof of a fact ſo remarkable and deciſive,

[r] In an account of the plot printed in 1680, it is ſaid, That Prance gave ſuch an exact account of the very ſpot upon which the murder was committed: where he himſelf, where Berry ſtood; as alſo the door, ſtairs, dark entry, &c. mentioned in his narrative, that his majeſty's commiſſioners returned very well ſatisfied with the truth of his relation and confeſſion, p. 68.

[s] Echard, who has borrowed the following paragraph, as well as ſeveral others from ſir Roger l'Eſtrange, without naming his author.

[t] Burnet ſays, after Prance had declared before the king and council, that his firſt confeſſion was all a fiction, he was carried back to priſon, but immediately ſent the keeper of Newgate to the king, to tell him, that all he had ſworn was true, but that the horror and confuſion he was in, put him on denying it. Yet he went off from this again, and denied every thing. Dr. Lloyd was upon this ſent to talk with him. At firſt he denied every thing to him. But dr. Lloyd told me, that he was almoſt dead through the diſorder of his mind, and with cold in his body. But after that dr. Lloyd had made a fire, and cauſed him to be put in a bed, and began to diſcourſe the matter with him, he returned to his confeſſion; which he did in ſuch a manner, that dr. Lloyd ſaid to me, it was not poſſible for him to doubt of his ſincerity in it, p. 446.

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we have only the bare aſſeveration of the author, whoſe exaggeration is kept up with expreſſions the ſtrongeſt and moſt capable to give the readers terrible ideas of the torments endured by Prance, which, however, amount to a nine days impriſonment in irons. Beſides, the author poſitively ſays, that Prance was gained without telling us by whom, or how, or giving the leaſt warrant for what he advances. I do not ſay that all this is falſe, for I know nothing of it. But as it is not forbid to rely on the faithfulneſs of the author, or of thoſe from whom he has received his informations; ſo neither is it forbid to doubt of it, and to believe that he might be prejudiced by party ſtories, which are implicitly ſwallowed or rejected, according as they are advantageous or prejudicial to the ſide eſpouſed by thoſe who hear them.

Bedloe had given but a very imperfect information of the murder of Godfrey. He ſaid indeed, it was committed in Somerſet-houſe, and that he had ſeen the dead body. But as to the other circumſtances, he only ſpoke of them as received from perſons who had abſented themſelves; whereas Prance delivered in writing a more regular and full account, which contained preciſely his depoſition before the king in council, and was to this effect:

"Girald, Kelly, Green, Berry, Hill and Prance, with the approbation of ſome others, after ſeveral conſultations [u], had reſolved to murder ſir Edmundbury Godfrey, as being a bitter perſecutor of the catholics, an active diſcoverer of their deſigns, and a particular enemy to the queen's ſervants. Thus determined, on Saturday the 12th of October, Hill went to ſir Edmundbury Godfrey's houſe in the morning, and talked with him in private [w]. Then taking his leave, he went to Girald, and Green, and with them ſtaid hard by, waiting for the gentleman's coming out, which he did about ten or eleven, all alone as uſually. They dogged him to ſeveral places, till about ſix or ſeven in the evening, when Green went to Prance's houſe, and told him, they had ſet him near St. Clement's; and that Prance muſt make all haſte to the water-gate, at Somerſet-houſe, where he ſhould find Kelly and Berry, which he did; and they three waited there till about nine o'clock: when of a ſudden Hill came running and ſaid, He was coming, and they muſt pretend a quarrel, and he would fetch him in. While Kelly and Berry were in a ſeeming ſcuffle, Hill, at the gate, ſtopped ſir Edmundbury Godfrey, and entreated him for God's ſake to come in, for two men were a quarrelling, and he was afraid there would be bloodſhed. The gentleman being a magiſtrate, did at laſt conſent, and Hill entered the gate, firſt, to ſhew him the perſons; and after them followed Girald and Green; while Prance watched the water-gate, and Berry was to ſecure the paſſage by the chapel. But firſt, he and Kelly, the pretended combatants, ſtood about the end of the rail by the queen's ſtables; and as ſir Edmundbury went down towards them, Green ſuddenly threw a twiſted handkerchief about his neck, and immediately all four pulled him down and ſtrangled him, ſo as he could make no noiſe; after which they threw him behind the rail, and gave him ſome violent punches on the breaſt with their knees, and Green with all his force rung his neck almoſt round. Prance and Berry being come to them, when he was quite dead, they all helped to carry the body into Dr. Godden's lodgings, where Hill lived, and where they brought him up five or ſix ſteps, into a little room on the right hand, and there left him that night, and Sunday all day and night. On Monday night, Hill and ſome others removed him into a room in the upper court, where Prance was ſhewn the body by the light of a dark lanthorn, and where Bedloe ſwore he ſaw Prance. On Tueſday night, they carried him to another room in the long entry, over againſt Dr. Godden's lodgings; and on Wedneſday night they removed it to the little room where it was firſt laid. Having kept the body above four days and nights, Girald and Kelly adviſed to have it carried into the fields, and leave him run through with his own ſword, that he might be ſuppoſed to have murdered himſelf; and therefore his money, rings, &c. were all to be left with him. This being agreed, they reſolved to carry him out that night; and accordingly Hill procured a ſedan, or chair, into which they put the body about twelve o'clock. Berry the porter, having invited the centinels into his houſe, opened the gate, and Prance and Girald carried out the ſedan [x]. Thus, ſometimes they two, and ſometimes Kelly and Green, carried it up towards Soho-fields, hard by the Grecians church; and there Hill attending with a horſe, they ſet the body up before him, and left the ſedan in ſome unfiniſhed buildings in that place; whereupon Girald ſaid, I wiſh we had a hundred ſuch rogues as ſecure as this. Then Prance being a houſekeeper, returned home; and the other four went on, one leading the horſe, Hill riding and holding the body [y], and the other two walking by. They carried him to a place called Primroſe-hill, about two miles out of town, where they left him in a ditch, with his own ſword run through his body by Girald himſelf, in the exact poſture of one that had murdered himſelf."

This depoſition, which was immediately publiſhed, met with an entire belief from the people. But afterwards, when the popiſh party prevailed, ſeveral authors endeavoured to find many miſtakes and inconſiſtencies in it, and even maintained, that it was not penned by Prance, but by ſome abler hand. As at firſt it was dangerous to ſay, that Prance was a falſe witneſs, it was afterwards no leſs dangerous to maintain, he had ſpoke the truth. Hence ſome adhere to this depoſition, and others to the writings afterwards publiſhed againſt it, to demonſtrate its falſhood.

While theſe things were tranſacted, the king was by no means at eaſe. The plot (of which he was ſuſpected to be the author, at leaſt in what concerned the government and religion) and the impeachment againſt the earl of Danby, which entirely reflected upon him, could not but greatly perplex him. To divert a little theſe ſuſpicions, he publiſhed, the beginning of January, ſeveral proclamations againſt the papiſts, who, immediately after the prorogation of the parliament, were returned to London and Weſtminſter. By another proclamation, he recalled all his ſubjects from the foreign ſeminaries; but theſe were remedies little capable of curing the people's ſuſpicions and fears.

About this time was diſcovered a college of jeſuits at Lower-Come in Herefordſhire. Moreover, a freſh witneſs appeared, one Stephen Dugdale, who pretended to make new diſcoveries in the plot, and accuſed five jeſuits, and one prieſt [z]. This obliged the king to publiſh a new proclamation againſt Evers, Gawen, Vavaſor alias Gifford, Leviſon, jeſuits, and Broadſtreet a prieſt, with a promiſe of a hundred pounds to any that ſhould apprehend Evers, and fifty pounds for each of the reſt [a].

Mean while, as the time for the meeting of the parliament approached, the king perceiving that in the preſent diſpoſition of the commons, he ſhould receive no advantage from them, but rather new mortifications, on the 24th of January diſſolved the parliament by proclamation [b], promiſing withal, to iſſue out writs for the calling of a new parliament the 6th of March following. Thus ended the long parliament, which had continued almoſt eighteen years, and had been for twelve years ſo favourable to the king. Never parliament had been ſo liberal to any king, or carried the prerogative higher. If Charles II. had not purſued methods ſo contrary to the intereſts of the kingdom, he would never have loſt the affection of this parliament, which ſtudied only to pleaſe him, and give him the moſt effectual proofs of their zeal. But when, in proceſs of time, they diſcovered, that the king had ill deſigns againſt the go-

[u] Prance named an alehouſe where they uſed to meet, and the people thereof did confirm this of their meeting there. Burnet, p. 445.

[w] He went to ſee whether Godfrey was gone out, and ſpoke to his maid; who, upon Hill's being taken, went to Newgate, and in the crowd of priſoners diſtinguiſhed him, ſaying, he was the perſon that aſked for her maſter that morning. Ibid——They had watched ſir Edmundbury for ſeveral weeks, before they could find an opportunity of putting their villainous deſign in execution. MSS.

[x] One of the centinels ſwore he ſaw a ſedan carried in; but none ſaw it carried out. Burnet, p. 446.

[y] They had agreed to ſay, in caſe they ſhould meet any body, that it was a drunken man they were carrying in that manner. MSS.

[z] Burnet gives the following account of this Dugdale and his evidence. He had been the lord Aſton's baily, and was a man of ſenſe and temper. He behaved himſelf decently, and had ſomewhat in his air and deportment that diſpoſed people to believe him: ſo that the king himſelf began to think there was ſomewhat in the plot, though he had little regard to Oates or Bedloe. He made a diſcovery of a correſpondence that Evers held with the jeſuits in London, who had writ to Evers of the deſign of killing the king, and deſired him to find out proper men for executing it. Three other jeſuits preſſed Dugdale to undertake it, promiſing he ſhould be canonized for it, and the lord Stafford offered him five hundred pounds, if he would ſet about it. Dugdale's evidence was confirmed by one circumſtance. He had talked in the country of a juſtice of peace in Weſtminſter that was killed, on the Tueſday after Godfrey was miſſed; ſo that the news of this muſt have been writ from London on the Saturday night's poſt. He did not think it a ſecret, ſo talked of it as news in an alehouſe. The two perſons, he ſaid he ſpoke to, remembered nothing of it, but ſeveral others ſwore they had heard it. He ſaid moreover, that the duke had ſent to Coleman when in Newgate, to perſuade him to diſcover nothing, and deſired to know whether he had ever diſcovered their deſigns to any other perſon; and that Coleman ſent anſwer, that he had ſpoke of them to Godfrey, but to no other man, upon which the duke gave order to kill him. p. 445.

[a] Gawen was ſoon after taken into cuſtody, but the reſt abſconded. Echard.

[b] Some think, this parliament was diſſolved, on purpoſe to protect the popiſh lords in the Tower, and divert, if poſſible, the noiſe of the popiſh plot: or elſe to cover the duke of York from the reſentment of the commons, and the general indignation of the people. Kennet, p. 356.

vernment and the eſtabliſhed religion, which he had ſufficiently ſhewn by his two wars againſt Holland, and his intimate union with France, they began to conſider him as an enemy to the ſtate, whoſe deſigns and meaſures were to be broken. The letters, produced by Mr. Montague in the parliament, fully convinced the moſt incredulous, that the king was a penſioner of France, and ſacrificed the intereſt of England to that crown. It is therefore no wonder, that the parliament credited the diſcovery of a plot, which was ſo natural a conſequence of the king's deſigns, now entirely believed. Indeed, the firſt article of the plot, concerning the killing of the king, might be doubtful and uncertain; wherefore the parliament willingly left it to the deciſion of the courts of juſtice. But the two laſt, relating to render the king abſolute, and ſubverting the eſtabliſhed religion, needed no other proof than thoſe the king had given. Beſides, the duke of York being a profeſſed papiſt, and having a great influence in the king's councils, it was not difficult to conceive, that he being ſuch a zealot for his religion, would loſe no occaſion of promoting it: and this his ſecretary's letters plainly demonſtrated. Indeed, the parliament was compoſed chiefly of rigid epiſcopalians, who perhaps cannot be vindicated in their perſecution of the preſbyterians. But however they were not willing to ſacrifice the proteſtant religion, and the liberties of the nation, to their paſſion againſt preſbyterianiſm. From hence flowed the quarrels between the king and the parliament, the mortifications ſo frequently given him, and his diſſolution of it at laſt, though he had in it ſo many creatures, purchaſed either with money or penſions. At firſt, this trade was ſecretly carried on, but after Clifford's advancement to the treaſury, it was practiſed ſo openly, that every man's name and price were publicly known. Notwithſtanding all this, when once the conduct of the king and court was conſidered, it was not poſſible for the king to obtain a majority in the houſe of commons, becauſe thoſe who were ready to ſacrifice the nation's money to the king, would not ſacriſice to him their liberties and religion. Another cauſe alſo ſtopped the the king in his career, namely, that as ſoon as the people were diſſatisfied with the court, vacancies in the parliament were filled with men of quite contrary principles to the king and duke of York, ſo that in time the parliament became very different from what it was at the beginning. It is not therefore ſtrange, that the king ſhould deſire to be rid of a parliament, from which he could expect no farther benefit. But he flattered himſelf in vain, with having another more favourable, as will hereafter appear.

Upon the 25th of January, the king iſſued out writs for the new election, which put the whole nation into a ferment. It happened to the king, on this occaſion, as it had happened to his father. The people being diſcontented with the court, and full of ſuſpicions and fears, affected to chooſe repreſentatives the moſt averſe to popery and arbitrary government. And as the high church men had been for ſeveral years a little too ſtrongly attached to the king; and had, in the laſt parliament, paſſed acts to raiſe the royal power higher than ever, the people in general were not for truſting their intereſts in ſuch hands. On the other ſide the preſbyterians, though long oppreſſed, were ſtill numerous in the corporations, ſo that by the ſuperiority of their votes, they commonly carried the elections in favour of their own party, or at leaſt of men, who had only outwardly conformed to the church of England. In a word, when the returns were made, it was found, that moſt of the repreſentatives were men very oppoſite to the principles and deſigns of the court. The king, to prevent theſe impreſſions, affected an extraordinary ſeverity againſt the papiſts, and by proclamation, on complaint of the neglects of the proſecution of recuſants, ordered the chancellor to put out of commiſſion, all juſtices of peace, who were remiſs in their duty. But this was too frequent an artifice, to be capable to perſuade the people, that the king was truly zealous for the proteſtant religion.

While all were engaged in the new elections, three of the five, accuſed of Godfrey's murder, namely, Green, Berry, and Hill, were tried at the King's Bench bar, before the lord chief juſtice Scroggs, the 10th of February.

Oates depoſed, That he had heard Godfrey ſay, a little before his death, "That he went in fear of his life by the popiſh party, and had been dogged ſeveral days."

One Robinſon teſtified, That he heard him ſay, "That he believed he ſhould be the firſt martyr."

Prance's evidence was the ſame with what he had before depoſed. The priſoners objected to him, that he had recanted, and denied all before the king and council. The court made for him the anſwer which he had before given to the council, "That all that was nothing but an unuſual fear, and a want of a full aſſurance of his pardon[c]." Some repreſent this as a great partiality in the judge. But it muſt be obſerved, that judges ſit upon the trial of criminals, not to condemn or acquit: the jury decide the caſe, and find the priſoners guilty or not guilty. When therefore any material difficulties offer, it is the office of the judge to direct the jury, and ſhew them what they are, and what they are not to mind, with the reaſons of their opinion. So I doubt, that on this occaſion the court did not exceed the bounds of their duty, though I will affirm nothing.

Hill's wife aſked Prance, whether he had not been tortured in Newgate, ſince ſeveral had heard him cry out in that place? He anſwered, "That he had not——That captain Richardſon had uſed him as civilly as any man in England; and that all the time he was there he wanted for nothing." This anſwer, as we ſee, is very contradictory to the aggravated recital of his torments; though even in that recital, nothing is ſaid which tends to ſhew, that he was put to the torture. However, the author of the recital, better informed than Prance himſelf, ſcruples not to ſay, "That the poor man, to ſupport the credit of his evidence, was forced to diſown all his barbarous uſage."

Bedloe had already depoſed before the lords, "That le Phaire, Walſh, Pritchard, Keins, &c. had wheedled ſir Edmundbury Godfrey into Somerſet-houſe court, under pretence of taking ſome plotters, and after a turn or two, and the pretence of ſending for a conſtable, they ſhewed him to a room, preſented a piſtol to him, threatening to kill him, if he made any noiſe, but would do him no hurt, if he would ſend for his examinations; which he refuſing to do, they ſtifled him between two pillows, and after that, upon finding ſome life in him, they ſtrangled him with a long cravat."

Some have remarked, that this firſt evidence of Bedloe, was directly contrary to Prance's. Others have obſerved, that Bedloe never ſaid that he was preſent at the murder, but only depoſed what he heard from others; conſequently, that there was no real contradiction between the two witneſſes.

In the preſent trial Bedloe depoſed, "That about a fortnight before the murder, le Phaire, Pritchard, Keins, and ſome other Romiſh prieſts, all unknown to Prance, diſcourſed Bedloe about killing a certain gentleman, not named; and then ſet him to inſinuate himſelf into ſir Edmundbury Godfrey's acquaintance, which he did under ſeveral pretences. That on the very day of the murder, le Phaire told him, there was a gentleman to be put out of the way that night, and would have him to aſſiſt, and that there would be four thouſand pounds reward from the lord Bellaſis, &c. and therefore deſired him to meet in the cloyſter at Somerſet-houſe that evening, for thereabouts it was to be done; which he promiſed to do, but wilfully failed them, becauſe he would not have his hands in blood. On the Monday after, le Phaire meeting him, charged him with breach of promiſe, and appointed him to come to Somerſet-houſe at nine that night, where he told the witneſs, That he had done ill, that he did not help in the buſineſs; but if he would help to carry him off, he ſhould ſtill have half the reward; and told him he was actually murdered. The witneſs aſked, if he might ſee him; upon which le Phaire led him through a dark entry, into a room where were ſeveral people, and Prance amongſt them, and only by the light of a dark lanthorn he ſaw the face of the murdered perſon, and knew him to be ſir Edmundbury Godfrey. The witneſs adviſed to tie weights about him, and throw him into the Thames; but they did not approve of that, but ſaid, they would put it upon himſelf, and carry him out in a chair, by the help of the porter Berry, at twelve that night. The witneſs promiſed, upon the ſacrament, which he had taken the Thurſday before, to come again and help them; but being got from them, his conſcience would not permit him to go any farther, though he had been promiſed two thouſand pounds for his labour, but he rather choſe to diſco-

[c] To this Richardſon, keeper of Newgate, anſwered, "That Prance had told him, it was fear that made him recant; and he [Prance] gave a full ſatisfaction, that it was only out of an apprehenſion that his life was not ſecure; that his trade would be loſt among the Roman catholics; and in caſe he had his pardon, and was ſaved, he ſhould have been in danger of being murdered by them." He ſaid himſelf afterwards, that it was for fear of loſing his employment from the queen, and the catholics, which was the moſt of his buſineſs, and becauſe he had not his pardon. State trials, tom. II. p. 765, 780.

ver the villany to the king and council, and accept of a quarter of the ſum in an honeſt way."

What appears moſt ſtrange in this depoſition, is not its contrariety to the firſt, in which he only ſpoke by hearſay; but that Bedloe did not relate theſe circumſtances to the lords, having only ſaid, that he had ſeen Godfrey's body in Somerſet-houſe, and Prance in the ſame room.

The conſtable that viewed the body in the ditch, gave an account, "That the ſword was ſticking through him, but no blood appeared upon the ground, and he found gold and ſilver in his pockets." Two ſurgeons ſwore, "that they verily believed the ſword was run through him after he was dead and cold: but that he died by reaſon of the ſuffocation, and breaking of his neck, and bruiſes on his breaſt."

Sir Robert Southwell depoſed, "That Prance having related the matter to the council; and being ſent with the duke of Monmouth and the earl of Oſſory to ſhew the places he mentioned, did readily go to them all, and they appeared all to be ſuch as he had deſcribed them; only as to the room in the upper court, where the body was laid one night, having never been there but once, he ſaid he could not poſitively aſſign it, but pointing to ſome rooms, and ſaid, he was ſure it was thereabouts."

As to the priſoners defence, Hill brought ſeveral witneſſes to prove, "That he never was out of his lodgings after eight o'clock at night, during the whole time of this tranſaction."

Some have pretended, that theſe depoſitions were not regarded, becauſe the witneſſes were papiſts. But no ſuch thing is ſaid in the printed trial, and it is difficult to know the thoughts of the jury, who were the ſole judges of theſe evidences.

Beſides, Hill ſhewed, "That when he heard of Prance's being taken up for the murder, he had full leiſure to make his eſcape, which he never endeavouring, was a great preſumption of his innocence." It is to be preſumed, the jury took but little notice of this proof.

Green proved by two witneſſes, James Warrier and his wife, "That he was at their houſe in the Strand from between ſeven and eight till after ten, on that very night and time that ſir Edmundbury Godfrey was ſaid to be murdered in Somerſet-houſe." But unhappily, Warrier willing to corroborate his evidence, added, "That Green's being apprehended a month after the murder of Godfrey, recalled to his mind, that the ſaid Green had been with him on Saturday the 12th of October, from eight to ten in the evening." But, beſides that Green was not arreſted till the 24th of December, that is to ſay, two months and twelve days after Godfrey's murder, he was not taken up for this murder, but for refuſing the oaths, which could not cauſe Warrier to remember, that Green had been with him the day Godfrey was murdered. Green added, "That when Prance was taken up, he ſhewed ſuch a deteſtation of the fact, that he ſaid, Rather than he ſhould eſcape, if he were guilty, he would be the executioner himſelf." In all likelihood, this proof appeared not very material to the jury. In behalf of Berry the porter, the ſoldiers that were placed centinels at the gate, teſtified, "That no ſedan went out of the gate that night that the body was ſaid to be carried off, though one did come in, and that they could not be miſtaken in ſo plain a matter." And Berry's maid declared, "That her maſter was in bed by twelve o'clock that night, and never ſtirred out, which made it impoſſible for him to be upon the whole expedition."

They all endeavoured likewiſe to invalidate Prance's evidence; but the court obſerved, "That it was impoſſible that Mr. Prance, a man of that mean capacity, ſhould invent a ſtory with ſo many conſiſting circumſtances, if there was no truth in the bottom of it:" but adds the hiſtorian whom I have often quoted, others obſerved, "That the ſtory was invented by ſomebody elſe of a greater capacity." This inſinuation is ſupported only upon his ſyſtem. But beſides, had the penner of this narrative been ſo able as is ſuppoſed, it would not have been difficult to give it a perfect agreement with Bedloe's firſt depoſition, whereas it was different in many reſpects. For when a man is only to invent, and has falſe witneſſes ready to ſupport the invention, he need not be much puzzled about the facts.

In concluſion, the jury brought them all in guilty of the murder. Whereupon, the lord chief juſtice Scroggs ſaid, "They had found the ſame verdict that he would have found, if he had been one with them."

They all three inſiſted upon their innocence to the laſt moment of their lives. Berry owned, "That he was a proteſtant in his heart, but had for ſome time diſſembled his religion for his private advantage."

Hill, to perſuade the ordinary of Newgate of his innocence, gave him this notable proof of it; "That he had wronged one in a twelve-penny matter, which had ſo troubled his conſcience, that he had made reſtitution ſince his condemnation, though he was in extreme want of preſent neceſſaries:" and therefore he thus argued with him, "If I have taken ſhame upon myſelf, in confeſſing my crime in the caſe of a trifle; can you think I would deny the murder to maintain my reputation?"

Green and Hill were executed the 21ſt of February; but Berry was reprieved till the 28th of May.

The time for the meeting of the parliament drawing near, the king, after examining the elections, foreſaw a ſtorm gathering againſt the duke of York. Wherefore, to prevent it, and perſuade the new parliament that his counſels were not influenced by his brother, he reſolved to ſend him away[d], and for that purpoſe, the 28th of February, writ him the following letter:

"I have already given you my reſolves at large, why I think it fit that you ſhould abſent yourſelf for ſome time beyond the ſeas: as I am truly ſorry for the occaſion, ſo may you be ſure, I ſhall never deſire it longer than it will be abſolutely neceſſary for your good, and my ſervice. In the mean time, I think it proper to give it you under my hand, That I expect this compliance from you, and deſire it may be as ſoon as conveniently you can. You may eaſily believe with what trouble I write; there being nothing I am more ſenſible of, than the conſtant kindneſs you have ever had for me. I hope you are as juſt to me, to be aſſured, that no abſence, nor any thing elſe, can ever change me from being truly and kindly yours,"

C. R.

The duke immediately obeyed, and the 3d of March departed for Holland, with his ducheſs, and the princeſs Anne his daughter, from whence he went and reſided at Bruſſels.

Mean time, the king fearing that the new parliament would impeach the earl of Danby, and that the earl, in prevention of his own danger, would be obliged to reveal ſecrets, which he wiſhed to be concealed, granted him, under the great ſeal, as full and compleat a pardon as could be drawn.

The new parliament meeting the 6th of March, the king made a ſpeech, tending to ſhew how well affected he was to the laws of the land, and the proteſtant religion. He ſpoke of his care in puniſhing, as well thoſe concerned in the plot, as the murderers of ſir Edmunbury Godfrey, and forgot not to mention the removal of the duke of York. Laſtly, he demanded money for diſbanding the army, and for paying the fleet. The chancellor enlarged upon all theſe points with great exaggerations, according to his cuſtom.

The parliament began with a warm diſpute between the king and the commons, about the choice of a ſpeaker. The commons having choſen Mr. Edward Seymour[e], the king, who knew Seymour was a particular enemy of the earl of Danby, refuſed his approbation, and ordered the commons to proceed to a new choice. The houſe was extremely diſpleaſed with the refuſal, alledging, "That it was never known that a perſon ſhould be excepted againſt, and no reaſon at all given, and that the the thing itſelf, of preſenting a ſpeaker to the king, was but a bare compliment." The king, on his ſide, inſiſted on his approbation or refuſal of a ſpeaker when preſented to him, as a branch of his prerogative[f]. During a ſix days diſpute, the commons made ſeveral repreſentations to the king, to which he gave very ſhort anſwers. At laſt, as the commons would not deſiſt from what they thought their right, the king went to the parliament, and prorogued it from the 13th to the 15th; that is, for one day's interval between the two ſeſſions. The parliament meeting the 15th, the king ordered the commons to proceed to the choice of a ſpeaker. Then to avoid a revival of the diſpute, they choſe Mr. William Gregory ſerjeant at law, who was approved by the king[g].

The commons began with appointing a committee to ex-

[d] It was done by the earl of Danby's advice. Burnet, p. 452.

[e] Who was one of the repreſentatives for the county of Devon, and treaſurer of the navy. Kennet, p. 360.

[f] Without giving any reaſon to the perſons chuſing, or the perſon choſen. Echard, tom. III. p. 522.

[g] He was recommended by William lord Ruſſel, Kennet, p. 560. Burnet adds, the point was ſettled, that the right of electing was in the houſe, and that the confirmation was a thing of courſe, p. 453.

The

amine controverted elections, threeſcore petitions having been already preſented.

This affair being put into a way of determination, the commons appeared reſolved to purſue the matters which the late parliament had left undecided. For this purpoſe, the 20th of March they appointed a ſecret committee, to take informations, prepare evidence, and draw up articles againſt the lords that were impeached, and to take ſuch further informations as ſhall be given, relating to the plot againſt his majeſty and the government, and the murder of ſir Edmundbury Godfrey. At the ſame time they deſired the lords, by an expreſs meſſage, to remember the impeachment of high treaſon exhibited againſt Thomas earl of Danby, in the name of the commons of England, and to commit him to ſafe cuſtody. They reſolved alſo, that it ſhould be referred to the committee of ſecrecy, to draw up further articles againſt him. The earl of Danby was greatly embarraſſed; for he could not make his defence, without producing the letters writ by his majeſty's particular order, and other papers which the king was willing to conceal. Wherefore he reſolved to adhere to the benefit of his pardon.

The next day, the 21ſt of March, Dr. Tonge, Oates, Bedloe, and a Scotchman, one Edmund Everard, a new diſcoverer, were called before the commons, to give in their informations concerning the plot. Bedloe having delivered in his information, the houſe reſolved, "That an humble addreſs be made to his majeſty, that the five hundred pounds promiſed by his proclamation for the diſcovery of the murder of ſir Edmundbury Godfrey, may be paid to Mr. Bedloe, and that he would further be pleaſed to order, that the twenty pounds reward for the diſcovery of every prieſt, may be effectually paid to the diſcoverers."

By another addreſs, they deſired, "That the care of Mr. Bedloe's ſafety might be recommended to the duke of Monmouth." The king anſwered, "That he would take immediate care for the payment of the five hundred pounds, and the twenty pounds they deſired: that he had hitherto taken all the care he could of Mr. Bedloe: that he knew how conſiderable his evidence was: that he would ſee hereafter, that he ſhould want for nothing, but that he could not be anſwerable for him when he went abroad."

Upon the whole, the commons came to a vote ſomething like that in the laſt parliament, namely, "That the houſe doth declare, that they are fully ſatisfied that there now is, and for divers years laſt paſt hath been, a horrid and treaſonable plot and conſpiracy, contrived and carried on by thoſe of the popiſh religion, for the murdering his majeſty's ſacred perſon, and for ſubverting the proteſtant religion, and the antient and well-eſtabliſhed government of this kingdom." The lords concurred to this vote without heſitation, as alſo to an addreſs to be preſented jointly by both houſes to the king, to pray him to appoint a ſolemn day of humiliation and faſting throughout the whole kingdom. The king granted their requeſt, and the 11th of April was appointed to be kept as a public faſt day.

The 22d of March, the commons ordered a bill to be brought in, to ſecure the king and kingdom againſt the danger and growth of popery.

The ſame day the king going to the parliament, ſpoke to both houſes in favour of the earl of Danby. But the commons, unmoved with this ſpeech, were no ſooner returned to their houſe, than they ſent a meſſage to the lords, to demand that the earl might be forthwith committed to ſafe cuſtody. The lords ſeeing the paſſion of the commons, offered them in a conference, the draught of a bill, by which the earl of Danby ſhould be for ever incapable of coming to his majeſty's preſence, and of all offices and employments, and of receiving any gifts or grants from the crown, and of ſitting in the houſe of peers. But the commons were not ſatisfied with ſuch a bill, probably, for two reaſons. The firſt was, that the earl of Danby had implacable enemies among the leading commons. The ſecond, that purpoſing to diſcover the king's ſecrets, by a ſtrict examination of the earl of Danby's affairs, they ſaw that this bill was only an artifice, to conceal what they wiſhed to know and divulge.

Mean time, the commons hearing that the king had ſigned a pardon for the earl of Danby, appointed a committee to repair to the chancellor, and enquire how this pardon was ſealed, and at whoſe ſuit. The chancellor anſwered, "That it was done very privately, the king having ordered him to bring the ſeal into his cloſet, and lay it upon the table; that his majeſty commanded the ſeal to be taken out of the bag, and ordered the perſon who uſually carried the purſe, to affix it to the pardon." The chancellor added in his juſtification, "That at the very time of affixing the ſeal to the parchment, he did not look upon himſelf to have the cuſtody of the ſeal: that the pardon was paſſed with the utmoſt privacy, at the deſire of the earl, who gave this reaſon for it, that he did not intend to make uſe of it, but to ſtand upon his innocence, except falſe witneſſes ſhould be produced againſt him; and then he would make uſe of it at the laſt extremity: that notwithſtanding this reaſon, he adviſed the earl to let the pardon paſs in the regular courſe; but after conſulting with the king, his majeſty declared, he was reſolved to let it paſs with all privacy.[h]"

The houſe, upon hearing this report, were inflamed againſt the earl, and one of the members[i], naming the earl of Danby, proceeded thus:

"———The perſon to whom we owe the dangers and fears of the French king againſt us; the perſon to whom we owe the threats and ſevere anſwers to thoſe humble addreſſes we made the laſt ſeſſion of parliament: the perſon to whom we owe the ruin of this nation, and exhauſting the king's revenue: the perſon to whom we owe the expence of two hundred thouſand pounds a year, unaccounted for: the perſon to whom we owe the raiſing of a ſtanding army, to be kept up by the receipt of ſix millions of livres yearly, for three years, to enſlave us, and our religion: the perſon to whom we owe the late bone that was thrown in on the fitting of the laſt parliament, to hinder the good iſſue that might have come by their proceedings; who is now laying down his ſtaff, and making up his accounts in the treaſury, as he pleaſes, to enrich himſelf out of the ſpoils of the people, and ſo depart."

I have often ſaid, that the people in general were perſuaded, not only of the reality of the plot, at leaſt with regard to the government and religion, but that even the king and the duke of York were the true authors of it. This ſpeech plainly ſhews, it was at leaſt the opinion of the ſpeaker, and when a member of the commons advances ſuch propoſitions, without a reprimand, one may be ſure he ſpeaks the general ſenſe of the houſe. Beſides, the removal of the duke of York was a demonſtration, that the king was not ignorant of his being ſuſpected to ſubmit too much to the counſels of his brother. It is therefore hard to conceive, why ſo many ſenſible men obſtinately labour to ſhew, there was no real plot, becauſe the article concerning the deſign of killing the king, may be doubtful. For, the truth of the two other branches, concerning the government and religion, flows from ſo many circumſtances, that one muſt be wilfully blind not to ſee it. Perhaps the word plot offends ſome perſons, who cannot comprehend how a king can plot againſt his ſubjects. But if this is all, there is a way to be ſoon agreed. Inſtead of ſaying there was a plot to ſubvert the government, and the proteſtant religion, let it be ſaid, there was a project or deſign on foot, headed by the king and the duke of York, to render the king abſolute, and introduce popery. But this is preciſely what is meant by the plot. For the deſign of killing the king was only an appendix to the plot, ſuppoſing it real, and an effect of the furious zeal of ſome private perſons, who thought to accompliſh the plot better by placing the duke of York on the throne.

[1679] I ſhall not inſert here the earl of Shaftſbury's ſpeech in the houſe of lords, becauſe ſo much pains has been taken to repreſent him as the great enemy of the king, and the firſt mover of the whole party, that whatever came from him muſt be ſuſpected. I ſhall produce, however, one paſſage of this ſpeech: "Popery, ſays he, and ſlavery, like two ſiſters, go hand in hand; ſometimes one goes firſt, ſometimes the other; but whereſoever the one enters, the other is always following cloſe at hand. In England, popery was

[h] The king, in his ſpeech for the earl, ſaid, he had done nothing but by his order, and therefore he had pardoned him; and if there was any defect in his pardon, he would paſs it over and over again, until it ſhould be legal. Upon this a great debate was raiſed; ſome queſtioned whether the king's pardon, eſpecially when paſſed in bar to an impeachment, was good in law: this would encourage ill miniſters, who would be always ſure of a pardon. The king's pardon did indeed ſecure one againſt all proſecution at his ſuit; but as in caſe of murder an appeal lay, from which the king's pardon did not cover the perſon, ſince the king could no more pardon the injuries done his people, than he could forgive the debts that were owing to them; ſo from a parity of reaſon it was inferred, that ſince the offences of miniſters of ſtate were injuries done the public, the king's pardon could not hinder a proſecution of parliament, which ſeemed to be one of the chief ſecurities, and moſt eſſential parts of our conſtitution.——When the bill of baniſhment, which paſſed in the houſe of lords, was ſent down to the commons, Winnington fell on it in a moſt furious manner, and inflamed the houſe ſo, that though it was offered that the earl ſhould be degraded of his peerage as well as baniſhed, and that no pardon for the future ſhould be pleaded in bar to an impeachment, the bill was thrown out by the commons, and a bill of attainder brought in, as will be ſeen hereafter. Burnet, p. 453.

[i] Mr. Powle, afterwards one of the new council.

to have brought in ſlavery; in Scotland, ſlavery went before, and popery was to follow." Thus much is certain, that his obſervation on the ſlavery of Scotland was exactly true, and that the duke of Lauderdale, ſupported by the court, exerciſed among the Scots a tyranny unknown to their forefathers. What therefore could the Engliſh imagine, when they ſaw a neighbouring kingdom, inveſted with no leſs privileges than England, governed in ſo abſolute a manner, under the ſame king and the ſame miniſtry? Could they expect that the ſame principles would not be followed in England, if it could be done with the ſame eaſe?

The ſame day, the lords ſent a meſſage to acquaint the houſe of commons, that the earl of Danby had withdrawn, and could not be found. Whereupon the commons ordered, "That a bill be brought in to ſummon Thomas earl of Danby, to render himſelf to juſtice by a day to be therein limited, or in default thereof, to attaint him." The 3d of April, articles of Impeachment againſt the five lords in the Tower were drawn up by the commons, and carried to the houſe of lords, as well as the bill to fix a day for the earl of Danby to render himſelf to juſtice. The lords having ſent back this laſt bill with ſome amendments, the commons were diſſatisfied, becauſe the lords were not of opinion, in caſe the earl refuſed to ſurrender himſelf, to proceed againſt him by bill of attainder, but to content themſelves with inflicting other penalties. The two houſes had ſeveral conferences upon this ſubject, in which the commons continued immoveable, without any diminution of their rigour againſt the earl. At laſt the lords paſſed the bill, and appointed the 23d of April for the earl's ſurrendering himſelf to trial. The earl ſeeing that his abſence could not hinder the bill of attainder from paſſing againſt him, reſolved at laſt to ſurrender himſelf to the uſher of the black rod, and the ſame day he was ſent to the Tower. The king then found himſelf involved in greater difficulties than he had ever ſtruggled with before, as he ſaw, the earl of Danby could not make his defence without divulging his ſecrets.

If the king would have altered his maxims and principles, he might have been eaſily freed from theſe troubles. He had only to break his union with France, diſmiſs thoſe of his miniſters who were unacceptable to the parliament, and act with ſincerity for the intereſt of the kingdom, and of the proteſtant religion, abandoning all the projects he had hitherto formed. But he could not reſolve to make this ſacrifice, both becauſe he believed his honour concerned, and his deſign was only to gain time, and amuſe the parliament. It was with this view, that by the advice of ſir William Temple, he reſolved to eſtabliſh a new council, into which were admitted ſome lords moſt oppoſite to him, as the earls of Shaftſbury and Eſſex. This council conſiſted of thirty members[k], fifteen of whom were ever to be the preſent chief officers of his crown and houſhold. Ten were to be taken out of the nobility, and five out of the commons. But he took care in this model of his council, to have a majority of ſuch as were devoted to him. The earl of Shaftſbury was made preſident of this council, though no man was more hated by the king. His aim was to perſuade the public and the parliament, that he was reſolved entirely to change his manner of governing, and be guided in all affairs whatſoever, by the advice of the new council. But this was only to amuſe the public. For as it was not poſſible for the king to depart from his principles, concerning religion or government, ſo moſt of his new councillors were not for ſacrificing the royal authority to the will of the parliament. The earl of Shaftſbury would have been extremely pleaſed with being preſident of the council, if his authority had been proportionable to his office. But he quickly perceived, he was there only for ſhow: and to be ſubſervient to the king's deſigns, whilſt others had his confidence. There were chiefly four who had the direction of affairs committed to them, namely, the earls of Sunderland and Eſſex, the lord Hallifax, and ſir William Temple. Theſe digeſted and prepared what was to be propoſed to the council or the parliament.

The king had no ſooner made this alteration, than he came to the parliament to acquaint them with it. But though the city of London, and the reſt of the kingdom reſounded with joyful acclamations, and were perſuaded that things were going to change for the better, the houſe of commons received the news with great coldneſs. They had not ſufficient confidence in the king, to believe he really intended to govern otherwiſe than he had hitherto done, but thought this was ſome new artifice, which would ſoon produce its effects. So, by this change the king gained not much ground in the houſe of commons. I am ſenſible, the diſtruſt of the commons is aſcribed to Shaftſbury's intrigues, and ſir William Temple even inſinuates it in ſeveral places. But it is not eaſy to comprehend how a ſingle man ſhould have had credit enough in the country party, to direct them as he pleaſed, if that party had not otherwiſe known what Shaftſbury laboured to make them believe. For inſtance, this earl inſinuated that the nation could not be ſecured againſt the duke of York, and that when he ſhould once poſſeſs the crown, all proviſions againſt him would vaniſh. Was he in the wrong? And was there need of ſo great a credit to convince the country party of a thing they were but too well convinced of before? It is therefore a mere artifice ſolely to impute the animoſity of the commons to the earl of Shaftſbury, as if it had no other foundation than his credit and intrigues, in order to remove thereby the juſt and real occaſions of complaint againſt the king's government. The meaſures purſued by the court in the foregoing years, both againſt the eſtabliſhed government and religion had been ſeen. What had the king done to cauſe them to be forgot? He had iſſued out proclamations againſt the papiſts, but they were ſo ill executed, that they were not apt to inſpire the parliament with confidence. The king, under colour that he might be engaged in a war againſt France, had levied thirty thouſand men, and at the ſame time was negotiating a yearly penſion with that crown of ſix millions of livres for their maintenance, as plainly appeared from the letters in parliament. What had the king done to remove the fears occaſioned by this army? He had applied to their maintenance the money granted by the parliament for their diſbanding, and if he had conſented to their being diſmiſſed, it was becauſe he applied to another uſe the money received from France. In ſhort, was it poſſible to forget the tranſactions of the cabal, the king's indolence with regard to the intereſts of England and of all Europe, the frequent prorogations of parliament at critical times, when vigorous reſolutions were taking againſt France grown too powerful; his deſign, in conjunction with that crown, of utterly deſtroying the common-wealth of Holland; a deſign ſo directly oppoſite to the intereſts of England? Could it not be ſeen, that the king was without ligitimate children, and the duke of York his brother and preſumptive heir, not only a papiſt, but alſo a bigot to his religion? Could the tranſactions in Scotland be concealed, where arbitrary power was compleatly eſtabliſhed? I do but juſt mention ſome of the principal points, for it would be too tedious to relate all the cauſes of the nation's ſuſpicions and fears. After this, how is it poſſible to believe that Shaftſbury's intrigues and artifices were the ſole cauſe of the commons diſtruſt? I do not doubt that he contributed to them, and that being ſo well informed, as he was, of the king's ſecret deſigns, he opened the eyes of many people who perhaps would have been deceived by the artifices of the court. But this is not what is meant by aſcribing the people's fears and jealouſies to the intrigues of this earl. That he was actuated by a ſpirit of revenge, is no concern of mine, but the event too plainly ſhewed, how agreeable were his advices to the intereſt of the kingdom.

While the alterations the new council was to bring in the affairs of the government, were impatiently expected, the commons were ſuddenly alarmed by an information of a freſh deſign of the papiſts to burn London a ſecond time. The houſe of one Bird in Fetter-lane being ſet on fire, his ſervant, Elizabeth Oxley, was ſuſpected of firing it on purpoſe, and ſent to priſon. She confeſſed the fact, and declared, ſhe had been employed to do it by one Stubbs a papiſt, who had promiſed her five pounds. Stubbs being taken up confeſſed, he perſuaded her to it, and that father Gifford, his confeſſor put him upon it, telling him, "it was no ſin to burn all the houſes of heretics." He added, that he had frequent conferences on the affair with Gifford and two Iriſhmen. Moreover, Stubbs and the maid ſervant declared, the papiſts were to make an inſurrection, and expected an army of ſixty thouſand men from France. The commons obtained a pardon for Stubbs and the ſervant, in conſideration of their ready confeſſion. But it was generally inferred from this incident, that it was not Gifford's fault that the city of London was not burnt as in the year 1666.

This accident produced an addreſs from the commons to the king, for the execution of Pickering the jeſuit, and the other condemned prieſts.

But the commons ſtopped not there. The ſame day they

[k] See a liſt of this council in Kennet, p. 362. Echard, tom. III. p. 536, and appendix to Temple's mem. p. 363.

reſolved to ſit on the morrow, though Sunday, to conſider of means for the preſervation of the king's perſon, and the proteſtant religion, againſt the attempts of the papiſts, both in the reign of the preſent king, and his ſucceſſors. Accordingly the next morning they firſt ordered a bill to be brought in to baniſh all papiſts, or reputed papiſts, within London and Weſtminſter, twenty miles from the ſame, for ſix months; and then they voted, nemine contradicente, "That the duke of York being a papiſt, the hopes of his coming ſuch to the crown, has given the greateſt countenance and encouragement to the preſent conſpiracies and deſigns of the papiſts againſt the king and the proteſtant religion." This vote was ſent to the lords for their concurrence[1].

The 25th of April the earl of Danby appeared at the bar of the houſe of lords, and there produced the king's pardon for all crimes and offences whatſoever committed before the 28th day of February laſt. After which he was ſent back to the Tower. The lords having given notice of this to the commons, they appointed a committee of ſecreſy to examine the nature of the earl's plea, who made their report, "That there was no precedent, of a pardon granted to any perſon impeached by the commons of high treaſon, or other high crimes depending in the impeachment." After this report, the commons deſired the lords to demand of the earl of Danby, "Whether he would rely upon, and abide by the plea of his pardon." This was the next day, and the earl praying time to anſwer, the lords allowed him four days.

The ſame day, the king returned this anſwer to the commons addreſs for the execution of Pickering and other prieſts: "Gentlemen, I have always been tender in matters of blood, which my ſubjects have no reaſon to take exception at: but this is a matter of great weight, I ſhall therefore conſider of it, and return you an anſwer."

The vote of the commons concerning the duke of York touched the king very ſenſibly, for he ſaw, they did not intend to ſtop there. He therefore went to the parliament the 30th of April, and in a ſhort ſpeech recommended to both houſes the diſpatch of three affairs: 1. The proſecution of the plot. 2. The diſbanding of the army. 3. The providing a fleet for the common ſecurity. Then to give them a proof of his care to preſerve their religion for the future, he told them, "That he had commanded his chancellor to mention ſeveral particulars, which he hoped would be an evidence, that in all things that concerned the public ſecurity, he ſhould not follow their zeal but lead it."

Accordingly, the chancellor made the following ſpeech.

My lords, and you the knights, citizens, and burgeſſes of the houſe of commons.

"THAT royal care which his majeſty hath taken for the general quiet and ſatisfaction of all his ſubjects, is now more evident by theſe new and freſh inſtances of it, which I have in command to open to you. His majeſty hath conſidered with himſelf, that it is not enough that your religion and liberty is ſecure during his own reign, but he thinks he owes it to his people to do all that in him lies, that theſe bleſſings may be tranſmitted to your poſterity, and ſo well ſecured to them, that no ſucceſſion in after ages may be able to work the leaſt alteration. And therefore his majeſty, who hath often ſaid in this place, That he is ready to conſent to any laws of this kind, ſo as the ſame extend not to alter the deſcent of the crown in the right line, nor to defeat the ſucceſſion, hath now commanded this to be further explained.

"And to the end it may never be in the power of any papiſt, if the crown deſcend upon him, to make any change either in church or ſtate; I am commanded to tell you, That his majeſty is willing, that proviſion may be made, firſt to diſtinguiſh a popiſh from a proteſtant ſucceſſor; then ſo to limit and circumſcribe the authority of a popiſh ſucceſſor, in theſe caſes following, that he may be diſabled to do any harm: Firſt, in reference to the church; his majeſty is content that care be taken, that all eccleſiaſtical and ſpiritual benefices and promotions in gift of the crown, may be conferred in ſuch a manner, that we may be ſure the incumbents ſhall always be of the moſt pious and learned proteſtants: and that no popiſh ſucceſſor, while he continues ſo, may have any power to controul ſuch preſentments. In reference to the ſtate, and civil part of the government, as it is already provided, That no papiſt can ſit in either houſe of parliament; ſo the king is pleaſed that it be provided too, that there may never want a parliament, when the king ſhall happen to die, but that the parliament then in being may continue indiſſolvable for a competent time; or if there be no parliament in being, then the laſt parliament which was in being before that time, may re-aſſemble and ſit a competent time, without any new ſummons, or elections. And as no papiſt can by law hold any place of truſt, ſo the king is content that it may be further provided, That no lords or others of the privy council, no judges of the common law, or in chancery, ſhall at any time, during the reign of any popiſh ſucceſſor, be put in or diſplaced, but by the authority of parliament: and that care alſo be taken, that none but ſincere proteſtants may be juſtices of the peace. In reference to the military part, the king is willing, that no lord lieutenant, or deputy lieutenant, nor no officer in the navy, during the reign of any popiſh ſucceſſor, be put in, or removed, but either by authority of parliament, or of ſuch perſons as the parliament ſhall intruſt with ſuch authority.

"It is hard to invent another reſtraint to be put upon a popiſh ſucceſſor, conſidering how much the revenue of the ſucceſſor will depend upon conſent of parliament, and how impoſſible it is to raiſe money without ſuch conſent. But yet, if any thing elſe can occur to the wiſdom of the parliament, which may further ſecure religion and liberty againſt a popiſh ſucceſſor, without defeating the right of ſucceſſion itſelf, his majeſty will moſt readily conſent to it. Thus watchful is the king for all your ſafeties; and if he could think of any thing elſe, that you do either want or wiſh to make you happy, he would make it his buſineſs to effect it for you. God Almighty long continue this bleſſed union between the king, and his parliament, and people."

Theſe propoſals were not received by the houſe of commons with that applauſe, the king had expected. The commons diſtruſt was too great for their fears and ſuſpicions to be removed by ſuch offers. Though ſome authors call this an infatuation in the houſe of commons, I think myſelf obliged to remark, that the king offered indeed his conſent to acts of parliament, but ſuggeſted no means to ſecure the execution. It was an artifice of the court of England, begun in the reign of James I. and continued under Charles I. and II. to repreſent the laws as the impregnable bulwark of the nation's liberties. And yet theſe three kings had, on ſeveral occaſions, tranſgreſſed them. I ſhall give here ſome inſtances, to which many more might be added. Were the laws enacted for the preſervation of religion under James I. punctually executed? Of what benefit could laws made for the ſecurity of their liberties be to the ſubjects, ſince James I. laid down for principle, that though, in conſcience and honour, the king ought to govern his ſubjects with equity, he might nevertheleſs by the extent of his power, govern in an abſolute manner, without any controul? Did the petition of right reſtrain Charles I. from levying ſhip money? Did the laws hinder the ſame king from governing twelve years without a parliament, and from raiſing money in that interval by an abſolute authority? Had Charles II. been more ſcrupulous? Was it in virtue of the laws that he ſhut up the exchequer, and ſeized the money there without the conſent of the proprietors? Was it for the better execution of the laws, which ſeem to ſecure the liberties of the ſubject, that he received annually from France a penſion of ſix millions of livres? Of what uſe therefore are laws, the execution whereof no human power can warrant, when the intereſts of the prince and people are diametrically oppoſite, which could not fail to happen in the reign of a popiſh ſucceſſor? This ſuffices to demonſtrate, that the king's offer of his aſſent to the acts he propoſed, was incapable of diſpelling the fears of the people, becauſe not only no expedient was propoſed to ſecure the execution, but it was not even in his power to give any ſecurity. But it will be aſked, what other expedient was there for ſecuring the religion and liberties of the nation, conſiſtent with the right of ſucceſſion? I confeſs there was none, and affirm withal, that thoſe offered by the king were inſufficient. But to whom was this impoſſibility owing? To the duke of York alone, who had openly declared himſelf a papiſt, and from that time inceſſantly excited both England and France to promote the intereſts of his religion, as the letters of his ſecretary Coleman manifeſtly ſhew. To enable the reader to judge of this matter, being the moſt material of this reign, I ſhall here propoſe ſome queſtions which are neceſſary to be decided before he can determine in favour of the king or parliament.

Queſtion the firſt. Whether there was any danger to England in admitting a popiſh ſucceſſor?

This the king himſelf did not deny, ſince he propoſed expedients to prevent the danger?

[1] By William lord Ruſſel, for which he paid dearly afterwards.

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Second queſtion, Whether the expedients propoſed by the king, were capable of preventing the danger?

This is what no perſon can either poſitively affirm or deny. For if, on one hand, it may be ſuppoſed, that a popiſh ſucceſſor would have ſincerely complied with the acts propoſed by the king, it may, on the other hand, with equal juſtice be ſuppoſed, that the duke of York, the immediate ſucceſſor, conſidering his principles, his humour, his temper, his zeal for his religion, would never have patiently ſuffered himſelf to be reſtrained by theſe acts of parliament. But this was a contingency which God alone could foreknow.

Third queſtion. The commons not believing the expedients offered by the king ſufficient to prevent the danger, and the king believing the contrary, who was to yield, the king, or the people repreſented by the commons?

This is what I ſhall not pretend to decide.

Fourth queſtion. Which evil was greateſt, that of breaking the lineal ſucceſſion in the excluſion of the duke of York, or that of expoſing the eſtabliſhed religion to ruin?

This queſtion ſuppoſes, that the kings of England ſucceed by a right purely hereditary. But this ſuppoſition is greatly conteſted. It may at leaſt be affirmed, that ſeveral parliaments have decided the contrary [m]. As to the queſtion in itſelf, it may at leaſt be averred, that in France, in a parallel caſe, upon the death of Henry III. the intereſts of the catholic religion were, without heſitation, preferred to thoſe of Henry IV. who was a proteſtant, and the next heir: but many pretended, that as the French did ill, ſo the Engliſh parliament was to blame to imitate them.

Fifth queſtion. The two evils, namely the breach in the ſucceſſion, and the expoſing of the proteſtant religion, being ſuppoſed perfectly equal, which was to ſuffer the rights of the duke, or the religion of the nation?

Some pretend, that the right of ſucceſſion is not to be violated upon any conſideration, and that the intereſts of religion extend not ſo far as to authoriſe ſuch a violation. Others on the contrary maintain, That when things were reduced to ſuch a ſtate, that the duke or the people muſt ſuffer, the duke ought to be the ſufferer, ſince it was he who had brought matters to that ſtate.

The reader ought to determine theſe queſtions, before he gives a definitive ſentence upon this affair.

The day after the king's and the chancellor's ſpeeches to both houſes, the commons, without taking any great notice of his majeſty's propoſals about the ſucceſſion, proceeded on the bill for preventing the dangers ariſing from popery, as well in his reign, as his ſucceſſor's.

They alſo read the firſt time a bill, "for better prevention of illegal exaction of money from the ſubject," and ordered another to be brought in, "That when any member of the houſe was preferred to any office or place of profit, a new writ ſhould immediately iſſue out for electing a member to ſerve in his ſtead."

The 5th of May they reſolved, "That the pardon pleaded by the earl of Danby was illegal and void," and the ſpeaker, with the whole houſe, went up to the lords bar, and demanded judgment againſt him.

Shortly after they drew up an addreſs againſt the duke of Lauderdale, in the ſtrongeſt terms that could be uſed, which was carried in a full body to the king. But it ſeems the king could not then part with this miniſter, the laſt of the cabal, and therefore he coldly anſwered, "That he would conſider of it, and return an anſwer."

In the mean time, the king ſent a meſſage to the commons by the lord Ruſſel, who acquainted the houſe, "That his majeſty commanded him to let the houſe know, that he was willing to comply with their requeſt concerning Pickering, and that the law ſhould paſs upon him accordingly: that as to the condemned prieſts, the houſe of peers had ſent for them, in order, as his majeſty conceived, to ſome examinations. That he repeated his inſtances to them for putting the fleet in a good poſture, for diſpatching the diſcovery of the plot, the trial of the lords, and the bill for the ſecurity of religion."

After this meſſage, the commons finiſhed the money bill for diſbanding the army, which the king paſſed the 9th of May. By this act a ſupply was granted to the king of two hundred and ſix thouſand, four hundred ſixty-two pounds, ſeventeen ſhillings and threepence, for paying off and diſbanding the forces raiſed ſince the 29th of September 1677. The act had a clauſe in it, that for the future, "ſoldiers ſhould not be quartered in any perſon's houſe againſt their conſent."

At the ſame time the lords informed the commons, that the earl of Danby reſolved to adhere to the plea of his pardon; and that the commons having demanded judgment againſt him, as conceiving his pardon illegal and null, the tenth inſtant was appointed for hearing the earl of Danby to make good his plea. The lords likewiſe acquainted the commons, that they had reſolved, the five lords in the Tower ſhould be brought to their trials the 14th inſtant.

The part of the meſſage concerning the earl of Danby ſo offended the commons, that they reſolved, "That no commoner whatſoever ſhould preſume to maintain the validity of the pardon pleaded by the earl of Danby, without the conſent of the houſe firſt had, and that the perſons ſo doing, ſhould be accounted betrayers of the liberties of the commons of England." This vote was poſted up in ſeveral places, that no perſon might be ignorant of it. The true reaſon of theſe proceedings was, that by the examination of the ſeveral articles of the earl's impeachment, the commons hoped to diſcover the king's ſecret practices with the court of France; whereas the king by his pardon had put the affair in ſuch a ſtate, that there would have been no occaſion to examine the earl of Danby's anſwers to the articles exhibited againſt him.

The vote of the commons much inflamed the differences that were already begun between the two houſes, about the manner of proceeding againſt the five lords in the Tower. For the lords had addreſſed the king to appoint a lord high ſteward to preſide in the trials; but the commons, thinking it unneceſſary, propoſed, "That a committee of both houſes might be nominated to conſider of the moſt proper ways and methods of proceeding upon impeachments." And this is what the lords refuſed, which occaſioned a warm diſpute; but at laſt the lords agreed to the nomination of the committee.

The ſame day the lords communicated to the houſe of commons a petition from the earl of Danby, in which he ſet forth, "That he met with informations ſeverally from his council, that he durſt not appear to argue the validity of his pardon, by reaſon of the vote of the houſe of commons." "Their lordſhips therefore deſired to know, Whether there was any ſuch vote as was alledged in the petition?"

It appears plainly in the proceedings of the commons, that they only ſought occaſion to drive things to extremity. With this view, they preſented an addreſs to the king, taking notice, "That multitudes of jeſuits, popiſh prieſts, and popiſh recuſants, reſorted to the cities of London and Weſtminſter, in contempt of his majeſty's laws and royal proclamations. Wherefore they humbly beſought his majeſty, that the militia of London, Weſtminſter, Southwark, the Tower hamlets, of Middleſex and Surry, might immediately be raiſed, and put in a poſture of defence." The next day, though a Sunday, they ordered a bill to be brought in, (purſuant to their reſolve that day fortnight) "To diſable the duke of York to inherit the imperial crown of England [n]" Immediately after they reſolved nemine contradicente, "That in defence of the king's perſon, and the proteſtant religion they would ſtand by his majeſty with their lives and fortunes; and that if his majeſty ſhould come by any violent death, they would revenge it to the utmoſt upon the papiſts." This was ſoon after put into the form of an addreſs, and preſented to the king, who thanked them, and ſaid, "That he would do what in him lay to ſecure the proteſtant religion, and was willing to do all ſuch things as might be to the good and benefit of his ſubjects."

In the mean time, he ſent them a meſſage the 14th of May, to remind them of what he had ſaid concerning the fleet; but the conſideration of this meſſage, was adjourned till the next Monday ſeven-night.

The committee of both houſes meeting to conſider of the way and method of trying the impeached lords, there was a warm diſpute between the two houſes, concerning the biſhops; the commons pretending, that the biſhops could not ſit upon the trial of the impeached lords, becauſe it was a caſe of blood. The peers on the other hand maintained, "That the lords ſpiritual have a right to ſtay and ſit in court, till the court proceed to the vote of guilty, or not guilty." This affair made a great noiſe, and occaſioned ſeveral books to be writ on both ſides [o].

[m] Particularly an act paſſed in queen Elizabeth's reign, aſſerting the power of the parliament to limit the ſucceſſion of the crown.

[n] This bill was ordered to be drawn up by Mr. Bennet, Mr. Trenchard, ſir Nicholas Carew, ſir Robert Peyton, ſir Thomas Player, Mr. Vaughan, ſir Francis Winnington, Mr. Boſcawen, Mr. Williams, Mr. Hampden, colonel Birch, Mr. Sacheverell, and Mr. Swinſen. Echard, tom. III. p. 546.

[o] The lords Nottingham and Roberts argued for the biſhops voting. But the lords Eſſex, Shaftſbury, and Holles were againſt it. Upon a debate it was carried by the majority that the biſhops had a right to vote. Whereupon the commons declared they would not proceed, unleſs the biſhops were obliged to withdraw during the whole trial. Upon this breach the parliament was prorogued, and ſoon after diſſolved. And the blame was caſt chiefly on

At laſt, on the 15th of May, the commons read the firſt time their bill, "to diſable the duke of York from inheriting the imperial crown of England," now called the "excluſion bill." After the particulars of the conſpiracy againſt the king, the eſtabliſhed government, and the proteſtant religion, the bill ſet forth:

"That the emiſſaries, prieſts, and agents for the pope, had traiterouſly ſeduced James duke of York, preſumptive heir to theſe crowns, to the communion of the church of Rome; and had induced him to enter into ſeveral negotiations with the pope, his cardinals, and nuncios, for promoting the Romiſh church and intereſts: and by his means and procurement had advanced the power and greatneſs of the French king to the manifeſt hazard of theſe kingdoms, that by the deſcent of theſe crowns upon a papiſt, and by foreign alliance and aſſiſtance, they might be able to ſucceed in their wicked and villainous deſigns."—Then after another preamble, it was enacted to this effect:

"1. That the ſaid James duke of York, Albany, and Ulſter, ſhould be incapable of inheriting the ſaid crowns of England, Scotland, and Ireland, with their dependencies; and of enjoying any of the titles, rights, prerogatives, and revenues, belonging to the ſaid crowns. 2. That in caſe his majeſty ſhould happen to die, or reſign his dominions, they ſhould devolve to the perſon next in ſucceſſion, in the ſame manner as if the ſaid duke were dead. 3. That all acts of ſovereignty and royalty that prince might then happen to perform, were not only declared void, but to be high treaſon, and puniſhable as ſuch. 4. That if any one, at any time whatſoever, ſhould endeavour to bring the ſaid duke into any of the forementioned dominions, or correſpond with him, in order to make him inherit, he ſhould be guilty of high treaſon. 5. That if the duke himſelf ever returned into any of theſe dominions, conſidering the miſchiefs that muſt enſue, he ſhould be looked upon as guilty of the ſame offence; and all perſons were authoriſed and required to ſeize upon and impriſon him, and in caſe of reſiſtance made by him and his adherents, to ſubdue them by force of arms."

Five days after, this bill was read a ſecond time, upon which the queſtion being put, whether the bill ſhould be committed, it was carried by a majority of ſeventy-nine [p].

This affair being begun, the commons proceeded to an enquiry after the penſioners in the laſt parliament. By means of ſir Stephen Fox, eighteen were diſcovered who had received annual penſions from the king, two of one thouſand pounds [q], ſix of five hundred pounds [r], two of four hundred pounds [s], four of three hundred pounds [t], four of two hundred pounds [u]. Beſides, there were ſix others who had received certain ſums at one time: three more were brought in for ſums received upon account; and five for uncertain ſums. Though this number appears not very conſiderable, it is ſo however, if it is conſidered, that in the houſe of commons, there are members, who are ſo able, and of ſuch credit, that they diſpoſe of ſeveral votes beſides their own, ſome more, ſome leſs, and that thirty members who receive penſions, may have it in their power, upon many occaſions, to turn the reſolutions of the houſe in favour of the court.

In the mean time, the king being highly offended with the commons, and hearing moreover, that they intended to preſent to him a remonſtrance, much like that preſented to the king his father in 1641, and of which the deſign was to inflame the nation againſt him, reſolved to prorogue the parliament. For this purpoſe he went to the houſe of lords the 27th of May, and ſending for the commons, paſſed ſome bills, and particularly one for ſecuring the liberty of the ſubject, called the Habeas Corpus act, and then prorogued the parliament to the 14th of Auguſt. By this the excluſion bill was defeated for a time.

The news of the proceedings of the Engliſh parliament had ſo raiſed the hopes of the Scotch malecontents, that they thought the time was come to be revenged of their perſecutors. Sharp, archbiſhop of St. Andrews, was the moſt hated of their enemies. If doctor Burnet, in the hiſtory of his own times, is to be credited, Sharp, had abundantly merited the hatred of the preſbyterians. For pretending an extraordinary zeal for their party, he had prevailed to be deputed to London after the reſtoration, to take care of their intereſts, but had baſely betrayed them. This raiſed him to the archbiſhopric of St. Andrews, and from that time he became their moſt violent perſecutor. Whether Burnet's account of Sharp be exactly true, or aggravated, it is however not to be denied, that the Scotch preſbyterians were extremely incenſed againſt Sharp, and conſidered him as a betrayer. Wherefore in this juncture, when they expected great alterations, twelve of them reſolved to begin their revenge upon their enemies with the archbiſhop. For this purpoſe they waited for him about two miles from St. Andrews, where he was going in a coach and ſix, and moſt inhumanly and barbarouſly murdered him, calling him, "apoſtate, betrayer of the godly, and perſecutor of Chriſt's church." This murder was committed the 2d of May [w]. In the end of the ſame month, eighty preſbyterians appeared in arms, and in a few days their number increaſed to fifteen hundred. They ſeized Glaſcow, and ſome other towns in the neighbourhood, and committed great outrages.

The king hearing of this rebellion, and that it daily gathered ſtrength, ſent the duke of Monmouth at the head of ſome Engliſh forces, who were joined by ſome Scotch regiments. The duke diſcharged his commiſſion with ſuch bravery and ſucceſs, that the 22d of June he entirely defeated the rebels at Bothwell bridge, killed eight hundred, and took about twelve hundred priſoners. Several were hanged, and the reſt were tranſported.

Shortly after the prorogation of the parliament, the five jeſuits, Whitebread, Harcourt, Fenwick, Gawen, and Turner, were tried. The 13th of June they were brought to the Old Baily, where their indictment was read, and the witneſſes heard.

Oates's evidence was. "1. That the great conſult of the 24th of April 1678, was by order of Whitebread the provincial, and that he, Fenwick, Harcourt, and Turner, did all in his preſence ſign the reſolve for the king's death. 2. That Whitebread, after his return to St. Omer's, did ſay, he hoped to ſee the black fool's head at Whitehall, laid faſt enough; and if his brother ſhould appear to follow his footſteps, his paſſport ſhould be made too.

"3. That in July, Aſhby a prieſt, brought over inſtructions from Whitebread, to offer ſir George Wakeman ten thouſand pounds to poiſon the king; and alſo a commiſſion to ſir John Gage to be an officer in the army they deſigned to raiſe, which the witneſs delivered to ſir John.

"4. As for Gawen, though he could not poſitively ſay, he ſaw him at the conſult, yet he ſaw his hand ſubſcribed to the reſolve: and that in July 1678, he gave them in London, an account how proſperous their affairs were in Staffordſhire and Shropſhire; that the lord Stafford was very diligent, and that there was two or three thouſand

on the biſhops. It ſeems they deſired to withdraw, but the king would not ſuffer it. He was ſo ſet on maintaining the pardon, that he would not venture ſuch a point on the votes of the temporal lords. He told the biſhops they muſt ſtick to him and his prerogative, as they would expect that he ſhould ſtick to them if they came to be puſht at. By this means they were expoſed to the popular fury, and every where cenſured as a ſet of men that, for their own ends, would expoſe the nation and proteſtant religion to ruin. And in revenge many began to declare openly in favour of the con-conformiſts, who upon this behaved very indecently, and fell very ſeverely on the body of the clergy. On the other hand, the biſhops and clergy ſet themſelves to write againſt the late times, and to draw a parallel between them and the preſent times: which was not managed decently enough by thoſe who undertook the argument, and who were believed to be ſet on and paid by the court. Particularly ſir Roger l'Eſtrange for four years publiſhed three or four ſheets a week under the title of the Obſervator, all tending to defame the contrary party, and make the clergy apprehend their ruin was deſigned. Upon this the greateſt part of the clergy delivered themſelves up to much heat and indiſcretion, which was vented both in their pulpits and common converſation. They ſeemed now to lay down all fears of popery; and nothing was ſo common in their mouths as the year forty-one, which, as they hinted, was near being acted over again. Both city and country were full of many indecencies that broke out on this occaſion. Among the worthy and eminent men, whoſe labours did in great meaſure reſcue the church from thoſe reproaches, that the follies of others drew upon her, were Tillotſon, Tenniſon, Sharp, Patrick, Sherlock, Fowler, Scot, Calamy, Claget, Cudworth, the two Mores, Williams, &c. Burnet, p. 460, 462.

[p] Yeas 207. Noes 128.

[q] Sir Courtney Pool and ſir Job Charlton.

[r] Sir Jonathan Trelawney, Robert Roberts, ſir James Smith, ſir Philip Howard, ſir Richard Wiſeman, and Randolph Egerton.

[s] Sir Charles Wheeler and Thomas Price.

[t] Sir John Barnaby, ſir Lionel Walden, Daniel Collingwood, and Robert Philips.

[u] Colonel King, Mr. Weſtphaling, Humphrey Cornwal, and Mr. Knolls, Echard, tom. III. p. 548.

[w] Though Rapin names Burnet, he follows Echard's account of this murder, which is very different from the biſhop's. Burnet ſays, as a party of furious men were riding through a moor near St. Andrew's [without any deſign then upon Sharp] they ſaw the archbiſhop's coach appear. He was coming from a council day, and was driving home, having ſent ſome of his ſervants before to let them know he was coming, and others he had ſent off on compliments; ſo that there were no horſemen about the coach. They ſeeing this, concluded, according to their frantic enthuſiaſtic notions, that God had now delivered up their greateſt enemy into their hands. Seven of them made up to the coach, and one fired a piſtol at him, which burnt his coat and gown, but did not touch his body. Upon this they drew him out of his coach, and murdered him barbarouſly, p. 471.

Har-

pounds ready there to carry on the deſign; all which he afterwards heard him declare in father Ireland's chamber."

Stephen Dugdale, a new witneſs, depoſed, " 1. Againſt Whitebread, that he ſaw a letter under his hand to father Evers a jeſuit, and confeſſor to the witneſs; in which he ordered him to be ſure to chuſe men that were hardy and truſty, no matter whether they were gentlemen: and he ſwore what they were to do; that the words under his hand were in expreſs terms,———For killing the king.

" 2. Againſt Gawen he ſwore, that he entertained the witneſs to be of the conſpiracy to murder the king, as one of the reſolute fellows deſcribed by Whitebread: and for that end they had ſeveral conſultations in the country; as at Boſcobel, and at Tixall in September 1678. And he heard them talk in one of thoſe conſults, that it was the opinion of the monks at Paris, who were to aſſiſt in the conſpiracy, That as ſoon as the deed was done, they ſhould lay it on the preſbyterians, and ſo provoke the other proteſtants to cut their throats. That he had intercepted and read above a hundred letters to the ſame purpoſe, to be delivered by private marks known to father Evers.

" 3. That the witneſs himſelf was ſo zealous in the cauſe, that he had given them four hundred pounds for carrying on the deſign, which Gawen had made him believe was not only lawful, but meritorious; and that he was to be ſent up to London by Harcourt, there to be inſtructed about killing the king.

" 4. That the ſame Harcourt did write word to father Evers, of ſir Edmundbury Godfrey's being diſpatched, that very night it was done; ſo that they knew of it in Staffordſhire ſeveral days before it was commonly known in London[x]. And to confirm this teſtimony, he produced Mr. Chetwin, a gentleman, who ſwore, he did hear it reported as from Mr. Dugdale; and that he was not in town when the murderers of ſir Edmundbury Godfrey were tried, or elſe he then would have witneſſed the ſame.

5. Againſt Turner he ſwore, " 1. That he ſaw him with others, at Evers's chamber: where they conſulted together to carry on this deſign, of bringing in popery by killing the king."

Prance depoſed, " 1. That Harcourt one day paying him for an image of the Virgin Mary, told him, there was a deſign of killing the king: 2. And that Fenwick told him in Ireland's chamber, that there ſhould be fifty thouſand men in arms, in a readineſs to ſettle their religion, and that they ſhould be commanded by the lords Bellaſis, Powis, and Arundel of Warder."

Bedloe depoſed, " 1. That he had ſeen Whitebread and Fenwick at ſeveral conſults about the plot; and that he had heard Whitebread at Harcourt's chamber, tell Coleman, the manner of ſending the four ruffians to Windſor to kill the king.

" 2. That he ſaw Harcourt take out of a cabinet about fourſcore or a hundred pounds, to give to a meſſenger, to be carried to the ſaid ruffians, with a guinea to the meſſenger, to drink Mr. Coleman's health.

" 3. That Whitebread told him, that Pickering was to have a great number of maſſes, and Grove fifteen hundred pounds for killing the king.

" 4. That Harcourt employed him three ſeveral times to carry their conſults beyond the ſeas; and that in Harcourt's preſence, he received Coleman's thanks for his fidelity, and that Harcourt recommended him to the lord Arundel, who promiſed him great favour when the times were turned: alſo that he ſaw Harcourt give Wakeman a bill to receive two thouſand pounds, in part of a greater ſum; and heard ſir George ſay, fifteen thouſand pounds was a ſmall reward for the ſettling of religion, and preſerving the three kingdoms from ruin."

Beſides the evidences, there was a letter found amongſt Harcourt's papers, from one Petre a jeſuit, which named a meeting deſigned on the 24th of April 1678. This letter ſerved to fortify Oates's evidence of the grand conſult. But this was explained by the priſoners to ſignify a triennial meeting about the choice of a procurator to be ſent to Rome, though not to the full ſatisfaction of the court, which looked upon it as an evaſion.

The defence made by the priſoners was various and long. Beſides their frequent aſſeverations and proteſtations of their innocence[y], and their ignorance of any deſigns againſt the king, they much argued againſt the witneſſes, inſiſting: " That to the making of a credible witneſs, there muſt be integrity of life, truth of teſtimony, and probability of matter; but the witneſſes againſt them, Oates, Bedloe, Prance, and Dugdale, were men of deſperate fortunes, and flagitious perſons, and that falſe ſwearing was their livelihood."

I cannot forbear remarking here by the way, that if this maxim, " That to make a credible witneſs, there muſt be integrity of life," was received without reſtriction, it would be almoſt impoſſible to prove ſuch plots as this, becauſe commonly, only villains engage in them, and they are diſcovered by accomplices.

" They alledged particularly the great improbability of truſting Oates with ſecrets of the higheſt importance, when he was turned away from St. Omer's for his miſdemeanours and immoralities, which were ſo great, that he was denied the ſacrament. They charged him with contradictions, with relation to his former evidences."

Theſe contradictions conſiſted, in that Oates had ſaid before the council, that he knew no more, and yet added many things afterwards. I ſhall not repeat here what I have ſaid elſewhere.

They produced about ſixteen witneſſes to prove, " that Oates had been all April, May, and till the latter end of June 1678, at St. Omer's; and that they ſaw him every day, and converſed and dined with him, and that he was never out of the college, except two days and one night he was at Watton, and two or three he was in the infirmary, &c. and conſequently he could not be at the conſult of the 24th of April.

And further they proved, " That ſir John Warner, and ſir Thomas Preſton, whom Oates had ſworn to come over with him to the conſult, were all that time beyond the ſeas, one at Watton, the other at Liege.

And moreover to ſhew that Oates was not a man to be credited, they produced eleven witneſſes to prove, " That father Ireland, who was executed, was not at London, and made it appear directly contrary to what he had ſworn upon his trial." They added, that if the evidence of their ſide ſhould be rejected becauſe they were Roman catholics, all commerce with ſeveral countries would be deſtroyed."

The chief juſtice replied, that they had no room to complain of the witneſſes being rejected by the court, ſince, on the contrary, their depoſitions were received without any ſcruple, and that it belonged to the jury to determine upon their evidence, as they ſaw cauſe.

In anſwer to theſe accuſations, Oates alledged, " That his coming to London to the conſult was very private; yet he produced ſix witneſſes to teſtify they ſaw him there about that time, but in a ſort of a diſguiſe[z]." But none ſpoke very home but Mr. Smith a Schoolmaſter of Iſlington, who afterwards, in the reign of king James II. retracted all that he had ſaid.

As to Ireland's being in London, Oates produced one witneſs, who did affirm to have ſeen him there at that time.

Gawen offered to undergo the ordeal, or fiery trial over red hot plow-ſhares, as a teſt of his innocence. But, beſides that this way of proving an accuſed perſon's innocence had been aboliſhed ſix hundred years, and conſequently was not to be allowed by the court, it is certain that when the trial by ordeal was practiſed, it was never admitted but where evidences failed, which could not be ſaid of Gawen.

Harcourt urged in his defence, with regard to the letter ſaid to be writ by him to Evers concerning Godfrey's death, that he muſt have been mad to ſend ſuch a letter by the poſt.

The jury, after a ſhort conſideration, returned, and brought in all the five priſoners guilty of high treaſon; but ſentence was reſpited till the next day, on which came on the trial of Richard Langhorn a popiſh counſellor at law of the Temple, and much employed by the papiſts. Being brought to the ſame place with the five jeſuits, and before the ſame perſons, with a new jury, Oates appeared and ſwore:

" 1. That the priſoner held correſpondence with la Chaiſe and others, and that the witneſſes carried ſeveral letters to perſons beyond the ſeas; in one of which he ſaw under

[x] Harcourt's letter was received the Monday next after the Saturday, on which the murder was committed; that is, three days before the body was found. State trials, tom. II. p. 838.

[y] Gawen made this ſolemn proteſtation; " I do as truly believe there is a God, an heaven, and a hell, as any one here does: as I hope for ſalvation, as I hope to ſee God in heaven, I never ſaw Mr. Oates before the day in January, when he ſays, I had the perriwig on, and he did not know me: and as for July, I call God to witneſs, I never ſaw him then. State trials, tom. II. p. 835.

[z] An old Dominican friar, ſtill of that church and order, ſwore he ſaw Oates in England, and ſpoke with him at that time. By this the credit of the St. Omer-ſcholars was quite blaſted. Burnet, p. 464.

his own hand, words to this purpoſe, that the parliament began to flag in promoting the proteſtant religion, and now they had a fair opportunity to begin and give the blow, with other expreſſions plain enough concerning the plot.

" 2. That he had orders from the provincial Whitebread, to give Mr. Langhorn an account of the reſolve of the great conſult, April the 24th 1678, and upon acquainting him with it, Langhorn lifted up his hands and eyes, and prayed to God to give it good ſucceſs.

" 3. That he ſaw in his chamber certain commiſſions which they called patents; and that he permitted the witneſs to peruſe ſeveral of them; one was to the lord Arundel of Warder, to be lord chancellor, another to the lord Powis, to be treaſurer, and one to the priſoner, to be advocate of the army; all ſigned Johannes Paulus de Oliva, by virtue of a brief from the pope.

" 4. That being employed as a ſolicitor for ſeveral of the fathers of the ſociety, the priſoner prevailed upon the Benedictine monks, to raiſe ſix thouſand pounds for carrying on the cauſe; and ſaid in his hearing, that he would do his utmoſt for procuring the money.

" 5. That he was diſguſted, that ſir George Wakeman was not contented with ten thouſand pounds to poiſon the king, and called him, a narrow ſpirited, and narrow ſouled phyſician; who, for ſo public a cauſe, ought to have done it for nothing.

6. An inſtrument being produced, ſigned Paulus de Oliva, found in Langhorn's chamber; Oates ſwore, " That the forementioned commiſſions were ſigned by the ſame hand; but they were all conveyed away, and this being only an eccleſiaſtical buſineſs, and not dangerous as they thought, was left behind."

In the next place Bedloe ſwore, " 1. That going with Coleman to the priſoner's chamber, the former gave him his letters to father la Chaiſe, the pope's nuncio, and others, open, to read, and regiſter in a book kept by him for that purpoſe; and that ſome of the expreſſions in theſe letters were, to let la Chaiſe know, they waited only now for his anſwer, how far he had proceeded with the French king, for the ſending of money; for they only wanted money, all other things being in readineſs. That the catholics of England were in ſafety; that places and offices had been diſpoſed to them, and that all garriſons either were, or ſuddenly would be, in their hands; and now they had a fair opportunity, having a king that was ſo eaſy to believe what was dictated to him by the catholic party.

" That he brought other letters from Harcourt to Langhorn to be regiſtered; of which letters, one was for the rector of the Iriſh college at Salamanca, which ſpecified, that the lord Bellafis, and the reſt of the lords concerned ſhould be in readineſs, for that they had ſent ſome Iriſh caſhiered ſoldiers, with many lay brothers, under the notion of pilgrims from St. Jago, who were to take ſhipping at the Groyn, and to land at Milford haven, and there to join with the lord Powis."

Mr. Langhorn in his defence, beſides the ſolemn proteſtations of his innocence, alledged, " That Oates and Bedloe, the witneſſes againſt him, were parties in the crime, and deſired to know, whether they had their pardons." Upon underſtanding that Bedloe had three, and Oates had two under the broad ſeal; he inſiſted, " That they were ſtill approvers in the eyes of the law, and therefore not to be heard; and deſired to know, if they expected any rewards for their diſcoveries." Oates replied upon oath, " That he had been rewarded by expending ſix or ſeven hundred pounds out of his own pocket, without knowing if he ſhould ever ſee it again." Langhorn then alledged, " He had heard Bedloe had received five hundred pounds;" but he was anſwered, " That that was for the diſcovery of ſir Edmundbury Godfrey's murder, and not for the plot." And Bedloe ſwore, " That he was ſo far from having any benefit for that diſcovery, that he was ſeven hundred pounds out of pocket." When the priſoner inſiſted upon the improbability of their aſſertions, by reaſon of their great neceſſities and poverty, when they firſt made their diſcoveries, he was told, " That ſuch enquiries were foreign to the matter in hand." And ſo he proceeded to prove Oates to be perjured, with reſpect to the conſult in April 24, and to the buſineſs of father Ireland, by the ſame witneſſes that had been uſed by the five jeſuits the day before. Whereupon the chief juſtice told him, that a witneſs could not be rejected as perjured, unleſs he was declared ſo upon a trial, and therefore his allegation could not be of any ſervice to him.

As Oates had formerly ſworn, that he lay at Grove's houſe about the time of the conſult, he brought Mrs. Grove to teſtify, that he never was there about that time; which was confirmed by her maid: and both affirmed, that the houſe was taken up, and that there was no room to lodge him. The court thereupon ſaid, that being diſguiſed he might lodge there without being known.

While this trial was depending, Roger Palmer earl of Caſtlemain came into the hall, and told the judges, that the mob uſed violence to the witneſſes who had depoſed in favour of the priſoners, and that they were in danger of their lives; upon this the court ordered immediate enquiry to be made after the authors of theſe violences, in order to puniſh them according to their deſert.

In concluſion, the jury brought in Langhorn guilty, and he received ſentence, together with the five jeſuits, who had been tried the day before.

On the 20th of June, the five jeſuits were executed, proteſting their innocence. Whitebread in particular, declared, " That he renounced from his heart all manner of abſolutions, diſpenſations for ſwearing, &c. which ſome had been pleaſed to lay to the jeſuits charge, thinking them unjuſtifiable, and unlawful." Langhorn was reprieved for a month[z]. He was executed the 14th of July, and died, proteſting his innocence of the crimes for which he was condemned. It was the wonder of many, that ſo able a lawyer, if he was innocent, had made ſo weak a defence.

As the death of theſe five jeſuits, and of the three before executed, made a great noiſe; and as to this day they are believed innocent by ſome, and guilty by others, I cannot forbear to make a few reflections upon this ſubject, to aſſiſt the reader to judge impartially.

1. The truth will never be diſcovered, if men ſuffer themſelves to be ſwayed by religious prejudices. If we believe an accuſed perſon guilty, becauſe he is a papiſt or jeſuit, or if for the ſame reaſon we believe him innocent, all examination is vain. The prejudiced perſon always finds reaſon and juſtice in one or other of theſe two opinions, and therefore he muſt, if poſſible, diveſt himſelf of his prejudices.

2. The condemned jeſuits were accuſed of three things; of a deſign to kill the king; to ſubvert the government; to root out the proteſtant religion. And yet, moſt of the evidences againſt them ran only upon the firſt of theſe three articles, the two others being ſuppoſed. It is nevertheleſs upon this ſuppoſition, that the accuſation of deſigning to kill the king is built, becauſe it is pretended, that the aim of the conſpirators was to place the duke of York on the throne, as more proper to advance their deſigns than the king his brother. But this pretenſion is not proved, nor does it appear in the evidences produced againſt them, that this was their aim.

3. But on the other hand, it can hardly be denied, that throughout this whole reign, there was a ſettled deſign to render the king abſolute, and introduce the popiſh religion. This muſt be the meaning of theſe expreſſions, " To ſubvert the government, and deſtroy the proteſtant religion." This being ſuppoſed, it is not improbable, that the papiſts and jeſuits might believe, that their project would be ſooner executed if the king was removed, and the duke of York placed on the throne.

4. It is therefore upon this probability, that the jeſuits have been accuſed of projecting to kill the king. It is ſuppoſed, that being concerned in the general deſign, or the plot, they believed the king's death a proper means to haſten the execution, and here the witneſſes were very poſitive.

5. The defences of the priſoners conſiſted chiefly, 1. In aſſeverations and proteſtations of their innocence. 2. In the depoſitions of the witneſſes from St. Omer's, and Staffordſhire, who proved, that Oates was not at London the 24th of April 1678. 3. In the improbabilities in the evidence given by Oates and Bedloe. Upon theſe three heads I propoſe to make ſome reflections.

1. The proteſtations and aſſeverations of the accuſed during their trial are not to be regarded. But when they are carried to the point of death, they ought to be conſidered. If they are not a poſitive proof, they form at leaſt a preſumption, becauſe papiſts are not leſs convinced than proteſtants, that lying is not the way to eſcape the juſt judgment of God, before whom they are ſhortly to appear; and that, beſides, theſe proteſtations never prevail for a reverſal of the ſentence. I am aware that the jeſuits are accuſed of approving equivocations and mental reſervations. But, without examining how far this charge may be proved, it is

[z] In hopes of his making ſome diſcovery. He offered to declare what eſtates and ſtock the jeſuits had in England; but proteſted he could make no other diſcovery. Burnet. p. 466.

certain, that father Whitebread, upon the ladder, teſtified an abhorrence of this doctrine, and renounced all pardons and diſpenſations from the pope, or any other power, for ſwearing or ſpeaking againſt the truth [a]. It is not therefore impoſſible, that without there was paſſion or prejudice in the judges and juries, the jeſuits, though innocent, would have been condemned upon falſe evidence. Accordingly, this is what many pretend: but there are others who carry the thing further, and maintain, that the accuſed might have been acquitted, if the paſſion and prejudice of the judges and juries had not prevented it. This we ſhall examine in the next article.

2. I have elſewhere ſpoken of the defence, founded upon the proof of the alibi, which obliges the judge to render juſtice by chance, ſince, there being a direct contrariety between the evidence, the judges cannot be ſatisfied on which ſide the truth lies. Oates depoſed, that he had aſſiſted at the grand conſult at London, April 1678. He produced ſeven witneſſes, who affirmed, that they ſaw him in London at that time. The jeſuits on their ſide produced ſixteen witneſſes, who affirmed, that Oates was at St. Omer's at the ſame time. It muſt be therefore, either that Oates and his witneſſes, or thoſe of the jeſuits, were falſe. Now, that which probably determined the jury to bring in the jeſuits guilty was: firſt, the priſoners objected only a bare denial to the teſtimonies of Prance, Dugdale, and Bedloe, which could not but breed a diſadvantageous prejudice againſt them. Secondly, the witneſſes from St. Omer's were all ſcholars, or perſons depending upon the jeſuits college, another confideration capable to prepoſſeſs the jury. Laſtly, the queſtion was to examine a plot contrived by papiſts, as ſuch, and in favour of their religion, and not as private perſons, incited by other paſſions. In this caſe, it is not very ſtrange, that the evidences given by papiſts appeared ſuſpicious. For it is certain, at that time, the opinion, ſupported by the votes of two ſeveral parliaments, that there was a real plot to ſubvert the proteſtant religion, was generally embraced throughout the whole kingdom.

As to the ſuperiority of ſixteen witneſſes againſt ſeven, this could occaſion no difficulty. For ſeven witneſſes diſperſed in London, who had only accidently ſeen Oates, were as credible as the ſixteen ſhut up in one houſe at St. Omer's [b]. And though there had been but two from St. Omer's, yet, all other circumſtances being equal, they would have been as credible as the ſeven witneſſes of London.

3. I proceed now to the improbabilities in the depoſitions of Oates and Bedloe. Firſt, it is difficult to conceive the neceſſity of reſolving the king's death in an aſſembly of fifty jeſuits. Secondly, it may with reaſon be ſuppoſed, that an affair of ſuch importance as the aſſaſſination of a king, paſſes through the hands of thoſe only who are moſt diſtinguiſhed in the ſociety, either by their poſts or capacity. But it is hardly credible, that fifty ſuch could be found in England or at St. Omer's. Thirdly, I know not that any perſon, to this day, has poſitively affirmed that Oates was a jeſuit. And yet he not only appears in the grand conſult of the 24th of April, but has an office in it of great truſt and importance, namely, to carry the reſolution of killing the king, to the ſeveral companies into which the aſſembly was divided. Fourthly, it is not ſaid, at what time Oates turned papiſt; but it is only ſeen, he was firſt employed in 1677, to carry letters to Spain. He returned about the end of the ſame year, and ſhortly after was ſent to St. Omer's, where he continued but three or four months. Now it is not probable, that this ſhort ſtay at St. Omer's could have acquired him the confidence of the heads of the ſociety, to ſuch a degree, as to be ſent to London to aſſiſt in a grand conſult, where the king's murder was to be reſolved. Fifthly, why was Bedloe to be admitted into ſo great a ſecret, he who was to have no ſhare in the execution? And yet he ſpeaks of it as a thing with which he was perfectly acquainted, not only from letters which he might have opened, but it appears even by his depoſitions, that the heads of the conſpiracy, Ireland, Whitebread, Harcourt, Coleman, Langhorn, uſed no caution with him; from whence it may be inferred, that they themſelves imparted to him the ſecret. He is at Harcourt's chamber, when the money is ordering for the four Iriſhmen who were to kill the king. He is at the ſame chamber when the queen's phyſician receives a note of two thouſand pounds ſterling, without any apparent neceſſity of his preſence in an affair of that nature, Sixthly, Oates and Bedloe were men of mean birth, who had been only employed as letter carriers. They were beſides little diſtinguiſhed for their capacity, or talents, and yet they are admitted into all the moſt important ſecrets of the plot. Laſtly, it appears in the depoſitions of Oates and Bedloe, that the conſpirators talked together, and writ to one another, concerning the king's murder, as if it had been but a trifle, and without even taking the uſual precautions on ſuch occaſions, of diſguiſing their thoughts in ambiguous expreſſions.

Theſe are improbabilities which give but too much occaſion to ſuſpect the credit of theſe two witneſſes. It will perhaps be ſaid, that a thing is not falſe becauſe it is improbable; and that God ſometimes permits the moſt wary villains to ruin themſelves by a too great confidence in others. This may be, and it may alſo be, that this was not the preſent caſe. At leaſt it may be affirmed, that the jeſuits are not wont to proceed with ſo little caution.

Theſe are the improbabilities that have induced many people, though perſuaded of the reality of the plot, as far as it concerned the government and religion, to ſuſpend their judgment with regard to the king's murder. The ſame improbabilities likewiſe have furniſhed others with a pretence for denying the whole plot, becauſe they are pleaſed to confine it to that ſingle article, in which they impoſe upon themſelves, or elſe are deſirous to impoſe upon their readers.

The 10th of July the king, contrary to the advice of his new council, which he ſeemed to have reſolved to follow with an entire deference, diſſolved the parliament, and ſummoned another to meet the 17th of October. He hoped to find the next more tractable, but was very much deceived. The people, who no longer regarded what came from the court, affected to ſend ſuch members as were of the country party, as being the moſt proper to oppoſe the deſigns of the king. The earl of Shaftſbury was at the head of this party, and without doubt greatly contributed to inflame the paſſions of the people. But it is perhaps ſaying too much, to charge this lord with all the king's late mortifications. If it could be proved, that the king had never given any occaſion of diſcontent to his people, we ſhould be obliged to recur to ſome extraordinary cauſe of the parliament's ill humour, as the intrigues, cabals, and artifices of ſome powerful and popular perſon. But what need is there to ſeek for an extraordinary cauſe, when one ſo naturally offers in the whole conduct of the king, who had hitherto ſhewn, that his intereſts and thoſe of his people were entirely different?

The 18th of June, ſir George Wakeman the queen's phyſician was brought to his trial, together with James Corker, William Marſhal, two Benedictine monks, and William Rumley, a lay brother of that order. Oates and Bedloe were the witneſſes againſt them; but, beſides that their depoſitions were imperfect, and the greateſt part upon hearſay, and could paſs for proofs only on the ſuppoſition of the deſign to poiſon the king, which was not well proved, the jury doubtleſs conſidered, that a perſon of ſir George Wakeman's ſenſe, would never truſt ſuch a ſecret to Bedloe, whom he ſcarce knew. Nay, he ſwore that he never ſaw Bedloe before in his life. However this be, the priſoners were acquitted, to the great mortification of the two witneſſes, ſince it was eaſy to ſee, that Oates and Bedloe were evidences capable of ſwearing to things of which they had no perfect knowledge [c].

About the end of Auguſt, the king being at Windſor, was ſeized with three violent fits of an intermitting fever, which gave great apprehenſion. The earl of Eſſex and the lord Hallifax, two of the four counſellors which then managed the king's affairs, fearing, if the king died, to fall into the hands of the duke of Monmouth and the earl of Shaftſbury, adviſed the king to ſend for the duke of York, which was done with all poſſible ſpeed and ſecrecy; for

[a] Rapin ſeems not to have taken notice of a paſſage in Burnet on this occaſion. One Serjeant, a ſecular prieſt, a zealous papiſt in his way, ſome months after theſe executions, appeared before the council upon ſecurity given him, and averred, that Gawen the jeſuit, who died proteſting he had never thought it lawful to murder kings, but had always deteſted it; had, at his laſt being in Flanders, ſaid to a very devout perſon, from whom Serjeant had it, that he thought the queen might lawfully take away the king's life for the injuries he had done her, but much more becauſe he was a heretic. Upon that Serjeant ran out into many particulars, to ſhew how little credit was due to the proteſtations made by the jeſuits, even at their death, p. 466.

[b] See note above, concerning the Dominican friar.

[c] The lord chief juſtice Scroggs, who had been very violent againſt the priſoners hitherto, was obſerved, far contrary to his former practice, to turn againſt the witneſſes in this trial. The Portugal embaſſador went next day with great ſtate to thank Scroggs for his behaviour in Wakeman's trial. By which the chief juſtice was expoſed to much cenſure. This was looked on, it ſeems, as the queen's trial as well as Wakeman's. For Oates and Bedloe had both depoſed, that ſhe was to aſſiſt him in poiſoning the king. Burnet, p. 468.

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the duke was at Windſor the 2d of September. But the king, being then out of danger, pretended a ſurpriſe at his arrival. But this diſſimulation was not capable to deceive the duke of Monmouth and the earl of Shaftſbury. On the other hand, the earl of Eſſex and the lord Halifax, finding that they had made Monmouth and Shaftſbury their irreconcileable enemies, joined with the duke of York for their deſtruction. They ſucceeded ſo well, that the king removed the duke of Monmouth from his poſt of captain general, and ſent him into Holland, to the great ſurprize of the whole court, for the duke of Monmouth was in the height of the king's favour before the duke of York's arrival [d]. Shortly after, Shaftſbury alſo was turned out from being preſident of the council [e]. Thus the court had a new face, and the duke of York was more powerful than ever. He improved this happy juncture to obtain the king's leave to retire to Scotland, repreſenting to him the danger of his being in the Low Countries, in caſe of his majeſty's death. Accordingly, he returned to Bruſſels, to bring home his ducheſs and the princeſs Anne, and arriving ſhortly after at London, departed for Scotland. If dr. Burnet is believed in the hiſtory of his own times, he governed Scotland in an arbitrary manner, and gave manifeſt tokens of his cruelty and inveterate hatred to the Preſbyterians.

Every one impatiently expected, where would end the late alterations at court, and it was not long before it appeared. The 15th of October the king ſummoning his council, after a little pauſe, told them, "That upon many conſiderations, which he could not at preſent acquaint them with, he found it neceſſary to make a longer prorogation of the parliament than he intended: that he had conſidered all the conſequences ſo far as to be abſolutely reſolved, and not to hear any thing that ſhould be ſaid againſt it: that he would have the meeting put off, till that time twelve month." The counſellors, ſurprized at this reſolution, and ſtill more at the manner of propoſing it, were moſt of them ſilent. Some, however, offering to repreſent to the king the dangerous conſequences of this reſolution, were injoined ſilence. But ſir William Temple, more bold than the reſt, ſtood up, and with great freedom told his majeſty, "That as to the reſolution he had taken, he would ſay nothing, becauſe he was reſolved to hear no reaſoning upon it: therefore, he would only preſume to offer him his humble advice as to the courſe of his future proceedings; which was, that his majeſty in his affairs would pleaſe to make uſe of ſome council or other, and allow freedom to their debates and advices; after hearing which his majeſty might yet reſolve as he pleaſed. That if he did not think the perſons or number of this preſent council ſuited with his affairs, it was in his power to diſſolve them, and conſtitute another of any number he pleaſed, and to alter them again when he would: But, to make counſellors that ſhould not counſel, he doubted whether it was in his majeſty's power or not, becauſe it implied a contradiction: and ſo far as he had obſerved, either of former ages, or the preſent, he queſtioned, whether it was a thing ever practiſed in England by his majeſty's predeceſſors, or were ſo now by any of the preſent princes in chriſtendom: therefore he humbly adviſed him to conſtitute ſome ſuch council, as he would think fit to make uſe of, in the direction of his great and public affairs."

This proceeding cauſed ſeveral counſellors to ſurrender their commiſſions to the king, and others to abſent themſelves from the council [f], not thinking proper to encourage by their preſence the king's ſecret reſolutions, and give occaſion to believe, they approved them. The earl of Eſſex reſigned his place of firſt commiſſioner of the treaſury. The lord Hallifax, Sir William Temple, and ſome others, retired into the country. Thus the council which the king had appointed to amuſe the people, was almoſt diſſolved, and the direction of the public affairs remained in the hands of the earl of Sunderland, mr. Laurence Hyde, and mr. Sidney Godolphin [g], or rather the duke of York, whoſe intereſts they had embraced; and who, though abſent, directed their reſolutions.

In the latter end of October, about a fortnight after the prorogation of the parliament, a ſham plot was diſcovered, contrived by the papiſts to bring an odium upon the preſbyterians and the heads of the country party. This project had been formed the beginning of Auguſt, by the counteſs of Powis, Elizabeth Cellier a midwife, the earl of Caſtlemain, and the five lords in the Tower. The deſign was to make uſe of falſe witneſſes to accuſe Oates of perjury and ſodomy; to aſſaſſinate the earl of Shaftſbury; and to charge the duke of Buckingham, the earl of Eſſex, the duke of Monmouth, the lord Hallifax, and ſeveral conſiderable citizens of London, with being concerned in a plot againſt the king. One Dangerfield was to be the principal actor in this ſcene [h]. He received his inſtructions from the lady Powis, and the lords in the Tower, with a liſt of the perſons whom he was to accuſe [i]. Moreover the lady Powis gave him a model of the plot, which he was to convey into the houſe of ſome pretended conſpirator, and there cauſe it to be found.

Dangerfield furniſhed with theſe inſtructions and papers, informed the duke of York of it, after his arrival from Bruſſels. The duke of York made him a preſent of twenty guineas, and introduced him to the king, who, after hearing him, gave him forty more. Then he made ſome attempts to aſſaſſinate the earl of Shaftſbury, but was prevented by ſeveral accidents. At laſt, on pretence of ſeeing ſome rooms, which he ſaid he intended to hire, he went to colonel Manſel's lodgings [k], and found means to pin ſome dangerous papers behind his bed's head. This done, he informed two officers of the cuſtom-houſe, that there were in thoſe lodgings prohibited goods to the value of two thouſand pounds. The officers repairing thither the 22d of October, ſearched every where in hopes of finding their prey; but as they did not think to ſearch behind the bed, Dangerfield himſelf found the papers. The officers carrying theſe papers to their ſuperiors, had orders to return them to Manſel. Four or five days after, the colonel meeting Dangerfield in the ſtreet, carried him directly to Whitehall, and brought him before the King and council. He was ſtrictly examined, and, after a full hearing, his contrivance being detected, he was ſent to Newgate the 27th of October.

Two days after, ſir William Waller, a magiſtrate of London, ſearching Cellier's houſe, found the plan of the pretended plot, writ very fair in a paper book tied with ribbands, and hid in a meal tub, which gave it the name of the meal tub plot. Dangerfield perceiving himſelf ruined if he perſiſted in a thing which he could not ſupport, applied himſelf to the lord mayor of London, and gave him in writing a large confeſſion upon oath, with a diſcovery of the perſons by whom he was employed. This confeſſion being tranſmitted to the council, ſeveral perſons were apprehended [l], and amongſt the reſt Roger Palmer earl of Caſtlemain. The lady Powis, accuſed by others beſides Dangerfield, of conſpiring the death of the king, was ſent to the Tower, and ordered to be proſecuted for high treaſon. This affair greatly contributed to the reſolution taken by the earl of Eſſex and the lord Hallifax, to retire from court, becauſe they obſerved, that though they were mentioned in the plot, they were left out of the ſecret examinations about it.

The famous philoſopher Thomas Hobbes died this year, in the 91ſt year of his age. His writings are unhappily but too well known, to need any farther notice [m].

[1679-80] Affairs in the beginning of the year 1680, were

[d] In his room Chriſtopher Monk, duke of Albemarle, was made captain of the life guards of horſe, and John Sheffield Earl of Mulgrave, governor of Hull, &c. Kennet, p. 368.

[e] He had called a council juſt before, while the king was at New Market, and repreſented to them the danger the king was in, by the duke's being ſo near him, and preſſed the council to repreſent this to the king; but they did not agree to it. And upon the king's coming to London, he was removed, and lord Roberts, then made earl of Radnor, was made preſident. Burnet, p. 477.

[f] Namely, the lord Ruſſel, the lord Cavendiſh, ſir Henry Capel, and mr. Powle. Kennet, p. 368.

[g] This laſt, and Daniel Finch, eſq; firſt commiſſioner of the admiralty, were ſworn privy counſellors, February 4. Ibid.

[h] Burnet gives him this character; "That he was a ſubtle and dexterous man, who had gone through all the ſhapes and practices of roguery, and in particular, was a falſe coiner. He was in jail for debt, and was in an ill intrigue with one Cellier a popiſh midwife, who had a great ſhare of wit, and was abandoned to lewdneſs, p. 475.

[i] They were, the lords Grey, and Howard of Eſcrick, the duke of Monmouth and Buckingham, ſir William Waller, colonel Blood, &c. Dangerfield's narrative, p. 35.

[k] In Ax-yard, King's ſtreet, Weſtminſter. Dangerfield's narrative, p. 42.

[l] Particularly Mrs. Cellier, and Gadbury the aſtrologer.

[m] To be a little more large upon the character of this philoſopher. He was the ſon of a clergyman, born at Malmeſbury in Wiltſhire, and called from this place of his birth Malmſburienſis. He went out batchelor of arts at Magdalen hall in Oxford, and from thence was taken very young into the earl of Devonſhire's family. With the ſon of that nobleman he travelled into France and Italy, and made an acquaintance with Gaſſendus, and ſome of the greateſt men of the age. In his 63d year he ſettled in England for the remainder of his days, and in the healthful air of Chatſworth, in Derbyſhire, held it out to the 91ſt year of his age. The king having learned mathematics of him abroad, allowed him a penſion of one hundred pounds a year. His genius was vaſt and extenſive. But notwithſtanding his pretences to philoſophy and the mathematics, young Wallis of Oxford convinced the world, that his ſelf ſufficiency was much greater than his real abilities. He likewiſe aimed at a reputation in poetry, tranſlated Homer, and writ ſome other little things, which have only ranked him againſt our Ogilby's

in ſuch a ſituation, that the king had need of all his patience, and addreſs. There were viſibly two parties in the kingdom, that of the court, and that of the country. To the endeavours of the court to gain proſelytes, the country party oppoſed ſwarms of libels to inflame the people, by repreſenting the miſchiefs with which England was threatened, if the deſigns of the court and papiſts were not prevented[n]. For no ſcruple was made of affirming in theſe libels, that the papiſts were countenanced by the court. The year forty one ſeemed to be returning, and it was even probable, that the contrary party to the king had no better intentions againſt him, than the enemies of Charles I. had in 1640. It was a melancholy thing to ſee the kingdom thus divided by the oppoſite intereſts of the king and the ſubject. But when it was known, that the king had reſolved to prorogue the parliament till November, not only anonymous libels were publiſhed, but petitions flowed from all parts, for the ſitting of the parliament the 26th of January, according to the laſt prorogation. The king received theſe petitions with great trouble, and failed not to return a diſobliging anſwer to thoſe who had the boldneſs to preſent them. Nay, he publiſhed ſeveral proclamations againſt theſe petitions, uſing the ſame reaſons that James I. and Charles I. had alledged on the like occaſions. He ſaid, "He was the head of the government, and the only judge of what was fit to be done in ſuch caſes, and that he would do what he thought moſt for the good of himſelf and his people, deſiring they would not meddle with a matter, that was ſo eſſential a part of his prerogative[o]." All this is very true in the ordinary courſe of the government. But when the people believe the ſovereign is uſing, to the deſtruction of the kingdom, a prerogative intended for their welfare, the bare allegation of the royal prerogative is not capable to ſatisfy them. Whatever colour is given to it, the Engliſh would never be convinced, that it ought to turn to their ruin. Accordingly, the proclamations were not able to put a ſtop to the petitions, as on the other hand, the petitions obliged not the king to alter his meaſures.

However, the king reſolved to meet the parliament the 26th of Jauuary, but it was only to tell both houſes, that the unſettled condition of the nation, rendered a long interval of the parliament abſolutely neceſſary, for compoſing and quieting of men's minds. That nevertheleſs he would only prorogue them to April, in order to meet them again in that month, if the condition of his allies abroad demanded their aſſiſtance. After this ſhort ſpeech, the chancellor, by the king's command, prorogued the parliament to the 15th of April.

Two days after, the king declared in council, "That he had ſent for his royal highneſs, not having found ſuch an effect from his abſence, as ſhould incline him to keep him longer from him, when queſtions were ſtarted of ſuch a nature, as made it reaſonable that he ſhould be preſent at the next ſeſſion." Upon this invitation the duke of York appeared at court the 24th of February, where he was received with great pomp and ſatisfaction by the king his brother.

The Duke's arrival, and the king's late firmneſs in proroguing the parliament, notwithſtanding the clamours of the malecontents, greatly encouraged the court party, ſo that multitudes of addreſſes were preſented to him, teſtifying an abhorrence of the liberty taken by ſome men to require him to hold the parliament[p], and in that from Norfolk he was thanked for recalling the duke of York. Though it is certain the general ſenſe of the people for or againſt the court, is ſeldom to be known by theſe petitions, it is no leſs certain, they are, for the moſt part, the work of a few popular men, who by intrigue and cabal, procure ſubſcriptions to theſe addreſſes, from thoſe with whom they have intereſt, and who often ſign them without examining the contents. Accordingly theſe addreſſes are uſually not to be regarded, moſt of the ſubſcribers being ready to ſign the contrary, if they think it for their private advantage. They are however urged as a proof of the people's being of this or that ſentiment, though in the main, it is a very dubious proof. On the preſent occaſion, petitions had been preſented to the king for the ſitting of the parliament. As ſoon as the parliament was prorogued, and the duke of York at court, many addreſſes were preſented in abhorrence of the former, ſo that two parties were formed, called the petitioners and abhorrers; and as the animoſity between the two parties gradually increaſed, they beſtowed upon each other names of reproach, and from hence aroſe the ſo much famed diſtinction of whig and tory. The petitioners looking upon their adverſaries as entirely devoted to the court and the popiſh faction, gave them the name of tories, a title given to the Iriſh robbers, villains, and cut-throats, ſince called rapparees. Thus the name of tories, ſerves only now to diſtinguiſh one of the two factions which ſtill divide England. The abhorrers on their ſide, conſidering the petitioners, as men entirely in the principles of the parliament of 1640, and as preſbyterians, gave them the name of whig, or ſour milk, formerly appropriated to the Scotch preſbyterians, and rigid covenanters. Theſe two denominations are too well remembered at this time.

[1680.] The whigs were directed by the earl of Shaftsbury, who looking upon the duke of York not only as his own, but alſo as the mortal enemy of his party, believed there was no medium between periſhing, or ruining that prince. To this end, he had made it his buſineſs to extol the duke of Monmouth, and render him the darling of the people, imagining, that when he had the people on his ſide, the ſupplanting the duke of York would not be impracticable. With this view it was, at leaſt as it is pretended, that the earl of Shaftſbury found means to ſpread a rumour, that the king was lawfully married to Mrs. Walters, the duke of Monmouth's mother, and that the marriage contract was in a black box, in the cuſtody of ſir Gilbert Gerard. The king and the duke of York, eaſily perceived the tendency of this rumour, and therefore omitted nothing to undeceive the people. To this end the king called an extraordinary council the 26th of April, in which he declared, "That the report was altogether falſe, and that he thought himſelf obliged in honour and conſcience to have the matter thoroughly examined and ſearched into." Gerard appearing before the council, declared upon oath. "That he never had any ſuch writing, as was reported, committed to his charge, nor did he ever ſee or know of ſuch writing." In ſhort, after many fruitleſs enquiries after the author of the report, the king was forced to content himſelf with publiſhing, the 3d of June, a declaration, to confirm one made January the 6th, and another made March the 3d, which was entered in the council-books, and ſigned by ſixteen privy councillors, wherein he ſaid, "That to avoid any diſpute which might happen in time to come, concerning the ſucceſſion to the crown, he did declare in the preſence of Almighty God, that he never gave, nor made any contract of marriage, nor was married to Mrs. Barlow, alias Walters, the duke of Monmouth's mother, nor to any other woman whatſoever, but to his preſent wife queen Katherine, then living[q]."

This ſummer were ſeveral proſecutions and trials, and the 23d of June, Roger Palmer earl of Caſtlemain, a papiſt, huſband to Barbara Villiers ducheſs of Cleveland, the king's miſtreſs, was brought to his trial and acquitted. Cellier the midwife, who had aſſiſted the lady Powis in the ſham plot, was likewiſe acquitted. Shortly after, ſhe publiſhed a narrative of her trial, with ſevere reflections upon ſome perſons, then in credit, for which ſhe was tried a ſecond time, and ſentenced to ſtand three times in the pillory, and pay a thouſand pounds fine. The grand jury found not the bill againſt the counteſs of Powis. Thus all the perſons concerned in the meal tub plot were acquitted. The torrent did not then run in favour of the party againſt the court.

Bedloe, the famous witneſs of the popiſh plot, died at Briſtol the 20th of Auguſt. Three or four days before his death, the lord chief juſtice North then on his circuit, viſiting him, Bedloe in his preſence ſigned the following depoſition:

"That the duke of York hath been ſo far engaged in the plot, as he hath ſeen by letters in cardinal Barbarini's

Ogilby's in this part of learning. He certainly writ Latin with great purity, and his verſion of Thucydides ſhews him a maſter of his own language. It is ſaid that his years improved his fears of death, and that he did not leave the world with the decency and reſignation of a philoſopher.—This year alſo died Mathew Poole, the compiler of the Synopſis Criticorum on the bible.

[n] Of the libels then publiſhed, that which made moſt noiſe, was an appeal from the country to the city.

[o] Theſe words were not in the king's proclamations, but in his anſwers to the London and Wiltſhire petitions.

[p] The firſt addreſs of this ſort came from the city of Weſtminſter, and was preſented by Francis Withons, Eſq; who was knighted for it. Kennet, p. 370.

[q] Kennet ſays that the late maſter of the Charter houſe, who was long in the ſervice of king Charles II. abroad, and had the care of mrs. Barlow, and buried her at Paris, ſaid poſitively, the king had never any intention to marry her, and that indeed ſhe did not deſerve it, being a very ill woman, p. 366. Note b.

ſecretary's ſtudy, that no part that hath been proved againſt any man already, that hath ſuffered, but that to the full thoſe letters have made him guilty of it; all but what tended to the king's death. And at Rome I aſked father Anderton and father Lodge, two jeſuits, what would the duke do with his brother when he was king? And they anſwered me, they would find a means for that; they would give him no trouble about it. Then I told them, I believed the duke loved his brother ſo well, he would ſuffer no violence to be done to him. They ſaid, no: if the duke could be brought to that, as he had been religiouſly to every thing elſe, they might do their work; their other buſineſs was ready, and they might do it preſently. But they knew they could not bring him to that point; but they would take care for that themſelves: they had not begun with him to leave him in ſuch ſcruples as that. But they would ſet him into his throne; and there he ſhould reign blindfold three or four days; for they had ſettled ſome they ſhould pitch the action upon, ſhould clear their party. And then he ſhould fly upon them with the ſword of revenge."

And this examinant doth further add, "That the queen is not, to this examinant's knowledge, nor by any thing he could ever find out, any way concerned in the murder of the king; but barely, by her letters, conſenting and promiſing to contribute what money ſhe could to the introducing the catholic religion. Nay, it was a great while, and it made her weep, before ſhe could be brought to that."

He alſo declared to the lord chief juſtice, "That he looked upon himſelf as a dying man, and found within himſelf, that he could not laſt long, but muſt ſhortly appear before the Lord of hoſts, to give an account of all his actions. And becauſe many perſons had made it their buſineſs to baffle and deride the plot, he did, for the ſatisfaction of the world there declare, upon the faith of a dying man, as he hoped for ſalvation, That whatever he had teſtified concerning the plot was true: and that he had wronged no man by his teſtimony, but had teſtified rather under than over what was truth;———and, that he had other things to diſcover, which were of great importance to the king and the country," with other matters of the like nature. In concluſion, his lordſhip was "deſired to repreſent to his majeſty his condition, and that his ſickneſs was very chargeable, and move his majeſty in his behalf for ſome ſupply of money for his ſubſiſtence."

This depoſition deſerves ſome remarks. The firſt, that it comes from a dying man, and who indeed died three days after. If the proteſtations of thoſe who had been condemned, either for the plot, or Godfrey's murder, may form a preſumption in their favour, I do not ſee why this of dying Bedloe ſhould not form the like, unleſs the point in queſtion is taken for granted, namely, that the condemned perſons were innocent, and Bedloe a villain for ſwearing againſt them. 2. Bedloe diſtinguiſhes perfectly the ſeveral articles of the plot, in that he accuſes the duke of York of being engaged in the plot, but acquits him from deſigning the king's murder. Now the plot, with regard to the government and religion, is ſo evident, and the part the duke of York had in it ſo clear from Coleman's letters, that nothing can better agree with Bedloe's depoſition. Thirdly, it is really improbable, that two jeſuits at Rome, directors of ſo important an affair, ſhould ſpeak ſo openly to Bedloe. But on the other hand, the manner of the king's death three or four years after Bedloe's, gives but too juſt cauſe to ſuſpect, there was foul play, and cauſes this improbability to vaniſh in part. Laſtly, Bedloe declared in his depoſition, "That whatever he had teſtified concerning the plot was true," and this laſt depoſition, far from giving room to ſuſpect it of falſhood, may rather create a belief, that it was not an invention, ſince, being ſo near death, he could have no inducement to acquit the duke of York upon one article, and accuſe him upon others, or even to trouble the chief juſtice with any depoſition at all.

This depoſition a little perplexes a famous hiſtorian, who in this part of his hiſtory undertakes to prove the plot to be a fiction. To free himſelf from this difficulty, he ſcruples not to oppoſe his own authority to Bedloe's depoſition. "We know not, ſays he, how to ſpeak ſoftly of the dying words of one hardened by many years villanies; but muſt expreſly declare, that as to his public oaths he did not only ſwear to the moſt ſhocking improbabilities, but ſometimes changed, and other times contradicted his own evidence." After this authority no man, doubtleſs, will regard this laſt depoſition of Bedloe, otherwiſe than as a continuation of the crimes he had been guilty of, in falſly ſwearing there was a plot, when in reality there was none.

The city of London was then in the country party, which gave it great reputation. The choice, on Midſummer day, for ſheriffs, fell upon two famous preſbyterians, by a majority of voices, both accounted fanatics by the contrary party[r]. Theſe were Slingſby Bethel, and Henry Corniſh, who took care to qualify themſelves by receiving the ſacrament in the church of England, abjuring the covenant, and doing every thing as appointed by act of parliament. While this election was depending, it was pretended, that Bethel's party had committed ſome violence againſt the other, which obliged the king to order a commiſſion of oyer and terminer to be iſſued out for the trial of the riot. Mean while, the two ſheriffs contrary to the king being choſen, Thomas Papillon, eſq; preſented an addreſs to the lord mayor, in the name of the city, wherein, after diſowning all tumultuous and diſorderly proceedings, and teſtifying an inviolable fidelity to the king, they deſired his lordſhip, "That he would in their names, humbly beſeech his majeſty, that the parliament might ſpeedily aſſemble." Whether the addreſs produced any effect, or the king had already taken his reſolution, a few days after, it was made known by a public proclamation, that the parliament ſhould ſit on the 21ſt of October.

While the time of the meeting of the parliament was yet remote and uncertain, the court party had ſome advantage, but, as it approached, the country party gained the ſuperiority. The duke of Monmouth was returned from Holland without leave[s], and inſtead of going to court, made ſeveral progreſſes in the kingdom to encourage his friends, and increaſe their number. This party were reſolved to run all hazards, and ruin themſelves or the duke of York, the next ſeſſion of parliament. To this end, the earl of Shaftſbury, attended by twelve lords and gentlemen of note, went publicly to Weſtminſter-hall, and at the king's bench bar, by a bill in form, preſented the duke of York as a popiſh recuſant[t]. The thing was but too true, and the whole kingdom was ſenſible of it. But till this time no man had dared to take ſuch a ſtep, which was conſidered as a formal deſign to break all meaſures with the duke. This action ſo ſurpriſed the three principal miniſters, that they concluded the contrary party muſt neceſſarily be aſſured beforehand of the reſolutions of the parliament. Wherefore, to ingratiate the king with the parliament, they adviſed him to ſend the duke of York into Scotland, believing it would not be in his power to ſupport him, if he left him in England, during the ſeſſion of the parliament. The king approving their reaſons, obliged the duke to return to Scotland, after repeated aſſurances, that he would never forſake him. So the duke departed the day before the meeting of the parliament, to the great ſatisfaction of his enemies, who hoped to ruin him more eaſily in his abſence.

At laſt, the parliament met the 21ſt of October, as the king had promiſed in his proclamation. In his ſpeech at the opening, he acquainted both houſes, "That he had made and perfected an alliance with the crown of Spain, ſuitable to that which he had before with the ſtates of the United Provinces, conſiſting of mutual obligations of ſuccour and defence. He aſſured them, that nothing ſhould be wanting on his part to give them the fulleſt ſatisfaction their hearts could wiſh, for the ſecurity of the proteſtant religion, conſiſtent with preſerving the ſucceſſion of the crown in its due and legal courſe of deſcent. In order to this, he recommended to them to purſue the further examination of the plot, with a ſtrict and impartial enquiry; neither thinking himſelf nor them ſafe till that matter was gone through with, and therefore it would be neceſſary that the lords in the Tower ſhould be brought to their ſpeedy trial, that juſtice might be done.———He told them, it would be impoſſible without their ſupport to preſerve Tangier, and therefore deſired their advice and aſſiſtance.———In concluſion, he recommended to them a perfect union with himſelf, and one another, as the only thing which could reſtore the kingdom to its antient ſtrength and vigour, and raiſe it up again to that conſideration which England had uſually had."

During this whole reign, the king's religion was ſo great

[r] The court was very jealous of this election, and underſtood it to be done on deſign to pack juries. Burnet, p. 481.

[s] He begged the king's leave to return; but when he ſaw no hope of obtaining it, he came over without leave. The king upon that would not ſee him, and required him to go back. But the earl of Shaftſbury adviſed him to make the progreſſes here mentioned, Burnet, p. 477.

[t] They that atteſted the bill were the earls of Huntington and Shaftſbury; the lords Grey of Werk, Brandon Gerard, Ruſſel and Cavendiſh; ſir Gilbert Gerard, ſir Edward Hungerford, ſir Scroop How, ſir William Cooper, ſir Thomas Wharton, John Trenchard, Thomas Thynne, and William Forreſter, eſquires. By the ſudden diſmiſſion of the grand jury, the matter had no conſequence in the forms of the court. Echard, t. III. p. 87[illegible] William

a ſecret, that very few were acquainted with it. And therefore the king more boldly proteſted his zeal for the proteſtant religion, and on all occaſions declared, he would maintain it againſt the attempts of the papiſts. Theſe proteſtations might then have ſome effect, ſince it is very natural for a king to favour his own religion. But ſince it has been certainly known, that Charles II. was a papiſt, had abjured the proteſtant religion before his reſtoration, and profeſſed, though ſecretly, the popiſh religion, theſe ſo ſolemn and ſo frequent proteſtations muſt be thought very ſtrange, being intended only to deceive his ſubjects.

After the ſpeaker [u] was choſen, and approved by the king, the houſe of commons immediately diſcovered what was to be expected from them, by expelling ſome of their members, for having been abhorrers. But not content with puniſhing their own members, they ordered an addreſs to be preſented to the king, to remove from all public offices ſir George Jefferies, ſerjeant at law, recorder of London, and chief juſtice of Cheſter, as guilty of the ſame crime, and a betrayer of the rights of the ſubject.

As this was a new parliament, and as the affair of the plot was to be reſumed at the king's own deſire, the witneſſes who had already depoſed, laid before the houſe their informations, and were joined by Dangerfield, Jennifon, Dugdale, and one Turberville, a new evidence. Some likewiſe came from Ireland. Upon a report made to the houſe, that Dr. Tonge, who had firſt diſcovered the plot to the king, had received no gratuity, he was now recommended to his majeſty for the firſt good eccleſiaſtical preferment that fell in his gift. But the doctor was diſappointed of the benefit of this recommendation, by leaving the world not long after. The king on this occaſion diſcovered no leſs zeal than the commons, and iſſued out a proclamation, with a promiſe of his pardon to any perſon who ſhould, within two months, give farther information and evidence concerning the horrid and execrable popiſh plot.

But this diſſimulation was not capable of deceiving the commons. Five days after the opening of the parliament, the 26th of October, the lord Ruſſel moved, "That they might in the firſt place take into conſideration how to ſuppreſs popery, and prevent a popiſh ſucceſſor." He was ſeconded by ſir Henry Capel, brother to the earl of Eſſex, who, in a long ſpeech, related what had been done to the prejudice of the kingdom during the preſent reign. He aſcribed the whole to popiſh counſels. He ſpoke of the firſt Dutch war; of the diviſion of the fleet; of the affair of Chatham; of the fire of London; of the diſcharge of the priſoners concerned in that wicked act, without trial; of the violation of the triple league; of the ſeizing the Dutch Smyrna fleet before war was proclaimed; of the ſecond Dutch war; of the permiſſion to the Iriſh papiſts to wear arms; of the alteration of the government of Scotland, by lodging it in a commiſſioner and a council, beſides an army of twenty thouſand men. He ſaid, the papiſts were emboldened to act any thing, by the hopes of having the duke of York for king: that they were moreover encouraged by the French embaſſador, who by his frequency at court, ſeemed to be rather one of the family, and of this king's houſhold, than a foreign embaſſador; and by his free recourſe to his majeſty, rather a prime miniſter of ſtate of this kingdom, than a counſellor to another prince: that ſince all theſe irregularities and enormities proceeded from the popiſh party, ſupported by the duke of York, it was high time to think of ſome effectual expedient to prevent popery and a popiſh ſucceſſor.

Several other members ſpoke to the ſame effect, ſome more, ſome leſs; and no man offered to vindicate the duke, or ſpeak in his behalf, till the houſe came to the two following reſolves, upon the 2d of November.

"1. That the duke of York's being a papiſt, and the hopes of his coming ſuch to the crown, hath given the greateſt countenance and encouragement to the preſent deſigns and conſpiracies againſt the king and the proteſtant religion.

"2. That in defence of the king's perſon and government, and proteſtant religion, this houſe doth declare, that they will ſtand by his majeſty with their lives and fortunes, and that if his majeſty ſhould come to any violent death, which God forbid, they will revenge it to the utmoſt of their power on the papiſts."

Upon theſe two votes, the lord Ruſſel moved for a committee to bring in a bill to diſable the duke of York from inheriting the crown. This affair was now debated with great ſpirit in ſeveral eloquent ſpeeches on both ſides the queſtion. The ſubſtance of what was urged for the bill was, that the evils which the kingdom had felt, and ſtill laboured under, proceeded from popiſh counſels, begun and headed by the duke of York: That the danger muſt be extreme, ſhould he ever enjoy the crown. That it might be read in ſcripture, "That one man ought to die for a nation, but not that three nations ſhould die for one man." The oppoſers of the bill offered not to ſhew there was no danger in a popiſh king. This they were willing to ſuppoſe, but pretended that there were other expedients to prevent this danger than that of excluſion. That beſides, it could not be expected that the duke of York, and many others would ſubmit to this law, the conſequence whereof would be a civil war, in which the duke of York would be ſupported by all the princes of Europe.

To this objection it was anſwered, that no expedient could be thought of to ſecure the proteſtant religion under a popiſh prince, who would have a popiſh council, popiſh judges, popiſh magiſtrates and deputy-lieutenants, popiſh commanders at ſea and land, nay, and popiſh biſhops too. That the excluding the duke from the ſucceſſion, was no depriving him of his right to the crown, of which he had rendered himſelf incapable, by embracing a religion contrary to that of the kingdom. For a popiſh king and proteſtant ſubjects were irreconcileable.

The others replied, there was no law which, for a difference of opinion in religion, deprived any man of his right.

In concluſion, it was reſolved, "That a bill be brought in to diſable the duke of York to inherit the imperial crown of this realm."

Hitherto the court party had only ſkirmiſhed, as I may ſay, in hopes that an engagement might be avoided. But when this vote had paſſed, and the bill was read the firſt time, ſir Leoline Jenkins, ſecretary of ſtate, ſtood up and argued directly againſt it, by alledging:

"1. That it was contrary to natural juſtice, to condemn any man before the conviction, or the hearing of him.

"2. It was contrary to the principles of our religion, to diſpoſſeſs a man of his right, becauſe he differs in point of faith.

"3. He was of opinion, that the kings of England had their right from God alone, and that no power on earth could deprive them of it.

"4. It was againſt the oath of allegiance, taken in its own ſenſe, without jeſuitical evaſions; which binding all perſons to the king, his heirs, and ſucceſſors, the duke, as preſumptive heir, muſt be underſtood."

The advocates for the bill anſwered to the firſt objection; that not only the duke of York's intereſts were concerned, but thoſe of the whole kingdom; and that if the duke of York had withdrawn at the time the parliament was going to meet, his abſence ought not to prevent their providing for the good of the kingdom. To the ſecond objection it was anſwered, that in eſtabliſhing for principle, that difference of opinion in religion ought to be no cauſe for diſpoſſeſſing any man of his right, all the acts of parliament made ſince the reformation againſt papiſts and ſectaries were condemned, who, as ſubjects, had rights in common with the reſt, of which nevertheleſs it was thought expedient to deprive them, on account of the dangers to which the kingdom would be expoſed, if they were left in the enjoyment of them. That this was a maxim generally received in all ſtates, proteſtant or popiſh. That it was very true, the ſubjects of a different religion might be injured by being deprived of their rights; but that this injury proceeded not from the government's having no right to take this precaution, but from taking it unſeaſonably and groundleſly, through prejudice, pride, paſſion, revenge and hatred. To the third objection it was anſwered, That allowing the principle, that the kings of England had their right from God alone, it ſhould at leaſt have been ſpecified wherein conſiſted this right, and it would never be proved, that the kings of England were inveſted with power from God, to alter the conſtitution, or introduce a new religion at pleaſure. But, if by this right was underſtood only that of the ſucceſſion, the principle was falſe, as might be proved by many inſtances in the Engliſh ſucceſſion; for all the kings and queens ſince Henry VII. mounted the throne by virtue of an act of parliament, which had ſettled the ſucceſſion upon the poſterity of that prince, and had ſince been confirmed by others. It was

[u] William Williams, eſq. of Gray's-Inn.

replied

replied to the fourth objection, that the oath of allegiance, which bound the ſubject to the king's heirs and ſucceſſors, was to be underſtood, when thoſe heirs and ſucceſſors were on the throne, and not while they were yet ſubjects. But ſuppoſing even the oath to be meant of an engagement to acknowledge for king the next heir, it certainly became void, if that heir rendered himſelf incapable of ſucceeding by his ill conduct. That the laws which impoſed oaths had always in view a certain conſtitution of government, which they ſuppoſed conſtant and unalterable, becauſe all caſes that might happen could not be foreſeen. But that it could not be denied, there were poſſible caſes in which theſe oaths would become entirely null; as for example, if the preſumptive heir ſhould declare openly againſt the conſtitution of the ſtate, and clearly diſcover, that he intended to alter it when on the throne. And if in that caſe it was pretended, the ſubject was ſtill bound by his oath of allegiance to this ſucceſſor, the plain meaning of the oath would be, that the ſubjects bound themſelves to ſlavery, whenever the prince ſhould think fit to impoſe it, which was abſurd. In fine, that the parliament was the ſole judge of ſuch caſes.

But the advocates for the bill, not contented with replying to Jenkins's objections, added likewiſe other reaſons to demonſtrate the legality, the expedience, the neceſſity, of the excluſion of the duke of York. They proved the firſt point by precedents taken from the hiſtory of England, by which they demonſtrated, that, on ſeveral occaſions, the parliament had really diſpoſed of the crown in a different manner from the uſual cuſtom. Edward III. was acknowledged king in his father's life time, and Henry IV. while Richard II. was ſtill living. The parliament moreover granted the crown to Henry IV. and ſettled the ſucceſſion in his poſterity, contrary to the known and natural right of the earl of March, who was next heir to Richard II. Then they ſettled the crown upon the duke of York, and his poſterity, after the death of Henry VI. though Henry had a legitimate ſon living. After the houſe of York had enjoyed the crown for three ſucceſſive reigns, though that houſe had a numerous iſſue, the parliament transferred the crown to Henry VII. and his poſterity. They gave a power to Henry VIII. to name his ſucceſſors, and ſettle the ſucceſſion as he ſhould think proper. Laſtly, on the ſucceſſion of James I. to the crown, though no act was demanded by him to confirm his right, the parliament however made one, in order not to loſe their own. As to the objection, that theſe princes were poſſeſſed of the crown when theſe acts were made, it ought to be obſerved, that though they had the power in their hands, and were in poſſeſſion, they thought fit to demand the parliament's confirmation as a thing abſolutely neceſſary to juſtify their right. In fine, it was impoſſible for the parliament, conſidered as conſiſting of king, lords, and commons, to act any thing contrary to the laws, ſince their power of repealing old, and enacting new, laws could not be diſputed. That the ſupreme and abſolute authority reſides in the parliament compoſed of king and both houſes. For what is the parliament but a body conſiſting of all the members of the ſtate, to which no power on earth hath a right to preſcribe? To ſay therefore, that the parliament can act unjuſtly againſt the laws, is to ſay, that all the members of the ſame body may act unjuſtly to themſelves, and be reſponſible for this injuſtice, which is an abſurdity not to be defended.

As to the fitneſs and benefit of the bill, it was not neceſſary to uſe many arguments to ſhew, that it was expedient and fit, that the government and religion ſhould be ſecured, and the people delivered from their fears and ſuſpicions. It could not even be denied, that the excluſion of the duke of York would be attended with theſe advantages. But as it could not be ſuppoſed, that the duke of York and his adherents, would ſubmit to the bill, which might occaſion a civil war, wherein the duke might be ſupported by foreign aid, to this objection it was anſwered, that it was better to hazard ſuch a war, than be expoſed to a more certain danger, namely, of ſeeing the laws and religion invaded by a popiſh prince.

But it was principally to demonſtrate the neceſſity of the excluſion bill, that the advocates for it diſplayed all their wit and eloquence. They maintained, that all precautions to limit the power of a popiſh prince, would be fruitleſs, becauſe his promiſes and oaths could not be relied on, from which the pope, through a motive of religion, could abſolve him. That before the reformation, the reign of Henry VII. furniſhed very remarkable inſtances, and it did not appear, that popes, ſince the reformation, had relinquiſhed their principles. That beſides, the duke of York's zeal for his religion and his principles concerning the government were well known, ſince the letters of his ſecretary and his intimate union with France had clearly ſhewn, he was not only diſpoſed to undertake any thing to ſupport the intereſts of his religion, but had even, for that end, engaged in meaſures very prejudicial to the ſtate. That it was to popiſh counſels and to the duke in particular, that the two Dutch wars, ſo contrary to the intereſts of England, were to be aſcribed.

That to him were owing the non-execution of the laws made againſt popiſh recuſants, the pernicious deſigns of the cabal, and that Coleman's letters made it as clear as the ſun, that he was the chief author of the frequent adjournments and prorogations of the parliament, at the very time they were employed in ſeeking expedients to ſave Europe, and the proteſtant religion from certain ruin. Other arguments were alſo alledged to prove, that all the precautions which could be taken, would be to no purpoſe, when the duke ſhould be on the throne. Firſt, it was ſaid, that his union with France would ſupply him with money, without his being obliged to apply to the parliament. That he might thereby maintain what forces he pleaſed, and having an army at his command, would be maſter of the kingdom, and free to perform or not perform the conditions on which he ſhould be raiſed to the throne. That with this army he might influence the elections, and procure ſuch a parliament as would ſubvert all poſſible precautions. That there was too much reaſon to believe, that the late army had been raiſed with this deſign, ſince, being certain, that it was not intended againſt France, it could only be deſigned againſt the ſubjects. Nay, it was likely, this was the intent of the expedient propoſed, that when the king ſhould happen to die, the parliament then in being, or the laſt that was in being, ſhould aſſemble and fit a competent time, without any new ſummons or elections, ſo that after the expiration of this competent time, the kingdom would fall into the inconvenience juſt mentioned. That if the tranſactions ſince the king's reſtoration were conſidered, it would be found, that nothing had been done with relation to the government, but what tended to ſubvert it and introduce popery. That the duke of York's influence in the king's counſels was well known: That tho' he was abſent, his adherents and creatures enjoyed the principal places in the court and kingdom, and that from him proceeded all the evils wherewith England was afflicted, and all the dangers the nation had to fear. That if after ſo manifeſt a diſcovery of his deſigns, after the laſt teſtimony of Bedloe on his death-bed, after all the evidence of an execrable plot againſt the ſtate and religion, the duke's ſincerity and flattering promiſes were to be truſted, the conſequence would be a too late and fruitleſs repentance. From theſe reaſons, and many others, it was inferred, that the excluſion bill was abſolutely neceſſary, and that the people juſtly expected from their repreſentatives this extraordinary precaution, to free them from their fears.

The court party were extremely embarraſſed. There were facts alledged againſt the duke which could not be anſwered, and there were others which they durſt not directly deny, for fear of farther diſputes, at a time when the torrent ran ſo high againſt the duke. Nay, very few ventured to appear openly for him. Amongſt theſe were ſir Leoline Jenkins ſecretary of ſtate, Mr. Hyde a privy counſellor, and one of the three who then managed the duke's affairs, Mr. Seymour, and one more. Sir Leoline Jenkins deſired the houſe to conſider, "That the duke of York was the king's brother, and ſon of Charles I. for whoſe memory the nation had a great veneration: that the duke was enriched with excellent endowments, which he had employed in the ſervice of the nation, by fighting their battles, and defending them from the oppreſſion of their enemies, and was only guilty of this one crime, which he hoped, upon a mature deliberation, would not deſerve ſo great a condemnation.———He remembered them, that there were laws already for the puniſhment of the crimes he was accuſed of, and therefore humbly conceived, they ought not to chaſtiſe him, by making a new law before any hearing." Mr. Hyde added———"I do not know that any of the king's murderers were condemned without being heard; and muſt we deal thus with the brother of our king?———It would conſiſt much better with the juſtice of the houſe, to impeach him, and try him, in a formal way, and then cut off his head, if he deſerve it. I will not, continued he, diſpute the power of parliaments; but I queſtion whether this law, if made, would be good in itſelf.———For aught I know, when you have made this law, it may have a flaw in it; if not, I am confident there are a loyal party, which will never obey, but will think themſelves bound by their oath of allegiance and duty, to pay obedience to the duke, if ever he ſhould come to be king, which muſt occaſion a civil war."—In the courſe of the debates on the bill, ſir Francis

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Winnington alledged, "That an act of the thirteenth of Elizabeth made it treaſon for any man to ſay, that the parliament could not alter the ſucceſſion." To which Mr. Finch replied, "I will not ſay that acts of parliament cannot diſpoſe of the ſucceſſion, becauſe it was made treaſon by a ſtatute in the 13th of Elizabeth. But I will deny that the kings of England rule by virtue of any ſtatute law, as was ſuggeſted; for their right is by ſo antient a preſcription, as that it may juſtly be ſaid to be from God alone, and that no power on earth ought to diſpute it."

Though this queſtion was only accidentally raiſed and carried no farther, I think it ought not to paſs unregarded, becauſe it ſerves to diſcover the two opinions among the Engliſh, concerning the ſucceſſion. Some believe, that in extraordinary caſes the parliament has power to diſpoſe of the ſucceſſion, becauſe the parliament is ſuppoſed to include the whole nation, from the king to the meaneſt ſubject, and it is abſurd to diſpute the power of the whole nation united in one body, to order what is for their well being. Others maintain, that the ſucceſſion is unalterable, and admits not of any change, either by the nation in a body, or by the parliament. That if this is done, it is unjuſtly, and the parties concerned are not obliged to ſubmit to the parliament's deciſions. That ſuch changes were never made without cauſing troubles and civil wars in the kingdom; becauſe, as it is not in the power of the king to deprive the nation or the parliament of their rights, ſo neither is it in the power of the parliament to deprive the next heir of the ſucceſſion to which he is intitled by nature and birth. This queſtion has never been unanimouſly decided, but each party maintain their opinion, and determine according to the ſtrength of their reaſons. In all appearance, this diſpute will be ſtill long continued.

At laſt, after ſeveral days debates, the excluſion bill paſſed the houſe by a great majority. This bill was much the ſame with the other brought in during the laſt parliament, only it had this additional clauſe, "That, during the life of James duke of York, the act ſhould be given in charge at every aſſizes and general ſeſſions, and read openly in every cathedral, pariſh-church and chapel, twice every year immediately after divine ſervice, that is to ſay, on the 25th of December, and upon Eaſter day."

While the commons were proceeding on this bill, the king endeavoured to interrupt their debates by two meſſages. By the firſt he deſired them to expedite ſuch matters as were depending before them, relating to popery and the plot; aſſuring them, that all remedies they could tender to him, conducing to theſe ends, ſhould be very acceptable to him, providing they were ſuch as might conſiſt with preſerving the ſucceſſion of the crown in the legal courſe of deſcent.

Upon this meſſage an addreſs was preſented to the king by the houſe, in which they ſaid, "That though the time of their ſitting had not much exceeded a fortnight, yet they had in that time not only made a conſiderable progreſs in ſome things abſolutely neceſſary for the ſafety of his majeſty's perſon, the effectual ſuppreſſion of popery, and the ſecurity of the religion, lives, and eſtates, of his majeſty's proteſtant ſubjects; but even in relation to the trials of the five lords impeached in parliament, they had ſo far proceeded, as they ſhould in a ſhort time be ready for the ſame. But they could not (without being unfaithful to his majeſty and their country) omit humbly to inform his majeſty, that their difficulties, even as to thoſe trials, were much increaſed, by the evil and deſtructive counſels of thoſe perſons who adviſed his majeſty, firſt to the prorogation, and then to the diſſolution of the laſt parliament, at a time when the commons were prepared for thoſe trials; as likewiſe by the many and long prorogations of the preſent parliament, before the ſame was permitted to ſit. That a principal evidence was unfortunately dead, between the calling and the ſitting of the parliament. That others had been taken off, or diſcouraged from giving their evidence. To prevent the like inconveniences for the future, they made it their humble requeſt to his majeſty, that he would not ſuffer himſelf to be prevailed upon by the like counſels, to do any thing which might occaſion either the deferring a full diſcovery of the the plot, or the preventing the conſpirators from being brought to ſpeedy and exemplary juſtice and puniſhment."——

The king's other meſſage was concerning Tangier, to recommend to the commons the preſervation of that place. But the houſe not being diſpoſed to content the king, inſtead of offering him money for the relief of Tangier, beſieged by the king of Morocco, took occaſion from the meſſage to conſider ſome of the court's proceedings in this reign. It was argued, "That they were indeed afraid of Tangier, but more afraid of a popiſh ſucceſſor:——they were unwilling to give any money, becauſe they remembered, when eleven hundred thouſand pounds were given for the building of ſhips, not one ſhip was built; and above two millions given to ſupport the triple league, when it was ſoon employed for the breaking of it; and twelve hundred thouſand pounds given for a war with France, when at the ſame time we were under private obligations for peace." Theſe were facts to which the friends of the court had nothing to reply, becauſe they were publicly known. They contented themſelves with demonſtrating the importance of Tangier to the Levant trade, and repreſenting, that the two millions expended on the Mole would be entirely loſt. In ſhort, as the commons had always in mind the excluſion bill, they took occaſion from this meſſage to preſent to the king a long addreſs, or rather remonſtrance, ſetting forth, in eighteen articles, the dangerous ſtate of the kingdom, with regard to popery. But it was not ſo much to acquaint the king with theſe dangers, as to repreſent them to the people, that they might think the excluſion bill leſs ſtrange. The ſubſtance of theſe eighteen articles was as follows:

"1. That Tangier had been ſeveral times under the command of popiſh governors; that the ſupplies ſent thither, had been in great part made up of popiſh officers and ſoldiers, and that the Iriſh papiſts had been moſt countenanced and encouraged.

"2. That here at home the endeavours and attempts of the popiſh party had been ſo bold and ſucceſsful, that it was a matter of admiration to them, and which they could only aſcribe to an over-ruling providence, that his majeſty's reign was ſtill continued over them, and that they were yet aſſembled to conſult the means of their preſervation.

"3. That this bloody and reſtleſs party had found countenance and protection from the laws made againſt them: that they had found means to diſgrace their oppoſers; and if they were judges, juſtices of the peace, or other magiſtrates, to have them turned out of commiſſion: ſo that after ſome time, they became able to influence matters of ſtate and government; and thereby to deſtroy thoſe that they could not corrupt.

"4. The continuance and prorogation of parliaments, had been accommodated to ſerve the purpoſes of that party.

"5. Money raiſed upon the people to ſupply his majeſty's extraordinary occaſions, had, by the prevalence of popiſh counſels, been employed to make war upon a proteſtant ſtate, and to advance and augment the dreadful power of the French king.

"6. That great numbers of his majeſty's ſubjects were ſent into, and continued in the ſervice of that king: and even the miniſters of England were made inſtruments, to preſs the ſtates of Holland to accept of a demand from the French king, of admitting the public exerciſe of the Roman catholic religion.

"7. That if ever any command were given for thoſe laws to be put in execution againſt papiſts, even from hence they gained advantage to their party, while the edge of thoſe laws was turned againſt proteſtant diſſenters, and the papiſts eſcaped in a manner untouched.

"8. That the teſt act had little effect; for the papiſts, either by diſpenſations obtained from Rome, ſubmitted to thoſe teſts, and held their offices themſelves; or thoſe put in their places were ſo favourable to their intereſts, that popery itſelf had rather gained than loſt ground ſince that act.

"9. That a popiſh ſecretary, ſince executed for his treaſons, had maintained a correſpondence at Rome, and in the courts of other foreign princes, for the ſubduing (to uſe their own words) that peſtilent hereſy which had ſo long domineered over this northern world.

"10. That out of theſe counſels and correſpondencies, was hatched that damnable and helliſh plot, by the good providence of God brought to light about two years ſince.

"11. That when this accurſed conſpiracy was firſt diſcovered, the papiſts began to ſmother it, with the barbarous murder of a juſtice of the peace, within one of his majeſty's own palaces.

"12. That amidſt theſe diſtractions and fears, popiſh officers for the command of forces were allowed upon the muſters, upon ſpecial orders counterſigned by a ſecretary of ſtate: and in like manner, about fifty new

commiſſions were granted about the ſame time to known papiſts.

" 13. That when, in the next parliament, the houſe of commons were prepared to bring to a legal trial the principal conſpirators in this plot, that parliament was firſt prorogued, and then diſſolved: and the interval between the calling and ſitting of this parliament had been ſo long, that the papiſts had gained time and advantage of covering their paſt crimes, and practiſing them more effectually.

" 14. That witneſſes had been corrupted, not only by promiſes of reward, but of the favour of his majeſty's brother.

" 15. That divers of the moſt conſiderable of his majeſty's proteſtant ſubjects had crimes of the higheſt nature forged againſt them, the charge to be ſupported by ſubornation and perjury, that they might be deſtroyed by forms of law and juſtice.

" 16. That a preſentment being prepared for the grand jury of Middleſex, againſt the duke of York, the grand jury were, in an unprecedented and illegal manner, diſcharged; and that with ſo much haſte and fear, leſt they ſhould finiſh that preſentment, that they were prevented from delivering many other indictments, by them at that time found againſt other popiſh recuſants.

" 17. That becauſe a pamphlet came out weekly, called, The weekly packet of advice from Rome, expoſing popery, as ridiculous, to the people, as it deſerved, a new and arbitrary rule of court, was made in the King's Bench (rather like a ſtar chamber than a court of law) that the ſame ſhould not for the future be printed by any perſon whatſoever.

" 18. That notwithſtanding all the proclamations for the baniſhing papiſts from about this great city, and reſidence from his majeſty's court, and the parliament; yet great numbers of them, and that of the moſt dangerous ſort, did daily reſort hither, and abide here."

" For all which reaſons, the commons intreated his majeſty, that none but perſons of ſincere affection to the proteſtant religion, might be put into any employment civil or military, that whilſt they gave a ſupply to Tangier, they might be aſſured they did not augment the ſtrength of their popiſh adverſaries, nor increaſe their own dangers. But that if his majeſty ſhould vouchſafe to grant their deſires, they ſhould not only be ready to aſſiſt him in defence of Tangier, but do whatſoever elſe ſhould be in their power to enable him to protect the proteſtant religion and intereſt at home and abroad."

Two days after this mortifying addreſs, on the 15th of November [x], the excluſion bill was ſent up to the houſe of lords [y]. It paſſed only by two voices upon the firſt reading. But on the ſecond reading it was thrown out by a ſuperiority of ſixty three, againſt thirty. Of fourteen biſhops that day in the houſe, three only gave their votes for, and eleven againſt the bill [z]. The king was preſent at the whole debate, which laſted till near midnight.

It was a great mortification to the commons, to ſee their favourite bill thus thrown out by the lords. They grew ſo ſullen and out of humour, that they fell upon ſeveral members of their own houſe, expelling ſome, and impeaching and impriſoning others, as well as upon perſons not of their houſe [a] for being abhorrers, or for having adviſed and aſſiſted in drawing up the proclamation againſt petitioning for the ſitting of the parliament. But this ſerved only to diſcover their rage at their diſappointment concerning the excluſion bill [b].

On the 30th of November, a new ſcene was opened, namely, the trial of William Howard, lord viſcount Stafford, one of the five popiſh lords in the Tower, who were accuſed of being concerned in the plot. He was tried before the lords in Weſtminſter-hall, the chancellor being appointed by the king to perform the office of high ſteward. The managers for the commons began with the plot in general, and laid open the malice, wickedneſs, and horror, of ſo dreadful, bloody, and helliſh a deſign: They ſtrenuouſly inſiſted on the expreſs poſitive oaths of the witneſſes, upon whom the credit of the plot depended: they expatiated on Coleman's letters and others, clearly proving the deſigns, and activity of the writers: they preſſed home the execrable murder of ſir Edmundbury Godfrey, charged upon the papiſts, as well by the oaths of ſelf-acknowledged partners in the fact, as by a letter ſent from London to Tixall, intimating this very murder, the third day after it was committed: they fully diſplayed the ſham plots, and counter contrivances, whereby the papiſts would have ſuborned the king's evidence, and turned all the guilt upon his majeſty's loyal ſubjects: they urged the firing the city, the burning the navy, the calling in French armies, wild Iriſh, Spaniſh pilgrims, &c. They recapitulated the ſeveral trials of Ireland, Whitebread, Langhorn, &c. and alledged the votes of both houſes of parliament, declaring the plot. To corroborate all which, they repeated the cruelties of queen Mary, the French and Iriſh maſſacres, the powder plot, &c. And they anatomiſed the wicked principles and practices of murdering, lying, equivocating, forſwearing, faithbreaking, &c. imputed to the papiſts, as held by them lawful and meritorious. In fine, they produced witneſſes to prove the plot in general, but chiefly three appeared againſt the accuſed lord, namely, Dugdale, Oates, and Turberville.

1. Dugdale ſwore, "That at a certain meeting held at Tixall in Staffordſhire, about the end of Auguſt, or beginning of September 1678, the lord Stafford, with lord Aſton, and others, did in the preſence of the witneſſes, give his full conſent, to take away the king's life, and introduce the popiſh religion. And that on the 20th, or 21ſt of September, in the forenoon, the lord Stafford ſent for the witneſs to his chamber, while he was dreſſing; and, turning his ſervant out, offered him five hundred pounds for his charges and encouragement, to take away the king's life; and further told him, he ſhould have free pardon of all his ſins, and be ſainted; for the king had been excommunicated, and was likewiſe a traytor, and a rebel, and an enemy to Jeſus Chriſt."

Oates ſwore, "That in the year 1678, both in Spain and at St. Omer's, he ſaw ſeveral letters, ſigned Stafford, wherein his lordſhip aſſured the jeſuits of his fidelity and zeal, in promoting the catholic cauſe; that in 1678, being in London, his lordſhip came to the chamber of father Fenwich, ſince executed; and there, in his preſence received a commiſſion from him, to be paymaſter general to the Army: whereupon his lordſhip ſaid, he muſt of neceſſity go down into the country to take account how affairs ſtood there; and did not doubt, but at his return, Grove ſhould do the buſineſs. And, ſpeaking of the king, he further added, he hath deceived us a great while, and we can bear no longer."

Turberville gave an account of "diſobliging his friends, by leaving his friar's habit at Doway; and thereupon went into France, in the year 1675, where at Paris, getting acquaintance with his lordſhip, he propoſed to the witneſs, a way, both to retrieve his reputation with his friends, and make himſelf happy; and this was by taking away the life of the king of England, who was a heretic, and a rebel againſt God Almighty. That when he took leave of him, his lordſhip appointed to meet him at London; but he ſoon after returned into France, not being willing to undertake the propoſals, and was diſcountenanced by his friends, and reduced to poverty."

The accuſed lord, in his defence, alledged many things to invalidate the credit of the plot, and particularly, the reputation of theſe three witneſſes.

Againſt Dugdale he produced evidence, "That he was a perſon of an infamous life; that he had cheated the lord Aſton, his maſter, and defrauded the workmen and ſervants of their wages; that by his extravagancies and miſdemeanours, he had run himſelf into ſeveral hundred pounds debt, for which he was thrown into goal, and deſpaired of ever getting out from thence, otherwiſe than by making the pretended diſcoveries. In the next place, that he had directly perjured himſelf, in divers parts and circumſtances,

[x] The addeſs is dated November 13, but it was not preſented to the king till November 29.

[y] It was carried up by William lord Ruſſel, attended by the lord Cavendiſh, ſir Henry Capel, and indeed by almoſt the whole houſe of commons. Echard, tom. III. p. 594.

[z] Burnet ſays, all the biſhops voted againſt the bill, p. 482.

[a] They agreed to impeach ſir Edward Seymour the late ſpeaker; and ſir Robert Peyton was brought upon his knees, and expelled the houſe. They alſo voted to proceed for high crimes and miſdemeanours againſt ſir Francis North chief juſtice of the common pleas, ſir Thomas Jones one of the judges of the king's bench, and ſir Richard Weſton one of the barons of the exchequer: and to impeach the lord chief juſtice Scroggs of high treaſon. Kennet, p. 377.

[b] The gentlemen who ſpoke for the excluſion were, lord Ruſſel, ſir Henry Capel, mr. Harbord, colonel Titus, mr. Thomas Bennet, ſir Francis Winnington, ſir Thomas Player, ſir William Jones, mr. Boſcawen, mr. Trenchard, mr. Montague, colonel Sidney.—Againſt the bill, ſir Lionel Jenkins, mr. Laurence Hyde, mr. Edward Seymour, mr. Daniel Finch, mr. Garraway, ſir Richard Graham. Debates, &c. In the houſe of lords the earls of Eſſex and Shaftſbury argued moſt for it: and the earl of Halifax (who was for limitations) was the champion on the other ſide. For which, when the bill was thrown out, the commons voted an addreſs to the king to remove lord Halifax from his counſels and preſence for ever, pretending it was for his adviſing the diſſolution of the laſt parliament. Burnet, p. 482.

as to the time and place, in this and other depoſitions." And further he proved, "That he had endeavoured to ſuborn divers perſons to make falſe oaths, and ſo to ſtrengthen his own by other men's perjury."

Againſt Oates he enlarged upon the great improbabilities, "That ſo many great and rich conſpirators, who had truſted him with their greateſt ſecrets, and whoſe lives were at his mercy, ſhould ſuffer him to be reduced to ſuch a wretched degree of beggary, as he was acknowledged to be in when he made his firſt diſcoveries. He likewiſe inſiſted upon his omiſſions, additions, and contradictions, that plainly appeared in his ſeveral depoſitions about the plot, and alſo upon his villainous feigning himſelf to be of another religion, by ſolemn renunciations of his faith, and by ſuch ſacraments on one ſide, and ſuch abjurations and execrations on the other, as rendered him unfit to be admitted for an evidence againſt any man living."

As to Turberville, he urged, "That he was perjured in this, and many other of his depoſitions; and that his narrative had many miſtakes and blunders in it. He denied that he or any of his ſervants, ever ſaw him at Paris; and made ſome remarks upon his poverty and want, his looſe manner of living, his ſhameful curſing and ſwearing, and particularly his uſing theſe words, God damn me! There is no trade good now, but that of a diſcoverer."

This defence, as is eaſily ſeen, could not well be more weak, and yet it laſted a whole week, and the account of this trial makes a ſmall volume in folio, containing in ſubſtance only what I have ſaid. The accuſations and depoſitions were expreſs, and the priſoner's defence conſiſted, 1. In an abſolute denial of the crime for which he was impeached. But this denial could be of no ſervice to him, as it is not what the judges go by. 2. In ſeveral allegations againſt the witneſſes. But bare allegations without proofs, are not wont to juſtify the accuſed. 3. In an improbability alledged againſt Oates, that if he had been ſo well acquainted with the ſecrets of ſo many rich men, they would never have ſuffered him to be reduced to ſuch want. To this the lords doubtleſs paid the regard, they thought it deſerved. But, methinks, ſuch an improbability cannot be ſaid to make a convincing proof in favour of the priſoner. 4. In a witneſs who depoſed, that Dugdale was a perſon of an infamous life, and guilty of ſeveral cheats. On which, I cannot forbear repeating what I ſaid on a like occaſion, that if in a plot againſt the king or the ſtate, only witneſſes of honeſty and reputation were to be allowed, there would be danger of always wanting evidence, becauſe ſuch plots are commonly diſcovered by the accomplices, and ſeldom any but villains are concerned.

However this be, after the lord Stafford had made a long and pathetic ſpeech, and in the preſence of God proteſted his innocence, he was found guilty by fifty-five votes againſt thirty-one. The lord high ſteward aſked him, "What he could ſay for himſelf, why judgment of death ſhould not paſs upon him, according to law?" He replied, "My lord, I have very little to ſay; I confeſs, I am ſurprized at it, for I did not expect it. But God's will be done; I will not murmur at it. God forgive thoſe that have falſely ſworn againſt me."

Sentence being paſſed upon him, ſeveral of his relations and acquaintances were urgent with him to make diſcoveries of all he knew, as the only means to ſave his life; to which he anſwered, that he was willing, out of a meer ſenſe of duty, without any temporal view, to diſcover the utmoſt of what he knew. Whereupon, he was brought to the bar of the lords, where he declared things known to all the world, but ſaid nothing of what was wiſhed to be known.

He ſaid, "That he thought it no crime for any man to wiſh his neighbour might be of the ſame religion, wherein he himſelf hoped to be ſaved; nay, to ſeek and promote it by ſuch ways as the laws of God and the nation allow. That there had been, on ſeveral occaſions, endeavours uſed to obtain an abrogation, or at leaſt a mitigation of ſeverities againſt the catholics; but no otherwiſe than by legal and parliamentary means. That he himſelf at Breda propounded a hundred thouſand pounds to the king, for the taking off the penal laws againſt them. That a bill had been brought into the houſe of lords in their favour, but was quaſhed by chancellor Hyde. That the earl of Briſtol had made ſome propoſals with no better ſucceſs. That he had offered ſome propoſals to the duke of York, the chancellor, and the earl of Shaftſbury, which laſt ſaid, He doubted not but that there would come great advantages to the king by it." But this pretended confeſſion not giving ſatisfaction to the lords, he was ſent back to the Tower.

The 29th of December he was beheaded, being ſixty eight years of age: He proteſted his innocence to his laſt moment.

The 15th of December, the king came to the houſe of lords, and ſending for the commons, made a ſpeech to both houſes, which properly was but a repetition of that made at the opening of this ſeſſion, relating to his alliances with Spain and Holland for the repoſe of Chriſtendom, and concerning Tangier. After which he renewed his promiſe of concurring with them in any remedies for the ſecurity of the proteſtant religion, which might conſiſt with preſerving the ſucceſſion of the crown in its due and legal courſe of deſcent.

The commons returning to their houſe, inſtead of taking the king's ſpeech into conſideration, reſolved themſelves into a grand committee how to ſecure the kingdom againſt popery and arbitrary government. After a warm debate, they reſolved:

"That a bill be brought in immediately, to baniſh all the conſiderable papiſts out of the kingdom." And upon a farther debate on the miſchiefs and dangers of popery, they reſolved, "That it is the opinion of the committee, that as long as the papiſts have any hopes of the duke York's ſucceeding the king in the kingdoms of England and Ireland, and dominions thereunto belonging; the king's perſon, the proteſtant religion, and the lives, liberties, and properties of all his majeſty's proteſtant ſubjects, are in apparent danger of being deſtroyed." Then upon reference made to an act of queen Elizabeth for an aſſociation; they came to a like reſolution: "That a bill be brought in for an aſſociation of all his majeſty's proteſtant ſubjects, for the ſafety of his majeſty's perſon, the defence of the proteſtant religion, and the preſervation of his majeſty's proteſtant ſubjects, againſt all invaſions and oppoſitions; and for preventing the duke of York, or any other papiſt, from ſucceeding to the crown."

The houſe ſtopped not there. After conſidering of ways and means to ſecure the kingdom againſt popery and arbitrary government, they came to theſe three reſolves. 1. That it is the opinion of this houſe, that a bill be brought in, "For the more effectual ſecuring of the meetings and ſittings of parliament." 2 That it is the opinion of the houſe, that a bill be brought in, "that the judges may hold their places and ſalaries, Quam diu ſe bene geſſerint." 3. That it is the opinion of the houſe, that a bill be brought in, "againſt illegal exaction of money from the people, to make it high treaſon."

After theſe reſolves, each of which diſcovered their extreme diſtruſt of the court, they thought fit to conſider the king's ſpeech. Many ſevere reflections were made upon the French embaſſador, the French women, the duke, and his creatures, and indirectly even upon the king himſelf. At laſt they reſolved upon an addreſs to the king, by way of anſwer to his ſpeech, in which they repreſented:

"That this proteſtant kingdom can never be ſafe, while there is any hopes or expectation of a popiſh ſucceſſor; and they beſeech his majeſty, in his great wiſdom, to conſider, whether in caſe the imperial crown of this proteſtant kingdom ſhould deſcend to the duke of York, the oppoſition which may poſſibly be made to his poſſeſſing it, may not only endanger the further deſcent in the royal line, but even monarchy itſelf? They therefore become humble petitioners to his ſacred majeſty, that in tender commiſeration of his poor proteſtant people, his majeſty would be graciouſly pleaſed to depart from the reſervation in the ſaid ſpeech; and when a bill ſhall be tendered to his majeſty in a parliamentary way, to diſable the duke of York from inheriting the crown, his majeſty will give his aſſent thereunto; as alſo to another act whereby his proteſtant ſubjects may be enabled to aſſociate themſelves for the defence of his majeſty's perſon, the proteſtant religion, and the ſecurity of his kingdom.—And as ſome farther means for the preſervation both of their religion and property, they are humble ſuitors to his majeſty, that from henceforth ſuch perſons only may be judges, as are men of ability, integrity, and known affection to the proteſtant religion, and that they may hold both their offices and ſalaries, Quam diu ſe bene geſſerint. That no one may bear the office of a lord lieutenant, but who is a perſon of integrity and known affection to the proteſtant religion. The deputy lieutenants, and juſtices of the peace, may be alſo ſo qualified, and men of ability, of eſtates, and intereſt in their country. That none may be employed as military officers, but men of known experience, courage, and affection to the proteſtant religion. And theſe their humble requeſts being obtained, they ſhall, on their part, be ready to aſſiſt his majeſty for the preſervation of Tangier, and for putting his majeſty's fleet into ſuch a condition, as it may preſerve his majeſty's ſovereignty of the ſeas, and be for the defence of the nation." The king

king gave no anſwer to this addreſs till about a fortnight after.

While the king and the parliament were united, it was the intereſt of the papiſts to promote a toleration of the non-conformiſts, that they themſelves might enjoy the benefit under that general denomination. But ſince the king and the parliament were at variance, the perſecution fell upon the papiſts alone, who were accuſed of intending to introduce their religion by force. Wherefore, it was their intereſt to incenſe the church of England againſt the preſbyterians, and thereby cauſe a diverſion. It cannot be denied, that many of the biſhops and clergy fell into this ſnare, and were pleaſed to ſee the court, which always favoured the papiſts, inclined to perſecute the preſbyterians. Encouraged by the court, the moſt zealous of the epiſcopal way failed not to diſcover their hatred of the preſbyterians, ſo that at the very time, the papiſts were accuſed by the parliament as the authors of all the miſchiefs of the kingdom, the preſbyterians were attacked, as if it was intended to throw the blame upon them. By this the clergy of the church of England were cenſured for appearing to favour the deſigns of the papiſts. Beſides, it is certain, that during the conteſts between the king and the parliament, the clergy in general were attached to the court, and the intereſts of the duke of York. This was ſufficient to revive the complaints of the preſbyterians againſt the church of England, and to charge her with being popiſhly inclined. Moreover, in the diſpoſition of the court in favour of the papiſts, ever ſince the beginning of this reign, or at leaſt ſince the earl of Clarendon's diſgrace, it may eaſily be imagined, that care had been taken to introduce among the clergy, men of a doubtful religion, and from whom the court had nothing to fear.

Upon all theſe accounts, the commons thought it highly ſeaſonable at this juncture, to ſcreen the preſbyterians from perſecution. They found themſelves moreover concerned, in that, for the reaſon before intimated, there were many preſbyterians in the houſe, who to qualify themſelves for their election, had taken the oaths, and received the ſacrament in the church of England, but who were not for that the leſs preſbyterians. So, the 21ſt of December, a bill was read the firſt time, for uniting the king's proteſtant ſubjects. Whilſt the rigid epiſcopalians prevailed in the ſecond parliament of this reign, they had carefully avoided to diſtinguiſh the proteſtant non-conformiſts from the others, becauſe it was advantageous to them, to make them but one body under the ſame name. But this parliament which had other views, neglected not to make ſo natural a diſtinction. This bill, which perhaps was too indulgent to the preſbyterians, meeting with ſtrong oppoſition in the houſe, was relinquiſhed for one leſs advantageous, which exempted the proteſtant diſſenters from the penalty impoſed on the papiſts by the act of the 35th of Elizabeth. This bill paſſed both houſes, but was ſecretly conveyed away, when it was to be offered to the king for his aſſent [c].

The commons concluded the year with this vote, "That no member of the houſe ſhould accept of any office or place of profit from the crown, without leave of the houſe; nor any promiſe of any ſuch office or place of profit during ſuch time as he ſhould continue a member of the houſe [d]."

The king found himſelf very much at a loſs what anſwer to return to the commons addreſs. His council was divided. Some adviſed him to return no anſwer, and to uſe this pretence, that as he had addreſſed his ſpeech to both houſes, he could not conſider the particular addreſs of one houſe as an anſwer to his ſpeech. Others were of opinion, that the king ſhould return a poſitive anſwer, becauſe they little cared to keep any meaſures with the parliament, but on the contrary, (knowing their management of the king's affairs, would never be forgiven by the commons) they were indirectly doing all they could to engage him to diſſolve the parliament, and call no more for the future. Of this opinion were the four principal directors of the king's affairs, namely, Sunderland, Hallifax, Mr. Hyde, and Mr. Godolphin. When it is conſidered, that from the beginning of this reign, or at leaſt from the earl of Clarendon's diſgrace, there were not only men of theſe principles always in the council, but that alſo they were generally the chief miniſters, it can hardly be doubted, that the king himſelf was likewiſe of the ſame principles, though there ſhould be no other proof. It is therefore certain, that the fears of the commons were not groundleſs. It muſt be farther remarked, that though the council was divided concerning the manner of anſwering the commons addreſs, they were agreed as to the thing itſelf, not one privy councillor being of opinion, that the king ſhould conſent to the excluſion of the duke of York.

Though the king at firſt ſeemed to approve of the former of theſe two opinions, he ſuffered himſelf to be influenced by the latter, namely, to return a poſitive anſwer to the commons, which he did in the following manner:

"His majeſty received the addreſs of this houſe, with all the diſpoſition they could wiſh to comply with their reaſonable deſires, but upon peruſing it, he is ſorry to ſee their thoughts ſo wholly fixed upon the bill of excluſion, as to determine, that all other remedies for the ſuppreſſing of popery, will be ineffectual: his majeſty is confirmed in his opinion againſt that bill, by the judgment of the houſe of lords, who rejected it. He therefore thinks, there remains nothing more for him to ſay, in anſwer to the addreſs of this houſe, but to recommend to them the conſideration of all other means for the preſervation of the proteſtant religion, in which they have no reaſon to doubt of his concurrence, whenever they ſhall be preſented to him in a parliamentary way: and that they would conſider the preſent ſtate of the kingdom, as well as the condition of Chriſtendom, in ſuch a manner as may enable him to preſerve Tangier, and ſecure his alliances abroad, and the peace and ſettlement at home. [e]"

This anſwer was not read in the houſe till three days after, becauſe the commons were employed in drawing up an impeachment againſt chief juſtice Scroggs, who was accuſed of endeavouring to ſtifle the belief of the plot, diſcouraging the king's evidences, diſmiſſing the grand jury, that ſhould have preſented the duke of York, and of unjuſtly proſecuting ſeveral writers and publiſhers of pamphlets. In this interval the lords ſent to the commons the following vote, "That they declared, and were fully ſatisfied, that there now was, and for divers years laſt had been a horrid and treaſonable plot, continued and carried on by the Iriſh papiſts, for maſſacring the Engliſh, and ſubverting the proteſtant religion, and the ancient eſtabliſhed government of that kingdom." The commons readily concurred to this vote, and added, "That the duke of York's being a papiſt, and the expectation of his coming to the crown, had given the greateſt countenance and encouragement thereto, as well as to the horrid popiſh plot in the kingdom of England."

When the king's anſwer was read in the houſe of commons, it raiſed great heats and complaints againſt the lords, for throwing out the bill of excluſion, in complaiſance to the king, or becauſe they were awed by his preſence. At laſt, after great debates, they came to theſe three reſolutions:

"1. That it is the opinion of this houſe, that there is no ſecurity nor ſafety for the proteſtant religion, the king's life, or government of this nation, without paſſing a bill for diſabling James duke of York, to inherit the imperial crown of this realm, and the dominions and territories thereunto belonging: and to rely upon any other means and remedies, without ſuch a bill, is not only inſufficient but dangerous.

"2. That his majeſty, in his laſt meſſage, having aſſured this houſe, of his readineſs to concur in all other means for the preſervation of the proteſtant religion, this houſe doth declare, that until a bill be likewiſe paſſed for excluding the duke of York, this houſe cannot give any ſupply to his majeſty, without danger to his majeſty's perſon, extreme hazard of the proteſtant religion, and unfaithfulneſs to thoſe by whom the houſe is intruſted.

"3. That all perſons who adviſed his majeſty, in his laſt meſſage to this houſe, to inſiſt upon an opinion againſt the bill for excluding the duke of York, have given pernicious counſel to his majeſty, and are promoters of popery, and enemies to the king and kingdom."

In purſuance of this laſt vote, the houſe came to a reſolution of preſenting to the king, an addreſs, to remove from his perſon and counſels, George earl of Halifax, Laurence Hyde, eſq. Henry Somerſet marquis of Worceſter, Henry Hyde earl of Clarendon, and Lewis Duras earl of Feverſham. Moreover they voted, That whoſoever ſhould hereafter lend, or cauſe to be lent, by way of advance, any money upon the

[c] On the day of the prorogation, when the bill for repealing the act of the 35th of Elizabeth ought to have been offered to the king, the clerk of the crown, by the king's particular order, withdrew the ſaid bill. The king had no mind openly to deny it: but he had leſs mind to paſs it. So this indirect method was taken, which was a high offence in the clerk of the crown. Burnet, p. 395.

[d] This year died John Wilmot, the witty earl of Rocheſter; Samuel Butler, author of Hudibras; Harry Marten, one of the regicides; and the famous painter ſir Peter Lely.

[e] This anſwer was brought by ſir William Temple. See his mem. part III. p. 352.

The

branches of the king's revenue arising by cuſtom, exciſe, or hearth money, ſhould be judged a hinderer of the ſitting of parliaments, and be reſponſible for the ſame in parliament. —And that whoſoever ſhould accept or buy any tally, or anticipation, upon any part of the king's revenue, ſhould be be adjudged as before.

The houſe of commons could hardly carry things any further, and ſeemed to intend to engage the king in ſome violent action, which might give an advantage againſt him. Thus had the parliament of 1640 behaved to Charles I. But Charles II. had one advantage wanted by his father, which was, that he had not, like him, deprived himſelf of the power to prorogue or diſſolve the parliament, and ſo could whenever he pleaſed, put an end to the mortifications which were given him. It is true, in ſuch a caſe he muſt have contented himſelf with his ordinary revenue, which, to a prince ſo prodigal as he, was not eaſy. It was this which made his enemies hope, he would come at laſt to their terms, and conſent to the excluſion bill. Indeed, if father Orleans may be credited, the ducheſs of Portſmouth threw herſelf at his feet, and prayed him not to ruin himſelf for the ſake of his brother [f]. Fagel, penſionary of Holland, ſent Mr. Sidney, the king's envoy at the Hague, a memorial repreſenting, that the king could not ſupport the duke of York, without relinquiſhing the intereſts of all Europe.

But this argument made no great impreſſion on the king's mind. On the contrary, theſe difficulties ſerved only to provoke him the more, ſo that he reſolved to prorogue the parliament. The commons having private notice of this, aſſembled more early than uſual, and, before the king came to the houſe of lords, the 10th of January, had time to paſs the following votes:

"1. That whoſoever adviſed his majeſty to prorogue the parliament, to any other purpoſe, than in order to paſſing a bill for the excluſion of James duke of York, is a betrayer of the king, the proteſtant religion, and of the kingdom of England, a promoter of the French intereſt, and a penſioner of France.

"2. That it is the opinion of this houſe, That the acts of parliament made in the reign of queen Elizabeth, and king James, againſt popiſh recuſants, ought not to be extended againſt proteſtant diſſenters.

"3. That it is the opinion of this houſe, That the proſecution of proteſtant diſſenters upon the penal laws, is at this time grievous to the ſubject, a weakening the proteſtant intereſt, an encouragement to popery, and dangerous to the peace of the kingdom."

Theſe votes were ſcarce paſſed, when the king came to the houſe of peers, and ſending for the commons, gave the royal aſſent to two or three acts of little importance [g], and then, the chancellor, by his order, prorogued the parliament to the 20th of January.

Three days after, the lord mayor and common council of London, preſented to the king an addreſs, for the ſitting of the parliament on the day appointed, that they might effect the great affairs before them. This addreſs ſerved only to exaſperate the king farther. Wherefore, by a proclamation, the 18th of January, he diſſolved the parliament. At the ſame time he ſummoned another to meet at Oxford the 21ſt of March, being offended with the city of London.

During theſe conteſts, the miniſters and privy councillors were not a little embarraſſed. They ſaw the houſe of commons ſo attached to the excluſion bill, that nothing elſe could ſatisfy them. On the other hand, they knew by experience, that on other important occaſions, the king had not ſhewn that firmneſs which his miniſters could have wiſhed, but had abandoned them, and come into the meaſures of the parliament. This made them fear, the ſame thing might happen on the preſent occaſion, and therefore, Robert Spencer earl of Sunderland, ſecretary of ſtate, went off the firſt, and, contrary to the king's expreſs order, voted for the excluſion bill in the houſe of lords. The earls of Eſſex and Saliſbury, privy councillors, did the ſame, and ſir William Temple ſufficiently teſtifies his fear of being expoſed to the houſe of commons. This conduct of ſome of the privy councillors, gave the country party hopes, that the king would at laſt comply if he was warmly preſſed.

But that party was diſappointed in their expectations. For, though the king had diſcovered no great firmneſs in all his difficulties, yet in the affair of his brother he was ever immoveable [h]. Immediately after the diſſolution of the parliament, he removed the earl of Sunderland from being ſecretary, and gave the place to the earl of Conway. He likewiſe ſtruck out of the council book, the names of the earls of Eſſex, Saliſbury, Sunderland, and ſir William Temple, and in their room put men whoſe principles were more agreeable to his own [i]. He likewiſe made ſome alteration among the judges. In a word, by the men whom he advanced, he ſufficiently diſcovered his intention to ſupport the duke of York his brother, let what would be the conſequence.

On the other hand, the contrary party to the court were not idle. The magiſtracy and common council of London, being of that party, haſtened the elections of members to ſerve in the enſuing parliament, and on the 4th of February re-choſe their old members [k]. The election was no ſooner over, than the new repreſentatives were preſented with a paper, in the name of the citizens of London then aſſembled in common hall, containing a "return of their moſt hearty thanks for their faithful and unwearied endeavours in the two laſt parliaments, to ſearch into and diſcover the depth of the popiſh plot; to preſerve his majeſty's royal perſon, the proteſtant religion, and the well eſtabliſhed government of this realm; to ſecure the meeting and ſitting of frequent parliaments; to aſſert their undoubted rights of petitioning, and to puniſh ſuch as have betrayed thoſe rights; to promote the long wiſhed for union of his majeſty's proteſtant ſubjects; to repeal the thirty-fifth of Elizabeth, and the corporation act; and more eſpecially for their aſſiduous endeavours in promoting the bill of excluſion of James duke of York." In fine, they concluded, "That being confidently aſſured, that they, (the ſaid members for the city,) will never conſent to the granting any money ſupply, till they have effectually ſecured them againſt popery and arbitrary power, they reſolved, by God's aſſiſtance, to ſtand by their ſaid members with their lives and fortunes." The example of London was followed by moſt places in the kingdom, and not only the old members were re-elected [l], but papers of addreſſes, like that of London, were preſented to them. So, when the elections were over, the king with grief ſaw, he was going to meet the ſame parliament he had diſſolved.

Mean while, the king's precaution to call his new parliament at Oxford, gave great uneaſineſs to the country party. They were deſirous that the parliament ſhould ſit at Weſtminſter, where they were ſure of the aſſiſtance of the Londoners in caſe of need. And who knows, whether ſome did not propoſe to uſe, for paſſing the excluſion bill in the houſe of lords the ſame means formerly uſed to extort from the peers their conſent to the bill of attainder againſt the earl of Strafford? Be this as it will, they reſolved to uſe their utmoſt endeavours to have the place altered, and the parliament removed to Weſtminſter. For this purpoſe the earl of Eſſex, attended by fifteen lords [m], delivered a petition to the king, introducing it with the following ſpeech:

May it pleaſe your majeſty,

THE lords here preſent, together with divers other peers of the realm, taking notice, that by your late proclamation your majeſty had declared an intention of calling a parliament at Oxford; and obſerving from hiſtory and records, how unfortunate many aſſemblies have been, when called at a place remote from the capital city; as particularly the congreſs in

[f] The true reaſon, according to Burnet, why the ducheſs of Portſmouth openly declared for the houſe of commons, and was ſo hearty for the excluſion was this: it was propoſed to her, that if ſhe could bring the king to the excluſion, the parliament would next preſs the king to declare the ſucceſſor to the crown; and as ſhe was abſolute miſtreſs of the king's ſpirit, ſhe might reckon the king would be prevailed on to declare her ſon his ſucceſſor. The duke of Monmouth, who had the ſame view, joined with her to carry on the excluſion; and they thought they were making tools of one another to ſerve their own ends, p. 487.

[g] One was, an addition to the act for burying in woollen.

[h] He at firſt came in to the bill of excluſion, or ſeemed to do ſo. The ducheſs of Portſmouth and others perſuaded him to wave the duke of York's right, and accept of an act of parliament in his own favour, like that made in the reign of Henry VIII. by which he ſhould have a power veſted in him to diſpoſe of the crown at his death under ſuch reſtrictions and limitations as ſhould be agreed on. Whether ſuch act was really intended is hard to determine; but it is certain ſuch an offer was made to the king, with a promiſe of a conſiderable ſum of money, towards the ſupplying his preſſing wants. It is likewiſe certain, that king Charles ſeemed willing to accept of it, till the French court, whoſe intereſt it was to ſupport the duke of York, ſtruck up a bargain with the king, to give him more money for refuſing, than had been offered him for conſenting to the bill of excluſion. Welwood, p. 114, 115.

[i] Aubrey de Vere earl of Oxford, Philip Stanhope earl of Cheſterfield, and Robert Bruce earl of Aleſbury, were ſworn privy councillors, on January the 26th. The lord Craven was likewiſe made privy councillor, March 9. Kennet, p. 381.

[k] Sir Robert Clayton, ſir Thomas Player, Thomas Pilkington, and Chriſtopher Love. This was the third time of their being choſen.

[l] There was a hundred and ten new members choſen. See debates about the excluſion, p. 381.

[m] Namely the duke of Monmouth; the earls of Kent, Huntington, Bedford, Saliſbury, Clare, Stanford, Shaftſbury; the lords Mordaunt, Evers, Paget, Grey, Herbert, Howard, De la Mere. Kennet, p. 384.

Henry the ſecond's time at Clarendon; three ſeveral parliaments at Oxford in Henry the third's time, and at Coventry in Henry the ſixth's time; with divers others which have proved very fatal to thoſe kings, and have been followed with great miſchief on the whole kingdom: and conſidering the preſent poſture of affairs, the many jealouſies and diſcontents which are amongſt the people, we have great cauſe to apprehend, that the conſequences of a parliament now at Oxford, may be as fatal to your majeſty and the nation, as thoſe others mentioned have been to the then reigning kings. And therefore we do conceive, that we cannot anſwer it to God, to your majeſty, or the people, if we, being peers of the realm, ſhould not, on ſo important an occaſion, humbly offer our advice to your majeſty; that, if poſſible, your majeſty may be prevailed with to alter this (as we apprehend) unſeaſonable reſolution. The grounds and reaſons of our opinion are contained in this our petition, which we humbly preſent to your majeſty."

The petition contained in ſubſtance, an enumeration of the miſchiefs attending the many late adjournments, prorogations, and diſſolutions of parliament, at a time when his majeſty's perſon, and the whole nation were in ſuch imminent danger from the papiſts. "And now his majeſty had been prevailed to call another parliament at Oxford, where neither lords nor commons could be in ſafety, but daily would be expoſed to the ſword of the papiſts, and their adherents, of whom too many have crept into his majeſty's guards: the liberty of ſpeaking according to their conſciences, would be thereby deſtroyed, and the validity of their acts and proceedings left diſputable: the ſtraitneſs of the place no ways admitted of ſuch a concourſe of perſons, as now followed every parliament; and the witneſſes which were neceſſary to give evidence upon the commons impeachment, were unable to bear the charges of ſuch a journey, and unwilling to truſt themſelves under the protection of a parliament, that was itſelf evidently under the power of guards and ſoldiers. In concluſion, they prayed, that the parliament might, as uſually, ſit at Weſtminſter, where they might conſult, and act with ſafety and freedom."

To this addreſs the king returned no anſwer, but contented himſelf with frowning upon the lords who preſented it.

All this while the two parties were ſkirmiſhing in ſo hot, or rather ſo violent a manner, with their pens, that no meaſures were kept. Libels ſwarmed with impunity. Some pretend, this was a court artifice, to prevent the union of the proteſtants, and that ill language thrown out againſt the king and the duke of York, was patiently ſuffered, in order to caſt the blame on the preſbyterians, and give the epiſcopal party occaſion to return the imputation of being too much attached to the court. Thus much is certain, this diviſion, which was carefully fomented, turned to the king's advantage, as will hereafter appear. I ſhall relate upon this ſubject an affair which then made a great noiſe.

One Fitz Harris an Iriſh papiſt, who had free acceſs to the ducheſs of Portſmouth, and kept a correſpondence with her favourite woman mrs. Wall, and with the confeſſor of the French ambaſſador, having received ſeveral preſents, and particularly one of two hundred and fifty guineas, undertook to prevail with one Edmund Everard, to write a libel againſt the king. Everard feigned to conſent, and appointed a meeting to receive informations, by which his pamphlet was to be framed. But at the ſame time he communicated the affair to ſir William Waller, and mr. Smith, and cauſed them to be concealed in a place where they might hear what paſſed between Fitz Harris and him. The next day, being both together in a room, Fitz Harris told Everard, that he ſhould write a libel againſt the king upon the following heads.

That the king and royal family were papiſts, and arbitrarily affected from the beginning.

That Charles I. had a hand in the Iriſh rebellion, and that Charles II. did countenance the ſame, by preferring Fitz Gerald, Fitz Patrick, and Mount Garret, who were engaged in the ſaid rebellion.

That the act, forbidding to call the king a papiſt, was to ſtop mens mouths when he ſhould incline to favour popery; which appeared by his adhering ſo cloſely to the duke of York's intereſt, and hindering him from being proceeded againſt by the parliament, and hindering the officers put in by the duke, to be turned out; and for that the privy councillors and juſtices of the peace, who were for the proteſtant intereſt, were turned out of all places of truſt.

That it was as much in the power of the people to depoſe a popiſh poſſeſſor, as a popiſh ſucceſſor; and ſeeing there was no hopes that the Parliament, when they met at Oxford, could do any good, the people were bound to provide for themſelves.

Everard afterwards received theſe inſtructions in writing, and drew up his libel, which was injurious to the king, and full of ſedition [n]. This libel was to be diſperſed by the penny poſt to the proteſtant lords, and particularly to the leading preſbyterians, whoſe houſes were to be ſearched in order to find this libel, which was to ſerve as a proof of a conſpiracy formed by the preſbyterians againſt the government. This is what Everard affirmed, and that the whole came from the court. At laſt Waller having informed the king of the affair, the king ordered ſecretary Jenkins to iſſue out a warrant for apprehending Fitz Harris, and that Waller ſhould execute it. Yet he was no ſooner gone, but ſir William declared, he was informed by two worthy gentlemen, "That the king was highly offended with him, ſaying, he had broken all his meaſures." However, Waller arreſted Fitz Harris, and ſent him to Newgate [o].

Here, as in the former affair concerning the plot, it is pretended, that Fitz Harris was gained by promiſes or threats, to depoſe what has been ſeen [p]. But before this affair could be fully diſcovered, Fitz Harris was taken out of Newgate, and ſent to the Tower by the king's expreſs order. I ſhall enter no further into the particulars of this affair, but content myſelf with briefly ſaying, that ſhortly after the diſſolution of the Oxford parliament, when the court began to ſail with a proſperous gale, without being controlled by the parliament, Fitz Harris was brought to his trial; that the ducheſs of Portſmouth owned ſhe had given him money, but merely out of charity; that Fitz Harris continually inſinuated, that what he did was by the order of his ſuperiors, and that, after his death, his wife conſtantly affirmed that the libel was a court trick. In ſhort, he was condemned and executed, whilſt the public could not conceive for what reaſon an Iriſh papiſt had publiſhed a libel againſt the king, if it was not an artifice of the court. This affair began in February, and the laſt parliament had taken cognizance of it, ſo that the commons had ordered an impeachment againſt him, and when he was ſent to the Tower, declared, that for any inferior court to proceed againſt him or any other perſon lying under an impeachment of parliament, is a high breach of the privilege of parliament. He was nevertheleſs tried, condemned and executed, to the great diſappointment of the whigs, who hoped, by his means, to diſcover the artifices of the court. But the king and his party thought it for their advantage to be rid of a man, who might throw them into difficulties. He was not executed till June, after the diſſolution of the Oxford parliament.

The meeting of this parliament was univerſally expected with the utmoſt impatience, and by the king, with great uneaſineſs, foreſeeing the ſtorm that was gathering. He repaired to Oxford ſeven or eight days before the opening, and as the ſuſpicions and fears of the whig party were then at the utmoſt height, it was thought the king went ſo ſoon to Oxford, on purpoſe to take meaſures beforehand, for rendering himſelf maſter of the parliament. Accordingly, the members manifeſtly ſhewed their fears of ſome violence, by going thither attended with armed retinues. Thoſe for the city of London in particular came with a numerous body of well armed horſe, having ribbands in their hats, with theſe words woven in them, No Popery! No Slavery! The parliament meeting the 21ſt of March, the king made the following ſpeech to both houſes [q]

My lords and gentlemen,

"THE unwarrantable proceedings of the laſt houſe of commons, were the occaſion of my parting with the laſt parliament; for I, who will never uſe arbitrary government myſelf, am reſolved not to ſuffer it in others. I am unwilling to

[n] It was intitled, The true Engliſhman ſpeaking plain Engliſh.

[o] Burnet ſays, Fitz Harris framed the libel himſelf, and only ſhewed it to Everard, who believing he intended to trepan him, placed witneſſes to overhear all that paſt; Fitz Harris having the libel with him, all writ with his own hand, Everard went with the paper and informed againſt him, p. 497.

[p] Cornith, one of the ſheriffs of London, going to ſee him, he deſired he would bring him a juſtice of the peace. Corniſh went and acquainted the king with it. Whereupon the ſecretaries and ſome privy councillors were ſent to examine Fitz Harris; to whom he gave a long relation of a deſign to kill the king, in which the duke of York was concerned, with many other particulars; but it was all a fiction. The ſecretaries came to examine him farther a ſecond time: he boldly ſtood to all he had ſaid, and deſired that ſome juſtices of the city might be brought to him. So Clayton and Treby came; to whom he made in all points the ſame pretended diſcovery over again. So that there was no colour for what was afterwards advanced, namely, that Clayton and Treby had practiſed on him. Idem. p. 498.

[q] The lords ſat in the gallery of the public ſchools, and the commons in the convocation houſe.

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mention particulars, becauſe I am deſirous to forget faults; but whoſoever ſhall calmly conſider what offers I have formerly made, and what aſſurances I renewed to the laſt parliament; how I recommended nothing ſo much to them as the alliances I had made, for the preſervation of the general peace in Chriſtendom, and the further examination of the popiſh plot, and how I deſired their advice and aſſiſtance concerning the preſervation of Tangier; and ſhall then reflect upon the ſtrange unſuitable returns made to ſuch propoſitions, by men that were called together to conſult; perhaps may wonder more, that I had patience ſo long, than that at laſt I grew weary of their proceedings. I have thought it neceſſary to ſay thus much to you, that I may not have any new occaſion given me to remember more of the late miſcarriages: it is much my intereſt, and it ſhall be as much my care as yours, to preſerve the liberty of the ſubject, becauſe the crown can never be ſafe when that is in danger: and I would have you likewiſe be convinced, that neither your liberties nor properties can ſubſiſt long, when the juſt rights and prerogatives of the crown are invaded, or the honour of the government brought low, and into diſ-reputation.

"I let you ſee, by my calling this parliament ſo ſoon, that no irregularities in parliaments ſhall make me out of love with them; and by this means, offer you another opportunity of providing for our ſecurity here, by giving that countenance and protection to our neighbours and allies, which you cannot but know they expect from us, and extremely ſtand in need of at this inſtant; and at the ſame time give one evidence more, that I have not neglected my part, to give that general ſatisfaction and ſecurity, which, by the bleſſing of God, may be attained, if you, on your parts, bring ſuitable diſpoſitions towards it: and that the juſt care you ought to have of religion, be not ſo managed and improved into unneceſſary fears, as to be made a pretence for changing the foundation of the government. I hope the example of the ill ſucceſs of former heats, will diſpoſe you to a better temper; and not ſo much to inveigh againſt what is paſt, as to conſider what is beſt to be done in the preſent conjuncture, the further proſecution of the plot; the trial of the lords in the Tower; the providing a more ſpeedy conviction of recuſants; and, if it be practicable, the ridding ourſelves quite of that party, that have any conſiderable authority or intereſt among them, are things, though of the higheſt importance, that hardly need to be recommended to you, they are ſo obvious to every man's conſideration, and ſo neceſſary to our ſecurity. But I muſt needs deſire you, not to lay ſo much weight upon any one expedient againſt popery, as to determine, that all others are ineffectual; and among all your cares for religion, remember, that without the ſafety and dignity of the monarchy, neither religion nor property can be preſerved.

"What I have formerly and ſo often declared, touching the ſucceſſion, I cannot depart from. But to remove all reaſonable fears that may ariſe from the poſſibility of a popiſh ſucceſſor's coming to the crown, if means can be found, that in ſuch a caſe, the adminiſtration of the government may remain in proteſtant hands; I ſhall be ready to hearken to any ſuch expedient, by which the religion may be preſerved, and the monarchy not deſtroyed. I muſt therefore earneſtly recommend to you, to provide for the religion and the government together, with regard to one another, becauſe they ſupport each other: and let us be united at home, that we may recover the eſteem and conſideration we uſed to have abroad. I conclude with this one advice to you, that the rules and meaſures of all your votes may be the known and eſtabliſhed laws of the land; which neither can, or ought to be departed from, nor changed, but by act of parliament: and I may the more reaſonably require, that you make the laws of the land your rule, becauſe I am reſolved they ſhall be mine."

The commons returning to their houſe, choſe for ſpeaker, William Williams of Gray's-Inn, who had been ſpeaker the laſt parliament, and the king approved of the choice.

After the commons had ſpent three days in chuſing their ſpeaker, and taking the uſual oaths, a motion was made for printing the votes, and approved, notwithſtanding the oppoſition of ſecretary Jenkins. As the ſecret deſign of the commons was to let the people ſee the neceſſity of the excluſion bill, they were deſirous to acquaint them with their proceedings in that affair, that they might not be deceived by general accounts of it. For a contrary reaſon, the king was unwilling the people ſhould know all the circumſtances. But his party was not ſtrong enough to prevent it, and from that time the votes of the commons have been printed, to the great profit of the ſpeaker.

In the ſecond place, a motion was made to enquire into the miſcarriage of the bill for the repeal of the act of the 35th of Elizabeth, how it came to be ſlipt over in the late parliament, and not preſented for the royal aſſent? "Which, (ſaid the mover,) I look upon as a breach of the conſtitution of the government." But the farther debate of this matter was adjourned to the next day.

Thirdly, a motion was made to bring in a bill to exclude the duke of York from the ſucceſſion. Secretary Jenkins warmly oppoſed it, becauſe, as he ſaid, the king had given his vote againſt it. But he was anſwered, that the king had as ſtrongly declared, that he would never depart from his declaration for liberty of conſcience; and yet, upon reaſons given him by the houſe, he was perſuaded to revoke it. Though the debates upon this ſubject were very warm, the houſe came to that temper, as to agree, that in order to pay the king all the reſpect that might be, they would ſet apart a time to conſider of expedients, and accordingly they appointed Saturday the 26th for the debate of them.

Fourthly, they examined the affair of Fitz Harris, and his libel, and thought the matter ſo full of knavery and ſubtilty, and of that conſequence to the public, that they reſolved to impeach Fitz Harris of high treaſon, in order to diſcover the bottom of this myſtery, and lay open the artifices of the court. Secretary Jenkins, the king's man in that houſe, was ordered to carry up the impeachment to the lords. He refuſed at firſt, but being threatened by the houſe, he at laſt complied. At the ſame time it was ordered, that ſir William Waller ſhould have the thanks of the houſe for his diſcovery of Fitz Harris.

[1681] The 26th of March, the day fixed for examining the expedients which ſhould be propoſed to prevent the excluſion bill, a paper was read in the houſe, of which this is the ſubſtance[r].

"1. That the duke of York be baniſhed, during his life, five hundred miles from England, Scotland, and Ireland, and the dominions and territories to them belonging. 2. That the whole government both eccleſiaſtical and civil, ſhall, upon the demiſe of the king, be veſted in a regent, for ſuch time as the duke of York ſhall ſurvive. 3. That the regent be the princeſs of Orange; and in caſe of her deceaſe without iſſue, or with iſſue in minority, then the lady Ann. 4. That if the duke have a ſon educated a proteſtant, then the ſaid princeſſes reſpectively, ſhall ſucceed in the regency, during the minority of ſuch ſon, and no longer. 5. That the regent do nominate the privy council, and they to be, or not to be approved by parliament, as ſhall be judged ſafeſt, upon directing the drawing up of this intended act. 6. That notwithſtanding theſe kingdoms (out of reſpect to the royal family and monarchy itſelf) may be governed by the ſaid regent, in the name and ſtile of James the ſecond, &c. yet it ſhall be made capital for any to take up arms on his behalf, or by his commiſſion, not ſigned by the ſaid regent, or granted by lawful authority derived from, and under ſuch regent; or to maintain an opinion, that the retaining the ſaid name and ſtile, ſhall in this caſe purge the diſabilities impoſed by this act, or elude the force thereof. 7. That commiſſioners be forthwith ſent to the prince and princeſs of Orange, to take their oaths, that they will take upon them the execution of this act, and that their oaths be here recorded. 8. That all officers, civil or military, forthwith take oaths to obſerve this act, from time to time, as in the act for the teſt. 9. That his majeſty would graciouſly declare to call a parliament in Scotland, in order to paſſing the like act there, and recommending the ſame, and the like to be done in Ireland, if thought neceſſary. 10. That in caſe the ſaid duke ſhall come into any of theſe kingdoms, then ſhall he be ipſo facto excluded, and ſhall ſuffer as in the former bill, and the ſovereignty ſhall be forthwith inveſted in the regent, upon ſuch his coming into any of theſe kingdoms. 11. That all conſiderable papiſts be baniſhed by name. 12. That all their fraudulent conveyances be defeated. 13. That their children be educated in the proteſtant religion."

The houſe was ſo little inclined to the expedients to prevent the excluſion bill, that they found in them, however rigorous they were againſt the duke, more difficulties than in the bill itſelf. So, after divers fruitleſs debates, allowed only for form ſake, the houſe reſolved to adhere to the bill

[r] It is to be obſerved, that the duke and his party declared themſelves more againſt the limitations than againſt the excluſion itſelf. Burnet, p. 468.

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of excluſion, which had paſſed the commons in the laſt parliament, and this bill was ordered to be brought in the next Monday.

The commons had ſcarce finiſhed this great affair, when they were told, the lords had rejected Fitz Harris's impeachment, and ordered that he ſhould be proſecuted at common law. Several members exclaimed againſt this pretended injuſtice, and its conſequences, and at laſt the houſe voted,

" 1. That it is the undoubted right of the commons in parliament aſſembled, to impeach before the lords in parliament, any peer or commoner, for treaſon, or any other crime or miſdemeanor. And that the refuſal of the lords to proceed in parliament upon ſuch impeachment, is a denial of juſtice, and a violation of the conſtitution of parliaments.

" 2. That in the caſe of Edward Fitz Harris, who by the commons had been impeached of high treaſon before the lords, with a declaration, that in convenient time, they would bring up the articles againſt him, for the lords to reſolve, that the ſaid Fitz Harris ſhall be proceeded with according to the courſe of common law, and not by way of impeachment at this time, is a denial of juſtice, and a violation of the conſtitution of parliaments, and an obſtruction to the farther diſcovery of the popiſh plot, and of great danger to his majeſty's perſon, and the proteſtant religion.

" 3. That for any inferior court to proceed againſt Edward Fitz Harris, or any other perſon lying under an impeachment in parliament, for the ſame crimes for which he or they ſtand impeached, is a high breach of the privilege of parliament[s]."

The 28th of March, the excluſion bill was brought into the houſe and read. After the reading, ſir Leoline Jenkins alone ſpoke againſt it. He repeated ſome of his former reaſons, as that this bill condemned a man unheard, was directly contrary to the wiſdom and juſtice of the nation, and tended to introduce a new form of government. " If (continued he) the duke will try to cut this law with his ſword, if he overcome, he will have the ſame power to ſet aſide all laws, both for religion and property; the power will be in the hands of the conqueror, &c." Some railleries paſſed upon him for not being ſeconded, after which the bill was ordered a ſecond reading.

The houſe of commons was reſuming the debate about Fitz Harris, when on a ſudden, the uſher of the black rod commanded their attendance in the houſe of lords, where they found the king in his robes, who told them—" He perceived there were great heats between the lords and commons, and their beginnings had been ſuch as he could expect no good ſucceſs of this parliament, and therefore thought fit to diſſolve them." Accordingly, the chancellor declared the parliament diſſolved.

The king, who was prepared beforehand for what he had done, immediately took coach, and drove with all ſpeed to Windſor, and the next morning to Whitehall, ſeeming extremely pleaſed that he had thus made his eſcape from the deſigns of the commons. This parliament, which ſat but ſeven days, was the fifth and laſt of this reign.

From this time, the king, during the reſt of his life, governed not only without a parliament, but with an abſolute power. When he ſaw himſelf out of the reach of the parliament, he entirely threw away the maſk of diſſimulation, and ſhewed, that the popiſh plot, the proſecution whereof he had lately recommended ſo earneſtly to the parliament, appeared to him but a mere chimera, or at leaſt, he did not think it near ſo dangerous as he would have had it believed. The four lords, priſoners in the Tower, whom he would have ſacrificed to the parliament, appeared innocent to him. But what was ſtill more remarkable, even to the end of this reign, was, that the king grew as ſanguinary, as he had hitherto appeared merciful, and that as ſoon as he had the power in his hands, he made his enemies feel the moſt terrible effects of his vengeance. In a word, he clearly diſcovered by his conduct, that he was entirely in the principles of deſpotic power, and had only diſſembled his ſentiments in his ſpeeches to his parliament, becauſe he judged ſuch diſſimulation proper to conduct him to the end propoſed to himſelf, from the firſt years of his reign.

The reader muſt be aſtoniſhed to ſee a king, who had received ſo many mortifications from his parliaments, who had been ſo often obliged to comply and feign opinions he had not, on a ſudden become abſolute maſter of his kingdom, without fleet, without army, without foreign aſſiſtance, without money, but that of his ordinary revenue, after many years fruitleſs labours to accompliſh his deſigns. It is therefore abſolutely neceſſary to unfold the cauſes of ſo ſurpriſing a revolution.

By the artifices of the court, and the natural inclination of many Engliſhmen, the kingdom was divided into whigs and tories. This diviſion was ſo carefully fomented by the court and the popiſh party, that at laſt it became very great. To render the two parties irreconcileable, it was inſinuated to the epiſcopalians, of whom the majority were tories, that both church and monarchy were in danger, and that the ſcene of forty-one was going to be revived. That the preſbyterians, under colour of providing for the preſervation of liberty, really intended the deſtruction of the church, and the introduction of preſbyterianiſm, in order to which, they were purſuing the ſame courſe they had taken in 1640, and the following years, by undermining the foundations of the monarchy, for the more eaſy ſubverſion of the church. Theſe inſinuations had the greater effect, as what had once happened, and whereof the memory was ſtill freſh, might happen again; and I know not, whether it may not juſtly be doubted, that ſome of the preſbyterians had ſuch a thing in view. This was ſufficient to awaken the old animoſities between the church of England and preſbyterianiſm. The epiſcopalians, terrified with the proſpect of falling into the ſame ſtate, from which they had been almoſt miraculouſly delivered, conſidered the introduction of popery, with which they were alarmed, as a diſtant and uncertain evil, and the eſtabliſhment of preſbyterianiſm, as certain and preſent. It is even very probable, that many, whoſe paſſions were violent, looked upon popery as the leſs evil. In this belief, they threw themſelves as it were deſperately into the court party, without conſidering, that the duke of York, whoſe cauſe they eſpouſed, was no better affected to them than to the preſbyterians. Paſſion made them forget the intereſt of the proteſtant religion, in order not to be once more under the preſbyterian yoke. On the other hand, the three laſt parliaments, compoſed, as I obſerved, of men well affected to preſbyterianiſm, proceeded with too little caution, and diſcovered too haſtily or too openly their deſigns with regard to religion. By that they gave the court party an opportunity of uniting with the epiſcopalians, and of joining together the intereſts of religion and the monarchy. From that time, the tories were ſo well pleaſed with this union, that they would never hear of ſeparating theſe two intereſts, but once, under James II. when there was no poſſibility of keeping them united, without endangering the conſtitution in church and ſtate. The whigs, on their ſide, having ſince perceived, what advantages the tories received from this union, ſeem to have moderated their pretenſions with reſpect to religion, contenting themſelves with procuring the preſbyterians a bare liberty of conſcience. But the tories not truſting to this moderation, conſider it as a ſnare and an artifice to ſeparate the intereſts of religion from thoſe of the ſtate; for in this union the ſtrength of the tory party wholly conſiſts. I have perhaps wandered a little too far from my ſubject, in ſpeaking of theſe two parties, with regard to what has happened ſince the reign of Charles II. But I hope the reader will not be diſpleaſed with this general idea. I return now to the tranſactions after the diſſolution of the Oxford parliament.

The proteſtants being thus divided, and the court ſtrengthened with the church, the tory party was compoſed of all the rigid epiſcopalians, mortal enemies of the preſbyterians,

[s] The commons, it ſeems, reſolving to take the management of Fitz Harris's affair out of the hands of the court, carried to the lord's bar an impeachment againſt him, which was rejected by the lords, on a pretence that the lord Nottingham furniſhed them with. It was this: Edward III. had got ſome commoners to be condemned by the lords. Of which when the houſe of commons complained, an order was made, that no ſuch thing ſhould be done for the future. Now that related only to proceedings at the king's ſuit: but it could not be meant, that an impeachment from the commons did not lie againſt a commoner. Judges, ſecretaries of ſtate, and the lord keeper, were often commoners: ſo, if this was good law, here was a certain method offered the court to be troubled no more with impeachments, by employing only commoners. In ſhort, the peers ſaw the deſign of the impeachment and were reſolved not to receive it. So they made uſe of this colour to reject it. Burnet, p. 498.

of all the papiſts, and thoſe to whom all religions were indifferent, and whoſe expectations were centered in the court. It may be affirmed, that the number of theſe laſt was never greater in England, the king having inceſſantly laboured to increaſe it, whether through inclination, or becauſe he depended on ſuch as his firmeſt friends. The whig party conſiſted of all the preſbyterians, and of ſome churchmen, who were more attached to the intereſts of the ſtate and the proteſtant religion in general, than to the church of England in particular. But the city of London was the chief ſtrength of this party, whoſe magiſtrates were entirely devoted to it. Things ſtanding thus, the king believed, he ſhould run no great hazard in diſſolving the Oxford parliament, reckoning, he had a party in the kingdom ſtrong enough to reſiſt, and even ſubdue his enemies, when they ſhould be no longer ſupported with the authority of a parliament. Mean while, not to alarm the nation by a too haſty diſcovery of his intentions as to his future government, he contented himſelf at preſent with publiſhing a declaration, containing his reaſons for diſſolving the two laſt parliaments. I ſhall not inſert the declaration here, becauſe every reader, who remembers what has been ſaid, will eaſily comprehend wherein conſiſted the king's complaints. I ſhall only ſay in a word, that the king ſuppoſed as undeniable, that he had no other aim than to procure the good of his people, and that the commons, actuated by a ſpirit of cabal and ſedition, only ſought to ſhake the foundations of the monarchy, and inveſt themſelves with arbitrary power, by all their proceedings, which he largely ſet forth. He poſitively declared, that no irregularities in parliaments ſhould ever make him out of love with them: and therefore he was reſolved to have frequent parliaments, and both in and out of parliament, to uſe his utmoſt endeavours to extirpate popery [t].

Several pamphlets appeared, as well againſt the diſſolution of the parliament, as againſt the declaration. It was ſaid upon the firſt, that though the king pretended, that he diſſolved the parliament on account of the votes paſſed the ſame day about Fitz Harris, yet the ducheſs of Mazarine publiſhed the news at St. James's many hours, before it was done. As to the declaration, it was ſaid to be of no validity, of French extract [u], and to have ſeveral manifeſt galliciſms in it, particularly that expreſſion [it was a matter extremely ſenſible to us] a form of ſpeech peculiar to the French, and unknown to any other nation. But the king little regarded ſuch libels [w].

The declaration having been publiſhed and read in the churches [x] by the king's order, addreſſes flowed from all parts, approving the diſſolution of the parliament, and in general, the king's whole conduct. Not content with thanking the king, theſe addreſſes were even filled with invectives againſt the late houſe of commons. One of theſe addreſſes [y] being preſented at the king's bench as a public libel, by the grand jury of Middleſex, the court took no notice of it. We may eaſily judge who preſented theſe addreſſes, by what has been ſaid. They became ſo much in vogue, that the ſmalleſt corporations feared the reſentment of the court, if they neglected to addreſs. The king received them all very graciouſly, and diſtinguiſhed thoſe that brought them with particular marks of his favour. But as ſome of the other party ventured to preſent addreſſes of a very different ſtile, the king either refuſed, or received them, with evident ſigns of his diſpleaſure. Some of the aldermen and common council of London preſenting an agreeable addreſs, were received very kindly. But the lord mayor, recorder, and ſome others of the common council, waiting on him at Windſor, with a very different petition, were denied admittance, and ordered to attend the council at Hampton-court, where they received a reprimand from the lord chancellor. It was however pretended, that theſe loyal addreſſes, as they were called, expreſſed the ſentiments of the people in general, though they came but from one of the parties. But what may make it preſumed, that the king did not much depend upon the people, notwithſtanding theſe numerous addreſſes which weekly filled the gazettes, is, that he never after dared to call a parliament to the end of his reign, a ſure ſign, that he feared the elections would not be favourable to him. For if theſe addreſſes had expreſſed the general ſenſe of the people, what could have hindered the king from calling a parliament, which, to judge by theſe addreſſes, muſt have been devoted to him.

The king was not ſatisfied with diſcouraging thoſe who would have preſented diſagreeable addreſſes to him, but alſo ſilenced and impriſoned the news-writers which were not of his party [z], while others had liberty to publiſh daily invectives againſt the whigs, and the late parliaments.

Shortly after the diſſolution of the parliament, the king made Charles Lenox duke of Richmond, his ſon by the ducheſs of Portſmouth, knight of the garter at nine years of age. Laurence Hyde, eſq. was created viſcount Hyde of Kennelworth: and lord chancellor Finch earl of Nottingham.

Notwithſtanding the vote of the commons on the account of Fitz Harris, he was indicted of high treaſon at the king's bench bar, tried, condemned, and executed. It is pretended, that he confeſſed to the chaplain of the Tower, that there was a deſign laid by the proteſtant party to ſeize the perſon of the king, and impriſon him, till he had conſented to what ſhould be deſired of him, and that he mentioned many particulars. Others pretend, this confeſſion was forged [a], or only made to ſave his life. Indeed it is not eaſy to imagine, that ſo many proteſtants, engaged, as was pretended, in this plot, would communicate their deſigns to an Iriſh papiſt. Nor is it leſs difficult to conceive, why his execution was haſtened, ſince he might have ſerved for evidence of the plot, about which, however, there was no farther inquiry.

The ſame day that Fitz Harris was executed, Oliver Plunket, the popiſh titular primate of Ireland, ſuffered the ſame puniſhment for contriving, with the court of France, to raiſe an inſurrection in Ireland. Some pretend, he was condemned unjuſtly, and upon falſe evidence [b]. I know not what there is in it, but from this time forward no agreement is to be expected amongſt the hiſtorians, in the relation of the ſame facts. It is always with ſome addition, which plainly diſcovers the party they eſpouſe.

Thus much is certain, that the king delayed not to be revenged of ſome of thoſe who had been againſt him. The earl of Shaftſbury was ſent to the Tower the beginning of July. He was now called the proteſtant earl, in deriſion of his having appeared more zealous than any other lord in ſupport of the proteſtant party, and from hence it may be eaſily judged, who gave him that name. The ſame day, the king alſo ſent to the Tower ſome perſons of a much inferior rank, as Rouſe, Hayns, White, and one Colledge a joyner of London, who had been very ſtrenuous for the whigs, while that party was ſupported by the parliament. He was alſo called the proteſtant joyner, for the name of proteſtant was become the nickname of thoſe who had moſt oppoſed the king and the papiſts. The adherents of the court, on the other hand, pretend, that the whig party in London, perceiving the court began to be revenged upon their enemies, had found means, with the aſſiſtance of Corniſh and Bethel, ſheriffs of London, and zealous whigs, to ſecure grand juries entirely at their devotion, ſo that, to defeat the efforts of the court, theſe juries were to return ignoramus upon all bills brought againſt any of the party, and therefore obtained the name of ignoramus. But we are not to require any proofs of this ſuppoſition. The hiſtorians of the court party content themſelves with affirming, as a thing beyond doubt, that the grand jury of London was reſolved to return ignoramus upon all bills againſt their friends, and we muſt take their word for it, though it ſeems to be ſupported only by the rumours of their own party.

However, the court began their revenge with Colledge the joyner, and for that purpoſe a bill of indictment of high

[t] This declaration, however ſmooth and fair, was by no means popular. Some thought it nothing but a torrent of words. Others had a worſe opinion of it, as a ſtretch of prerogative, and a profeſſed inſult upon the late members of both houſes. Kennet, p. 389.

[u] Though the king did not communicate this declaration to the council till April 8, yet Mr. Barrillon, the French embaſſador, did not only read it to a gentleman the 5th of April, but adviſed with him about it, and demanded his opinion of it. Vindicat. &c. by ſir W. Jones, p. 394.

[w] The anſwer to the king's declaration, entitled, "A juſt and modeſt vindication of the proceedings of the two laſt parliaments," was writ with great ſpirit and true judgment. It was at firſt penned by Algernon Sidney: but a new draught was made by John Somers, Eſq. and corrected by ſir William Jones. Burnet, p. 500.

[x] When this declaration paſſed in council, the archbiſhop of Canterbury moved that an order ſhould be added to it, requiring the clergy to publiſh it in all the churches of England. Accordingly, ſuch an order came out, dated April 8. This was looked upon as a moſt pernicious precedent, by which the clergy were made the heralds to publiſh the king's declarations, which in ſome inſtances might come to be not only indecent but miſchievous. Burnet, p. 500.

[y] That from Norwich, which ran the higheſt for the prerogative.

[z] Particularly the publiſhers of the paper called domeſtic intelligence, &c. The other papers here mentioned, containing invectives againſt the whigs, were, L'Eſtrange's obſervators, and Heraclitus Ridens.

[a] Fitz Harris was prevailed upon, through the management of Dr. Hawkins miniſter of the Tower, to make this confeſſion. Hawkins was, for this good piece of ſervice done the court, rewarded with the deanery of Chicheſter. Burnet, p. 504.

[b] The witneſſes againſt him were brutal and profligate men, who had been cenſured by him for their lewdneſs. Burnet, p. 502.

treaſon againſt him was delivered to the grand jury of London, who, not finding it well grounded, threw it out with an ignoramus [c]. This cauſed an univerſal joy in London, and was looked upon as a ſort of triumph. But the court was reſolved to proceed againſt Colledge with the utmoſt ſeverity. For this purpoſe, on pretence of certain words ſaid to be ſpoken by Colledge at Oxford, he was ordered to be removed to that city, and there tried and condemned. But not to be diſappointed, as they had been at London, the king's council came to Oxford, and were ſhut up with the grand jury, till they had perſuaded them to find the bill. This is at leaſt a fact which has been often objected, and publicly and openly maintained, without having been denied. Be this as it will, Colledge was carried to Oxford, and tried at the aſſizes, upon the evidence of Dugdale and Turbeville, who had been the witneſſes in the trial of the lord Stafford. It is not poſſible to read the particulars of this trial, the partiality of the judges [d], and the depoſitions of the witneſſes, without diſcovering a ſettled deſign for the deſtruction of this man, who was condemned and executed as a traitor [e]. He died, proteſting his innocence and ignorance of any plot but the popiſh. The court's reſentment againſt this man ſhewed itſelf ſo manifeſtly, that he was conſidered as the firſt martyr for the proteſtant cauſe. The writers, even the moſt devoted to the court, dare not poſitively affirm, he was guilty. They content themſelves with leaving the thing doubtful, after endeavouring however, by the turn they give to their account, to inſinuate a belief that he was not innocent.

The ſame day that Colledge was executed, Dr. Oates was by order of council turned out of Whitehall, with a command not to come within the verge of the council chamber. Indeed, he was no longer wanted, at a time when not only the popiſh plot was ridiculed, but a deſign formed of being revenged on thoſe who had been moſt zealous to ſupport the belief of it, and of improving a new proteſtant plot.

The time for electing the ſheriffs of London being come, Thomas Pilkington and Samuel Shute, both whigs, were choſen in the room of Bethel and Corniſh, which was very diſagreeable to the court. But on Michaelmas day they had the ſatisfaction to ſee ſir John Moor an addreſſer, choſen lord mayor.

At the ſeſſions for London, Rouſe, one of thoſe ſent to the Tower by the king, was indicted of high treaſon, and the grand jury found the bill ignoramus.

It was the ſame with the earl of Shaftſbury. The king paſſionately wiſhed to be revenged of this lord, who, for ſome time, had ſhewn him little regard. To this end, he granted a ſpecial commiſſion of oyer and terminer to all the judges of the kingdom to ſit, the 24th of November, with the lord mayor and aldermen, at the Old Bailey, on the earl's trial. Eight witneſſes were heard againſt him, who depoſed upon oath many things from his own mouth, which diſcovered pernicious deſigns againſt the king's perſon. But the greateſt crime objected againſt him was, the copy of an aſſociation (found in his ſtudy) againſt the enemies of the king, of the proteſtant religion, and of their country [f]. But notwithſtanding the hopes conceived by the court, of being freed from this enemy, the grand jury, conſiſting of one and twenty of the principal citizens of London, conſidering that the paper, containing the aſſociation was only a copy, and not writ in the earl of Shaftſbury's hand, and obſerving very great improbabilities in the depoſitions of the witneſſes, found no ſufficient ground for the bill, and returned it ignoramus. Immediately the whole city teſtified their joy for the earl's deliverance, by bonfires in all the ſtreets, and other marks of ſatisfaction, and the witneſſes againſt him were in great danger of being torn in pieces by the mob [g].

Before we finiſh this year, it will be neceſſary to mention the tranſactions in Scotland, where the duke of York, as the king's high commiſſioner, had opened the parliament the 28th of July. This parliament, very different from the two laſt held in England, took a quite contrary courſe, and paſſed ſeveral acts ſuch as the king deſired.

By the firſt, they acknowledged, that the crown of Scotland is by inherent right, by the nature of monarchy, by the fundamental and unalterable laws of the kingdom, tranſmitted and devolved by lineal ſucceſſion, according to proximity of blood, and that no difference in religion, no law, no act of parliament, can alter or divert the right of ſucceſſion, and lineal deſcent of the crown to the neareſt and lawful heirs. This act made it high treaſon, either by word or writing, to endeavour to ſuſpend, or alter, the right of ſucceſſion.

By the ſecond act, "all former laws for the ſecurity of the proteſtant religion preſently profeſſed in that realm, were ratified;" by which all the laws made by James I. Charles I. and Charles II. againſt popery, were confirmed. To this act was annexed a teſt and oath to be taken by all officers in church and ſtate [h]. This oath was drawn in ſuch a manner, that it impoſed a neceſſity of ſwearing directly againſt conſcience, or of being, as I may ſay, debarred the ſociety of men. Accordingly, it was refuſed by moſt of the miniſters, and a great number of the laity. But this was what the contrivers of the act wanted, in order to have opportunity to perſecute and deſtroy thoſe, who it was foreſeen, would obſtruct the deſigns of the court. Scotland was almoſt reduced to ſlavery, with regard to the government. Nothing was wanting, but the introduction of the popiſh religion, and for this the oath was intended, becauſe it was thereby hoped to have opportunity of diſabling the greateſt enemies of popery from oppoſing this deſign. Archibald Campbel earl of Argyle, ſon of him beheaded at Edinburgh, was one of the refuſers of this oath, unleſs he might take it with a reſerve of his own explanation [i]. But this the duke of York would never allow him. Indeed theſe ambiguities had been purpoſely inſerted to keep the rigid preſbyterians from taking it. At laſt, he was arreſted, impriſoned, and brought to a ſolemn trial, not only for refuſing the oath, but for having diſſuaded others from taking it; and for this new kind of treaſon, was condemed to loſe his head. It is pretended, the king would have pardoned him; but this can only be ſaid by conjecture. However, he found means to eſcape out of the caſtle of Edinburgh, and withdrew into Holland [k].

[1681-2] It appears from what has been ſaid, that the whig party moſtly conſiſted of profeſſed preſbyterians, or of men inclined to preſbytery, though they profeſſed the eſtabliſhed religion. That is to ſay, the times of James I. and Charles I. were returned, when every man who was not of the court party and a furious tory, was a preſbyterian. The king finding his authority ſufficiently eſtabliſhed ſince the diſſolution of the Oxford parliament, reſolved entirely to ruin his enemies the whigs, and conſequently the preſbyterians. To this end, he ordered, that the non-conformiſts ſhould be rigorouſly proſecuted, which diſcovered his motive for conveying away in the houſe of lords the bill to repeal the act of the 35th of Elizabeth, at the very time it was going to paſs into a law. For if this bill had not vaniſhed, no advantage could have been taken againſt the preſbyterians. This order of the king occaſioned a violent perſecution againſt the diſſenters. Since the diſſolution of the laſt parliament, all the magiſtrates, judges, juſtices of the peace, governors, and lord lieutenants, had been changed, and the moſt violent tories put in their places. It may eaſily be imagined, with what joy and zeal theſe men executed the laws againſt

[c] Mr. Wilmore, the foreman, was, April 16, examined before the council, ſent to the Tower, and afterwards forced to fly beyond ſea. Kennet, p. 389. Hawles, p. 20.

[d] The judges were chief juſtice North, juſtice Jones, juſtice Raymond, and juſtice Levinz. Rapin ſays by miſtake, that Jefferies was one of the judges, but he was only one of the king's counſel.

[e] The greateſt hardſhip put upon him, was the taking away from him his memorandums, and inſtructions for his defence, juſt as he was coming to his trial. See his trial.

[f] This aſſociation was neither writ, nor marked in any place with the earl's hand. Burnet, p. 506.

[g] A medal was alſo ſtruck upon this occaſion, having on one ſide the earl's effigies; and on the reverſe, the ſun behind a cloud, darting his beams on the city of London. See Evelyn's numiſm. It was upon this occaſion that Dryden wrote his poem called, The Medal.

[h] And by all that ſhould be capable of electing, or being elected members of parliament. Burnet, p. 515. See this teſt in the life of king James II. 8vo. p. 53, and R. Coke, p. 276.

[i] See the caſe of the earl of Argyle in relation to the teſt or oath impoſed by the Scotch parliament, p. 151, &c. of ſtate tracts, vol. II. R. Coke, p. 276, and life of James II. p. 55.

[k] When the teſt was in debate, Argyle ſpoke zealouſly againſt the clauſe, whereby all the royal family were excepted out of it. He ſaid, the only danger we could apprehend as to popery was, if the royal family ſhould happen to be perverted; therefore he thought it was better to have no act at all than ſuch a clauſe in it. For this reaſon, when he came to explain himſelf concerning the taking the teſt in his own ſenſe, his words were conſtrued as a defaming and a ſpreading of lies of the proceedings of parliament, which was capital. Accordingly he was tried and condemned. No ſentence, ſays Burnet, in our age, was more univerſally cried out upon than this. All ſpoke of it, and the duke who drove it on, with horror. All that was ſaid to leſſen the horror was, that duke Lauderdale had reſtored the family with ſuch an extended juriſdiction, that he was really the maſter of all the highlands. This, as the duke wrote to the king, was all he intended by it, as lord Hallifax aſſured Burnet. Though a perſon of quality, whom lord Argyle never named, affirmed to him, on his honour, that he heard one in great favour ſay to the duke, the thing muſt be done, and that it would be eaſier to ſatisfy the king about it after it was done, than obtain his leave for doing it. For which reaſon lord Argyle made his eſcape out of the caſtle in a diſguiſe. Burnet, p. 516. 520, 521.

Burnet

the preſbyterians, which had been ſuſpended for ſome years. The clergy particularly diſtinguiſhed themſelves by ſhewing their attachment to the principles and maxims of the court. The pulpits reſounded with the doctrine of paſſive obedience and non-reſiſtance, which had been eſpouſed by a few in the reign of Charles I. but was now univerſally preached. The clergy ſeemed to make it their buſineſs to ſurrender to the king all the liberties and privileges of the ſubjects, and to leave them only an unlimited obedience. According to the principles publicly preached, no eaſtern monarch was more abſolute than the king of England. This doctrine was ſupported in the courts of juſtice, by all the judges and lawyers, to the utmoſt of their power. All this was followed with numberleſs petitions and addreſſes, wherein the aſſociation, and the principles from which it flowed, were utterly abhorred. This aſſociation which had occaſioned the perſecution againſt the diſſenters, was but a chimera, and entirely founded on the paper found in the earl of Shaftſbury's cloſet, without even a poſſibility of knowing whether it was an original or a copy. But any man's thinking of aſſociating the ſubjects againſt the king, was ſufficient, according to the current principles, to charge the whole whig party, as guilty of the greateſt crime imaginable. I ſhall not tranſcribe theſe addreſſes. It ſuffices to ſay in a word, that they ſuppoſed the king of England as abſolute as it is poſſible to deviſe. Thus the violent tories who then prevailed in the corporations, were not ſatisfied with perſecuting the preſbyterians, but alſo made the king an arbitrary and abſolute monarch, as if there had been no other expedient to ſave the church of England from the attempts of the preſbyterians.

The duke of York returned from Scotland, the beginning of March, and was received by the king with all poſſible ſigns of affection. At the ſame time came a letter to the king from Scotland, ſubſcribed by ſeven biſhops, full of the duke of York's praiſes, and of the happineſs enjoyed by the church of Scotland, under his adminiſtration. So that it was not the fault of theſe prelates, that the duke, though moſt zealous for the popiſh religion, was not reſpected as the principal ſupport and protector of the proteſtant church.

[1682] After two months ſtay in England, the duke returned to Scotland to bring his family from thence. He went by ſea, but by an unexpected accident, the ſhip, though the weather was fair, ſtruck upon the ſand called the Lemon and Oar, and in a little time had above ſeven feet water in the hold. This obliged him to put off in his pinnace, with as many perſons as it would hold, and to ſave himſelf on board the Mary yatcht. It is pretended, he himſelf named the perſons whom he would have in the boat with him, and that ſome prieſts and jeſuits were preferred to ſeveral perſons of quality, who were unfortunately drowned, with a hundred and thirty ſeamen, the ſhip ſinking ſoon after the duke put off. But I will not warrant this circumſtance, which perhaps is only a report ſpread by his enemies [l]. The duke made but a ſhort ſtay in Scotland. He departed within a few days for England, where he continued the reſt of this reign, with great influence over the actions and counſels of the king his brother. To him is generally aſcribed the rigour with which the king treated his enemies the remaining part of his reign. It is ſaid, the king being one day importuned by the duke to undertake things which he thought very dangerous, told him, "Brother, I am reſolved never to travel again, you may do ſo, if you pleaſe."

Though, ſupported by the court and the magiſtrates, the tory party had the advantage, the whigs however were not diſcouraged, in the expectation of cauſing ſome turn by informing the people in pamphlets of their danger from the court. Theſe pamphlets were numberleſs, and new ones daily appeared, to attack or defend. That which made the greateſt noiſe was, the life of Julian the apoſtate, in which a parallel was drawn between that prince and the duke of York. The neceſſity of the excluſion was ſhewn, and paſſive obedience exploded as a mahometan doctrine. This book did but exaſperate the patrons of paſſive obedience. They took occaſion from thence to carry the doctrine ſo high, that when, in the reign of James II. reſtrictions became neceſſary, they knew not how to make them, and many even perſiſted in ſupporting this doctrine, rather than own they had been in the wrong to carry it to ſuch a height.

To demonſtrate, that to this time muſt be fixed the date of the birth, or at leaſt of the great progreſs, of the doctrine of paſſive obedience, it needs only to be conſidered, that the ſecond parliament of this reign, though chiefly compoſed of rigid church of England men, devoted entirely to the king, after having by acts eſtabliſhed ſuch principles as led to paſſive obedience, readily departed from it, when the court, as they believed, intended thereby to introduce an arbitrary government. This ſhews their deſign was not to eſtabliſh ſuch a government. But in 1682, the time I am ſpeaking of, theſe principles were not only preached but practiſed, and the king was thanked in public and ſolemn addreſſes, for having eſtabliſhed an abſolute government. The pulpits rung with paſſive obedience, which was enforced from the poſitive declaration of God; and all the magiſtrates emulouſly ſtrove to reduce this doctrine to practice. The whigs on their part in their attacks of theſe ſtrange opinions, threw themſelves into the other extreme, and thereby gave their enemies room to accuſe them as ſubverters of monarchy. In ſhort, a kind of infatuation ſeized the kingdom, and one party, inſtead of coming to a temper, violently embraced whatever was moſt contrary to the other.

The animoſity againſt the whigs was then ſo exceſſive, that even in the adminiſtration of juſtice, the judges forgot common decency. The earl of Shaftſbury having brought his action of ſcandalum magnatum, againſt one Mr. Cradock, the defendant's counſel alledged, "That there was no probability of a fair trial by a London jury, by reaſon that the earl was of the ſkinners company, of which ſheriff Pilkington was maſter, and that therefore the jury ought to be taken from ſome other place." The court of King's Bench found this exception ſo juſt, that it was ordered, "That unleſs the earl would conſent to try his cauſe by a country jury, it ſhould not be tried in London." I know not whether ſuch an exception had ever been known or admitted before. Party rage appeared in all private affairs, ſo that judgments were formed not according to the right, but the principles of the parties.

Though the whigs had a great diſadvantage in the kingdom, they ſtill preſerved their ſuperiority in London, where almoſt all the magiſtrates were of their party; but they were not ſuffered long to enjoy them. Moor, the lord mayor, who had been an abhorrer, and was in the intereſts of the court, objected againſt the election of the ſheriffs, and afterwards of the lord mayor, who was to ſucceed him; and being ſupported by the privy council, prevailed, partly by force, and partly by conſent, to have new ſheriffs [m], and a new mayor elected of the king's party. This was a triumph for the court, and the earl of Shaftſbury was ſo ſenſible of it, that ſeeing himſelf like to be deprived of the protection of the city of London, he avoided the impending ſtorm, by a retreat into Holland. It was remarked, that he was forced to ſhelter himſelf under the protection of a republic, to which, when he was chancellor, and one of the cabal, he had applied that ſaying of Cato, delenda eſt Carthago.——He died ſix weeks after his arrival in Holland.

The court having got a lord mayor and ſheriffs at their devotion, improved the advantage, and relying on the compliance of the magiſtrates, reſolved to annul the charter of London, and afterwards thoſe of all the other corporations in the kingdom. But this deſign was not executed till the next year.

In the mean time, the lord mayor and the ſheriffs of London, were very active againſt the preſbyterians, and executed the laws with great ſeverity. Moreover, to recommend themſelves the more to the court, they prevented the burning of the pope, as had been cuſtomary on the 17th of November [n].

The duke of York embracing ſo favourable a juncture, brought his action againſt the late ſheriff Pilkington, for theſe words, ſpoken by the defendant, "The duke of York has fired the city, and is now come to cut our throats." The jury found for the duke, and gave him one hundred thouſand pounds damages. To ſuch height was party rage carried.

[l] Burnet ſays, the duke got into a boat, and took care of his dogs, and ſome unknown perſons, who were taken, from that earneſt care of his, to be his prieſts. The long boat went off with very few in her, though ſhe might have carried off above eighty more than ſhe did, p. 523. What makes this account probable in the main, is, that the following perſons periſhed with the reſt, the earl of Roxborough, the lord Obryan, the laird of Hopton, ſir Joſeph Douglaſs, lieutenant Hyde the duke's brother-in-law. Echard, tom. III. p. 657. The duke, ſays Burnet, took no notice of this cruel neglect, which was laid chiefly to Legg's charge, p. 523.

[m] The two ſheriffs the court was for, were Mr. North, and Mr. Box. And thoſe ſet up by the majority of the city, were Mr. Papillon, and Mr. Dubois. Some conteſts aroſe upon this occaſion, for which the late ſheriffs and others were afterwards tried, as guilty of a riot. See ſtate trials, t. III. p. 541, &c.

[n] Queen Elizabeth's day.

Henry

Before we finiſh the events of this year 1682, which was memorable only for the progreſs of the court and the tories, the downfall of the whigs, and the perſecution of the preſbyterians; I ſhall relate ſome other things which happened this year.

Firſt, the murder of Mr. Thynne, almoſt in the heart of the city, by count Coningſmark, for which his footman was hanged. As this is a private affair, I ſhall ſay no more of it.

This year the king received two extraordinary embaſſies, one from the king of Fez and Morocco, the other from the king of Bantam in the iſle of Java.

This year died, prince Rupert, count palatine of the Rhine, ſo often mentioned in the foregoing reign, ſixty-three years of age; John Maitland duke of Lauderdale; Heneage Finch earl of Nottingham and lord high chancellor; and Anthony Aſhley Cooper earl of Shaftſbury.

On the other hand, the king created ſeveral peers[o], amongſt the reſt, the duke of Ormond, an Iriſh duke, was promoted to the ſame dignity in England.

Laſtly, the earl of Sunderland was reſtored to the office of ſecretary, upon the reſignation of earl Conway.

[1682-3.] The king having had no extraordinary ſupplies from the parliament for ſome years, it would be aſtoniſhing that he ſhould at once become ſo good an œconomiſt, as to live upon his revenues, if it had not afterwards appeared, that he had contracted many debts, and thereby ſupplied in ſome meaſure the aids of money, which, on one pretence or other, he had uſed to receive from the parliament. The court purſued the ſame courſe, without any appearance of intending to uſe their new power for raiſing money upon the ſubject. It might ſeem ſtrange, that the king, in his preſent ſituation, did not ſummon a parliament, as well to repeal what had been enacted againſt him, as to get a ſupply of money. Pretences would not have been wanting. That was not the thing. But it ſeemed, that notwithſtanding the multitude of addreſſes, which were ſtill daily preſented, he did not confide in the affection of his people, and feared, that the elections would not be favourable to him. Indeed theſe addreſſes came but from one party, and the king knew, it was very poſſible to receive addreſſes from all the corporations in England, without being aſſured that the people in general were well affected. But as foreigners may not underſtand this, I ſhall briefly explain it.

England is almoſt all divided into communities, called corporations, which have each their privileges, obtained from the ſovereigns on certain conditions. There is ſcarce a town, which has not its magiſtrates and laws as a corporation. The mayor, or head of the corporation, the aldermen, the recorder, and other principal officers, are elected either by the whole community, or by a certain number of townſmen. It is eaſy therefore to apprehend, that the prevailing party may, without great difficulty, form a common council of their own principles, and it is this common council which manages the addreſſes preſented to the king, in the name of the whole corporation. Provided the ſuperiority of voices in the common council be for one of the parties, that ſuffices, if an addreſs be ordered, to ſay, it is in the name of the town or community, though all the other members ſhould be of a contrary opinion. But in chuſing repreſentatives, another method is taken. For then every burgeſs, every freeholder, has a right to give his vote, and conſequently repreſentatives of a contrary party to the magiſtrates and common council may very poſſibly be elected. This, probably, hindered the king from venturing to call a new parliament, for fear he ſhould not find his account in it. For the ſame voters who had choſen the members of the two laſt parliaments, would have had a right to vote for the members of a new one; which could not be advantageous to the court. The court therefore came to a reſolution of reſuming the charters of the corporations, and to grant others drawn in ſuch manner, that the king ſhould be almoſt enabled to cauſe ſuch repreſentatives to be choſen, as he pleaſed. It may be affirmed, there was no readier or more effectual way to invade at once the liberties of the nation, and cauſe the parliament itſelf to approve of the ſame.

Till things ſhould be ripe for the execution of this deſign, or ſome favourable occaſion offer itſelf, the king reſolved to take the diverſions of Newmarket. He had ſcarce been there ſix days, when a fire broke out in the town with ſuch violence, that he was obliged to return to London ſome days ſooner than he deſigned. It was pretended afterwards, that there was, at this time, a plot againſt his life, to be executed at Newmarket, and which was prevented by the king's ſudden return, occaſioned by the fire. This accident was aſcribed to a particular providence preſerving the king, when he was in ſuch danger.

[1683.] The king intending to be revenged on the old magiſtracy of London, which had oppoſed him for ſome years, iſſued out a commiſſion for trial of the authors of the diſorder at the election of ſheriffs the laſt year. This diſorder, in the commiſſion, was called a riotous and unlawful aſſembly, and aggravated as much as a thing of ſuch little moment could admit of. Fourteen aldermen and ſubſtantial citizens, the leaders of the whigs, were all tried and condemned in great fines[p].

But the king ſtopped not here, though the new magiſtrates and common council took care to give him marks of their reſpect and zeal, by repealing ſeveral acts of the court of common council, made during the late troubles[q]. They likewiſe replaced, in its nich in the Royal Exchange, the ſtatue of Charles I. which had been taken down after his death. Nevertheleſs, this did not prevent a Quo Warranto from being brought by the king againſt the city, that is, an order to ſhew by what warrant they pretended to be a corporation, and enjoy the privileges mentioned in the writ. On ſuch occaſions, the corporation, againſt whom the Quo Warranto is ſent, produces the charter of their privileges, and the queſtion is to know, whether they have exactly obeyed the conditions and articles of their charter. If they have been faulty in any eſſential article, the court, before whom the affair is brought, may declare their privileges and charter forfeited. This rarely happens, becauſe a corporation is not wont to break their charter in eſſential articles, for fear of loſing it, and if it is in a point of little importance, the court is ſatisfied with a fine to the king. This is the practice where juſtice, and a maintenance of the laws and cuſtoms of the kingdom, are only intended. But, in the preſent caſe, the king's intention was not to maintain juſtice and the laws, but to take occaſion from the breach of ſome article of the charter, to ſeize the liberties of London into his hands, and render himſelf abſolute maſter of the government of that city. The preſent juncture was very favourable to his deſign, becauſe, ſince the diſſolution of the Oxford parliament, he had taken care to fill the courts of juſtice with judges devoted to him, and to theſe judges was committed the deciſion of the affair.

The king alledged two violations of the charter by the corporation of London. The firſt was the illegal exaction of tolls in the market, and particularly the raiſing money to rebuild Cheapſide conduit. The ſecond was the framing and printing a ſcandalous petition, wherein they charged the king with obſtructing the juſtice of the nation by proroguing the laſt Weſtminſter parliament. This affair was argued ſolemnly on both ſides, and at laſt the judges of the king's bench declared, that the liberties and privileges of the city of London were forfeited, and might be ſeized into the king's hands. Nevertheleſs it was declared by the expreſs command of the king, "That judgment ſhould not be entered until his majeſty's pleaſure ſhould be further known."

Several reflections on this judgment were then, and ſtill are made, which are not to the honour either of the king or the court. However, the inhabitants of London were extremely ſurpriſed with the thing, and the common council aſſembled to conſult how to proceed in this exigency. Some were for having the judgment entered till an opportunity offered to procure a reverſal. But the court party inſiſted upon an abſolute ſubmiſſion to the king before judgment was entered, which was in effect a voluntary ſurrender of the privileges of the city into the king's hands, and a depriving it of the means to cauſe the ſentence one day to be repealed. This opinion was carried by a majority, and the king was waited on with a petition agreeable to this reſolution. The king anſwered by the lord keeper North, that he would re-

[o] Henry Somerſet marquis of Worceſter was created duke of Beaufort; Conyers lord Darcy earl of Holderneſs; Thomas lord Windſor earl of Plymouth; Horatio lord Townſhend viſcount Townſhend; ſir Thomas Thynne viſcount Weymouth; George Legg earl of Dartmouth; John Churchill; (late duke of Marlborough) lord Churchill; and James Bertie earl of Abington, &c. Kennet, p. 369.

[p] Pilkington 500l. Shute 100 Marks. Corniſh the ſame. Lord Grey of Werk the ſame. Player 500 marks. Bethel 1000. Jenks 300. Deagle 400. Freeman 300. Goodenough 500. Keys 100. Wickham 100. Swinock 500. And Jekyl 200. Kennet, p. 398.

[q] Particularly, the lord mayor and court of aldermen's negative vote was reſtored, and the lord mayor had power of chuſing one ſheriff, which is done at the Bridge feaſt, by the ceremony of drinking to the perſon deſigned.

Year

ſtore the charter, if the city would ſubmit to the following regulations:

1. That no lord mayor, nor any officer of the corporation, or ſteward of the borough of Southwark, ſhould be capable of, or admitted to the exerciſe of their reſpective offices, before his majeſty ſhould have approved them under his ſign manual.

2. That if his majeſty ſhould diſapprove the choice of any perſon to be lord mayor, &c. the citizens ſhould, within one week, proceed to a new choice: and if his majeſty ſhould in like manner diſapprove the ſecond choice, his majeſty might, if he pleaſed, nominate a perſon to be lord mayor for the enſuing year.

3. The ſame with regard to the ſheriffs.

4. The lord mayor and court of aldermen might alſo, with the leave of his majeſty, diſplace any alderman, recorder, &c.

5. Upon the election of any alderman, if the court of aldermen ſhould judge and declare the perſon preſented to to be unfit, the ward ſhould chuſe again; and upon a diſapproval of a ſecond choice, the court might appoint another in his room.

6. The juſtices of the peace were to be by the king's commiſſion; and the ſettling of theſe matters to be left to his majeſty's attorney and ſollicitor general, and council learned in the law.

By theſe articles, it is evident, the king was abſolute maſter of the government of the city, and by reſtoring their charter, effectually deprived them of their principal privileges.

Two days after, the common council met, and reſolved to ſubmit to the king, by a majority of eighteen voices[r]. The hiſtorians of the king's party ſpeak of this affair very ſlightly, pretending the city was juſtly puniſhed for their great provocations to the king of late years. But as to the conduct of the king and court, which occaſioned theſe provocations, they do not think proper to mention it, and ſo the whole blame lies upon the city.

We are at laſt come to the pretended proteſtant plot, that is to ſay, formed by the proteſtants againſt the king and the duke. But as it is hard to conceive the agreement of this term, in a proteſtant country, with deſigns framed by proteſtants againſt papiſts, and as ſome gladly remove the idea of the king and duke of York's being papiſts, they rather chuſe to give it the name of the Rye-houſe plot, from a houſe ſo called, in the road to Newmarket[s], where, it is pretended, the conſpirators had projected to kill the king and duke. I muſt not conceal, that as the former conſpiracy, called the popiſh plot, did then, and ſtill does, paſs for an invention, with the adherents of the court, ſo this had the ſame fate among thoſe who were, or ſtill are, of the contrary party. The hiſtory of this conſpiracy muſt therefore be read with great caution, ſince the hiſtorians are entirely divided, the one repreſenting as falſe, what the others aſſert as true. Were they both contented with relating the bare facts, giving for true thoſe that may be proved, as for falſe thoſe whoſe contrary cannot be proved, and for doubtful ſuch as are doubtful, the reader might be able to form ſome judgment. But their accounts are artfully laboured to prepoſſeſs the reader. A thouſand things are inſinuated which have no foundation but in their ſyſtem. The witneſſes are either knaves or honeſt men, as is moſt for their advantage. The conſpiracy in their recitals is ſuppoſed true or falſe at pleaſure. Nevertheleſs circumſtances are inſerted to ſerve their purpoſe, without the leaſt proof or authority. So the reader, who is in ſearch of truth, finds himſelf at a loſs, it being impoſſible to enter into a particular examination of ſo many oppoſite things. Impartial readers content themſelves with leaving the matter undecided, becauſe they ſee no proofs ſtrong enough to determine their aſſent either way. Others, through prejudice in favour of one of the parties, or through lazineſs or indifference, implicitly follow the ſentiments of the hiſtorian, or abſolutely reject them.

To avoid therefore as much as poſſible the faults which I condemn, I ſhall ſuppreſs all inſinuations of the hiſtorians of both parties, and confine myſelf to the depoſitions and defences of the accuſed, without adding any circumſtance which is not owned by both ſides.

This year, on the 12th of June, Joſiah Keeling diſcovered the conſpiracy, real or pretended, to the lord Dartmouth and ſecretary Jenkins, before whom he had made open confeſſion of the whole matter, and ſubſcribed his depoſitions. But afterwards, conſidering that his ſingle intelligence was not ſufficient, he prevailed upon Goodenough, that his brother John Keeling might be admitted into the next meeting of the conſpirators. This was done, and thereupon both the brothers gave in their joint teſtimony upon oath on the 14th of June.

It muſt be obſerved, that this circumſtance of the admiſſion of John Keeling into the ſecrets of the plot, manifeſtly ſuppoſes a conſpiracy. Accordingly it is only produced by thoſe hiſtorians who believe the reality of the plot.

In the ſecond place, the diſcovery of the plot being made by Joſiah Keeling, the 12th of June, and the depoſition of the two brothers being given in the 14th, it follows that, according to the firſt ſuppoſition, John Keeling had but one day to be informed of the ſecrets of this plot.

According to the two Keelings depoſitions, the plot conſiſted of three articles. 1. The conſpirators deſigned to ſecure the king's guards (but how this was to be executed does not appear;) then to block up or beſiege Whitehall, and ſeize the perſons of the king, and duke of York. 2. To aſſaſſinate the king and the duke in a hollow way near the Rye-houſe, in their return from Newmarket. 3. To cauſe inſurrections in London, and other parts of the kingdom[t]. But the Keelings depoſed only againſt perſons of no note.

Upon this depoſition, the king publiſhed a proclamation for apprehending, colonel John Rumſey, Richard Rumbold maſter[u], Richard Nelthorpe, Eſq. Edward Wade, gent. Richard Goodenough, gent. Capt. Walcot, William Thompſon, James Burton, and William Hone; for any of which a hundred pounds was offered to the diſcoverer. Upon the proclamation, colonel Rumſey ſurrendered himſelf the next day; and being examined by ſecretary Jenkins, he confeſſed all he knew; which confeſſion was next day confirmed by two others, Mr. Weſt and Mr. Sheppard; ſo that on the 28th of June, there came out a ſecond proclamation, for apprehending James duke of Monmouth, Ford lord Grey, ſir Thomas Armſtrong, knight, and Robert Ferguſon. It is pretended, that when the warrants were delivered to Legat the meſſenger, to ſeize Ferguſon with the reſt of the offenders, ſecretary Jenkins gave Legat a ſtrict command, not to take him, but to ſhun him wherever he met him. Shortly after, the lord Howard of Eſcrick alſo ſurrendered himſelf, and upon his information, warrants for high treaſon were iſſued out againſt the earl of Eſſex, the lord Ruſſel, and others, who were taken up accordingly.

This diſcovery brought addreſſes from all parts to congratulate the king. The embaſſadors of foreign princes paid the ſame compliment; and the king of France offered five hundred piſtoles for the apprehenſion of Monmouth, Grey, Armſtrong, or Ferguſon.

The priſoners were not ſuffered long to languiſh. Walcot was firſt brought to his trial the 12th of July, and againſt him,

Rumſey ſwore, "That the priſoner came to a meeting at Weſt's chamber, where the deponent was preſent, when a liſt was brought of the aſſaſſins, and agreed to join with them, intending to command a party that ſhould charge the guards: that he undertook to go and view Rumbold's houſe, and bought a horſe for that purpoſe: that he was preſent at the dividing London into twenty parts, in order to an inſurrection; and at the conſult for buying of arms after the diſappointment at the Rye-houſe: that he was at the meeting for carrying on the conſpiracy on Thurſday before the diſcovery; and that, after it, they met at captain Tracy's, Walcot's own lodging, the deponent being preſent."

Keeling depoſed, "That Walcot was at the traiterous aſſembly at the Salutation tavern, where the deponent was called Culing, and a health drunk to the Engliſh Culing; Weſt declaring, that Culing in Dutch was Keeling in Engliſh, adding, he hoped to ſee Keeling at the head of as good an army in Wapping, as they heard one Culing was then at Cologn."

Bourn ſwore, "That Walcot uſed to come to Ferguſon when he lodged at his houſe; and that he and ſeveral others met at the Dragon on Snow-hill, and often at other places, in order to raiſe men, and divide the city into twenty parts, for ſecuring the king and the duke: that almoſt every time they met, at leaſt three times, the priſoner at the bar was

[r] Yeas 104. Noes 86. Echard, tom. III. p. 674.

[s] Rye-houſe lies within two miles of Hoddeſdon in Hertfordſhire, and was then inhabited by Richard Rumbold.

[t] And to maſſacre the magiſtrates of London, and the officers of ſtate. King's declaration, p. 6.

[u] Rumſey and Rumbold had ſerved in Cromwell's army. Rumſey going afterwards into Portugal, with the forces that ſerved there under the brave Schomberg, behaved courageouſly; and, by Schomberg's recommendation, got a place here in England. Burnet, p. 542.

there: that he was at the laſt meeting at Tracy's, where they debated of ſtanding with ſword in hand, and of killing Keeling for making the diſcovery."

Weſt teſtified, "That the priſoner upon the election of the London Sheriff, aſked him, Will the people do nothing to ſecure themſelves? and acquainted him with the inſurrection then deſigned within three weeks or a month: that the earl of Shaftſbury was in the deſign, and had engaged the priſoner: that he had an expectation of being a colonel of horſe; aſking the deponent, Whether he would have any command under him? That upon his refuſal, he deſired him to lend him a ſuit of ſilk armour: that the ſaid Walcot told him of ſeveral deſigns to attack the king and the duke: that in the buſineſs of the Rye-houſe, he undertook to command the party that was to ſet on the guards."

Beſides theſe witneſſes, there was a letter produced, under Walcot's own hand, to ſecretary Jenkins, in which he ſaid, "That if his majeſty deſired it, he would diſcover to him all that he knew in England, Scotland, or Ireland, which might be ſomething more than the original diſcoverer could acquaint him with, eſpecially as to Ireland: that his intimacy with a Scotch miniſter, through whoſe hands much of the buſineſs went, occaſioned his knowing very much, &c."

Walcot's defence conſiſted, firſt, of a plain denial of having any hand in the aſſaſſination; ſaying, "He knew well enough, if he had undertaken to charge the guards, while others killed the king, he was equally guilty with thoſe that killed him; but that he was ſick of the gout during the meetings, while the king was at Newmarket." To this Weſt replied, "That he remembered it well, by a good token, that the priſoner himſelf ſaid, He was afraid when the time came, he ſhould not be able to draw on his boots." Walcot added, "That he came accidentally to their meetings only to hear news. That what he had promiſed to diſcover, he had only heard from Ferguſon." In concluſion, he was brought in guilty of high treaſon by the jury.

Thoſe who think this plot was only an artifice of the court, to deſtroy their chief enemies, obſerve, that the depoſitions of the witneſſes againſt Walcot, and the other pretended conſpirators, are all founded upon the ſuppoſition, that there was really a deſign to ſeize the king's guards, aſſaſſinate him and the duke, and raiſe an inſurrection, and upon a previous narrative of this pretended conſpiracy, ſuppoſed to be undeniable, to which the ſeveral depoſitions were adjuſted, before the reality of the deſign was proved.

In the ſecond place, they ſay, that theſe depoſitions are incoherent. For the conſpirators muſt have had at the ſame time two contrary deſigns, one to ſecure the king's perſon, to oblige him to conſent to their propoſals, and the other to aſſaſſinate him; two deſigns which can hardly ſubſiſt together.

Their adverſaries reply, it being proved by the depoſitions of the witneſſes, that the accuſed had aſſiſted at ſuch and ſuch meetings, where the king's aſſaſſination was mentioned, and having diſcourſed concerning the deſign, the ſuppoſition was ſufficiently proved.

I ſhall not relate the trials of the other priſoners of little note, but confine myſelf to the lord Ruſſel's, ſon to the earl of Bedford. This lord being one of thoſe againſt whom the court was moſt incenſed, becauſe he had propoſed the excluſion bill in the houſe of commons and carried it up to the lords, he was tried the 12th of July at the Old Baily, before eight judges. He was very urgent for one day longer for his trial, becauſe, as he ſaid, he had witneſſes that might come before night, but he was overruled. He then urged to have his trial deferred to the afternoon, but with no better ſucceſs. Three witneſſes depoſed againſt him, colonel Rumſey the evidence againſt Walcot, Mr. Sheppard, and the lord Howard of Eſcrick.

1. Rumſey depoſed, "That in the end of October, or in the beginning of November 1682, there met at Mr. Sheppard's houſe in Abchurch-lane, the duke of Monmouth, the lord Grey, the lord Ruſſel the priſoner, ſir Thomas Armſtrong, and Robert Ferguſon: that the earl of Shaftſbury deſired him to go to them thither, to know what reſolution they were come to about the riſing of Taunton; that he did go, and Mr. Sheppard carried him up where they were, and he delivered his meſſage. That the anſwer was, Mr. Trenchard had failed them, and there would be no more done in the matter, at that time: that there was at the ſame time a diſcourſe by all the company, about ſeeing what poſture the guards were in, that they might know how to ſurpriſe them: that ſome of them undertook to go and ſee: that the lord Ruſſel in particular did ſpeak about the riſing, and gave his conſent to it"

2. Mr. Sheppard teſtified, "That in October laſt, Ferguſon deſired of him, in the duke of Monmouth's name, the conveniency of his houſe, for the meeting of ſome perſons of quality; and that the ſame day in the evening, the duke of Monmouth, the lord Grey, the lord Ruſſel, ſir Thomas Armſtrong, colonel Rumſey, and Ferguſon came; that they deſired to be private, and none of his ſervants to come up: that their diſcourſe was how to ſurpriſe the guards: that the duke of Monmouth, the lord Grey, and ſir Thomas Armſtrong, went one night to the Mews to view them: that the next time they came [x], Armſtrong ſaid, the guards were very remiſs, and the thing was feaſible: that they had two meetings of this kind at his houſe; that in one of them ſomething was read by Ferguſon in the nature of a declaration, ſetting forth the grievances of the nation in order to a riſing: that he could not poſitively ſay, that the lord Ruſſel was there when it was read; but the ſaid lord, the priſoner, was there when it was diſcourſed of ſeizing the guards."

The lord Howard began his teſtimony, with a long ſtory about the plot in general, which ſeemed to be deſigned only to exaſperate the jury; after which he depoſed to this effect: "That after the earl of Shaftſbury's flight, the chief perſons concerned in the conſpiracy, in his time, began to conſider, they had gone ſo far, that it was unſafe for them to make a retreat; and that in ſo great an affair, conſiſting of ſuch infinite particulars, to be managed with ſo much fineſſe, it would be neceſſary to have ſome general council; and that therefore they reſolved to erect a cabal among themſelves, which uſually conſiſted of ſix perſons, the duke of Monmouth, the earl of Eſſex, the lord Ruſſel, colonel Sidney, Mr. Hampden junior, and the deponent; and this was about the middle of January laſt. They met at Mr. Hampden's houſe, where it was preſently agreed, their proper province was to take care of the inſurrection: that the chief things they debated were, whether that inſurrection ſhould begin firſt in London, or the country; then what counties and towns were the fitteſt, and moſt diſpoſed to action; then, what arms were to be got, and how to be diſpoſed; then, that it was neceſſary to have a common bank of twenty five, or thirty thouſand pounds, to anſwer the occaſions of ſuch an undertaking; but that the greateſt point was, to order it ſo, as to draw in Scotland into a conſent with them; becauſe it was requiſite, that all kinds of diverſion ſhould be given to the king's forces. That about ten days after, every one of the ſame perſons met again at the lord Ruſſel's houſe: that they then came to a reſolution of ſending ſome perſons to the earl of Argyle, to ſettle a correſpondence with him, and that ſome meſſengers ſhould be diſpatched into Scotland, to invite ſome Scotchmen hither, who beſt underſtood the ſtate of Scotland, to give an account of it: that the perſons determined to be ſent for, were ſir John Cockram, the lord Melvil, and one of the name of Campbel: that colonel Sidney was intruſted to take care of a meſſenger; and he told the deponent, he had ſent Aaron Smith; then they agreed not to meet again till the return of the meſſenger, who was gone about a month before they heard any thing of him: that all this debate at the lord Ruſſel's went without contradiction, all there preſent giving their conſent: that as for raiſing of money, every one was put to think of ſuch a way, that money might be collected without giving cauſe of jealouſy. That, after all this, the deponent met no more with them; but, when he returned out of the country, he was informed, that Aaron Smith was come back, and that ſir John Cockram was alſo come to town."

To all this the lord Ruſſel made anſwer, "That he could not but think himſelf mighty unfortunate, to ſtand charged with ſo high a crime, and that intermixed with the treaſons, horrid practices and ſpeeches of other people, while the king's counſel took all advantage, and heightened things againſt him. That he was no lawyer, a very unready ſpeaker, and altogether a ſtranger to things of this nature: that he was ſenſible he was not ſo provided to make his defence, as otherwiſe he ſhould do; but he thought the gentlemen of the jury were men of conſcience, that valued innocent blood, and hoped they would conſider the witneſſes, that they ſwore to ſave their own lives. That the two times they met, was upon no formed deſign, only to talk of news and things in general: that the lord Howard having a voluble tongue, they delighted to hear him diſcourſe: that he knew of no

[x] The lord Ruſſel was never there but once. See Burnet, p. 537, 553.

The

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WILLIAM LORD RUSSEL.

G. Kneller Pinx.t *Goldar Sculp.t*

In the Collection of his Grace the Duke of Bedford.

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BRITISH
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MUSEUM

ſuch council as ſix choſen, for who ſhould chuſe them?" As to colonel Rumſey, "He was notoriouſly known to have been highly obliged to the king and the duke; and it was ſtrange he ſhould be capable of ſuch a deſign as to murder the king. That the time was elapſed by the 13th of the king, which limits proſecutions to ſix months. Neither was the deſign of levying war, treaſon, unleſs it appeared by ſome overt act." And aſking upon what ſtatute he was indicted, he was told, "The ſtatute of the 25th of Edward the third." Upon which, he inſiſted upon a matter of law, and particularly, "That the buſineſs at Mr. Sheppard's houſe was ſworn to only by one witneſs." To which he was anſwered, "That if there were one witneſs of one act of treaſon, another of a ſecond, and another of a third, that manifeſted the ſame treaſon, it was ſufficient."

For a further defence of his lordſhip, there appeared for him the duke of Somerſet, the earl of Angleſey, Mr. Edward Howard, the lord Cavendiſh, the lord Clifford, doctor Tillotſon, doctor Burnet, doctor Cox, doctor Fitz Williams, Mr. Luton Gore, and Mr. Spencer. Some of theſe teſtified, that the lord Howard, before he was taken, declared, "He believed the lord Ruſſel innocent, and knew nothing againſt him." Others ſpoke to his lordſhip's private character, and declared his great worth and probity, his virtuous and ſober life, and conſequently the improbability of his being thus engaged. But this was turned againſt him by the king's counſel, who ſaid, there could not be any more dangerous enemies to a ſtate, than ſuch as come ſober to endeavour its deſtruction.

As to what concerned the lord Howard's ſaying, he believed the priſoner innocent, it was anſwered by that lord himſelf, who confeſſed, "He had ſaid ſo, being then himſelf not accuſed, ſo that he intended to outface the thing both for himſelf and the party; but now, his duty to God, the king, and his country required it, he muſt ſay the truth; and that though the council of ſix were not choſen by any community, yet they did erect themſelves by mutual agreement one with another into that ſociety."

In concluſion, the jury brought him in guilty of high treaſon. This ſentence was conſidered by all, who had any ſenſe of ſhame left, as the moſt crying injuſtice, ever known in England. For the lord Ruſſel was condemned for words ſpoken in his hearing, which in England can never paſs for treaſon. The lord Howard ſo loſt his reputation, for being acceſſary to this injuſtice, that he was looked on with horror by honeſt men, who avoided his company, as aſhamed or afraid to be ſeen with him. Some ſay, he had made his peace with the king a little before, by the mediation of the ducheſs of Portſmouth, and by an engagement to ſerve as a witneſs againſt the pretended conſpirators.

But that which was believed to have very much influenced the jury againſt the lord Ruſſel, was, that in the very time of his trial, the earl of Eſſex, priſoner in the Tower, was found dead in his chamber, with his throat cut from ear to ear with a razor. The news was immediately brought to the Old Baily, and communicated to the judges and the king's counſel, who from thence took occaſion to inſinuate to the jury the reality of the plot[y], ſince the earl of Eſſex rather choſe to lay violent hands on himſelf, than ſtand a trial.

Though the coroner's inqueſt, after an examination of the dead body, found the earl Felo de ſe, this was not capable to remove the ſuſpicion entertained by moſt people, that this fact was committed by the order of the king and duke, who were in the Tower that very morning, where they had not been for twelve years before. It was beſides urged, that it was not poſſible for a man to cut his own throat from ear to ear. Several other circumſtances were added, of which it is not eaſy to diſcover the truth. It is pretended, that in the blood ſprinkled on the floor of the room, were diſcovered the marks of a ſtrange foot; and that after the deed was done, the razor was thrown out of the window, and pickt up by a little girl. That before the coroner came to inſpect the body, care was taken to ſtrip and leave it naked, and to waſh the room. That the coroner demanding to ſee the cloaths, was anſwered, it was his buſineſs to examine the body, and not the cloaths. What has been moſt plauſibly urged, in vindication of the king and duke from this horrid action, is, that perſons of credit have teſtified their frequent hearing the earl of Eſſex declare, that ſelf-murder was no ſin. It is further added, that his counteſs and ſir Henry Capel his brother owned the juſtice of the coroner's verdict. But had they believed the contrary, this was no proper time to diſcover their ſuſpicions. I am very certain, the laſt earl of Eſſex, his ſon, was of another opinion, and have heard him ſay, he believed his father was murdered, and that a French footman, who then ſerved his father, was ſtrongly ſuſpected, and diſappeared immediately after the fact. Be this as it will, the general opinion then was, and ſtill is, that this unfortunate nobleman fell a ſacrifice to the revenge of the king and the duke. This ſeems the leſs ſtrange, as among thoſe who declared moſt openly for their country, againſt the king and duke, the earl of Eſſex was not the only perſon who felt the effects of their reſentment. The king however publicly declared in print, that he was deeply afflicted for the earl of Eſſex's death, becauſe he was thereby deprived of an opportunity to exerciſe his clemency, and teſtify, how highly he valued the memory of the lord Capel. But, inſtead of convincing the public by this external demonſtration, it was by many imagined, that the king mentioned the lord Capel, only to inſinuate, how much the earl his ſon had deviated from his ſteps.

Beſides the lord Ruſſel condemned for this plot, two others alſo met with the ſame fate, namely, Hone a joyner, and John Rouſe. This laſt had been indicted for treaſonable words, and eſcaped by an ignoramus jury. But he was re-taken, and tried for the ſame crime, which did not properly belong to this plot, but to his having talked of the king in treaſonable terms. Hone and Rouſe were both condemned as traitors, and executed with Walcot, the 20th of July. They confeſſed, they had heard of a plot in general, but deſcended not to particulars. At leaſt, it did not appear, that the lord Ruſſel had any correſpondence with them.

The next day, the lord Ruſſel was alſo executed[z]. He was ſo univerſally eſteemed, that it could not be thought, the king would refuſe his pardon, which was begged by ſo many powerful relations. It is even ſaid, the earl of Bedford his father, offered a hundred thouſand pounds for his life, but his offer was rejected. The king would not ſo much as grant a reprieve of ſix weeks to his lady, though daughter of the earl of Southampton, but made her this anſwer, "Shall I grant that man ſix weeks, who, if it had been in his power, would not have granted me ſix hours?" Every one however was perſuaded, that if there was a deſign to kill the king, the lord Ruſſel was not concerned in it. Beſides that he denied it with his laſt breath, he was not condemned for that crime, and the witneſſes which depoſed againſt him ſaid nothing like it. And yet, the king, to have an excuſe for refuſing a ſhort delay, ſuppoſed that this crime was fully proved. It cannot be denied, that though the lord Ruſſel had been guilty of the crime for which he was condemned, namely, of giving a tacit conſent to the deſign of an inſurrection, the king could never have had an opportunity of exerciſing his clemency with more applauſe, to a man of ſo known virtue, near relation of the greateſt families in the kingdom. But all theſe conſiderations were weak, againſt the paſſion of revenge with which the king and the duke of York were actuated. The lord Ruſſel had been one of the warmeſt oppoſers of the duke of York, had joined the earls of Shaftſbury and Eſſex, and carried up the excluſion bill to the houſe of lords. Theſe were crimes not to be forgiven by the king and his brother. But perhaps moſt of my readers, after having peruſed the tranſactions of this reign, will not think it ſo enormous a crime to endeavour to oppoſe an arbitrary power, which was beginning to be introduced. He died with great reſolution, proteſting his innocence and ignorance of any deſign againſt the king's perſon, or of any contrivance to alter the government. As it was expected that he would be interrupted, he ſpoke but little on the ſcaffold, leaving in the hands of the ſheriff a paper, in which he proteſted his innocence, and ſaid, "That he died a true and ſincere proteſtant, and in the communion of the church of England, though he could never yet comply with, or riſe up to all the heights of ſome people."

For a concluſion to this tragedy, it remains only to ſpeak of the condemnation and execution of colonel Algernon Sidney, who was accuſed of the plot, and of the deſign to kill the king. He was brother to the earl of Leiceſter, and, in the late troubles, had been deeply engaged in the repub-

[y] The evidence againſt my lord Ruſſel being very defective, that accident was to help it out, as Mr. Hawles rightly obſerves. Remarks, p. 63.

[z] He was beheaded, July 21, on a ſcaffold erected in Lincoln's-inn-fields. There were ten companies of the king's guards, and a troop of horſe, drawn up, to prevent any diſturbances that might ariſe at the ſight of ſo moving and melancholy a ſpectacle. Echard, tom. III. p. 693———In the duke of Monmouth's journal, it is ſaid, that the king told him, "He inclined to ſave the lord Ruſſel, but was forced to conſent to his death, otherwiſe he muſt have broke with his brother, the duke of York." See Kennet, p. 406.

lican party. At the reſtoration he thought not fit to accept perſonally of the indemnity, whether in diſtruſt of the king or for ſome other reaſon. At laſt, in 1677, he obtained a particular pardon of the king, and returned to England, where he joined the country party, at which the king was extremely offended.

Four witneſſes were produced againſt him, Rumſey, Weſt, Keeling, and the lord Howard of Eſcrick. The three firſt contented themſelves with giving a particular account of the plot, but ſaid nothing directly againſt the priſoner. He complained of it as a great hardſhip, as prepoſſeſſing the jury. The lord Howard depoſed, as before at the trial of the lord Ruſſel, that colonel Sidney was one of the council of ſix, and had ſent Aaron Smith into Scotland, to engage the Scots in a rebellion.

His defence was, firſt, the great improbability of erecting a council of ſix; and that perſons ſo little knowing one another, ſhould preſently fall into ſo great and intimate a friendſhip. As to the duke of Monmouth, he ſaid, he never ſpoke with him above three times in his life; and one time was, when lord Howard brought him to his houſe and cozened them both; for he told the duke, that colonel Sidney had invited him, and he told the colonel, that the duke invited himſelf, and neither of them was true. He enlarged upon the ill reputation of the lord Howard, and his varying his evidence with reſpect to the lord Ruſſel's, and the preſent trial. He alledged the lord Howard's indigence, and his owing him money, which debt might probably be cancelled by his conviction. He proved, by the teſtimonies of the earls of Clare and Angleſey, of Mr. Philip and Mr. Edward Howard, Dr. Burnet, Mr. Ducas, and Mr. Blake, that the lord Howard had confeſſed, "That he could not get his pardon until he had done ſome other jobbs, till he was paſt the drudgery of ſwearing."

During the whole trial, the judges themſelves undertook to anſwer the reaſons of the accuſed, without leaving any thing for the king's council to do. But they anſwered not the objection drawn from the confeſſion of lord Howard, nor did he himſelf make any reply. So that the deſign of the court to furniſh the jury with reaſons to condemn the priſoner, manifeſtly appeared.

But what was moſt urged againſt him, was a manuſcript found among his papers. It was an anſwer to a book, compoſed by ſir Robert Filmer, to prove, that, by the laws of God and nature, kings, and particularly thoſe of England, were inveſted with abſolute and unlimited power. Sidney, in his anſwer to this book, had aſſerted a quite contrary doctrine, and carried his republican principles to a very great height.

He ſaid firſt, that the manuſcript was not writ by him, and he ſaw no reaſon for aſcribing it to him. That though he was the author, it might be writ many years ago in anſwer to Filmer's book, with no intention of publiſhing it, but diſputandi-gratia, only for private diverſion, and the exerciſe of his pen. In fine, he inſiſted very much upon the neceſſity of two witneſſes to the ſame fact. The court, as I ſaid, anſwered all his objections, but it plainly appears, it was with wretched cavils and ſubtilties. To the manuſcript it was anſwered, that ſcribere eſt agere, and that there was ſufficient in it to prove the malice of his heart, and his treaſonable deſigns. I know not whether the Engliſh lawyers are agreed in this maxim [a]. However, he was brought in guilty by the jury. It is pretended, this was the firſt time a man was accuſed of treaſon, and condemned to die, for writing any thing without publiſhing it.

He was beheaded the 7th of December, without diſcovering the leaſt weakneſs. Inſtead of a ſpeech on the ſcaffold he delivered a writing to the ſheriff, in which he complained bitterly of the injuſtice done him. He repreſented the infamous life of the lord Howard, and the judges, as men corrupted and only promoted to ſerve the deſigns of the court.

While theſe pretended conſpirators were vigorouſly proſecuted, the univerſity of Oxford diſtinguiſhed themſelves in a particular manner, amongſt the advocates for the court, by a condemnation in form of twenty-ſeven propoſitions, collected out of ſeveral modern authors, concerning the regal power. This decree was preſented to the king with great ſolemnity, and very graciouſly received. In the decree itſelf will appear the ſentiments of the univerſity at that time.

The judgment and decree of the univerſity of Oxford, paſſed in the convocation, July 21, 1683, againſt certain pernicious books, and damnable doctrines, deſtructive to the ſacred perſons of princes, their ſtates and government, and of all human ſociety [b].

"ALTHOUGH the barbarous aſſaſſination lately enterpriſed againſt the perſon of his ſacred majeſty and his royal brother, engage all our thoughts to reflect with the utmoſt deteſtation and abhorrence on that execrable villainy, hateful to God and man, and pay our due acknowledgments to the divine providence, which by extraordinary methods brought it to paſs, that the breath of our noſtrils, the anointed of the lord, is not taken in the pit which was prepared for him; and that under his ſhadow we continue to live, and enjoy the bleſſings of his government; yet notwithſtanding, we find it to be a neceſſary duty at this time to ſearch into, and lay open thoſe impious doctrines, which having of late been ſtudiouſly diſſeminated, gave riſe and growth to theſe nefarious attempts; and paſs upon them our ſolemn public cenſure, and decree of condemnation.

"Therefore, to the honour of the holy and undivided trinity, the preſervation of catholic truth in the church, and that the king's majeſty may be ſecured both from the attempts of open bloody enemies, and machinations of treacherous heretics and ſchiſmatics: we the vice-chancellor, doctors, proctors, and maſters, regent and non regent, met in convocation, in the accuſtomed manner, time, and place, on Saturday the one and twentieth day of July, in the year 1683, concerning certain propoſitions contained in divers books and writings, publiſhed in the Engliſh, and alſo the Latin tongues, repugnant to the holy ſcriptures, decrees of councils, writings of the fathers, the faith and profeſſion of the primitive church, and alſo deſtructive of the kingly government, the ſafety of his majeſty's perſon, the public peace, the laws of nature, and bonds of human ſociety; by our unanimous aſſent and conſent, have decreed and determined in manner and form following.

"I. All civil authority is derived originally from the people.

"II. There is a mutual compact, tacit or expreſs, between a prince and his ſubjects; and that if he perform not his duty, they are diſcharged from theirs.

"III. That if lawful governors become tyrants, or govern otherwiſe than by the laws of God and man they ought to do, they forfeit the right they had unto their government. Lex rex. Buchan. de jure regni. Vindiciæ contra tyrannos. Bellarm. de conciliis, de pontifice. Milton. Goodwin. Baxt. H. C.

"IV. The ſovereignty of England is in the three eſtates, viz. King, lords, and commons. The king has but a coordinate power, and may be over-ruled by the other two. Lex rex. Hunton. Of a limited and mixed monarchy. Baxter's H. C. Polit. Catechiſ.

"V. Birth-right and proximity of blood give no title to rule or government; and it is lawful to preclude the next heir from his right and ſucceſſion to the crown. Lex rex. Hunt's poſtſcript. Doleman's hiſtory of ſucceſſion. Julian the apoſtate. Mene tekel.

"VI. It is lawful for ſubjects, without the conſent, and againſt the command of the ſupreme magiſtrate, to enter into leagues, covenants and aſſociations, for defence of themſelves and their religion. Solemn league and covenant. Late aſſociation.

"VII. Self-preſervation is the fundamental law of nature, and ſuperſedes the obligation of all others, whenſoever they ſtand in competition with it. Hobbes, de cive; Leviathan.

"VIII. The doctrine of the goſpel, concerning patient ſuffering of injuries, is not inconſiſtent with violent reſiſting of the higher powers, in caſe of perſecution for religion. Lex rex. Julian the apoſtate. Apologet. relat.

"IX. There lies no obligation upon chriſtians to paſſive obedience, when the prince commands any thing againſt the the laws of our country; and the primitive chriſtians choſe rather to die than reſiſt, becauſe chriſtianity was not ſettled by the laws of the empire. Julian the apoſtate.

"X. Poſſeſſion and ſtrength give a right to govern; and ſucceſs in a cauſe or enterpriſe, proclaims it to be lawful and juſt: to purſue it, is to comply with the will of God, becauſe it is to follow the conduct of his providence. Hobbes. Owen's ſermon before the reg-

[a] Finch aggravated the matter of the book, as a proof of his intentions, pretending it was an overt act, for he ſaid, ſcribere eſt agere. Burnet. p. 572.

[b] This decree was drawn up by Dr. Jane of Chriſt-Church, who upon it was made dean of Glouceſter. He joined in the revolution, which gave occaſion to this epigram.

Decretum figis ſolenne, decanus ut eſſes,
Ut fieres præſul, Jane, refigis idem.

Sir

oides, Jan. 31, 1648. Baxter. Jenkins's petition, Octob. 1651.

"XI. In the ſtate of nature there is no difference between good and evil, right and wrong: the ſtate of nature is a ſtate of war, in which every man hath a right to all things.

"XII. The foundation of civil authority is this natural right, which is not given but left to the ſupreme magiſtrate, upon mens entering into ſocieties: and not only a foreign invader, but a domeſtic rebel, puts himſelf again into a ſtate of nature, to be proceeded againſt, not as a ſubject, but an enemy; and conſequently acquires by his rebellion the ſame right over the life of his prince, as the prince for the moſt heinous crimes has over the life of his own ſubjects.

"XIII. Every man, after his entering into a ſociety, retains a right of defending himſelf againſt force; and cannot transfer that right to the commonwealth, when he conſents to that union whereby a commonwealth is made: and in caſe a great many men together have already reſiſted the commonwealth, for which every one of them expected death, they have liberty then to join together to aſſiſt and defend one another: their bearing of arms, ſubſequent to the firſt breach of their duty, though it be to maintain what they have done, is no new unjuſt act; and if it be only to defend their perſons, it is not unjuſt at all.

"XIV. An oath ſuperadds no obligation to pacts, and a pact obliges no further than it is credited, and conſequently, if a prince, gives any indication, that he does not believe the promiſes of fealty and allegiance made by any of his ſubjects, they are thereby freed from their ſubjection; and notwithſtanding their pacts and oaths, may lawfully rebel againſt, and deſtroy their ſovereign. Hobbes de civ. leviathan.

"XV. If a people, that by oath and duty are obliged to a ſovereign, ſhall ſinfully diſpoſſeſs him, and, contrary to their covenants, chuſe and covenant with another; they may be obliged by their latter covenants, notwithſtanding their former. Baxter's H. C.

"XVI. All oaths are unlawful, and contrary to the word of God. Quakers.

XVII. An oath obligeth not in the ſenſe of the impoſers, but the takers. Sheriff's caſe.

"XVIII. Dominion is founded in grace.

"XIX. The powers of this world are uſurpations upon the prerogative of Jeſus Chriſt; and it is the duty of God's people to deſtroy them, in order to the ſetting Chriſt upon his throne. Fifth monarchy men.

"XX. The preſbyterian government is the ſceptre of Chriſt's kingdom, to which kings as well as others are bound to ſubmit, and the king's ſupremacy in eccleſiaſtical affairs, aſſerted by the church of England, is injurious to Chriſt, the ſole king and head of the church. Altare damaſcenum. Apologet. relat. hiſt. of indulgences. Cartwright. Travers.

"XXI. It is not lawful for ſuperiors to impoſe any thing in the worſhip of God that is not antecedently neceſſary.

"XXII. The duty of not offending a weak brother, is inconſiſtent with all human authority of making laws concerning indifferent things. Proteſtant reconciler.

"XXIII. Wicked kings and tyrants ought to be put to death; and if the judges and inferior magiſtrates will not do their office, the power of the ſword devolves to the people: if the major part of the people refuſe to exerciſe this power, then the miniſters may excommunicate ſuch a king: after which it is lawful for any of his ſubjects to kill him, as the people did Athaliah; and Jehu, Jezabel. Buchanan. Knot. Goodman. Gilby. Jeſuits.

"XXIV. After the ſealing of the ſcripture canon, the people of God, in all ages, are to expect new revelations for a rule of their actions; and it is lawful for a private man, having an inward motion from God, to kill a tyrant. Quakers, and other enthuſiaſts. Goodman.

"XXV. The example of Phineas, is to us inſtead of a command: for what God hath commanded or approved in one age, muſt needs oblige in all. Goodman. Knox. Napthali.

"XXVI. King Charles I. was lawfully put to death; and his murderers were the bleſſed inſtruments of God's glory in their generations. Milton. Goodwin. Owen.

"XXVII. King Charles the firſt made war upon his parliament: and in ſuch a caſe, the king may not only be reſiſted, but he ceaſeth to be king. Baxter.

"We decree, judge, and declare, all and every of theſe propoſitions to be falſe, ſeditious, and impious; and moſt of them to be alſo heretical and blaſphemous; infamous to the chriſtian religion, and deſtructive of all government in church and ſtate.

"We further decree, that the books which contain the aforeſaid propoſitions, and impious doctrines, are fitted to deprave good manners, corrupt the minds of uneaſy men, ſtir up ſeditions and tumults, overthrow ſtates and kingdoms, and lead to rebellion, murder of princes, and atheiſm itſelf. And therefore we inderdict all members of the univerſity from the reading of the ſaid books, under the penalties in the ſtatutes expreſſed. We alſo order the before recited books to be publicly burnt by the hand of our marſhal, in the court of our ſchools.

"Likewiſe we order, that in perpetual memory hereof, theſe our decrees ſhall be entered into the regiſtry of our convocation; and that copies of them being communicated to the ſeveral colleges and halls within this univerſity, they be there publicly affixed in the libraries, refectories, or other fit places where they may be ſeen and read of all.

"Laſtly, We command, and ſtrictly enjoin all and ſingular the readers, tutors, catechiſts, and others, to whom the care and truſt of initiating youth is committed, that they diligently inſtruct and ground their ſcholars in that moſt neceſſary doctrine, which, in a manner, is the badge and character of the church of England, of ſubmitting to every ordinance of man, for the lord's ſake; whether it be to the king, as ſupreme; or unto governors, as unto them that are ſent by him, for the puniſhment of evil doers, and for the praiſe of them that do well. Teaching that this ſubmiſſion and obedience is to be clear, abſolute, and without any exception of any ſtate or order of men: alſo, that they, according to the apoſtle's precept, exhort, that firſt of all, ſupplications, prayers, interceſſions, and giving of thanks, be made for all men; for the king, and all that are in authority, that we may lead a quiet and peaceable life, in all godlineſs and honeſty, for this is good and acceptable in the ſight of God our ſaviour. And in ſpecial manner, that they preſs and oblige them, humbly to offer their moſt ardent and daily prayers at the throne of grace, for the preſervation of our ſovereign lord king Charles, from the attempts of open violence, and ſecret machinations of perfidious traitors; that the defender of the faith, being ſafe under the defence of the moſt high, may continue his reign on earth, till he exchange it for that of a late and happy immortality."

The marriage of the princeſs Anne, ſecond daughter of the duke of York, with prince George, brother to the king of Denmark, celebrated the 28th of July, gave ſome but no long interruption to the proſecutions of the conſpirators.

We have ſeen that the city of London complied with the king's pleaſure in relation to their charter. But it ſeems the king repented of his being ſo favourable. The election of a lord mayor, which is uſually on the 29th of September, having been deferred to the 6th of October, the king, on pretence that the city had not tendered him a formal ſubmiſſion, ordered the judgment upon the Quo Warranto to be entered. By this the city being without a charter, the government was ſeized by the king, who ſent a commiſſion to ſir William Pritchard to continue in the execution of his office during pleaſure. He confirmed likewiſe the two ſheriffs with the ſame reſtriction, and diſplaced the recorder, naming another in his room[c]. Shortly after, on St. Simon and Jude's day, on which it is cuſtomary for the new lord mayor to take the oaths in the court of exchequer, the king appointed a new lord mayor during his pleaſure. Thus the city of London ſaw itſelf without charter or privileges, and entirely dependent on the king's will.

The king, as I ſaid, publiſhed a proclamation for apprehending all the conſpirators againſt his life, among whom was his natural ſon, the duke of Monmouth. The duke had hitherto kept himſelf concealed. But at laſt, weary of his uneaſy ſituation, he writ a very ſubmiſſive letter to the king his father, wherein, after poſitively denying his ever having any deſign againſt his life, he owned however, that many people had made him believe his own was in danger, and thereby cauſed him to commit things contrary to his duty to the king and the duke of York, and aſked both their pardons with great earneſtneſs and ſubmiſſion. He added, that if his majeſty would give him his pardon, he would deliver himſelf into the hands of the duke, that he might bring him to him. This was accompanied with proteſtations and aſſurances of reſpect, ſubmiſſion, and fidelity for the future. He concluded with ſaying, "That he would never

[c] Sir George Treby was diſplaced, and ſir Thomas Jenner, who was knighted at the ſame time, was made recorder. Eight aldermen were likewiſe turned out, and as many new ones named in their ſtead. Kennet, p. 407.

aſk to ſee the king's face more, if ever he did any thing againſt the duke; which was the greateſt curſe he could lay upon himſelf."

The king could not diſſemble his ſatisfaction at the receipt of this letter, for he tenderly loved the duke of Monmouth. Nevertheleſs, with his own hand he writ the following anſwer: "If the duke of Monmouth deſires to make himſelf capable of my mercy, he muſt render himſelf to the ſecretary, and reſolve to tell me all he knows, reſigning himſelf entirely to my pleaſure."

This drew a ſecond letter from the duke, more ſubmiſſive than the former, in which he confeſſed his offence againſt the king and the duke, but in general terms, and without mention of particulars [d]. But in aſſuring the king of an unreſerved ſubmiſſion to his pleaſure, he intreated him, that he would not expoſe him to the ignominy of a trial, nor ſend him to the Tower, nor force him to be a witneſs againſt any perſon.

The king, ſatisfied with this letter, very readily admitted his beloved ſon to aſk forgiveneſs. He was introduced by ſecretary Jenkins, who withdrew, and left him alone with the king and the duke of York. What paſſed between them, can only be known from the report of the king and the duke his brother. It is however affirmed, that he threw himſelf at the king's feet, acknowledging his guilt [e], and aſking his pardon; that he confeſſed himſelf faulty to the duke, aſking his pardon alſo. All this is very probable, but what is added admits of ſome doubt, namely, that he confirmed whatever had been depoſed againſt the lord Ruſſel and colonel Sidney, and thereby corroborated the lord Howard's evidence. It is alſo added, that he aſſured all the conſiderable non-conformiſt miniſters knew of the conſpiracy. As this could only come from the king, or duke of York, and as it was the intereſt of both, that the earl of Eſſex, lord Ruſſel, and colonel Sidney, ſhould be thought guilty, all do not think themſelves obliged to credit their teſtimony.

However this be, the king ordered his pardon to be diſpatched with all expedition. But afterwards, upon a report, "That the duke of Monmouth had made no confeſſion, but had aſſerted the innocency of ſome that had ſuffered," the king required him to write over, and ſubſcribe the following letter:

"I HAVE heard of ſome reports of me, as if I ſhould have leſſened the late plot, and gone about to diſcredit the evidence given againſt thoſe who have died by juſtice. Your majeſty and the duke know, how ingenuouſly I have owned the late conſpiracy; and though I was not conſcious of any deſign againſt your majeſty's life, yet I lament the having had ſo great a ſhare in the other part of the ſaid conſpiracy. Sir, I have taken the liberty to put this in writing for my own vindication; and I beſeech you to look forward, and endeavour to forget the faults you have forgiven me; I will take care never to commit any more againſt you, or come within the danger of being again miſled from my duty, but make it the buſineſs of my life to deſerve the pardon your majeſty hath granted to,

Your dutiful Monmouth."

It is certain, the duke writ, or at leaſt ſubſcribed this letter, which, as it appears, was expreſſed in general terms, without deſcending to particulars. And yet, ſhortly after he repented of what he had done, and with great importunity, preſſed the king to return him the paper he had ſubſcribed. The king anſwered him, he would not keep it againſt his will, that he might not have occaſion to ſay, he had been forced to write it. But withal, he warned him to conſider, what ill conſequences might follow upon this obſtinacy, and therefore gave him time till the next morning to deliberate with himſelf. The next day the duke demanded his letter with ſtill greater importunity, and the king reſtored it, but from that moment baniſhed him from his preſence at court.

It is eaſy to ſee, that the motive which induced the duke to demand his letter again, is a ſubject for conjectures, and difficult to be diſcovered. Some pretend, the duke of Monmouth's friends repreſented to him, that by writing this letter, he had thrown himſelf upon an unavoidable precipice, ſince at ſome other time it might be turned to his ruin. Others maintain, that he was ſo troubled in conſcience, for having aſſerted in this letter a thing which he knew to be falſe, that he was not eaſy till it was returned him. Each follows the opinion which is moſt agreeable to his ſyſtem, but no proof is produced on either ſide. Laſtly, there are who pretend, it was a contrivance between the king and the duke of Monmouth, and that the king, not to diſoblige the duke of York, told, or ordered the duke of Monmouth to be told, to demand his letter again, in order to have an opportunity to reſtore it, for fear the duke of York might one day make an ill uſe of it. They confirm this conjecture from the king's behaviour to the duke of Monmouth in his abſence. The duke withdrawing into Holland, and the prince of Orange receiving him with great reſpect and civility, the king could not forbear teſtifying his ſatisfaction. He writ frequently to the duke of Monmouth, received letters from him, unknown to the duke of York, and privately ſupplied him with money.

The winter this year was very remarkable for a violent froſt, which began about the beginning of December, and laſted till the 5th of February. The Thames was ſo frozen, that there was another city, as it were, on the ice, by the great number of booths erected between the Temple and Southwark, in which place was held an abſolute fair, for above a fortnight, of all ſorts of trades. An ox was likewiſe roaſted whole, bulls baited, and the like.

In September or October this year, the king commiſſioned the lord Dartmouth to go with about twenty ſail of ſhips, and utterly demoliſh the town, caſtle, and mole of Tangier. The mole had coſt the king vaſt ſums, but for want of money, or for ſome other cauſe, was left unfiniſhed. The lord Dartmouth had alſo orders to choak up the haven. Six months were ſpent in executing this commiſſion. The king was thereby freed from a conſiderable annual expence for the preſervation of this place, and moreover, the garriſon, moſtly conſiſting, as I obſerved, of popiſh ſoldiers and officers, ſerved to augment the king's forces at home, and keep in awe thoſe who were impatient of the yoke.

This year 1683, was memorable for the famous ſiege of Vienna, formed by the grand viſier Kara Muſtapha, the 19th of July, with an army of an hundred and thirty thouſand men, and raiſed by the king of Poland, the ſecond of September, when the city was reduced to the laſt extremity.

[1683-4] This year 1684 was almoſt wholly ſpent in eſtabliſhing the king's acquired abſolute power. This was done chiefly by three expedients. The firſt was the augmentation of the forces by the garriſon of Tangier: the ſecond was, the rigorous puniſhment of thoſe who were not only accuſed of the proteſtant plot, but had during the quarrels between the king and the late parliaments, taken the liberty to ſpeak of the king and the duke of York, with too much paſſion and heat. Theſe ſpeeches, at a time when the king and the duke were obliged to diſſemble, for fear of farther exaſperating the parliament, were now remembered when they were in a more favourable ſituation, and the authors made to ſuffer. The third expedient was, the perſuading indirectly all the corporations in the kingdom to ſurrender their charters to the king. I have already ſaid what I had to ſay concerning the garriſon of Tangier.

As to the ſecond expedient, I mean, the proſecutions againſt the king's and duke's enemies, it would be tedious to enumerate all the trials and ſentences given againſt thoſe who were accuſed either of the laſt plot, or of having ſpoken too freely of the king and the duke. Nothing elſe almoſt occurs in the events of the year 1684. Since the city had loſt their privileges, the king had nominated ſheriffs [f] entirely devoted to him, who took care in all criminal trials to impannel juries, diſpoſed to follow the ſuggeſtions of the court. To facilitate the condemnation of thoſe whoſe proſecutions were reſolved, the king, in December laſt, had made ſir George Jefferies lord chief juſtice of the King's Bench. He was a man fit for the purpoſes of the court, without honour or conſcience, impudent to the laſt degree, and ever ready to betray his duty and the intereſts of juſtice and the kingdom to recommend himſelf to thoſe who were in power. Theſe great qualities advanced him at laſt to the chancellorſhip of England. The king had alſo made other alterations among the judges, ſo that he was in a manner aſſured of the

[d] He only ſaid, "——I confeſs, ſir, I have been in fault, miſled, and inſenſibly engaged in things of which the conſequence was not enough underſtood by me: yet I can ſay I never had a criminal thought towards your majeſty."——Sprat's hiſt. append. p. 204.

[e] He did fully and freely acknowledge his having been conſcious of the conſpiracy;——but perſiſted to the laſt in renouncing any the leaſt knowledge or thought of the aſſaſſinating part. Sprat's hiſt. p. 164. See the duke's journal in Kennet, p. 406.

[f] Peter Daniel, and Samuel Daſhwood, eſquires. Kennet, p. 407.

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compliance of all the courts of juſtice. The court party had made a great noiſe ſome time before, concerning the ignoramus returned by the London juries upon all bills preferred againſt the whigs, and theſe complained no leſs of the rigour exerciſed this year by the tories. Books have been publiſhed to ſhew the paſſion, the partiality, and the crying injuſtice of the judges and juries, in favour of the court. But I cannot deſcend to theſe particulars, however proper they may be to demonſtrate, with what zeal the court promoted the execution of their deſigns, and to ſhew the characters of the perſons employed. I ſhall therefore omit many trials of perſons little known, and confine myſelf to ſome particular caſes, by which the reſt will be eaſily judged of.

The earl of Danby had been ſent to the Tower by the houſe of lords, upon an impeachment from the commons. He had often demanded to be diſcharged upon bail; but the judges had always refuſed his requeſt, declaring that it was not in their power to admit to bail a peer of the realm impriſoned by parliament. This was the law of the kingdom. But the alterations amongſt the judges had likewiſe produced great alterations in the maxims and principles of the courts of juſtice. The judges who had been in office ſome time, believed it lawful to releaſe the earl upon bail, which was accordingly taken, the earl being bound in a recognizance of ten thouſand pounds.

The releaſe of the earl of Danby was a precedent for the liberty of the popiſh lords, priſoners in the Tower. The lord Petre one of thoſe lords, dying about a month before, upon his death-bed ſent a letter to the king, diſowning in his laſt words, and upon his ſalvation, the matters of which he ſtood accuſed. After a declaration ſo expreſs, the king not doubting the innocence of the other four, told the court by his attorney general, that he conſented to whatever the court ſhould think fit to be done with regard to the popiſh lords. Whereupon they were admitted to bail the ſame day with the earl of Danby. It muſt be that the former judges were very ignorant, not to know that an inferior court had power to releaſe men impriſoned by the ſupreme court of the kingdom, or that the preſent judges were more bold than their predeceſſors.

But the perſons accuſed of the laſt conſpiracy, and thoſe who had ſpoken diſreſpectfully of the king and the duke, met not with ſo much humanity. Among the great number proſecuted for theſe two offences, I ſhall only relate the trials of three or four.

Mr. Hampden was tried for a conſpiracy the 6th of February. The lord Howard depoſed againſt him, That the council of ſix meeting at Mr. Hampden's houſe, Mr. Hampden made an introductory ſpeech to open the aſſembly, and that he was concerned in ſending Aaron Smith into Scotland. Mr. Hampden's counſel inſiſted upon lord Howard's ill reputation, and ſcandalous life, and repreſented him little better than an atheiſt. But ſuch objections were of force only againſt Oates and Bedloe. For how was it poſſible that the lord Howard ſhould be an ill man, ſince he only depoſed againſt proteſtants? On the other hand, Mr. Hampden produced witneſſes who teſtified his virtue, his piety, his morality. But theſe teſtimonies were ineffectual. Jefferies, in a long ſpeech, ſpeaking of religion and virtue, turned it upon the priſoner in theſe words, "Was it not (ſaid he) under the ſhape of religion that the bleſſed martyr king Charles I. came to the block? Nay, ſome men were at a loſs to know which way they ſhould put a ſpirit into the common people to oppoſe the king; and ſome among them, Mr. Hampden the firſt, bid them be ſure to put religion to be the pretence, and that would make them run headlong to what they would have them." But this excellent argument, to be virtuous and religious, was a ſign of a man's being engaged in the plot. But obſerve an artifice made uſe of to caſt Mr. Hampden. It is certain, that, ſuppoſing the truth of lord Howard's teſtimony, Mr. Hampden was not leſs guilty than lord Ruſſel or colonel Sidney. Nevertheleſs, he could not be condemned as a traitor, ſince there was but one evidence againſt him, and all laws divine and human require two witneſſes to the taking away a man's life. He was therefore indicted of a miſdemeanour, and, the jury finding him guilty on the teſtimony of lord Howard, the court was ſatisfied with fining him forty thouſand pounds, and obliging him to find ſureties for his good behaviour during life. This was thought to be a very ſtrange and a ſevere ſentence. But the king diſpelled all doubts concerning this affair, by aſſuring the public in a large declaration, "That if he had not granted the duke of Monmouth's requeſt, that he would not make him a witneſs, neither Mr. Hampden, nor ſcarce any one man of thoſe that were freed upon bail, had eſcaped death."

[1684] John Dutton Colt, eſquire, a member of the three laſt parliaments, being accuſed of ſpeaking theſe words, "The duke of York is a papiſt, and before any ſuch papiſt dog ſhall be ſucceſſor to the crown of England, I will be hanged at my own door." Theſe and other injurious words being proved againſt him, the jury brought in their verdict for the duke of York, and gave him for damages a hundred thouſand pounds.

The duke of York alſo brought his action of ſcandalum magnatum againſt Titus Oates, for directly calling him traitor. For this offence the court gave the duke of York a hundred thouſand pounds damages. Shortly after, he was indicted for perjury, in relation to father Ireland's being in London at the time Oates ſwore to, at his trial. Not long after another indictment of perjury was preferred againſt him, in relation to his being preſent at the ſuppoſed conſult of the jeſuits at the Whitehorſe tavern in 1678. But theſe indictments not being tried this reign, Oates continued in priſon.

Theſe three, and ſome others[g], omitted for brevity ſake, eſcaped with life, though properly condemned to perpetual impriſonment, as not being able to pay their exorbitant fines. But two others, who were out of the kingdom, did not come off ſo eaſy. James Holloway having ſeen his name in the Gazette amongſt the conſpirators, who were to be apprehended by the king's proclamation, fled to the Weſt Indies. Upon his flight, he had ſuffered an outlawry for high treaſon, and this year the court hearing he was in the Weſt-Indies, cauſed him to be apprehended and brought to London, where he was executed upon the attainder of outlawry for treaſon.

The ſame thing happened to ſir Thomas Armſtrong, who had been conſidered as one of the principal authors of the laſt plot, and named in the king's proclamation with a reward of five hundred pounds. He made his eſcape into Holland, and was outlawed as well as Holloway. The court hearing he was at Leyden, obtained an order from the ſtates to apprehend him, and accordingly before he had notice, he was apprehended and brought to Rotterdam, and from thence to London. When he appeared at the King's Bench bar, he alledged that he was beyond ſea at the time of the outlawry, and begged that he might be tried. But his requeſt was abſolutely rejected, and the rather, as the attorney general told the court from the king, that Armſtrong was one of the perſons who were to aſſaſſinate his majeſty on his return from Newmarket, which the priſoner poſitively denied. He was executed the 20th of June, and his head and quarters ſet up in ſeveral parts of the city. Only one was reſerved to be ſent down to Stafford, for which town he had been a burgeſs in parliament.

I do not think it neceſſary to relate the trials, this year, of a great number of libellers, and perſons who had ſpoken againſt the king, the duke of York, or the government. In Echard's hiſtory I find thirty-two condemned in great fines, and ſome put in the pillory. The hiſtory of this year properly conſiſts of ſuch tranſactions only.

The whole kingdom being ſtruck with terror, the king believed he ought to improve it to the eſtabliſhment of his abſolute power, ſo as to have nothing to fear from any future oppoſition. This was by depriving at once all the corporations, and conſequently all his ſubjects of their privileges. It was not proper to uſe abſolute power, but to proceed in a manner more politic and more dangerous to the people, by engaging them to make a voluntary ſurrender of their charters in order to receive ſuch new ones as the king ſhould pleaſe to grant. For this purpoſe, courtiers and emiſſaries were ſent to the more conſiderable corporations, to inſpire them with terror, and intimate to them, that ſcarce one could eſcape, ſhould the king exerciſe ſtrict juſtice. This chiefly concerned the whigs and non-conformiſts, for the tories were generally very ready blindly to obey the pleaſure of the court. Jefferies particularly diſtinguiſhed himſelf in his northern circuit at the ſummer aſſizes. He forgot nothing capable of terrifying the people, aſſuring them, that a ſurrender of their charters was the only way to avert the

[g] February 7, Laurence Braddon and Hugh Speke were tried for a miſdemeanour in ſuborning witneſſes to prove the earl of Eſſex was murdered by his keepers, for which the firſt was fined two thouſand pounds, and the latter one thouſand pounds.——February 14, ſir Samuel Barnardiſtone was fined ten thouſand pounds for writing ſome letters about the plot. State trials, tom. III. p. 771, 845.——And Samuel Johnſon five hundred marks, for writing Julian the apoſtate, Kennet, p. 405.

This

miſchiefs which hung over their head. Other judges and emiſſaries did the ſame, and at laſt, the larger corporations being thus gained, the leſſer neceſſarily followed. So, a ſudden, and great change was ſeen in England, namely, the Engliſh nation without rights or privileges, but ſuch as the king would vouchſafe to grant her; and what is more ſtrange, the Engliſh themſelves ſurrendered to Charles II. thoſe very rights and privileges which they had defended with ſo much paſſion or rather fury, againſt the attempts of Charles I.

To make the people in ſome meaſure fully ſenſible of their new ſlavery, the king affected to muſter his forces, which from one regiment of foot and one troop of horſe-guards (raiſed by himſelf, with the murmurs of many of his ſubjects) were increaſed to four thouſand compleatly trained and effective men. It might then be ſeen, that the members of parliament who oppoſed the raiſing, or at leaſt the eſtabliſhment of theſe guards, were not altogether in the wrong. But the zeal of the tory party was now arrived to ſuch a height, that they looked on every thing which contributed to render the king abſolute, as a ſure means to ruin the whigs, and conſequently as a triumph for them. They prepoſterouſly imagined, that the court only aimed at the deſtruction of that odious party, and was ſolely labouring for the tories. Accordingly, we find ſtill ſome authors of this laſt party who repreſent the year 1684 as the moſt peaceable, the moſt quiet, and, in a word, the happieſt year England had ſeen for ſome ages. Nothing was capable to open the eyes of theſe paſſionate men, who, againſt all probability, believed the court well affected both to the ſtate and the proteſtant religion.

Nevertheleſs, the king did a thing this year which ought to have undeceived them. He diſſolved the commiſſion, granted in the year 1681, for the diſpoſal of all eccleſiaſtical preferments. As the eſtabliſhing this commiſſion was in order to perſuade his ſubjects, that he had the intereſt of the proteſtant religion at heart, he could not avoid appointing ſuch commiſſioners as were thought to have the ſame ſentiments. But finding himſelf at length in the ſituation he had wiſhed for, this commiſſion was too great a reſtraint, and therefore he revoked it to fill the vacant benefices agreeably to his own inclinations.

It muſt not be concealed, that moſt hiſtorians aſcribe all the rigours exerciſed this year, and all the meaſures taken by the king for the advancement of his abſolute power to the counſels of the duke his brother. That prince had gained ſo great an aſcendant over the king, that he held him in a kind of ſubjection, and led him into meaſures productive of others, and ſo carried him farther than the king deſired. Beſides, that the king was naturally indolent, and loved his eaſe too much to engage in any affairs capable of diſturbing his repoſe, he knew the genius and temper of the Engliſh much better than the duke of York, and was ſenſible of the great difficulty to preſerve long a power acquired in ſo extraordinary a manner. But, on the other hand, after ſo many proceedings to ſecure this power, he knew not how to retreat, and could not alter his conduct, without breaking entirely with the duke, which muſt have extremely embarraſſed him. He could not change his principles and maxims, without an entire alteration in his court and council, and without putting himſelf into the hands of men of very different principles. Beſides, his inclination did not lead him to it, and it was only this fear of diſturbing his quiet, which cauſed him to conſider the danger of his preſent proceedings. Mean while, as this danger was not yet near, and as all the kingdom appeared ſubmiſſive, he kept off the evil day, and delayed coming to any determination.

However this be, the Hamborough company, to gain the good will of a prince, inveſted with ſuch power, erected a marble ſtatue to him in the middle of the Royal Exchange, with this pompous inſcription on the pedeſtal:

CAROLO II. Cæſari Britannico, patriæ patri, regum optimo, clementiſſimo, auguſtiſſimo, generis humani deliciis, utriuſque fortunæ victori, pacis Europæ arbitro, Maris domino & vindici, ſocietas mercatorum adventur. Angliæ, quæ per CCCC jam prope annos regiâ benignitate floret, fidei interatæ, gratitudinis æternæ, hoc teſtimonium venerabunda poſuit, anno ſal. humanæ, MDCLXXXIV [h].

[1684-5] Almoſt the whole month of January of the new year 1685, was ſpent either in proſecuting delinquents againſt the king and the duke, or in receiving the charters of the corporations, not yet ſurrendered, or in granting new ones on ſuch conditions as the court thought proper. It may well be imagined, that theſe conditions were not prejudicial to the power acquired by the king. All complaints were ſuppreſſed, and the whole kingdom entirely ſubdued, the city of London not excepted, which had always oppoſed abſolute power.

The king now finding himſelf at the height of his wiſhes, was willing to do a popular act, and publiſhed a declaration, drawn up by Dr, Prat, in which, "he affectionately thanked his ſubjects for their great confidence in him, chiefly for their ſo freely reſigning their local immunities and charters into his hands, leſt the abuſe of any of them ſhould hereafter prove dangerous to the juſt prerogatives of the crown. This, he declared he eſteemed as the peculiar honour of his reign, being ſuch as none of the moſt popular of all his late royal predeceſſors could ever have hoped for. Wherefore he thought himſelf more than ordinarily obliged to continue, as he had hitherto begun, to ſhew the greateſt moderation and benignity, in the exerciſe of ſo great a truſt: reſolving upon this occaſion, to convince the higheſt pretenders to the commonweal, that as the crown was the firſt original, ſo it was ſtill the ſureſt guardian of all the people's lawful rights and privileges."

Notwithſtanding all this, it is pretended, he had formed a project for an extraordinary change in the government: that he deſigned to recall the duke of Monmouth, to ſend the duke of York beyond ſea, and call a free parliament. This ſeems to have been founded on ſome paſſages in the duke of Monmouth's pocket book, ſeized with his perſon in the following reign. We are further told, that the king had intimated, that if he lived but a month longer, he would find a way to make himſelf eaſy for the reſt of his life [i]. But he lived not to execute this deſign. He died the 6th of February, fifty-four years of age, and twenty-five ſince his reſtoration. The cauſe of his death being variouſly reported, ſome thinking it natural, others violent, I believe moſt inſtructive for the reader, what Dr. Welwood ſays of it, who ſeems to have ſpoken of it with moſt impartiality.

"It's confeſſed, few princes come to die a ſudden death, but the world is apt to attribute it to foul play; eſpecially if attended with unuſual circumſtances in the time and manner of it.

"King Charles had a healthful conſtitution beyond moſt men, and took great care to preſerve it, by diet and exerciſe, which naturally promiſe a long life: and it was more extraordinary to ſee ſuch a man die before threeſcore, than another in the bloom of youth. Now, if he died a natural death, it is agreed by all, that it muſt have been an apoplexy. This diſeaſe ſeizes all the vital faculties at once; and yet, for the moſt part, does not only give ſome ſhort warnings of its approach, by unuſual affections of the head, but many times is occaſioned by ſome evident preceding cauſe. In king Charles's caſe, there appeared no viſible cauſe, either near or remote, to which, with any certainty of reaſon, his diſeaſe could be aſcribed; and the forerunners of it were rather to be found in his ſtomach and bowels, than in the head. For, after he was a bed, he was overheard to groan moſt of the night: and both then, and next morning, before he fell into the fit, he complained firſt of a heavy oppreſſion in his ſtomach and about his heart, and afterwards of a ſharp pain in thoſe parts; all which ſymptoms had but little relation to an apoplexy. That morning there appeared to every body about him, a ghaſtlineſs and paleneſs in his looks: and when he ſat down to be ſhaved, juſt before the fit took him, he could not ſit ſtraight, as he uſed to do, but continued in a ſtooping poſture, with his hand upon his ſtomach, till the fit came. After he had been brought out of it, by opening a vein, he complained of a racking pain in his ſtomach, and of no indiſpoſition any where elſe: and during the whole time of his ſickneſs, and even when he ſeemed

[h] This year, April 14, ſir Leoline Jenkins reſigned his place of ſecretary of ſtate, wherein he was ſucceeded by Sidney Godolphin, who was created a baron. Kennet, p. 415.

[i] Of this new ſcheme Burnet gives this account. There was at this time a new ſcheme formed, that very probably would have for ever broken the king and the duke.—It was laid at the lady Portſmouth's. Barillon, lord Sunderland, and lord Godolphin, were in it. The duke of Monmouth came over ſecretly. And though he did not ſee the king, yet he went back very well pleaſed with his journey.—The deſign was to begin with the ſending the duke of York to Scotland.—The king ſpoke to the duke concerning his going to Scotland; and he anſwered, there was no occaſion for it. Upon which the king replied, that either the duke muſt go, or that he himſelf would go thither—The king was obſerved to be colder and more reſerved to the duke than ordinary. But what was under all this, was ſtill a deep ſecret. Lord Hallifax was let into no part of it. He complained in council againſt lord Rocheſter, that there were many razures in the books of the treaſury, and moved the king to go to the treaſury chamber. So the king named the next Monday. And Mr. May was ſent for from Windſor, to come to court that day, which it was expected would prove a critical day. And it proved ſo indeed, though in a different way; the king being taken ill in the mean while, p. 604—606.

moſt

moſt inſenſible, he was obſerved to lay his hand, for the moſt part, upon his ſtomach, in a moaning poſture, and continued ſo to his death: and ſo violent was the pain, that when all hopes were gone, the phyſicians were deſired to uſe all their art to procure him an eaſy death.

"So much for the diſtemper itſelf. There remain ſome things to be taken notice of, that fell out before and after his death. A few days before he was taken ill, king Charles being in company where the preſent poſture of affairs was diſcourſed of, there eſcaped him ſome warm expreſſions, about the uneaſy circumſtances he was plunged into, and the ill meaſures had been given him: and how, in a certain particular affair, he was pleaſed to mention, He had been abuſed; adding in ſome paſſion, That if he lived but a month longer, he would find a way to make himſelf eaſy for the reſt of his life. This paſſage was whiſpered abroad next day; and the rumour of recalling the duke of Monmouth, and ſending away the duke of York, came to take air about the ſame time. Indeed, all things were making ready, to put the latter in execution; and there is reaſon to believe, the king had intimated as much to the duke himſelf; for ſome of his richeſt furniture was put up, and his chief ſervants ordered to be in a readineſs to attend their maſter upon an hour's warning; and yachts were waiting, to tranſport ſome perſons of quality, without mentioning who it was, or whither bound. The Romiſh party that managed about court, were obſerved to be more than ordinary diligent and buſy up and down Whitehall and St. James's, as if ſome very important affair was in agitation; and a new and unuſual concern was to be ſeen on their countenances. Nor was it any wonder, for in this ſuſpected change they were like to be the only loſers, and all their teeming hopes were in a fair way to be diſappointed. How far the principles of ſome of that party might leave them at liberty to puſh on their revenge for this deſigned affront, as well as to prevent the blow that threatened them, though without the privity, much leſs the conſent of the duke of York, is left to the reader to judge.

"There was a foreign miniſter, that ſome days before the king fell ill, ordered his ſteward to buy a conſiderable parcel of black cloth, which ſerved him and his retinue after for mourning: and the late embaſſador Don Pedro Ronquillo, made it no ſecret, that he had a letter from Flanders the week before king Charles died, that took notice of his death, as the news there. But both theſe might fall out by mere accident.

"There remain two things more that deſerve ſome conſideration in this matter. When his body was opened, there was not ſufficient time given for taking an exact obſervation of his ſtomach and bowels; which one would think, ought chiefly to have been done, conſidering the violent pains he had there: and when a certain phyſician ſeemed to be more inquiſitive than ordinary about the condition of thoſe parts, he was taken aſide, and reproved for his needleſs curioſity. In the next place, his body ſtunk ſo extremely, within a few hours after his death, notwithſtanding the coldneſs of the ſeaſon, that the people about him were extremely offended with the ſmell: which is a thing very extraordinary, in one of his ſtrong and healthful conſtitution; and is not a proper conſequent of a mere apoplectical diſtemper.

"There was ſome weight laid upon an accident that fell out at Windſor ſome years before his death: for the king drinking more liberally than uſual, after the fatigue of riding, he retired to the next room, and wrapping himſelf up in his cloak, fell aſleep upon a couch. He was but a little time come back to the company, when a ſervant belonging to one of them, lay down upon the ſame couch in the king's cloak, and was found ſtabbed dead with a poinard. Nor was it ever known how it happened, but the matter huſhed up, and no enquiry made about it.

"To conclude, Dr. Short, who was a man of great probity and learning, and a Roman catholic, made no ſcruple to declare his opinion to ſome of his intimate friends, that he believed king Charles had foul play done him. And when he came to die himſelf, expreſſed ſome ſuſpicion that he had met with the ſame treatment, for opening his mind too freely in that point.

"So much for the circumſtances of king's Charles's death, that ſeem to have an ill aſpect. There are others, that ſeem to deſtroy all ſuſpicion of treachery in the matter.

"As, firſt, he had lived ſo faſt, as might enervate, in a great meaſure, the natural force of his conſtitution, and exhauſt his animal ſpirits; and therefore he might be more ſubject to apoplexy, which is a diſeaſe that weakens and locks up theſe ſpirits from performing their uſual functions. And though, in his latter years, he had given himſelf up more to the pleaſures of wine, than of women; that might rather be the effect of age than of choice.

"Next, it is known, he had been once or twice attacked before, with fits that much reſembled thoſe of which he afterwards died: and yet, as the manner of them is told, they look rather to have been convulſive motions, than an apoplexy; ſeeing they were attended with violent contorſions of his face, and convulſions of his whole body and limbs. This is the more confirmed, by a paſſage, that happened during the heat of the popiſh plot. King Charles had ſome ſecret matters to manage at that time, by the means of a Romiſh prieſt then beyond ſea, whom he ordered to be privately ſent for: and the gentleman employed betwixt the king and him (from whom I had the ſtory) was directed to bring him in a diſguiſe to Whitehall. The king and the prieſt were a conſiderable time together alone in the cloſet, and the gentleman attended in the next room: at laſt, the prieſt came out, with all the marks of fright and aſtoniſhment in his face; and having recovered himſelf a little, he told the gentleman, that he had run the greateſt riſque ever man did; for while he was with the king, his majeſty was ſuddenly ſurpriſed with a fit, accompanied with violent convulſions of his body and contorſions of his face, which laſted for ſome moments; and when he was going to call out for help, the king held him by force till it was over, and then bid him not be afraid, for he had been troubled with the like before; the prieſt adding, what a condition he ſhould have been in, conſidering his religion, and the preſent juncture of affairs, if the king had died of that fit, and no body in the room with him beſides himſelf.

"But leaving this ſtory to the credit of the prieſt, there might be another natural cauſe aſſigned for king Charles's falling into ſuch a fit as that of which he died, which is this; he had for ſome time an iſſue in his leg, which ran much, and conſequently muſt have made a great revulſion from his head; upon which account, it is probable, it was made. A few weeks before his death, he had let it be dried up, contrary to the advice of his phyſicians, who told him it would prejudice his health. Their prognoſtic was partly true in this, that there came a painful tumour upon the place where the iſſue had been, which proved very obſtinate, and was not thoroughly healed up when he died.

"In fine, it is agreed on all hands, that king Charles expreſſed no ſuſpicion of his being poiſoned, during all the time of his ſickneſs: though it muſt be alſo obſerved, that the fits were ſo violent, that he could not ſpeak while they were upon him, and ſhewed an averſion to ſpeaking during the intervals. And there was not any thing to be ſeen, upon opening his body, that could reaſonably be attributed to the force of poiſon. Yet, to allow theſe conſiderations no more weight than they can well bear, this muſt be acknowledged, that there are poiſons which affect originally the animal ſpirits, and are of ſo ſubtle a nature, that they leave no concluding marks upon the bodies of thoſe they kill."

Let us now ſee what Dr. Burnet ſays upon this ſubject, in his hiſtory of his own times. As this hiſtory is not yet tranſlated, or at leaſt publiſhed in French, I believe it will not be unacceptable to foreigners, to inſert here that famous prelate's account of the death of Charles II.

"All this winter the king looked better than he had done for many years. He had a humour in his leg, which looked like the beginning of the gout: ſo that for ſome weeks he could not walk, as he uſed to do generally, three or four hours a day in the park; which he did commonly ſo faſt that as it was really an exerciſe to himſelf, ſo it was a trouble to all about him to hold up with him. In the ſtate the king was in, he not being able to walk, ſpent much of his time in the laboratory, and was running a proceſs for the fixing of mercury. On the firſt of February, being a Sunday, he eat little all day, and came to lady Portſmouth at night, and called for a porringer of ſpoon meat. It was made too ſtrong for his ſtomach; ſo he eat little of it: and he had an unquiet night. In the morning one Dr. King, a phyſician and a chemiſt, came, as he had been ordered, to wait on him. All the king's diſcourſe to him was ſo broken, that he could not underſtand what he meant. And the doctor concluded, he was under ſome great diſorder, either in his mind, or in his body. The doctor, amazed at this, went out, and meeting with lord Peterborough, he ſaid, the king was in a ſtrange humour, for he did not ſpeak one word of ſenſe. Lord Peterborough deſired he would go in again to the bedchamber, which he did. And he was ſcarce come in, when the king, who ſeemed all the while to be in great confuſion, fell down all of a ſudden in a fit like an apoplexy: he looked black, and his eyes turned in his head. The

phyſician, who had been formerly an eminent ſurgeon, ſaid it was impoſſible to ſave the king's life, if one minute was loſt: he would rather venture on the rigour of the law, than leave the king to periſh; and ſo he let him blood.——The king came out of that fit, yet the effects of it hung ſtill upon him, ſo that he was much oppreſſed. And the phyſicians did very much apprehend the return of another fit, and that it would carry him off: ſo they looked on him as a dead man. The biſhop of London ſpoke a little to him, to diſpoſe him to prepare for whatever might be before him; to which the king anſwered not a word. But that was imputed partly to the biſhop's cold way of ſpeaking, and partly to the ill opinion they had of him at court, as too buſy in oppoſition to popery. Sancroft made a very weighty exhortation to him; in which he uſed a good degree of freedom, which he ſaid was neceſſary, ſince he was going to be judged by one who was no reſpecter of perſons. To him the king made no anſwer neither; nor yet to Ken, though the moſt in favour with him of all the biſhops. Some imputed this to an inſenſibility, of which too viſible an inſtance appeared, ſince lady Portſmouth ſat in the bed, taking care of him as a wife of a huſband. Others gueſſed truer; that it would appear he was of another religion. On Thurſday a ſecond fit returned. And then the phyſicians told the duke, that the king was not like to live a day to an end.

"The duke immediately ordered Hudleſton, the prieſt that had a great hand in ſaving the king at Worceſter fight, (for which he was excepted out of all ſevere acts that were made againſt prieſts) to be brought to the lodgings under the bedchamber: and, when he was told what was to be done, he was in great confuſion, for he had no hoſtie about him. But he went to another prieſt that lived in the court, who gave him the pix with an hoſtie in it. But that poor prieſt was ſo frighted, that he ran out of Whitehall in ſuch haſte, that he ſtruck againſt a poſt, and ſeemed to be in a fit of madneſs with fear. As ſoon as Hudleſton had prepared every thing that was neceſſary, the duke whiſpered the king in the ear; upon that the king ordered, that all who were in the bedchamber ſhould withdraw, except the earls of Bath and Feverſham; and the door was double locked. The company was kept out half an hour: only lord Feverſham opened the door once, and called for a glaſs of water. Cardinal Howard told me at Rome, that Hudleſton, according to the relation that he ſent thither, made the king go through ſome acts of contrition, and, after ſuch a confeſſion as he could then make, he gave him abſolution, and the other ſacraments. The hoſtie ſtuck in his throat: and that was the occaſion of calling for a glaſs of water. He alſo gave him extreme unction. All muſt have been performed very ſuperficially, ſince it was ſo ſoon ended. But the king ſeemed to be at great eaſe upon it. It was given out, that the king ſaid to Hudleſton, that he had ſaved him twice, firſt his body and now his ſoul; and that he aſked him, if he would have him declare himſelf to be of their church. But it ſeems, he was prepared for this, and ſo diverted the king from it; and ſaid, he took it upon him to ſatisfy the world in that particular. But though by the principles of all religion whatſoever, he ought to have obliged him to make open profeſſion of his religion; yet, it ſeems, the conſequences of that were apprehended; for, without doubt, that poor prieſt acted by the directions that were given him. The company was ſuffered to come in. And the king went through the agonies of death, with a calm and a conſtancy, that amazed all who were about him, and knew how he had lived. This made ſome conclude, that he had made a will, and that his quiet was the effect of that. Ken applied himſelf much to the awaking the king's conſcience. He ſpoke with great elevation, both of thought and expreſſion, like a man inſpired, as thoſe who were preſent told me. He reſumed the matter often, and pronounced many ſhort ejaculations and prayers, which affected all that were preſent, except him that was the moſt concerned, who ſeemed to take no notice of him, and made no anſwers to him. He preſſed the king ſix or ſeven times to receive the ſacrament; but the king always declined it, ſaying, he was very weak. A table with the elements upon it, ready to be conſecrated, was brought into the room, which occaſioned a report to be then ſpread about, that he had received it. Ken preſſed him to declare, that he deſired it, and that he died in the communion of the church of England. To that he anſwered nothing. Ken aſked him, if he deſired abſolution of his ſins. It ſeems the king, if he then thought any thing at all, thought that would do him no hurt. So Ken pronounced it over him: for which he was blamed, ſince the king expreſſed no ſenſe, or ſorrow for his paſt life, nor any purpoſe of amendment. It was thought to be a proſtitution of the peace of the church, to give it to one, who, after a life led as the king's had been, ſeemed to harden himſelf againſt every thing that could be ſaid to him. Ken was alſo cenſured for another piece of indecency: he preſented the duke of Richmond, lady Portſmouth's ſon, to be bleſſed by the king. Upon this, ſome that were in the room cried out, the king was their common father. And upon that all kneeled down for his bleſſing, which he gave them. The king ſuffered much inwardly, and ſaid, he was burnt up within; of which he complained often, but with great decency. He ſaid once, he hoped he ſhould climb up to heaven's gates, which was the only word ſavouring of religion that he was heard to ſpeak.

"He gathered all his ſtrength to ſpeak his laſt words to the duke, to which every one hearkened with great attention. He expreſſed his kindneſs to him, and that he now delivered all over to him with great joy. He recommended lady Portſmouth over and over again to him. He ſaid, he had always loved her, and he loved her now to the laſt; and beſought the duke, in as melting words as he could fetch out, to be very kind to her and to her ſon. He recommended his other children to him: and concluded, let not poor Nelly ſtarve, that was Mrs. Gwyn. But he ſaid nothing of the queen, nor any one word of his people, or of his ſervants; nor did he ſpeak one word of religion, or concerning the payment of his debts, though he left behind him about ninety thouſand guineas, which he had gathered either out of the privy purſe, or out of the money which was ſent him from France, or by other methods, and which he had kept ſo ſecretly, that no perſon whatſoever knew any thing of it.

"He continued in the agony till Friday at eleven o'clock, being the 6th of February 1684-5; and then died in the fifty fourth year of his age, after he had reigned, if we reckon from his father's death, thirty ſix years and eight days; or if we reckon from his reſtoration, twenty four years, eight months, and nine days. There were many very apparent ſuſpicions of his being poiſoned: for though the firſt acceſs looked like an apoplexy, yet it was plain in the progreſs of it, that it was no apoplexy. When his body was opened, the phyſicians who viewed it, were, as it were, led by thoſe, who might ſuſpect the truth, to look upon the parts that were certainly ſound. But both Lower and Needham, two famous phyſicians, told me, they plainly diſcerned two or three blue ſpots on the outſide of the ſtomach. Needham called twice to have it opened, but the ſurgeons ſeemed not to hear him. And when he moved it the ſecond time, he, as he told me, heard Lower ſay to one that ſtood next him, Needham will undo us, calling thus to have the ſtomach opened; for he may ſee they will not do it: they were diverted to look to ſomewhat elſe: and when they returned to look upon the ſtomach, it was carried away: ſo that it was never viewed. Le Fevre, a French phyſician, told me, he ſaw a blackneſs in his ſhoulder: upon which he made an inciſion, and ſaw it was all mortified. Short, another phyſician, who was a papiſt, but after a form of his own, did very much ſuſpect foul dealing. And he had talked more freely of it, than any of the proteſtants durſt do at that time. But he was not long after taken ſuddenly ill, upon a large draught of wormwood wine, which he had drank in the houſe of a popiſh patient that lived near the tower, who had ſent for him, of which he died; and, as he ſaid to Lower, Millington, and ſome other phyſicians, he believed that he himſelf was poiſoned for his having ſpoken ſo freely of the king's death.

"The king's body was indecently neglected; ſome parts of his inwards, and ſome pieces of the fat, were left in the water in which they were waſhed: all which were ſo careleſsly looked after, that the water being poured out at a ſcullery hole, that went to a drain, in the mouth of which a grate lay, theſe were ſeen lying on the grate many days after. His funeral was very mean. He did not lie in ſtate; no mournings were given: and the expence of it was not equal to what an ordinary nobleman's funeral will riſe to. Many upon this ſaid, that he better deſerved from his brother, than to be thus ungratefully treated in ceremonies that are public, and that make an impreſſion on thoſe who ſee them, and who will make ſevere obſervations and inferences upon ſuch omiſſions.

"But ſince I have mentioned the ſuſpicions of poiſon as the cauſe of his death, I muſt add, that I never heard any lay thoſe ſuſpicions on his brother. But his dying ſo critically, as it were in the minute in which he ſeemed to begin a turn of affairs, made it to be generally the more believed, and that the papiſts had done it, either by the means of ſome of lady Portſmouth's ſervants, or, as ſome fancied, by

poiſoned

poiſoned ſnuff: for ſo many of the ſmall veins of the brain were burſt, that the brain was in great diſorder, and no judgment could be made concerning it. To this I ſhall add a very ſurpriſing ſtory, that I had in November 1709, from Mr. Henly of Hampſhire. He told me, that, when the ducheſs of Portſmouth came over to England in 1699, he heard, that ſhe talked as if king Charles had been poiſoned; which he deſiring to have from her own mouth, ſhe gave him this account of it. She was always preſſing the king to make both himſelf and his people eaſy, and to come to a full agreement with his parliament: and he was come to a final reſolution of ſending away his brother, and of calling a parliament; which was to be executed the next day, after he fell into that fit of which he died. She was put upon the ſecret, and ſpoke of it to no perſon alive but to her confeſſor: but the confeſſor, ſhe believed, told it to ſome, who ſeeing what was to follow, took that wicked courſe to prevent it. Having this from ſo worthy a perſon, as I have ſet it down without adding the leaſt circumſtance to it, I thought it too important not to be mentioned in this hiſtory. It diſcovers both the knavery of confeſſors, and the practices of papiſts ſo evidently, that there is no need of making any further reflections on it."

Theſe two relations of the death of king Charles II. agree in the principal circumſtances; particularly in the ſuſpicion of his being poiſoned. Several other accounts have been given of his death, in which are inſerted circumſtances not to be met with here, and others omitted which are here related. It is ſaid, that at the perſuaſion of biſhop Ken, the king at laſt reſolved to diſmiſs the ducheſs of Portſmouth, and ſending for the queen, aſked her pardon for the injury he had done her. It is added, that he had the ſatisfaction of her particular forgiveneſs. This directly contradicts Dr. Burnet's account of the ducheſs of Portſmouth. Some ſay, Hudleſton was not brought to the king till he had loſt all ſenſe, and that he received the ſacrament of extreme unction, without giving the leaſt ſign either of his approbation or refuſal. It is pretended, he adviſed the duke his brother, not to think of introducing popery into England, becauſe it was an impracticable undertaking. Laſtly, ſome ſay only, that the phyſicians and ſurgeons inſpecting the body, diſcovered no mark of poiſon, and entirely omit the circumſtances of the ſtomach, mentioned in the two foregoing relations, though they own the ſuſpicion of the king's being poiſoned, but repreſent this ſuſpicion as coming from the enemies of the duke and of the papiſts.

It is univerſally agreed, that no man had the boldneſs to accuſe the duke of poiſoning his brother. But it is not to be concluded from thence, that no man believed it. Thoſe who might have entertained this ſuſpicion, took care not to expoſe themſelves to a danger ſo great as that of accuſing the ſucceſſor, without being able to prove it. The papiſts in general are accuſed, but this is ſo undeterminate a word, that one knows not to whom to apply it, when they are ſeparated from the duke of York their head. Beſides, the inſpection of the dead body was managed in a proper way to diſpel all ſuſpicions of poiſon; but who directed the phyſicians or ſurgeons is a ſecret, at leaſt the brother of the deceaſed does not appear to have concerned himſelf much in this inſpection, though the ſuſpicions of poiſon were very violent. All this creates ſuch an obſcurity as gives every man room to judge as he pleaſes. Thus much is certain, there is no formal proof that king Charles II. was poiſoned, or if he was, the authors of his death remain hitherto concealed.

It is not very ſtrange that the hiſtorians or others, ſhould diſagree in their character of Charles II. when it is conſidered, that he was the head and protector of one of the two parties, and the perſecutor of the other. This muſt have neceſſarily produced a diverſity of characters, according as they are given by tories or whigs. When we read ſucceſſively the writers of the two parties, who have ſpoken of this prince in general, or given his character, we are almoſt apt to think, they ſpeak of two different kings of the ſame name. The one by ſeveral omiſſions endeavour to cover all his faults, or if they are mentioned, it is very ſlightly, and always with ſome addition or inſinuation tending to juſtify them. The others inſiſt chiefly upon what may blacken his character, and ſhew, that he acted upon very ill motives, and upon principles directly contrary to the good of the kingdom. If they ſpeak of his good qualities, it is only to render him more faulty, and demonſtrate that he tranſgreſſed not through ignorance, but with premeditation. Which ever way I take to draw the character of this prince, I cannot avoid the cenſure of one or the other party, if I ſpeak as from myſelf, and I ſhould not gain much in going upon the teſtimony of either party. However, as the reader, doubtleſs, expects to know ſomething more of the character of this king than could be learnt from the hiſtory of his reign, I chuſe to inſert Dr. Burnet's account in the hiſtory of his own times. I own this, of all the characters of Charles II. ſeems to me, in the whole, to be moſt like, and moſt agreeable to the hiſtory of his life. I could wiſh however, this illuſtrious prelate had omitted, or at leaſt ſoftened ſome ſtrokes, which appear to me a little over-charged, and ſeem to diſcover ſome paſſion in the author. However that be, he concludes the hiſtory of this prince in the following manner:

"Thus lived and died king Charles the ſecond. He was the greateſt inſtance in hiſtory of the various revolutions of which any one man ſeemed capable. He was bred up the firſt twelve years of his life with the ſplendour that became the heir of ſo great a crown. After that he paſſed through eighteen years in great inequalities, unhappy in the war, in the loſs of his father, and of the crown of England. Scotland did not only receive him, though upon terms hard of digeſtion, but made an attempt upon England for him, though a feeble one. He loſt the battle of Worceſter with too much indifference: and then he ſhewed more care of his perſon than became one, who had ſo much at ſtake. He wandered about England for ten weeks after that, hiding from place to place. But under all the apprehenſions he had then upon him, he ſhewed a temper ſo careleſs, and ſo much turned to levity, that he was then diverting himſelf with little houſehold ſports, in as unconcerned a manner as if he had made no loſs, and had been in no danger at all. He got at laſt out of England. But he had been obliged to ſo many, who had been faithful to him and careful of him, that he ſeemed afterwards to reſolve to make an equal return to them all. And finding it not eaſy to reward them all as they deſerved, he forgot them all alike. Moſt princes ſeem to have this pretty deep in them; and to think that they ought never to remember paſt ſervices, but that their acceptance of them is a full reward. He of all in our age, exerted this piece of prerogative in the ampleſt manner: for he never ſeemed to charge his memory, or to trouble his thoughts with the ſenſe of any of the ſervices that had been done him. While he was abroad at Paris, Colen, or Bruſſels, he never ſeemed to lay any thing to heart. He purſued all his diverſions and irregular pleaſures in a free career; and ſeemed to be as ſerene under the loſs of a crown as the greateſt philoſopher could have been. Nor did he willingly hearken to any of thoſe projects, with which he often complained that his chancellor perſecuted him. That in which he ſeemed moſt concerned was, to find money for ſupporting his expence. And it was often ſaid, that if Cromwell would have compounded the matter, and have given him a good round penſion, that he might have been induced to reſign his title to him. During his exile he delivered himſelf ſo entirely up to his pleaſures, that he became incapable of application. He ſpent little of his time in reading, or ſtudy, and yet leſs in thinking. And in the ſtate his affairs were then in, he accuſtomed himſelf to ſay to every perſon, and upon all occaſions, that which he thought would pleaſe moſt: ſo that words or promiſes went very eaſily from him. And he had ſo ill an opinion of mankind, that he thought the great art of living and governing was, to manage all things and all perſons with a depth of craft and diſſimulation. And in that, few men in the world could put on the appearances of ſincerity better than he could: under which ſo much artifice was uſually hid, that in concluſion he could deceive none, for all were become miſtruſtful of him. He had great vices, but ſcarce any virtues to correct them. He had in him ſome vices that were leſs hurtful, which corrected his more hurtful ones. He was, during the active part of his life, given up to ſloth and lewdneſs to ſuch a degree, that he hated buſineſs, and could not bear the engaging in any thing that gave him much trouble, or put him under any conſtraint. And though he deſired to become abſolute, and to overturn both our religion and our laws, yet he would neither run the riſk, nor give himſelf the trouble, which ſo great a deſign required. He had an appearance of gentleneſs in his outward deportment: but he ſeemed to have no bowels, nor tenderneſs in his nature: and in the end of his life he became cruel. He was apt to forgive all crimes even blood itſelf; yet he never forgave any thing that was done againſt himſelf, after his firſt and general act of indemnity, which was to be reckoned as done rather upon maxims of ſtate, than inclinations of mercy. He delivered himſelf up to a moſt enormous courſe of vice, without any ſort of reſtraint, even from the conſiderations of the neareſt relations; the moſt ſtudied

extrava-

extravagancies that way ſeemed to the very laſt to be much delighted in, and purſued by him. He had the art of making all people grow fond of him at firſt, by a ſoftneſs in his whole way of converſation, as he was certainly the beſt bred man of the age. But when it appeared how little could be built on his promiſe, they were cured of the fondneſs that he was apt to raiſe in them. When he ſaw young men of quality, who had ſomething more than ordinary in them, he drew them about him, and ſet himſelf to corrupt them both in religion and morality; in which he proved ſo unhappily ſucceſsful, that he left England much changed at his death, from what he had found it at his reſtoration. He loved to talk over all the ſtories of his life to every new man that came about him. His ſtay in Scotland, and the ſhare he had in the war of Paris, in carrying meſſages from the one ſide to the other, were his common topics. He went over theſe in a very graceful manner; but ſo often, and copiouſly, that all thoſe who had been long accuſtomed to them grew weary of them: and when he entered on thoſe ſtories, they uſually withdrew: ſo that he often began them in a full audience, and before he had done, there were not above four or five left about him; which drew a ſevere jeſt from Willmot earl of Rocheſter. He ſaid, He wondered to ſee a man have ſo good a memory, as to repeat the ſame ſtory without loſing the leaſt circumſtance, and yet not remember that he had told it to the ſame perſons the very day before. This made him fond of ſtrangers; for they hearkened to all his often repeated ſtories, and went away as in a rapture, at ſuch an uncommon condeſcenſion in a king.

"His perſon and temper, his vices as well as his fortune reſemble the character that we have given us of Tiberius, ſo much, that it were eaſy to draw a parallel between them. Tiberius's baniſhment, and his coming afterwards to reign, makes the compariſon in that reſpect come pretty near. His hating of buſineſs, and his love of pleaſures, his raiſing of favourites, and truſting them entirely, and his pulling them down, and hating them exceſſively; his art of covering deep deſigns, particularly of revenge, with an appearance of ſoftneſs, brings them ſo near a likeneſs, that I did not wonder much to obſerve the reſemblance of their face and perſon. At Rome I ſaw one of the laſt ſtatues made for Tiberius after he had loſt his teeth. But, bating the alteration which that made, it was ſo like king Charles, that prince Borgheſe and Signior Dominico to whom it belonged, did agree with me in thinking that it looked like a ſtatue made for him.

"Few things ever went near his heart; the duke of Glouceſter's death ſeemed to touch him much. But thoſe who knew him beſt thought it was, becauſe he had loſt him, by whom only he could have balanced the ſurviving brother, whom he hated, and yet embroiled all his affairs to preſerve the ſucceſſion to him.

"His ill conduct in the firſt Dutch war, and thoſe terrible calamities of the plague, and fire of London, with that loſs and reproach which he ſuffered by the inſult at Chatham, made all people conclude, there was a curſe upon his government. His throwing the public hatred at that time upon lord Clarendon, was both unjuſt and ungrateful. And when his people had brought him out of all his difficulties, upon his entering into the triple alliance, his ſelling that to France, and his entering on the ſecond Dutch war with as little colour as he had for the firſt; his beginning it with the attempt on the Dutch Smyrna fleet; the ſhutting up the exchequer; and his declaration for toleration, which was a ſtep for the introduction of popery; make ſuch a chain of black actions flowing from blacker deſigns, that it amazed thoſe who had had known all this, to ſee with what impudent ſtrains of flattery addreſſes were penned during his life, and yet more groſsly after his death. His contributing ſo much to the raiſing the greatneſs of France, chiefly at ſea, was ſuch an error, that it could not flow from want of thought or of true ſenſe. Rouvigny told me, he deſired that all the methods the French took in the increaſe and conduct of their naval force might be ſent him. And, he ſaid, he ſeemed to ſtudy them with concern and zeal. He ſhewed what errors they committed, and how they ought to be corrected, as if he had been a viceroy to France, rather than a king that ought to have watched over, and prevented the progreſs they made, as the greateſt of all the miſchiefs that could happen to him or to his people. They that judged the moſt favourable of this, thought it was done out of revenge to the Dutch, that, with the aſſiſtance of ſo great a fleet as France could join to his own, he might be able to deſtroy them. But others put a worſe conſtruction on it; and thought, that ſeeing he could not quite maſter or deceive his ſubjects by his own ſtrength and management, he was willing to help forward the greatneſs of the French at ſea, that by their aſſiſtance he might more certainly ſubdue his own people; according to what was generally believed to have fallen from lord Clifford, that if the king muſt be in a dependence, it was better to pay it to a great and generous king, than to five hundred of his own inſolent ſubjects. No part of his character looked wickeder as well as meaner, than that he, all the while that he was profeſſing to be of the church of England, expreſſing both zeal and affection to it, was yet ſecretly reconciled to the church of Rome: thus mocking God, and deceiving the world with ſo groſs a prevarication. And his not having the honeſty or courage to own it at the laſt: his not ſhewing any ſign of the leaſt remorſe for his ill led life, or any tenderneſs either for his ſubjects in general, or for the queen and his ſervants: and his recommending only his miſtreſſes and their children to his brother's care, would have been a ſtrange concluſion to any other life, but was well enough ſuited to all the other parts of his.

"The two papers found in his ſtrong box concerning religion, and afterwards publiſhed by his brother, looked like ſtudy and reaſoning. Tenniſon told me, he ſaw the original in Pepy's hand, to whom king James truſted them for ſome time. They were interlined in ſeveral places. And the interlinings ſeemed to be writ in a hand different from that in which the papers were writ. But he was not ſo well acquainted with the king's hand, as to make any judgment in the matter, whether they were writ by him or not. All that knew him when they read them, did, without any ſort of doubting, conclude, that he never compoſed them: for he never read the ſcriptures, nor laid things together, further than to turn them to a jeſt, or for ſome lively expreſſion. Theſe papers were probably writ either by lord Briſtol, or by lord Aubigny, who knew the ſecret of his religion, and gave him thoſe papers, as abſtracts of ſome diſcourſes they had with him on thoſe heads, to keep him fixed to them. And it is very probable, that they apprehending their danger, if any ſuch papers had been found about him writ in their hand, might prevail with him to copy them out himſelf, though his lazineſs that way made it certainly no eaſy thing to bring him to give himſelf ſo much trouble. He had talked over a great part of them to myſelf: ſo that as ſoon as I ſaw them, I remembered his expreſſions, and perceived that he had made himſelf maſter of the argument, as far as thoſe papers could carry him. But the publiſhing them ſhewed a want of judgment, or of regard to his memory in thoſe who did it; for the greateſt kindneſs that could be ſhewn to his memory, would have been, to let both his papers and himſelf be forgotten."

After ſeeing in this character, all that can be ſaid to the diſadvantage of Charles II. the reader doubtleſs will not be diſpleaſed to behold the picture of the ſame prince, drawn a little differently by a very able hand, I mean John Sheffield earl of Mulgrave, who was no enemy to the king, or the royal family. He has laboured this deſcription with all poſſible care. I omit a ſhort introduction concerning the author, to come at once to the character of the king.

"As to the king's religion, it was more deiſm than popery; which he owed more to the livelineſs of his parts, and careleſſneſs of his temper, than either to reading, or much conſideration; for his quickneſs of apprehenſion, at firſt view, could diſcern through the ſeveral cheats of pious pretences; and his natural lazineſs confirmed him in an equal miſtruſt of them all, for fear he ſhould be troubled with examining which religion was beſt. If in his early travels, and late adminiſtration, he ſeemed a little biaſſed to one ſort of religion; the firſt is only to be imputed to a certain eaſineſs of temper, and a complaiſance for that company he then was forced to keep; and the laſt was no more than his being tired, (which he ſoon was in any difficulty) with thoſe bold oppoſitions in parliament, which made him almoſt throw himſelf into the arms of a Roman catholic party, ſo remarkable in England for their loyalty, who embraced him gladly, and lulled him aſleep with thoſe enchanting ſongs of abſolute ſovereignty, which the beſt and wiſeſt of princes are often unable to reſiſt. And though he engaged himſelf on that ſide more fully, at a time when it is in vain, and too late to diſſemble, we ought leſs to wonder at it, than to conſider that our very judgments are apt to grow in time as partial as our affections; and thus, by accident only, he became of their opinion in his weakneſs, who had ſo much endeavoured always to contribute to his power. He loved eaſe and quiet; to which his unneceſſary wars are ſo far from being a contradiction, that they are rather a proof of it, ſince they were made chiefly to comply with thoſe perſons, whoſe diſſatisfaction would have proved more uneaſy

to

to one of his humour, than all that diſtant noiſe of cannon, which he would often liſten to with a great deal of tranquillity. Beſides, the great and almoſt only pleaſure of mind he appeared addicted to, was ſhipping and ſea affairs: which ſeemed to be ſo much his talent both for knowledge as well as inclination, that a war of that kind was rather an entertainment, than any diſturbance to his thoughts. If he did not go himſelf at the head of ſo magnificent a fleet, it is only to be imputed to that eagerneſs of military glory in his brother: who, under the ſhew of a decent care for preſerving the royal perſon from danger, engroſſed all that ſort of honour to himſelf, with as much jealouſy of any other's interpoſing in it, as a king of another temper would have had of his, though without reaſon.———It is certain, no prince was ever more fitted by nature for his country's intereſt, than he was in all his maritime inclinations; which might have proved of ſufficient advantage to this nation, if he had been as careful in depreſſing all ſuch improvements in France, as of advancing and encouraging our own: but it ſeems he wanted jealouſy in all his inclinations, which leads us to conſider him in his pleaſures: where he was rather abandoned than luxurious; and, like our female libertines, apter to be debauched for the ſatisfaction of others, than to ſeek with choice, where moſt to pleaſe himſelf. I am of opinion alſo, that in his latter time, there was as much of lazineſs as of love, in all thoſe hours he paſſed among his miſtreſſes; who, after all, ſerved only to fill up his ſeraglio, while a bewitching kind of pleaſure, called ſauntering, and talking without any conſtraint, was the true ſultana queen he delighted in.

"He was ſurely inclined to juſtice; for nothing elſe would have retained him ſo faſt to the ſucceſſion of a brother, againſt a ſon he was ſo fond of, and the humour of a party which he ſo much feared. I am willing alſo to impute to his juſtice, whatever ſeems in ſome meaſure to contradict the general opinion of his clemency; as his ſuffering always the rigour of the law to proceed, not only againſt all highwaymen, but alſo ſeveral others, in whoſe caſes the lawyers, (according to their wonted cuſtom) had uſed ſometimes a great deal of hardſhip and ſeverity. His underſtanding was quick and lively in little things, and ſometimes would ſoar high enough in great ones, but unable to keep it up with any long attention or application. Witty in all ſorts of converſation; and telling a ſtory ſo well, that not out of flattery, but for the pleaſure of hearing it, we uſed to ſeem ignorant of what he had repeated to us ten times before, as a good comedy will bear the being ſeen often. Of a wonderful mixture; loſing all his time, and till of late ſetting his whole heart on the fair ſex, yet neither angry with rivals, nor in the leaſt nice as to their being beloved; and while he ſacrificed all things to his miſtreſſes, he would uſe to grudge and be uneaſy at their loſing a little of it again at play, though never ſo neceſſary for their diverſion: nor would he venture five pounds at tennis to thoſe ſervants, who might obtain as many thouſands, either before he came thither, or as ſoon as he left off. Not falſe to his word, but full of diſſimulation, and very adroit at it, yet no man eaſier to be impoſed on; for his great dexterity was in cozening himſelf, by gaining a little one way, while it coſt him ten times as much another; and by careſſing thoſe perſons moſt, who had deluded him the ofteneſt; and yet the quickeſt in the world at ſpying ſuch a ridicule in another. Familiar, eaſy, and good natured; but for great offences ſevere and inflexible: alſo in one week's abſence, quite forgetting thoſe ſervants, to whoſe faces he could hardly deny any thing. In the midſt of all his remiſſneſs, ſo induſtrious and indefatigable on ſome particular occaſions, that no man would either toil longer, or be able to manage it better.

"He was ſo liberal, as to ruin his affairs by it; for want in a king of England, turns things juſt upſide down, and expoſes a prince to his people's mercy. It did yet worſe in him, for it forced him alſo to depend on his great neighbour of France; who played the broker with him ſufficiently in all thoſe times of extremity. Yet this profuſeneſs of his did not ſo much proceed from his overvaluing thoſe he favoured, as from his undervaluing any ſums of money which he did not ſee; though he found his error in this, but I confeſs a little of the lateſt. He had ſo natural an averſion to all formality, that with as much wit as moſt kings ever had, and with as majeſtic a mein, yet he could not on premeditation act the part of a king for a moment, either at parliament, or at council, either in words or geſture; which carried him into the other extreme, more inconvenient of the two, of letting all diſtinction and ceremony fall to the ground, as uſeleſs and foppiſh. His temper, both of body and mind, was admirable, which made him an eaſy generous lover, a civil obliging huſband, a friendly brother, an indulgent father, and a good natured maſter. If he had been as ſollicitous about improving the faculties of his mind, as he was in the management of his bodily health; though, alas! the one proved unable to make his life long, the other had not failed to have made it famous. He was an illuſtrious exception to all the common rules of phyſiognomy: for with a moſt Saturnine harſh ſort of countenance, he was both of a merry and merciful diſpoſition; and in the laſt thirty years of his life, as fortunate, as thoſe of his father had been diſmal and tumultuous.

"If his death has been by ſome ſuſpected of being untimely, it may be partly imputed to his extreme healthy conſtitution, which made the world as much ſurprized at his dying before threeſcore, as if nothing but an ill accident could have killed him. I would not ſay any thing on ſo ſad a ſubject, if I did not think ſilence itſelf would in ſuch a caſe ſignify too much; and therefore, as an impartial writer, I am obliged to obſerve, that the moſt knowing, and moſt diſcerning of his phyſicians [doctor Short] did not only believe him poiſoned, but thought himſelf ſo too not long after, for having declared his opinion a little too boldly. But here I muſt needs take notice of an unuſual piece of juſtice, which yet all the world has almoſt unanimouſly agreed in; I mean, in not ſuſpecting his ſucceſſor of the leaſt connivance in ſo horrid a villany; and perhaps there was never a more remarkable inſtance of the wonderful power of truth and innocence; for it is next to a miracle, that ſo unfortunate a prince, in the midſt of all thoſe diſadvantages he lies under, ſhould be yet cleared of this, even by his greateſt enemies; notwithſtanding all thoſe circumſtances that uſed to give a ſuſpicion, and that extreme malice which has of late attended him in all his other actions[1]."

After giving theſe different characters of king Charles II. drawn by ſuch able hands, I think myſelf obliged to make a ſort of parallel, in order to aſſiſt the reader in the diſcovery of the truth. Dr. Burnet biſhop of Saliſbury was a Scotchman. He had been educated among the epiſcopalians, but however, was always accuſed of preſerving a tincture of preſbyterianiſm, the religion of his country, when free to purſue his inclination. He is likewiſe accuſed of having been entirely in the whig party. In ſhort, he had no reaſon to be pleaſed with either Charles II. or James II. and therefore we muſt read with caution whatever he ſays, not reconcileable with the known actions of Charles II. or expreſsly contradicted by others.

It is not difficult to diſcover, that Burnet's picture of Charles II. is very much charged. The painter has ſtrongly drawn all the lines, which he thought might beget a likeneſs between the picture and the original, without any regard to the reputation of this prince. It is even ſeen, that poſſibly he ſpoke with prejudice, and by this prejudice, was led to credit too lightly what he had received upon hearſay to the king's diſadvantage. For inſtance, what he affirms, that Charles, after the battle of Worceſter, ſhewed a temper ſo careleſs, that he was then diverting himſelf with trifles in as unconcerned a manner, as if he had ſuſtained no loſs, and been in no danger at all, appears to me a little aggravated. It is not even probable, that the biſhop could be informed of the king's actions at that time, by eye-witneſſes. When he ſays, the king had great vices, but ſcarce any virtues to correct them, this plainly appears to be the language of paſſion and prejudice. When he ſays again, the king never forgave any thing that was done againſt himſelf, this muſt be aggravated. For if he was mercileſs to lord Ruſſel, colonel Sidney, ſir Thomas Armſtrong, and ſome others, it cannot from thence be inferred, that he never forgave. Such expreſſions excepted, which diſcover ſome paſſion in the author, the reſt of Charles II's character is true in general. This I believe, becauſe I find it agreeable to the hiſtory of his reign, and becauſe the earl of Mulgrave has in his picture drawn the ſame lines with Dr. Burnet, to expreſs his likeneſs. All the difference between theſe two authors, is, that in the biſhop's picture, the principal lines are ſtrongly expreſſed, and much ſoftened in the earl's.

The earl of Mulgrave, afterwards marquis of Normandy, and then duke of Buckinghamſhire, was entirely in the tory party, and if common report may be credited, his religion,

[1] R. Coke ſays, that king Charles left the nation more vitiated and debauched in their manners, than ever it was by any other king; having not only ſquandered away the ancient revenues of the crown, which were eſteemed ſacred, and which ſhould have ſupported it againſt foreign force and inteſtine diſcord, but left ſuch a debt upon it as never before was heard of, nor contracted by ſuch means, tom. II. p. 320.

like that of Charles II. was deiſm. In his deſcription of this prince, he denies not the general ſuſpicion of his being poiſoned. Burnet ſays alſo the ſame thing. The earl inſiſts that the duke of York was not ſuſpected of the leaſt connivance at ſo horrid a villany. The ſame is likewiſe to be found in Burnet. If the laſt ſays, king Charles was a papiſt, this is not denied by the earl. He only imputes it to two cauſes, firſt, to a complaiſance for the company he was forced to keep in his exile; and ſecondly, to the oppoſition he met with in parliaments, which threw him into the arms of the papiſts. If the firſt of theſe cauſes be true, the ſecond cannot be ſo, ſince the king was not twice a papiſt. Beſides the oppoſitions in parliament were partly owing to a belief, that he deſigned to introduce popery.

Burnet ſays, Charles was incapable of any application. The earl ſays the ſame. The biſhop ſays, the king was for rendering himſelf abſolute. If the earl ſays it not in expreſs terms, he ſufficiently intimates it, by ſaying, "That the Roman catholic party lulled him aſleep with the enchanting ſongs of ſovereignty and prerogative. Burnet ſays, the king was apt to forgive all crimes, but never forgave any thing that was done againſt himſelf. The earl praiſes his clemency, and ſays, "he was eaſy and good-natured in trifles, but in great affairs ſevere and inflexible." This may be the biſhop's meaning expreſſed in other words.

The ſtories which the king loved to talk over, are in both characters. The only difference is, that Burnet ſays, the company grew weary of them, and the earl ſays, the hearers were pleaſed with the repetition. But the raillery of the earl of Rocheſter turns the balance for the biſhop.

Burnet ſays, Charles engaged in two wars againſt Holland, without any colour, and the earl calls theſe wars unneceſſary.

Burnet ſays, he contributed to the raiſing of the greatneſs of France at ſea, and the earl ſays, he was not ſufficiently careful to depreſs the maritime improvements of France, and that here he wanted jealouſy. Is not this much the ſame thing?

In ſhort, let theſe two pictures be compared with all poſſible exactneſs, and they will both be found very like; but that the two painters had different views, and purſued different methods. The one propoſed to expreſs ſtrongly the lines which might moſt contribute to a reſemblance with the original, without regarding the beauty of the picture in itſelf. The other, without omitting the ſame lines, which could not be done and the likeneſs preſerved, has taken all poſſible care to ſoften them, in order to hide, as much as lay in his power, the deformities of the original. In a word, the one has given us an ugly, and the other a beautiful likeneſs. This doubtleſs, induced the earl to ſuppreſs ſeveral ſtrokes of his pencil, which might have improved the reſemblance, but would have been prejudicial to the end he propoſed in his work [m].

[m] I. King Charles II. left no iſſue by his queen, Donna Catherina, daughter of John IV. king of Portugal. But by his ſeveral miſtreſſes, he had the following children.

1. By Mrs. Lucy Walters, daughter of Richard Walters, Eſq. James duke of Monmouth, born at Rotterdam, April 9, 1649. beheaded on Tower-hill, July 15, 1685. He married in 1665, Anne Scot, daughter of Francis earl of Buckleugh in Scotland.

2. By Mrs. Elizabeth Killigrew, viſcounteſs Shannon, daughter of ſir William Killigrew, Charlot-Jeremia-Henrietta-Maria-Fitz-roy, who died in 1684. Her huſbands were, James Howard, and ſir William Paſton earl of Yarmouth.

3. By Mrs. Catharine Peg, daughter of Thomas Peg, Eſq. Charles Fitz-Charles earl of Plymouth, commonly called Don Carlos, born 1658, killed October 17, 1680, at Tangier. He married Bridget daughter of ſir Thomas Oſborne duke of Leeds, who married afterwards Dr. Biſs the late biſhop of Hereford.

4. By Mrs. Barbara Villiers, heireſs of William viſcount Grandiſon in Ireland, and wife of Roger Palmer earl of Caſtlemain, created lady Nonſuch, counteſs of Southampton, and ducheſs of Cleveland, who died in 1709, he had three ſons, and three daughters. 1. Charles Fitz-roy, born 1662, created 1675, duke of Southampton, and after his mother's death duke of Cleveland. His wives were Mary daughter of ſir Henry Wood, and Alice daughter of ſir William Poultney. 2. Henry Fitz-roy duke of Grafton, born September 20. 1663, and killed October 9, 1690, at the ſiege of Cork in Ireland. His wife was Iſabella daughter of Henry Bennet, earl of Arlington, married after his death to ſir Thomas Hanmer, Bart. 3. George Fitz-roy duke of Northumberland, born December 28, 1665, who died July 8, 1716, without children. 4. Anne Fitz-roy born Feb. 29, 1661, married in 1674, to Thomas Lennard earl of Suſſex. 5. Charlotte Fitz-roy, born September 5, 1664, married Feb. 20, 1676-7, to ſir Edward Henry Lee earl of Litchfield. 6. Barbara born July 16, 1672, who became a nun at Pontoiſe in France.

5. By Mrs. Eleanor Gwin, 1. Charles Beauclerk duke of St. Albans, born May 8, 1670, who married Diana Vere, eldeſt daughter and coheireſs of Aubrey de Vere, the 20th and laſt earl of Oxford. 2. James Beauclerk born December 25, 1671. He died in 1680 in France.

6. By Louiſe de Querouaille ducheſs of Portſmouth, Charles Lenox duke of Richmond and Lenox, born July 29, 1672, who died May 27, 1723. His wife was Anne, eldeſt daughter of Francis lord Brudenel.

7. By Mrs. Mary Davis, Mary Tuder, born October 16, 1673, married in Auguſt 1687, to Francis lord Ratcliff earl of Derwentwater. See Sandford, p. 639, &c.

II. In this reign the city of London put on a new face, by being rebuilt, after the great fire, in ſo handſome and well contrived a manner, as hath greatly contributed to the beauty, healthfulneſs, and conveniency of that great and noble city.——In this reign likewiſe it was, that the royal Hoſpital at Chelſea, was founded.

III. By an indenture in the 12th of Charles II. gold and ſilver monies were coined in the ſame pieces, and at the ſame rates, as in the 2d of Charles I. See above p. 801. note—By another indenture in the 22d of king Charles II. Crown gold, twenty-two carats fine, and two carats allay, was coined into 44l. 10s. by tale; namely, into pieces to go for ten ſhillings, twenty ſhillings, forty ſhillings, or five pounds a piece; and a pound of ſilver of the old ſtandard into three pounds two ſhillings by tale; namely into crowns, half crowns, ſhillings, half ſhillings, groats, half ſixpences, half groats, and pence.

The money of king Charles II. was of three ſorts: the hammered, which was the only current coin, till 1663; the milled upon the ſide: and that with the graining or letters upon the the edge—The firſt money that bore the name of this king, was coined at Pontfract Caſtle; round which is inſcribed CAROLVS SECVNDVS, 1648. on each ſide of the middle tower is PC. Reverſe, a crown, with CR. DUM SPIRO, SPERO. A crown hath CAROLVS II. D. G. MAG. B. F. ET. H. REX. In the field, HANC. DEUS. DEDIT. 1648. Reverſe PC. Above the caſtle, POST. MORTEM. PATRIS. PRO. FILIO. Upon the hammered money in general, he is repreſented with the half face, crown and band, &c. CAROLUS II. D. G. MAG. BRIT. FR. ET. HIB. REX. Reverſe, the arms in one ſhield, not crown'd, with his father's motto, CHRISTO AUSPICE REGNO.——The gold coins have, on one ſide, the king's head laureat, with a youthful countenance. Reverſe, the arms in a ſingle ſhield, crown'd between C. R. FLORENT CONCORDIA REGNA. Another has XX behind the head. On the money called cutters, the legend goes quite round the head; which, it does not in a very neat cutter, called by ſome the unmilled guinea, the king's head extending to the rim, without the initial figures behind the head, and the titles abbreviated to CAR. D. G. M. BR. FR. ET. HIB. REX. Reverſe as the former 1662. The five pounds, three pounds, and forty ſhilling pieces, have the king's head laureat, CAROLUS II. DEI GRATIA. Reverſe, the arms of the four kingdoms, ſingle in four ſeparate ſhields crowned, a ſceptre in each of the vacancies, with a roſe, flower-de-lis, thiſtle, and harp at the points, and the c's interlink'd in the center. MAG. BR. FRA. ET. HIB. REX. 1673. Upon the rim, DECUS, ET TVTAMEN. ANNO REGNI VICESIMO QUINTO. This king was the firſt that coined GUINEAS and half guineas, which he did in his 22d year. The guineas were ordered to go at twenty ſhillings, the half guineas at ten ſhillings. As they are in every body's hands, there is no need of giving a further deſcription of them. Of the hammer'd ſilver money, the ſhilling is very fair, and has a crown for the mint mark. Of theſe there are two ſorts, one with XII. behind the head, which the other wants; as alſo the inner circle. (fig. 1.) The ſixpences are like the ſhillings, but have VI. inſtead of XII. The leſſer pieces, from the groat to the penny, are marked with the initial figures, IIII. III. II. I. behind the head; except upon ſome of the two-pences, which want the figures. This hammer'd money continued current till 1663, when the milled money came to be in uſe. Of this there is a very fair crown, having a roſe under the king's head laureat, from thence called the roſe crown, CAROLVS II. DEI GRA. Reverſe, MAG. BR. FRA. ET. HIB. REX. 1662. The Arms of the four kingdoms in four Shields, France and England quartered together in the firſt and fourth: each ſhield is crowned; between them are c's interlinked, and St. George's croſs radiant in the center; upon the rim, DECVS, ET TUTAMEN. (fig. 2.) The half-crowns are like the crowns; only one has the year in figures upon the rim, ANNO REGNI. XVIII. The milled ſhillings are neatly ſtruck, having the c's between the four ſhields crown'd, with the arms ſingle, and inſcribed as the crown. Upon ſome is an elephant; upon others the prince's feathers; and a third has the ſcepters. The ſixpence is like the ſhilling. The groat has four c's interlinked, with a roſe, thiſtle, fleur-de-lis, and harp in the vacancies. The threepence, two-pence and penny, have as many c's thereon crown'd.——In 1672. the king coined copper half-pence and farthings. They have, on one ſide, the king's head laureat, CAROLVS. A. CAROLO. Reverſe, Britannia, and round her BRITANNIA. with the year in the exergue. There was another farthing coined of rare copper, having on the reverſe, QVATVOR MARIA VINDICO. exergue, BRITANNIA. But theſe were called in, to pleaſe the French king.

1

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THE

London: Engrav'd for Harrison's Edition of Rapin.

JOHN DRYDEN.

G. Kneller Pinxt.

Goldar sculpt.

From the Collection of the late Earl of Oxford.

Publish'd as the Act directs February 5, 1785.

BRITISH
13 JY 60
MUSEUM

London Engrave for Harrisons Edition of Rapin.

THOMAS OTWAY.

M. Beal Pinx.t

Geldar Soulp.e

In the Posession of Gilbert West Esq.r

Publisht as the Act directs. Augst. 6. 1785.

BRITISH
13 JY60
MUSEUM

BRITISH
13 JY60
MUSEUM

London: Engraved for Harrison's Edition of Rapin.

JAMES II. KING of ENGLAND, &c.

G. Kneller Pinx. *Goldar Sculp.*

From the Original Picture, painted for Secretary Pepys.

Published as the Act directs August. 25 1787.

THE

HISTORY OF ENGLAND.

BOOK XXIV.

The Reign of King JAMES II. from his Acceſſion to the Throne, to the Eſtabliſhment of King WILLIAM and Queen MARY: containing the Space of Four Years and Seven Days.

27. JAMES II.

[1684-5] WITHIN a few hours after Charles had reſigned his laſt breath, his brother, the duke of York, was proclaimed King in London, by the name of JAMES II. Having ſeen how the government was ſettled for ſome years paſt, we muſt not think it ſtrange, there was no endeavours, either in London or any other part of the kingdom, to oppoſe the new king. Of the two parties in England, that againſt the bill of excluſion was triumphant, and the other entirely broken and oppreſſed. The acceſſion of James II. to the crown, was a freſh occaſion of triumph to the former, and notwithſtanding the fears expreſſed by the other party, about a Catholic ſucceſſor, they who had ſupported his intereſt, endeavoured to repreſent the late change, as the greateſt of bleſſings to the Engliſh nation. The king, on his part, omitted nothing that lay in his power to confirm the good opinion his friends had of his virtue and ſincerity. As ſoon as the lords were returned to Whitehall from proclaiming the king, he aſſembled the privy-council, and made the following ſpeech:

"My Lords,

"Before I enter upon any other buſineſs, I think fit to ſay ſomething to you. Since it hath pleaſed Almighty God to place me in this ſtation, and I am now to ſucceed ſo good and gracious a king, as well as ſo very kind a brother, I think fit to declare to you, that I will endeavour to follow his example, and moſt eſpecially in that of his great clemency and tenderneſs to his people. I have been reported to be a man for arbitrary power; but that is not the only ſtory has been made of me; and I ſhall make it my endeavour to preſerve this government both in church and ſtate, as it is now by law eſtabliſhed. I know the principles of the church of England are for monarchy, and the members of it have ſhewed themſelves good and loyal ſubjects, therefore I ſhall always take care to defend and ſupport it. I know too, that the laws of England are ſufficient to make the king as great a monarch as I can wiſh; and as I ſhall never depart from the juſt rights and prerogative of the crown, ſo I ſhall never invade any man's property. I have often heretofore ventured my life in defence of this nation, and I ſhall ſtill go as far as any man in preſerving it in all its juſt rights and liberties."

This ſpeech being addreſſed to a council wholly compoſed of perſons devoted to the king, was received with great applauſe. His majeſty was deſired that it might be printed, and diſperſed among the people, which was immediately done. Moreover, great care was taken to extol the king's extreme affection for his ſubjects; and, above all, his ſtrict obſervance of his word and faith was ſo induſtriouſly propagated, that ſome counting it impoſſible for the king to promiſe what he did not intend to perform, began to give him the name of JAMES THE JUST, as if to ſay and to do, were in him one and the ſame thing.

The next day, the king publiſhed a proclamation, declaring, that all perſons who at the late king's deceaſe were poſſeſſed of any office ſhould be continued in the ſame, till the king's pleaſure was further known. He declared, moreover, that all orders and directions given by the late king's privy-council, ſhould be obeyed and performed, as if he were ſtill alive. This is a clear evidence of the great influence that the king, when duke of York, had in the counſels of the king his brother. Upon his coming to the crown, he made no changes, either in the council, or in the chief places of truſt, a plain ſign that he looked upon the poſſeſſors as his creatures. And indeed, ſince his return from Scotland, he had properly governed the kingdom in his brother's name. This being known to all, might have ſhewn with what intention he promiſed to preſerve the Proteſtant religion, and the rights of the ſubject, ſince no man could be ignorant, that he was the principal author of the plots in the late reign, againſt religion, and the liberties of the nation. But the tories, who were then highly exalted, were willing to ſhut their eyes, and not ſee the danger the proteſtant religion was in, under a king who was ſo zealous a papiſt. The king's bare word was ſufficient to calm all their uneaſineſs on that account. As for arbitrary power, which began to be introduced in the late reign, far from being frighted at it, they rather conſidered it as an effectual means to keep their adverſaries, the whigs, in ſubjection. Had they known or foreſeen to what height James was reſolved to carry his power, they would, doubtleſs, have had other thoughts. But they imagined, things would always remain as they were, that is, in a ſituation to them very advantageous.

Moſt of the hiſtorians repreſent as ſurpriſing, the king's going publicly to maſs two days after his acceſſion to the crown. But I cannot ſee any reaſon for this ſurpriſe. Since the year 1670, no man had been ignorant that the duke of York was a catholic. On this account he had reſigned the office of lord high-admiral, and in the following years, the bill of excluſion, which cauſed three parliaments to be diſſolved, had ſufficiently taught the Engliſh this truth. Where then could the wonder be, to ſee him go to maſs, being king, ſince for the laſt fourteen years he had not concealed his religion, though he had run the riſk of forfeiting his right to the crown?

But what gave more juſt cauſe of ſurpriſe, was, his requiring by proclamation the ſame week, that the cuſtoms, and other duties which had been granted to the king his brother, only for life, ſhould be continued to be collected [a]. This was a manifeſt invaſion of the nation's rights and liberties [b]. He could not be ignorant, that an encroachment of the ſame nature had occaſioned a great conteſt between the king his father and the parliament, and that this conteſt produced the petition of right. And yet, he not only undertook the ſame thing, but uſed alſo the ſame reaſons with Charles I. which were ſo little ſatisfactory to the parliament. His proceedings were the more ſurpriſing, as he affected to take by authority, what he knew would not be refuſed by the parliament, conſidering the preſent diſpoſition of the kingdom. Though his friends endeavoured to excuſe this conduct, it made impreſſion upon many of both parties, who had no

[a] Another proclamation was put out for levying the additional exciſe, which had been given to the late king only for life. There was a clauſe in this act, that empowered the treaſury to make a farm of it for three years, without adding a limiting clauſe, in caſe it ſhould be ſo long due. And it was thought a great ſtretch of the clauſe, to make a fraudulent farm, by which it ſhould continue to be levied three years after it was determined, according to the letter and intent of the act. A farm was now brought out, as made during the king's life, though it was well known, that no ſuch farm had been made, for it was made after his death, but a falſe date put to it. Burnet, p. 622.

[b] It was an open violation of our fundamental conſtitution, by which no money can be levied on the ſubject, but by their conſent in parliament, as Dr. Welwood rightly obſerves, p. 138.

The

good opinion of a reign which began in this manner. This gave occaſion to fear, that the new king's promiſes were not ſo firmly to be relied on, as was pretended.

Another ſtep the king made at the ſame time, and, as it ſeems, without any neceſſity, was to cauſe it to be publiſhed, and atteſted by father Huddleſton a prieſt, that Charles II. died a catholic, and that the ſame prieſt gave him the euchariſt and extreme unction. Huddleſton publiſhed withal a little treatiſe, called, "A ſhort and plain way to the faith and church;" which treatiſe, the author affirms, made great impreſſions upon the mind of king Charles, in the year 1651, immediately after the battle of Worceſter, ſo that he declared, "he had not ſeen any thing more plain and clear upon the ſubject; and the arguments drawn from ſucceſſion were ſo concluſive, he did not conceive how they could be denied." Moreover, at the ſame time, James ordered two papers to be publiſhed, found in the king his brother's ſtrong box, written with his own hand, both tending to prove the neceſſity of a viſible church and guide in matters of faith [c]. To confirm that Charles II. was really a catholic, Mr. William Chaffinch, keeper of the king's cloſet, made no ſcruple to ſhew a little chapel annexed to the cloſet, where the king went ſecretly to maſs. It is hard to conceive, what great advantage it could be to James to divulge ſuch a ſecret, conſidering the injury he did the late king's reputation, who had ſo frequently and ſolemnly affirmed in full parliament, that he was a good proteſtant, and had poſitively promiſed to maintain the proteſtant religion to the utmoſt of his power. As James thereby manifeſtly ſhewed the inſincerity of his brother, he ſhould, it ſeems, have feared, it would be inferred, there was no more reaſon to confide in his own promiſes.

The funeral of Charles II. was ſolemnized on the 14th of February at night. It may eaſily be judged, it was not very expenſive, ſince eight days were ſufficient for the preparations. It is obſervable, that Charles II. had neglected, after his reſtoration, to ſolemnize his father's funeral, on pretence, that his body could not be found in Windſor chapel, the place where it was interred, as the lord Clarendon ſays in his hiſtory. But as it would have been eaſy to ſearch the whole chapel, it is more likely, the reaſon of that neglect was the charges of a funeral, tho' Charles II. had received for that purpoſe from the parliament the ſum of ſeventy thouſand pounds. For the ſame reaſon, probably, James cauſed his brother to be buried with little pomp, though Charles left him ninety thouſand guineas in a box.

Two days after, the king ordered the privy-councillors and great officers of the crown and houſhold to be ſworn, and at the ſame time filled the vacant places. The office of lord-treaſurer, vacant ſince the year 1679, by the reſignation of the earl of Danby, was conferred on Lawrence Hyde, earl of Rocheſter, the king's brother-in-law; Henry earl of Clarendon, elder brother to the earl of Rocheſter, was made lord privy-ſeal; and George Savil, marquis of Hallifax, preſident of the council [d].

In the mean time, the counties, cities, boroughs, and univerſities, were employed in preparing congratulatory addreſſes to the king, upon his acceſſion to the crown. Theſe addreſſes, for the moſt part, took notice of the king's poſitive declaration to the privy-council, to maintain the church of England and the liberties of the nation. But there were two amongſt others very remarkable. The firſt from the barriſters and ſtudents of the Middle-Temple, wherein "with the deepeſt ſenſe of gratitude they acknowledged his majeſty's great goodneſs in extending his royal care of the government to the preſervation of the cuſtoms, which had been continually received by his royal predeceſſors for ſome hundreds of years, and never queſtioned by any parliament, unleſs in that wherein were ſown the ſeeds of rebellion againſt the king his father [e]." They concluded with ſaying, "May there never want millions as loyal as we are, to ſacrifice their lives and fortunes in defence of your ſacred perſon, and prerogative in its full extent:" and promiſed that they would endeavour the choice of ſuch repreſentatives for the enſuing parliament, as would not only concur in ſettling a revenue to ſupport the government as formerly, but alſo ſhew an entire confidence in his majeſty. The addreſs from the county of Suffolk had theſe words: "We are every day making ſteps towards your majeſty's grandeur, by our care for ſending fit repreſentatives to a parliament, that we hope will no more endure excluders than a late one did abhorrers." The Quakers alſo preſented an addreſs to the king, wherein they ſaid: "Whereas it hath pleaſed Almighty God (by whom kings reign) to take hence the late king Charles the ſecond, and to preſerve thee peaceably to ſucceed; we thy ſubjects heartily deſire, that the giver of all good and perfect gifts, may pleaſe to endue thee with wiſdom and mercy in the uſe of thy great power, to his glory, the king's honour, and the kingdom's good. And it being our ſincere reſolution, according to our peaceable principles and converſation (by the aſſiſtance of Almighty God) to live peaceably and honeſtly, as becomes true and faithful ſubjects, under the king's government, and a conſcientious people that truly fear and ſerve God: we do humbly hope, that the king's tenderneſs will appear and extend with his power to expreſs the ſame [f]."——

[1685] The king's and queen's coronation was celebrated the 23d of April, St. George's-day, patron of the order of the Garter. Though ſuch a ceremony cannot be ſolemnized without pomp, it was obſerved, the king retrenched ſeveral things which cauſed a needleſs expence, as for inſtance, the cavalcade from the Tower to Weſtminſter, which was wont to be performed the day before the coronation, ſaving thereby a charge of ſixty thouſand pounds. But if ſome authors are to be credited, the moſt conſiderable retrenching was in the words of the coronation oath, out of which, they pretend, ſeveral material things were ſtruck, without ſpecifying the particulars. Others maintain, it is an aſperſion on archbiſhop Sancroft, who is ſuppoſed, without foundation, to have conſented to the abridging of the oath. As I have ſeen no proof on either ſide, I forbear to decide. Thus much is certain, the crown not being fit for the king's head, was often in a tottering condition, and like to fall off. Mr. Henry Sidney ſupporting it once with his hand, pleaſantly told the king, "This is not the firſt time our family hath ſupported the crown [g]." The people reckoned this an ill omen to the king, as well as another thing which happened the ſame day. In one of the churches in London, the king's arms, painted in a glaſs window, ſuddenly fell down and broke in pieces, while the reſt of the window was ſtanding, without a poſſibility of diſcovering why that part ſhould fall ſooner than the reſt [h].

The ſame day that the king was crowned at London, the parliament of Scotland met at Edinburgh, William Douglaſs, duke of Queenſbury, being lord high-commiſſioner. This lord was entirely in the king's party, but not in ſuch a manner as to pretend to ſacrifice to him the proteſtant religion and his country's liberties. Before he left London in order for Scotland, he told the king plainly, he could not engage to ſerve him in any thing but what ſhould be agreeable to the laws: whereupon the king proteſted to him, he had no intention to make any breach either in the eſtabliſhed religion or the laws.

The king's letter to the Scotch parliament ran, "That the many experiences he had of the loyalty and exemplary forwardneſs of that ancient kingdom, by their repreſentatives aſſembled in parliament in the reign of his brother, made him deſirous to call them together in the beginning of his

[c] The duke of Ormond, beſides the king's atteſtation, declared the papers to be king Charles's own hand.

[d] The duke of Beaufort was made lord preſident of Wales; the lord Arlington lord high chamberlain; the duke of Ormond lord ſteward of the houſhold; the lord Godolphin lord chamberlain to the queen; the lord viſcount Newport treaſurer of the houſhold; the lord Maynard comptroller; Henry Savil vice-chamberlain; Henry Bulkley maſter of the houſhold; ſir Stephen Fox, ſir William Boreman, ſir Winſton Churchill, and ſir Richard Maſon, clerks and comptrollers of the green-cloth. Kennet, p. 421.

[e] The reaſon of thanking the king for ſeizing the cuſtoms, alledged by thoſe gentlemen, was, "That thouſands would be ruined that had paid cuſtom in the late king's time, if the cuſtoms were not levied, and by an exceſſive exportation and importation cuſtom-free, that branch of the revenue would be rendered unprofitable for ſome years to come." Not conſidering that entries might be made, and bonds taken, to be ſued when the act for granting them ſhould paſs.

[f] This is the true addreſs from Sewell's hiſtory of the quakers, Rapin has wrongly followed Echard, and given it as follows, "We are come to teſtify our ſorrow for the death of our good friend Charles, and our joy for thy being made our governor. We are told thou art not of the perſuaſion of the church of England no more than we; therefore we hope thou wilt grant us the ſame liberty which thou alloweſt thyſelf."

[g] Mr. Sidney, who was afterwards earl of Rumney in king William's reign, was one of the principal inſtruments in the downfall of king James, and one of the firſt that went and joined the prince of Orange. Rapin.

[h] The crown was not well fitted to the king's head: it came down too far, and covered the upper part of his face. The canopy carried over him did alſo break. But to take ſuch things for omens is ridiculous. Turner preached the coronation ſermon, in which he ſet forth that part of Constantius Chlorus's hiſtory, wherein he tried who would be the trueſt to their religion, and reckoned that thoſe would be faithfulleſt to himſelf who were trueſt to their God. The king and queen reſolved to have all done in the proteſtant form, and to aſſiſt in all the prayers: only the king would not receive the ſacrament. In this certainly his prieſts diſpenſed with him, and he had ſuch ſenſes given him of the oath, that he either took it as a ſin with a reſolution not to keep it, or he had a reſerved meaning in his own mind. Burnet, p. 628.

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reign, to give them an opportunity not only of ſhewing their duty, but alſo to be exemplary to others in their demonſtrations of their affection to his perſon, and compliance with his deſires. That which he had to propoſe to them at this time, was what was as neceſſary for their ſafety as his ſervice, and had a greater tendency to ſecure their own privileges and properties, than the aggrandizing his power, which, however, he was reſolved to maintain in its greateſt luſtre, that he might be the more enabled to defend and protect their religion as eſtabliſhed by law, and their rights and properties, againſt phanatical[i] contrivances, murderers, aſſaſſins[k], which had brought them into ſuch difficulties, as only the ſteady reſolutions of his brother and thoſe employed by him, could have ſaved them from the moſt horrid confuſions and inevitable ruin. That nothing had been left unattempted by thoſe inhuman traitors, to overturn their peace; and therefore he hoped they would be wanting in nothing to ſecure themſelves and him."—

The high commiſſioner ſeconded the king's letter with a ſpeech, wherein he gave them aſſurance of his majeſty's reſolution to protect and maintain the religion and government of their church as by law eſtabliſhed[l]; and alſo the ſubjects rights and properties, in ſuch manner, that no perſon ſhould be injured by any arbitrary oppreſſions of ſoldiers or others; and he would condeſcend as much in the buſineſs of the exciſe and militia as could be juſtly expected. And, on the other ſide, his majeſty expected from them, to aſſert the rights and prerogatives of the crown, and to eſtabliſh the revenue as amply upon him and his ſucceſſors, as it was enjoyed by the king his brother. In the laſt place, the lord-commiſſioner deſired in very pathetic terms, that effectual means might be found to deſtroy the phanatical party, who were wretches of ſuch monſtrous principles and practices, as paſt ages never heard, nor thoſe to come will hardly believe.

Theſe phanatical murderers and aſſaſſins could be no other than the preſbyterians of Scotland, who were properly the body of the nation, to whom was imputed the murder of the archbiſhop of St. Andrews, as if it had been committed by the determination of the whole preſbyterian party.

James Drummond, earl of Perth, lord chancellor, made a ſpeech likewiſe, in which he enlarged on the king's great virtues. I do not know whether he was yet a papiſt, but at leaſt, preſently after, he embraced the catholic religion, and by that infallible means ſupplanted the duke of Queenſbury.

The parliament returned a very humble and ſubmiſſive anſwer to the king, promiſing to do whatever he deſired. To perform which promiſe they forthwith paſſed the three following acts.

By the firſt act were ratified all ſtatutes paſſed in the late reign for the ſecurity of religion as at preſent profeſſed within the kingdom.

By the ſecond, they annexed the exciſe of foreign and inland commodities to the crown of Scotland for ever.

By the third, they ordained, that all ſuch perſons, as being cited in caſe of high-treaſon, field or houſe conventicles, or church irregularities, ſhould refuſe to give teſtimony, ſhould be liable to be puniſhed as guilty of thoſe crimes reſpectively, in which they refuſed to be witneſſes.

Before the meeting of the parliament of England, which was called the 19th of May, three perſons, odious to the king, the papiſts, and the prevailing party, were brought to their trials. The firſt was the famous Titus Oates, diſcoverer of the popiſh plot, and one of the witneſſes againſt the condemned jeſuits. He was accuſed of perjury on two points of his evidence, namely, for affirming upon oath, that he was preſent at the grand conſult held at London the 24th of April 1678, where, as he pretended, the reſolution of killing the king was taken. Secondly, for ſaying, that father Ireland, an executed jeſuit, was at London ſuch a day. To convict him of theſe two real or pretended crimes, he was brought before chief-juſtice Jefferies at the King's-bench bar, the 8th and 9th of May 1685. As I have amply ſpoken of this matter in the reign of Charles II. I ſhall not repeat here what has been already ſaid, but confine myſelf to ſhew the partiality wherewith Oates was tried and condemned.

In the firſt place, immediately after the indictment was read, and before any witneſs was heard, the attorney-general, ſir Robert Sawyer, made a ſpeech, declaring, "Oates was one of the greateſt impoſtors that ever did appear upon the ſtage, either in this kingdom or any other nation." It muſt be obſerved, this attorney-general had been one of the counſel for the king in 1678, to ſupport and improve Oates's evidence.

2. Twenty witneſſes from St. Omer's were produced, who ſwore, that Oates was at that place the 24th of April 1678, at the very time that he ſaid he was preſent at the grand conſult. It is obſervable, that theſe very witneſſes had depoſed the ſame thing 1678, and that the jury had not regarded their evidence. But in 1685 there was not the leaſt reaſon to reject their depoſitions.

3. Oates deſired it might be obſerved, that the king's counſel who were now againſt him, had been for him in the trials of the five jeſuits, and particularly the attorney and ſollicitor-general: that lord chief-juſtice Jefferies, before whom his cauſe was pleading, was among the king's counſel in 1678, and did then expreſsly declare, "That the verdict againſt the five jeſuits was a juſt verdict." As he laid great ſtreſs upon the verdicts given upon his depoſitions, he was told, that theſe verdicts had been diſbelieved ſeveral times, as well as believed. Moreover, the records of the trials of ſir George Wakeman and the earl of Caſtlemain were produced, who being accuſed of the pretended plot, had been acquitted, and depoſed upon oath, that Oates had not ſaid one word of truth.

4. Oates demanded, "Whether a papiſt in caſe of religion might be believed?" It was replied, "He might." And as if the queſtion had been impertinent and foreign to the purpoſe, juſtice Withens aſked him, "Whether he was come there to preach?"

5. Oates urged the lord Coke's practice, who would not allow of a popiſh recuſant for a witneſs, even between party and party. To which it was anſwered in general, that this practice was contrary to law.

6. He ſaid, that the witneſſes againſt him were brought up in a ſeminary, againſt law. Jefferies replied, ſo was a diſſenter.

7. He inſiſted upon the ſtatute of the 27th year of Elizabeth againſt ſeminary prieſts and jeſuits. Whereupon Jefferies aſked him, whether the witneſſes owned themſelves to be prieſts and jeſuits?

8. He pleaded the ſtatute of the third of Charles I. to which Jefferies anſwered, It was nothing to the purpoſe.

9. Laſtly, he repreſented, that the lord Shaftſbury, upon his trial, moving that he might have liberty to bring an indictment of perjury againſt the witneſſes that accuſed him, the court over-ruled the motion, and would not ſuffer the king's evidence to be indicted of perjury, nor the popiſh plot called in queſtion. He inferred from thence, that having been himſelf evidence for the king. he could not for that reaſon be indicted of perjury. Jefferies told him all this was nothing to the purpoſe. Then ſumming up the evidence, he concluded with theſe words: "There does not remain the leaſt doubt, but that Oates is the blackeſt and moſt perjured villain that ever appeared upon the face of the earth."

The jury withdrawing about a quarter of an hour brought him in guilty of the perjury he was accuſed of.

The next day he was tried upon the ſecond indictment of perjury, concerning father Ireland. Above forty witneſſes were produced againſt him, nine of whom were proteſtants, who ſwore, that Ireland was in Staffordſhire when Oates ſaid he was in London[m], and he was alſo found guilty of this indictment. What is moſt ſtrange, ſome pretend, there is not the leaſt appearance of injuſtice or partiality in the verdict againſt Oates, but on the contrary, the partiality is evident in the verdict againſt the five jeſuits. I leave it to the unbiaſſed reader to compare them and judge. But at leaſt it cannot be denied, there was a great deal of paſſion in the ſentence againſt Oates, and much more in the execution of the ſame. The ſentence was as follows:

1. That he ſhould pay for a fine one thouſand marks upon each indictment.

2. That he ſhould be ſtript of all his canonical habits.

3. That he ſhould ſtand in the pillory before Weſtminſter-Hall gate on Monday next, for an hour's time, with a paper over his head (which he muſt firſt walk with round about all the courts in Weſtminſter-Hall) declaring his crime; and that upon the firſt indictment.

4. That for the ſecond indictment, he ſhould, upon Tueſ-

[i] The rigid covenanters and preſbyterians were called fanatics by the court. Rapin.

[k] Among theſe were the perſons that murdered the archbiſhop of St. Andrews. Id.

[l] The ſame as in England, none other being then tolerated in Scotland. Id.

[m] It undeniably appeared, from the books of one Hinton, a goldſmith in Lombard-ſtreet, that Ireland was in London at that time. See R. Coke, p. 350.

day, ſtand in the pillory at the Royal Exchange in London, for an hour, with the ſame inſcription.

5. On Wedneſday he ſhould be whipt from Aldgate to Newgate.

6. On Friday he ſhould be whipt from Newgate to Tyburn.

7. And for annual commemorations, upon every 24th of April, as long as he ſhould live, he was to ſtand in the pillory at Tyburn, juſt oppoſite to the gallows, for an hour.

8. That, upon every 9th of Auguſt, he was to ſtand in the pillory at Weſtminſter hall gate, becauſe he had ſworn that Ireland was in town between the 8th and 12th of Auguſt. The like on every 10th of Auguſt at Charing-croſs, and over-againſt the Temple-gate every 11th of Auguſt. And upon every 2d of September he was to do the ſame at the Royal-Exchange. All this was to do every year during his life, and be committed a cloſe priſoner, as long as he lived.

After pronouncing this ſentence, Jefferies added, that if it had been in his power, Oates ſhould have been condemned to die.

It muſt be obſerved, that ſtanding in the pillory, which in other countries only expoſes to ſhame, is in England ſomething more: for it is permitted to pelt thoſe that ſtand there, with dirt, and all ſorts of naſtineſs, and it often happens that the mob abuſe this liberty, and throw rotten eggs and even ſtones at the priſoner.

But what was thought moſt barbarous in this ſentence, was the ordering a man to be whipt twice in three days. Some charitable perſons uſed their endeavours to beg off part of this wretched man's puniſhment, and made application to the queen, intreating her to intercede for him, at leaſt with regard to the ſecond ſcourging. But all interceſſion was in vain. The ſentence was executed with all imaginable rigour and barbarity. The firſt day he was tied to a cart, and as the hangman no doubt was commanded not to ſpare him, he executed the order with ſuch cruelty, as was unknown to the Engliſh nation. Oates ſwooned away ſeveral times the firſt day, with the extremity of the anguiſh. We may judge what he endured the ſecond day, when his wounds were yet freſh. In a word, his ſuſtaining ſuch great torments, and eſcaping with life, was looked upon as ſomething miraculous. Every one was ſenſible that both in the ſentence and in the execution revenge had a greater ſhare than juſtice, and that he was made a ſacrifice to the manes of the five Jeſuits executed in the late reign.

The next victim to the Catholics, not long after Oates, was Thomas Dangerfield, who diſcovered the pretended meal-tub-plot, which he had laid to the charge of the Proteſtants. But afterwards, not being able to maintain before the council what he had depoſed, he confeſſed, he was perſuaded to invent it by the counteſs of Powis, and the Popiſh lords in the Tower. Moreover he had publiſhed a narrative of all the ſecret practices uſed as well to corrupt him, as to render the plot probable, As he owned, he had received money from the late king and the duke of York, the laſt would never ſuffer ſuch an offence to go unpuniſhed, when he came to be king. Dangerfield therefore was committed to priſon, and indicted for publiſhing a ſcandalous libel. He was tried and brought in guilty by the jury, after which he received judgment at the King's-Bench bar, "That he ſhould ſtand twice in the pillory; that he ſhould be whipt from Aldgate to Newgate on one day, and from Newgate to Tyburn on another, and ſhould pay a fine of five hundred pounds." The ſcourging was executed with rigour, though with leſs cruelty than on Oates. The ſecond day, Dangerfield, after the whipping was over, being in a coach againſt Hatton-Garden, Robert Frances, a barriſter of Grey's-Inn, came to the coach-ſide, and uſing ſome inſulting expreſſions, Dangerfield returned a reproachful anſwer[n]. Frances having a ſmall cane in his hand, thruſt it into his eye with all his force, which in two hours put an end to his life. Frances was condemned to be hanged, and was executed accordingly, the king, though ſtrongly ſollicited for a pardon, not thinking proper to leave ſuch a crime unpuniſhed[o].

Richard Baxter, a Preſbyterian miniſter, famous for his voluminous writings during the troubles, in favour of his religion againſt the church of England, was the third inſtance of the mildneſs of the new government. As he could not be proceeded againſt for his books publiſhed during the troubles, by reaſon of the act of indemnity, occaſion was taken to proſecute him for a late book, intitled, A Paraphraſe on the New Teſtament; wherein it was pretended, there were ſeveral ſeditious paſſages, and highly reflecting on the biſhops. Baxter being brought before Jefferies at the King's-Bench bar, and moving, that farther time might be allowed him for his trial, Jefferies, with his uſual moderation, cried out, "I will not give him a minute's time more to ſave his life: we have had to do with other ſort of perſons, but now we have a ſaint to deal with; and I know how to deal with ſaints as well as ſinners. Yonder (ſays he) ſtands Oates in the pillory, and ſays, he ſuffers for the truth, and ſo ſays Baxter; but if Baxter did but ſtand on the other ſide of the pillory with him, I would ſay there ſtood two of the greateſt rogues and raſcals in the kingdom." In this manner did the judge prepare the jury, before any evidence was heard. It would be needleſs to inſert the particulars of the charge, and Baxter's defence. The point was only to know, whether certain paſſages of his late book could be applied to the prelates of the church of England, or ſolely to thoſe of the church of Rome. Baxter's council[p] urged, that without a forced conſtruction, none of the paſſages could be applied to the biſhops of the church of England. The whole proceſs turned upon this point. But it will not be improper to ſhew the paſſion and partiality of Jefferies in this as in all other affairs. Baxter alledged in his defence, "That he had been ſo moderate with reſpect to the church of England, and had ſpoken ſo honourably of the biſhops, that he had incurred the cenſure of many of the Diſſenters upon that account." Jefferies, laying aſide on this occaſion the office of a judge to turn evidence, affirmed, "That Baxter was an enemy to the name and thing, the office and perſons of biſhops;" and ſeverely reprimanded the counſel, probably for defending their cauſe too well. Then, ſpeaking to Baxter, he ſaid, "Richard, thou art an old fellow, and old knave, thou haſt written books enough to load a cart, every one is as full of ſedition, I might ſay treaſon, as an egg is full of meat. Hadſt thou been whipped out of thy writing trade forty years ago, it had been happy. Thou pretendeſt to be a preacher of the goſpel of peace, and thou haſt one foot in the grave; it is time for thee to begin to think what account thou intendeſt to give. But leave thee to thyſelf, and I ſee thou'lt go on as thou haſt begun; but by the grace of God I will look after thee. I know thou haſt a mighty party, and I ſee a great many of the brotherhood in corners, waiting to ſee what will become of their mighty Don; and a doctor of the party [Dr. Bates] at your elbow; but by the grace of Almighty God I will cruſh you all."

The chief juſtice in ſumming up the evidence ſaid; "It is notoriouſly known, that there has been a deſign to ruin the king and the nation; and this has been the main incendiary: he is as modeſt now as can be; but time was, when no man was ſo ready at 'Bind your kings in chains, and your nobles in fetters of iron; and to your tents, O Iſrael!' Gentlemen, for God's ſake do not let us be gulled twice in an age."

It manifeſtly appears from theſe laſt words of Jefferies, that Baxter's book was only a pretence to puniſh him for what he had done during the troubles. However that be, ſuch was the impartial manner in which this judge directed the jury. There is ſcarce a man who will deny, that, as well during this reign as in the latter part of the former, all the juries were packed, and had engaged beforehand to be guided by the court. In concluſion, Baxter being found guilty, judgment was given againſt him, to be fined five hundred marks; to lie in priſon till he paid it, and to be bound to his good behaviour for ſeven years.

The parliament met the 19th of May. But the king was pleaſed that the commons ſhould firſt chooſe their ſpeaker, before he made his ſpeech to both houſes. The choice fell upon Sir John Trevor, who was recommended by the lord Middleton, one of the ſecretaries of ſtate; after which, the king came to the parliament the 22d of May, and made the following ſpeech to both houſes. As he had that morning received advice of the earl of Argyle's arrival in Scotland, it gave him occaſion to add ſomething to his ſpeech.

My lords and gentlemen,

"AFTER it pleaſed Almighty God, to take to his mercy

[n] Frances ſaid to him, "How now, friend, had you had your heat this morning?" Upon which the other with two or three curſes, called him "Son of a whore." Echard, Tom. III. p. 742.

[o] Some ſay, that Frances was a virulent Papiſt; and others, tha he was a Proteſtant; but others obſerve, that he was only inſtructed to die in the profeſſion of being of the church of England, as by law eſtabliſhed. Kenner, p. 438. Echard, Tom. III. p. 742.

[p] Baxter's counſel were Wallop, Williams, Rotherham, Atwood, and Phipps, all retained by Sir Henry Aſhhurſt, who had a particular reſpect for Baxter. It may be noted of Baxter, that ſoon after the reſtoration he refuſed the biſhopric of Hereford, and when turned out of his living with the reſt, ſent back a penſion of a hundred pounds a year offered him by the king. He frequently attended divine ſervice in the church of England, went to the ſacrament, and perſuaded others to do the ſame. Echard, Tom. III. p. 743.

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the late king my deareſt brother, and to bring me to the peaceable poſſeſſion of the throne of my anceſtors, I immediately reſolved to call a parliament, as the beſt means to ſettle every thing upon thoſe foundations, as may make my reign both eaſy and happy to you: towards which, I am diſpoſed to contribute all that is fit for me to do. What I ſaid to my privy-council, at my firſt coming there, I am deſirous to renew to you; wherein I fully declared my opinion concerning the principles of the church of Englnnd, whoſe members have ſhewn themſelves ſo eminently loyal in the worſt of times, in defence of my father, and ſupport of my brother, of bleſſed memory, 'that I will always take care to defend and ſupport it: I will make it my endeavour to preſerve this government both in church and ſtate, as it now is by law eſtabliſhed; and as I will never depart from the juſt rights and perogative of the crown, ſo I will never invade any man's property:' and you may be ſure that having heretofore ventured my life in the defence of this nation, I will ſtill go as far as any man in preſerving it in all its juſt rights and liberties.

"And having given you this aſſurance concerning the care I will have of your religion and property, which I have choſen to do in the ſame words I uſed at my firſt coming to the crown, the better to evidence to you, that I ſpoke them not by chance, and, conſequently, that you may the more firmly rely upon a promiſe ſo ſolemnly made; I cannot doubt, that I ſhall fail of ſuitable returns from you, with all imaginable duty and kindneſs on your part; and particularly in what relates to the ſettling of my revenue, and continuing it during my life, as it was in the time of the king my brother. I might uſe many arguments to enforce this demand, from the benefit of trade, the ſupport of the navy, the neceſſity of the crown, and the well-being of the government itſelf; which I muſt not ſuffer to be precarious: but I am confident, your own conſideration of what is juſt and reaſonable, will ſuggeſt to you whatſoever might be enlarged upon this occaſion. There is one popular argument, which I foreſee may be uſed againſt what I aſk of you, from the inclination men may have for frequent parliaments, which ſome may think will be the beſt ſecured, by feeding me from time to time, by ſuch proportions as they ſhall think convenient: and this argument, it being the firſt time I ſpeak to you from the throne, I will anſwer once for all, that this would be a very improper method to take with me, and that the beſt way to engage me to meet you often, is always to uſe me well[a]. I expect therefore that you will comply with me in what I have deſired, and that you will do it ſpeedily, that this may be a ſhort ſeſſion, and that we may meet again to all our ſatisfactions."

My lords and gentlemen,

"I muſt acquaint you, that I have had news this morning from Scotland, that Argyle is landed in the Weſt-Highlands, with the men he brought with him from Holland; and that there are two declarations publiſhed, one in the name of all thoſe in arms there, the other in his own; it would be too long for me to repeat the ſubſtance of them, it is ſufficient to tell you I am charged with uſurpation and tyranny: the ſhorter of them I have directed to be forthwith communicated to you. I will take the beſt care I can, that this declaration of their own treaſon and rebellion may meet with the reward it deſerves: and I will not doubt, but that you will be the more zealous to ſupport the government, and give me my revenue as I have deſired it, without delay."

I ſhall make upon this ſpeech, three remarks, the importance whereof will hereafter appear. The firſt is, that when the king renewed to his parliament the promiſe he had made to the council, to preſerve the government both in church and ſtate, as it was by law eſtabliſhed, nothing was farther from his thoughts than the performance of it. This will very clearly appear in the ſequel. Wherefore this promiſe was only a lure uſed by the king to engage the parliament to enable him to proceed without them. This happened accordingly; for this parliament, which had but two ſhort ſeſſions, was the only one the king called in his reign.

The ſecond remark is, that when the king ſaid, he would not ſuffer the government to be precarious, (that is, to depend upon the ſupplies the parliament ſhould grant him from time to time) he plainly intimated, he meant to govern in a different manner from his predeceſſors, ſince among all the kings of England, there was never any whoſe government was not ſupported by the aids of the parliaments.

The third is, that the objection which he foreſaw would be made to his deſire concerning his revenue, was ſo ſtrong, that he could find no other reaſon to anſwer it, than a menace, which ought rather to induce the parliament to guard againſt it. For if the king, in caſe of refuſal, thought himſelf powerful enough to make the parliament repent, how much greater reaſon was there to fear, if he ſhould be enabled to proceed without the parliament, and to execute his threat.

This parliament, according to ſome hiſtorians, was better compoſed than any for ſome years paſt. All the members were rich, zealous for their country, good churchmen, averſe to all republican or anti-monarchial principles, faithful to the king, and of ſo wonderful harmony among themſelves, that the like had never been ſeen. The meaning of all which in ſhort is, that they were tories without any mixture of republicans, preſbyterians, or whigs. This parliament conſiſted indeed of perſons prepoſſeſſed in favour of the king, who imagining that, according to his promiſe, he would never meddle with the laws or religion, believed it a ſignal ſervice to the kingdom, to enable the king to oppoſe effectually the attempts of the whigs. They were miſtaken in their ſuppoſition: but it cannot be inferred from their conduct, that they intended to betray the nation's intereſts, as they plainly ſhewed afterwards.

Other hiſtorians do not give the ſame idea of this parliament. They pretend, the members for the moſt part, being elected by the intrigues of the court, were tories, and moſt violent for the doctrine of paſſive-obedience, and for that reaſon ſurrendered the liberties of the people, and paved the way for the king to become abſolute, by granting him ſuch a revenue as enabled him to govern without a parliament[b].

Though theſe two aſſertions with reſpect to this parliament, ſeem to be oppoſite, it is, however, eaſy to reconcile them, on ſuppoſition of a thing which is very true, namely, the parliament was deceived by the king's promiſes. So, the only difference between theſe two opinions, is, that the whigs accuſe the tories of betraying the intereſts of their country with premeditated deſign, and the tories without denying that they acted indeed againſt the intereſts of the kingdom, maintain that they did ſo through a too great confidence in the king's word, given from the throne in the moſt ſolemn manner. It will hereafter be ſeen, that the parliament had no ſuch intention, as is imputed to them: but I cannot ſay their imprudence may be ſo eaſily vindicated.

However this be, both houſes, pleaſed with the king's ſpeech, waited on him the ſame day with an addreſs of thanks; to which the king anſwered. "That he was very well pleaſed with their thanks, and could repeat no more than what he had ſaid in the morning, and they ſhould find that he would be as good as his word."

This confirmation was ſo agreeable to the commons, that when they returned to their houſe, they voted immediately, nemine contradicente, "That all the revenue enjoyed by the late king at his death, ſhould be granted to his preſent majeſty, and ſettled upon him during life." Thus the conſtant and ordinary revenue of the late king, which, according to the intent of the firſt parliament, held in his reign, was to be twelve hundred thouſand pounds ſterling, but which amounted to above double that ſum; this revenue, I ſay, which two parliaments had ſpent about two years in ſettling, was granted to James II. in the ſpace of two hours. They who ſpeak moſt moderately of this revenue, compute it at more than two millions. But a hiſtorian[c] pretends, that including the one hundred and fifty thouſand pounds, enjoyed by the king while duke of York, and annexed to the crown, the whole amounted to above two millions five hundred and fifty thouſand pounds. This liberality was not founded upon the ſervices the king when duke of York had done the nation, but ſolely upon his promiſes to ſupport the government of

[a] The king's aim, in this latter part of his ſpeech, was to prevent a motion, which was talked of abroad, though none ventured to make it in the houſe. "That it was ſafeſt to grant the revenue only for a term of years. Burnet, p. 638.

[b] Burnet ſays of this parliament, that all arts were uſed to manage elections, ſo that the king ſhould have a parliament to his mind. Complaints came up from all parts of England, of the injuſtice and violence uſed in elections beyond what had ever been practiſed in former times. In the new charters that had been granted, the election of the members was taken out of the hands of the inhabitants, and reſtored to the corporation-men, all thoſe being left out, who were not acceptable at court. In ſome boroughs they could not find a number of men to be depended upon: ſo the neighbouring gentlemen were made corporation-men: and in ſome places, perſons of other counties, not ſo much as known in the borough, were named. This was practiſed in the moſt avowed manner in Cornwal by the earl of Bath, who put the officers of the guards name in almoſt all the charters of that county, ſo that the king was ſure of forty four votes on all occaſions. There were not above forty but what were thus choſen. Burnet, p. 625.

[c] Roger Coke, who ſays that the cuſtoms, and other branches of the revenue, amounted to two millions and four hundred thouſand pounds, beſides the hundred and fifty thouſand pounds. Tom. II. p. 337.

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the church and ſtate. But, through extreme prejudice, the parliament was not aware, that by granting the king for life ſuch an immenſe revenue, they enabled him to maintain an army and fleet without the aſſiſtance of parliament, and conſequently to ſubdue thoſe that ſhould dare to oppoſe his will, as he did accordingly.

The commons having given the king ſo real a demonſtration of their zeal and affection, the lords were willing likewiſe to ſhew him how much they were devoted to him in whatever lay in their power. To that end, the king having ſent a noli proſequi upon the indictments againſt the popiſh lords, who had been priſoners in the Tower for the plot, and againſt the earl of Danby, the houſe of peers annulled their order of the 19th of March 1678-9, and entirely diſcharged thoſe lords who had been releaſed only upon bail.

Theſe proceedings in favour of the popiſh lords, made way for a bill to reverſe the attainder of the lord viſcount Stafford in 1680. The ſole reaſon alleged in the bill for the reverſal was in theſe words: "Whereas it is now manifeſt, that the ſaid William late viſcount Stafford was innocent of the treaſon laid to his charge, and the teſtimony whereupon he was found guilty was falſe. Be it enacted, &c." Thus, the preparers of the bill founded the lord Stafford's innocence upon Oates's being condemned for perjury, though in Oates's trial there was not a word of his teſtimony againſt Stafford. Nevertheleſs, the bill was paſſed by a majority of voices. But ſuch of the lords[d] as oppoſed it, entered their diſſents for the following reaſons:

1. Becauſe the aſſertion in the bill of its "being now manifeſt, that the late viſcount Stafford died innocent, and that the teſtimony by which he was convicted was falſe," which are the ſole grounds and reaſons given to ſupport the bill, are deſtitute of all proof, warrant, or teſtimony, or matter of record before us.

2. That the record of the King's-Bench, read at the committee, concerning the convictions, laſt term, of one of the witneſſes for perjury, in collateral points of proofs, of no affinity to the lord Stafford's trial, and given ſeveral years before, it is conceived, can be no ground to invalidate the teſtimony upon which the ſaid viſcount was convicted, which could never legally be by one witneſs, and was in fact by the judgment of his peers, on the evidence of at leaſt three.

3. It is conceived, the ſaid judgment in the King's-Bench was unprecedented, illegal, and highly derogatory to the honour, judicature, and authority of this court, who have power to queſtion and puniſh perjuries of witneſſes before them, and ought not to be impoſed upon by the judgments of inferior courts, or their attainder of a peer invalidated by implication; and the popiſh plot, ſo condemned, purſued, and puniſhed by his late majeſty and four parliaments, after public ſolemn devotion through the whole kingdom, by authority of church and ſtate, to be eluded to the arraignment and ſcandal of the government; and only for reſtoring the family of one popiſh lord. And all this being without any matter judicially appearing before us to introduce the ſame; and the records of the trial not ſuffered to be read, for the information of the truth, before the paſſing of the bill.

4. For many other weighty reaſons, offered and given by divers peers in the two days debate of this bill, both at the committee, and in the houſe.

Theſe reaſons plainly ſhew, in my opinion, that the lords, in paſſing this bill, deſigned rather to oblige the king than do juſtice to the memory of the lord Stafford. But the commons had not the ſame complaiſance, ſince it was dropt after the ſecond reading, and never heard of more, they having no intention to ſtrengthen or encourage the popiſh party[e].

The parliament of Scotland was ſtill extremely zealous for the king's intereſt. Beſides the acts before-mentioned, they paſſed one for granting the king during life the yearly ſum of two hundred and ſixty thouſand pounds; and another, declaring, That the giving or taking the national covenant, or the ſolemn league and covenant, or owning them as lawful or obligatory, ſhould incur the crime of high-treaſon.

Since the earl of Argyle's eſcape after his condemnation in 1681, he had kept himſelf concealed at Amſterdam, very few perſons in Scotland knowing where he was. He waited there for a favourable opportunity either to make his peace with the king, or to raiſe in Scotland, where he thought he had many friends, an inſurrection, which ſhould put him again in poſſeſſion of his eſtate. He believed a fair occaſion offered for an inſurrection after the death of Charles II. knowing that the duke of York, who was to ſucceed, was beloved neither in Scotland nor England. For though, in both kingdoms, the government, and all the public offices, were in the hands of the tories, the earl of Argyle imagined, that if by his credit he could raiſe an army in Scotland, all the preſbyterians would liſt under his banner, and then his party would be much ſuperior to the king's.

While he was full of theſe thoughts, the prince of Orange, foreſeeing the king his father-in-law would ſoon deſire the ſtate to deliver up the duke of Monmouth, adviſed him to retire elſewhere. The duke followed his advice and withdrew to Bruſſels. But fearing he was not ſafe there, and that the court of Spain would think proper to ſacrifice him to king James, he repaired privately to Amſterdam, where he had frequent conferences with Argyle. They had nothing ready to make an attempt, which might have the leaſt appearance of ſucceſs. They were both without money, and not ſure of friends in England or Scotland to ſecond their projects. Mean while, the earl of Argyle meeting at Amſterdam with a rich widow, who lent him ten thouſand pounds, this unexpected ſupply ſo encouraged him, that he reſolved to make a deſcent in Scotland, where he hoped, that his name, his credit, and the cauſe he intended to ſupport, would procure him friends enough. But the duke of Monmouth was not in ſo favourable a ſituation. He flattered himſelf, that the enmity of the whigs againſt the duke of York would revive, when they ſhould ſee one at the head of their party; but he had yet no private correſpondence, with ſuch of the nobility and gentry, whoſe credit would be able to ſupport him, and moreover he wanted money. However, the earl of Argyle perceiving how advantageous it would be to him, that the duke of Monmouth ſhould make an invaſion in England, whilſt he ſhould himſelf do the like in Scotland, ſo managed that at length he perſuaded him to try the ſame fortune, though not till after the duke had long reſiſted his ſollicitations. Indeed, as the duke's affairs then ſtood, it was a raſh undertaking, eſpecially as it was to be executed when the parliament was ſitting. But ſome of his friends, very unfit to manage ſuch a deſign, and who were tired with living in exile, did all they could to encourage him[f]. He therefore promiſed Argyle, that as ſoon as he ſhould hear of his landing in Scotland, he would not fail to make a deſcent in England.

Upon this poſitive promiſe, the earl of Argyle ſailed with three ſmall ſhips laden with arms for five thouſand men, having with him ſome German officers and ſome ſoldiers liſted in Holland. He arrived the 5th of May before Orkney in the north of Scotland, and ſent his ſecretary on ſhore for intelligence how the country ſtood affected. But the ſecretary being ſeized and brought to Edinburgh, the earl found nothing was to be done in thoſe parts. Wherefore he put to ſea again, and landed in the Weſt-Highlands, at a place called Dunſtafnage, a ruinous caſtle formerly his own. Here he left his arms and ammunition, and then publiſhed two declarations mentioned by the king in his ſpeech to both houſes. Whereupon the parliament of Scotland now ſitting, paſſed an act, That all the ſubjects of Scotland ſhould renew the oath of allegiance, and ſwear to aſſert the royal prerogatives whenever they ſhould be required, upon pain of baniſhment or impriſonment.

The king, as we have ſeen, communicated to the parliament of England but one of Argyle's declarations: however preſently after he imparted alſo the other. Whereupon both houſes came to this reſolution. That they would aſſiſt his majeſty with their lives and fortunes, againſt the earl of Argyle and his adherents, and all other traitors whatſoever. The king very graciouſly thanked them, and in his anſwer to the lords, renewed his former promiſes.

The committee appointed by the houſe of commons for the affairs of religion, and which, no doubt, conſiſted of the moſt zealous churchmen, conſidered the earl of Argyle's invaſion in Scotland, as an outrage committed by all the preſbyterians of both kingdoms. Though the particulars of this invaſion could not yet be known, except only that the earl of Argyle was landed in Scotland, and had publiſhed two declarations, the committee took occaſion to draw up two votes namely, 1ſt, That it is the opinion of the committee, that this houſe will ſtand by his majeſty with their lives and for-

[d] The earls of Angleſey, Radnor, Stanford, Clare; and the lord Eure. Kennet, p. 441, 442.

[e] Burnet ſays the bill ſtuck with the lords and would not go down, they having no mind to reverſe and condemn paſt proceedings, p. 640.

[f] Particularly Wade, Ferguſon, but chiefly the lord Grey, and the lady Wentworth, who followed him to Bruſſels deſperately in love with him. And both he and ſhe came to fancy, that he being married to his duchels while he was indeed of the age of conſent, but not capable of a free one, the marriage was null; ſo they lived together. Burnet, p. 630.

It

tunes, in defence of the reformed religion of the church of England, as it is by law eſtabliſhed. 2dly, That an humble addreſs be preſented to his majeſty, to deſire him to iſſue out a proclamation, to cauſe the penal laws to be put in execution againſt all diſſenters whatſoever. This laſt vote was the pure effect of the committee's prejudice, founded on the king's promiſe, that he would ſupport and preſerve the church of England to the utmoſt of his power. Probably, they imagined, the king, though a papiſt, was ready to proceed with vigour againſt all the enemies of that church. But the previous queſtion being, Whether the queſtion ſhould then be put for the houſe to agree with the committee? it was carried in the negative. It was conſidered, it would not be agreeable to the king to cauſe the penal laws to be executed againſt all diſſenters, and conſequently againſt thoſe of his own religion. On the other hand, it was not proper to confine the order to the preſbyterians in particular, without mention of the papiſts. For theſe reaſons, the houſe, after mature deliberation, came to the following reſolution, nemine contradicente, "That this houſe doth acquieſce, and entirely rely, and reſt wholly ſatisfied on his majeſty's gracious word, and repeated declaration, to ſupport and defend the religion of the church of England, as it is now by law eſtabliſhed, which is dearer to us than our lives." This vote clearly ſhews, that though the commons and tories in general expreſſed a very great zeal for the king's intereſt, they had no intention to countenance the Romiſh religion, though ſome of their enemies have been pleaſed to draw ſuch an inference.

Purſuant to this reſolution, when the revenue-bill was ready, and the king come to the houſe of peers to give the royal aſſent, the ſpeaker of the commons made the following ſpeech.

Moſt gracious ſovereign,

"WE, the knights, citizens, and burgeſſes of the houſe of commons aſſembled in parliament, do preſent to your majeſty the revenue you was pleaſed to demand at the opening of this parliament, wherein we proceeded with as much ſpeed, as the forms of paſſing bills of that nature would admit. We bring not with it any bill for the preſervation and ſecurity of our religion, which is dearer to us than our lives. In that we acquieſce entirely and reſt wholly ſatisfied in your majeſty's gracious and ſacred word, repeated declarations, and aſſurance to ſupport and defend the religion of the church of England, as it is now by law eſtabliſhed. We preſent this revenue to your majeſty, without the condition of any additional, appropriating, or tacking clauſes whatſoever. And we humbly beſeech your majeſty to accept of it, and along with it our hearty prayers, That God Almighty would bleſs you with a long life, and happy reign to enjoy it."

Upon the paſſing this bill, his majeſty was pleaſed to make this ſpeech to both houſes.

My lords and gentlemen,

"I thank you very heartily for the bill you have preſented me this day; and I aſſure you, the readineſs and chearfulneſs that hath attended the diſpatch of it, is as acceptable to me as the bill itſelf. After ſo happy a beginning, you may believe I would not call upon you unneceſſarily for an extraordinary ſupply: but when I tell you, that the ſtores of the navy and ordinance are extremely exhauſted; that the anticipations upon ſeveral branches of the revenue are great and burthenſome; that the debts of the king my brother, to his ſervants and family, are ſuch as deſerve compaſſion; that the rebellion in Scotland, without putting more weight upon it than it really deſerves, muſt oblige me to conſiderable expence extraordinary. I am ſure ſuch conſiderations will move you to give me an aid to provide for thoſe things, wherein the ſecurity, the eaſe and happineſs of my government are ſo much concerned. But above all, I muſt recommend to you the care of the navy, the ſtrength and glory of this nation, that you would put it into ſuch a condition, as may make us conſidered and reſpected abroad. I cannot expreſs my concern upon this occaſion more ſuitable to my own thoughts of it, than by aſſuring you, I have a true Engliſh heart, as jealous of the honour of the nation as you can be; and I pleaſe myſelf with the hopes, that by God's bleſſing, and your aſſiſtance, I may carry the reputation of it yet higher in the world than ever it has been in the time of any of my anceſtors. And as I will not call upon you for ſupplies, but when they are of public uſe and advantage, ſo I promiſe you that what you give me upon ſuch occaſions, ſhall be managed with good huſbandry; and I will take care it ſhall be employed to the uſes for which I aſk them."

If ever there was occaſion to repeat his promiſes concerning religion, and the nation's liberties, it was doubtleſs immediately after receiving from the houſe of commons ſo real a proof of their zeal, founded, as the ſpeaker ſaid, upon their confidence in the king's word. But it was by no means proper for the king to renew a promiſe he did not intend to perform. When this promiſe had procured him what he deſired, it was entirely forgot; and if it was ſometimes mentioned among the king's adherents, it was only to palliate the violation of it, as will hereafter appear.

The very moment the king thanked the commons for their noble preſent, they had occaſion to perceive their error, in not appointing the uſes to which ſuch an immenſe revenue ſhould be applied. It manifeſtly appeared by the king's ſpeech, that he did not pretend to employ this revenue ſolely in the uſual expences of the government, ſince at that very time, he demanded a great and extraordinary aid, for all the other things enumerated by him, and even for the maintenance of the navy, as if his revenue had been too inconſiderable to ſupply his occaſions.

In ſhort, it muſt appear ſtrange, that James, for having gained one naval victory, ſhould affect to exalt himſelf above all his predeceſſors. This was a vanity which did not ſeem to become him. Beſides, it will hereafter be ſeen, that nothing was farther from his thoughts than the deſign of promoting the honour and reputation of the Engliſh nation. Nevertheleſs, the commons, highly pleaſed with the king's ſpeech, granted him an additional duty of exciſe upon wines and vinegar, with a further impoſition upon ſugar and tobacco.

Whilſt theſe things paſſed in England, the earl of Argyle was endeavouring to ſtrengthen himſelf in Scotland, diſperſing declarations, and ſending letters upon letters to his relations and friends. But though he was in his own country of Argyle, and the inhabitants had been formerly his vaſſals, all he could do was to aſſemble two or three thouſand men. With this little army he croſſed over, and landed in the Iſle of Bute. But within few days, having notice that a great number of forces, under the command of the earl of Dunbarton, the duke of Gordon, the marquis of Athol, the earl of Arran, and others, were advancing towards him from ſeveral parts, in order to ſurround him, he was forced to ſhift from iſland to iſland, to avoid them. This he could eaſily do, by means of his three ſhips, and ſeveral ſmall boats, till he heard that three men of war, and ſome frigates, would ſoon come and attack him. Then, he marched into Argyleſhire towards Inverary, ordering his veſſels and boats to come and join him. But they were hindered by contrary winds from doing it ſoon enough. So finding himſelf ſurrounded on all ſides, and conſidering that few came to join him, and that his troops began to deſert, he gave out, that he intended to attack the marquis of Athol, who was at Inverary. But at the ſame time, he ordered the old caſtle of Ellengreg to be fortified in the beſt manner poſſible, and leaving his cannon there, with a garriſon of one hundred and eighty men, marched into Dumbartonſhire. The ſame day, the king's ſhips came up to the caſtle, with intent to batter it, but the caſtle ſurrendered upon the firing of the firſt gun. By which the earl loſt five thouſand arms, five hundred barrels of powder, and all his cannon, beſides his three ſhips, which were alſo taken at the ſame time. This loſs ſo diſcouraged Argyle, as well as his officers, that from that moment they thought only of means to eſcape. But as, after the loſs of their ſhips, there was no way to fly out of Scotland, they retired from place to place with all poſſible ſpeed, even to the ſwimming of rivers. But they were ſo hotly purſued, that they were forced at length to diſperſe into ſmall parties [g], in order to ſave ſome, in caſe the reſt ſhould have the misfortune to be over taken. At laſt, not to be tedious, I ſhall ſay in two words, the earl of Argyle having received a wound in his head, was obliged to quit his horſe, and run into the water up to his neck to ſave himſelf. In this poſture he was taken by a countryman, who threatened to knock him down if he would not yield [h]. This happened on the 17th of June, twenty-eight days after his firſt landing in Scotland. He was not ſuffered to languiſh long. For, being brought to Edinburgh with great ignominy,

[g] It was then generally believed, that they were betrayed by Sir John Cochram, one of thoſe that came over with Argyle. For he undertaking to provide guides to conduct them ſafely into Galloway, and either miſtaking the way, or deſignedly miſleading them, he carried them into a bog, where they loſt their horſes and baggage. Kennet, p. 426.

[h] The earl preſented a piſtol to the countryman, but it miſſed fire. Whereupon the other gave him a blow on the head, which ſo ſtunned him that he fell, and in ſinking cried out, "Unfortunate Argyle! Kennet, p. 427.

his head was cut off in a few days, and placed on the Toll-Booth of the city [i]. Rumbold, one of his friends and confidents, was likewiſe taken and executed with ſeveral others [k]. Thus the king, without having contributed ſcarce any thing to it, ſaw himſelf delivered from the danger which threatened him from Scotland.

The duke of Monmouth, purſuant to his promiſe to Argyle, ſailed out of the Texel the 24th of May, with a ſmall man of war of thirty-two guns, and two other veſſels. He met with ſuch contrary winds, that he was nineteen days at ſea, though without being diſcovered by the king's ſhips which waited in the channel to intercept him, the king having had ſo early notice of his deſign, that Skelton, his majeſty's envoy at the Hague, had obtained an order from the ſtates to arreſt him. For which reaſon, the duke departed ſooner than he intended. At laſt, he landed the 11th of June, with about eighty followers, in the Weſt of England, near Lyme, and the ſame day repaired to the town, where he was received without oppoſition. Here he publiſhed a declaration againſt the king. As this declaration is well known, I ſhall only mention the moſt material things in it [l].

In the preface he ſaid, "That government was originally inſtituted by God, and this or that form of it choſen and ſubmitted to by men, for the happineſs and ſecurity of the governed, and not for the private intereſt, and perſonal greatneſs of thoſe that rule. That the government of England was, above all others, happy in its primitive form, whereby the prerogatives of the crown, and the privileges of the ſubjects were ſo far from joſtling one another, that the people's rights tended to make the prince great, and the prince's prerogatives were in order to the ſubjects protection and ſafety. But that all the boundaries of the government had of late been broken, and nothing left unattempted, for turning the limited monarchy into an abſolute tyranny."

Then the duke proceeded to impute to the king all the miſchiefs in the reign of Charles II, as "the burning of London, the alliance with France, the two wars with Holland, the popiſh plot, Godfrey's murder, the proteſtant-plot, the ſuborning witneſſes to ſwear the moſt zealous patriots out of their lives, the hiring of villains to aſſaſſinate the earl of Eſſex, and cauſing others to be clandeſtinely cut off, the frequent prorogations and diſſolutions of the parliaments."

He next proceeded to what the duke of York had done ſince he aſſumed the title of king, as "the avowing himſelf of the Romiſh religion; his publiſhing two proclamations, one whereof required the collecting of the cuſtoms, and the other continued that part of the exciſe which was to expire at the king's death; his advancing thoſe to the bench that were the ſcandal of the bar, and conſtituting thoſe very men to declare the laws who were branded in parliament for perverting them; his cauſing juries to be packed, falſe returns to be made, and new illegal charters to be granted, in order to have a parliament that ſhould, inſtead of preſerving the people's liberties, eſtabliſh his arbitrarineſs, and confirm the ſubjects thraldom." He declared moreover, "That he did not take up arms to revenge any perſonal injuries, but ſolely for vindicating his country's religion and laws." He did not fail, however, to affirm, "That his mother was lawful wife of Charles II." In concluſion, he accuſed the king of poiſoning the late king his brother. The reſt of the declaration contained the uſual proteſtations and invitations in papers of this nature.

Though the facts contained in this declaration cannot be looked upon as proofs that the king was guilty of what the duke of Monmouth laid to his charge, they may ſerve however for proof, that the king from that time was accuſed of them, at leaſt by ſome men, and that theſe accuſations were not invented after his fall.

The king having communicated to both houſes the duke of Monmouth's landing at Lyme, they preſented an addreſs to him, aſſuring him of their zeal and aſſiſtance, and immediately after the commons proceeded to a bill of attainder againſt the duke of Monmouth [m]. At the ſame time they deſired his majeſty to iſſue a proclamation, promiſing a reward of five thouſand pounds to any that ſhould bring in the duke dead or alive. The bill of attainder was diſpatched by the commons in two days, and in one by the lords.

The 16th of June the king came to the houſe of peers, and gave the royal aſſent both to this bill and the money-bills before-mentioned. Two days after he ſent a meſſage to the commons, to acquaint them, that he judged it neceſſary for the members to be preſent in their reſpective counties, and therefore deſigned there ſhould be an adjournment in a few days; deſiring there might be a good fund for a preſent ſum of money, to anſwer the immediate charge his majeſty muſt be at, on account of the duke of Monmouth's rebellion in the Weſt. Upon this meſſage, the commons voted a ſupply of four hundred thouſand pounds for the king's preſent extraordinary occaſions.

The two houſes were ſo expeditious to anſwer the king's deſires, that on the 27th of June there were twelve bills ready, moſt of them for the king's benefit; and on the 2d of July, four more [n], beſides private bills. That day, the parliament was adjourned to the 4th of Auguſt. But the lord keeper gave notice, that the king did not intend there ſhould be a ſeſſion, but that the members about London ſhould meet and adjourn themſelves as there ſhould be occaſion, till winter, or till the king ſhould appoint the time by proclamation. Thus ended the firſt ſeſſion of this parliament, having done in ſix weeks what no other ever did in many months [o].

The duke of Monmouth's followers, who were not above eighty-two when he landed at Lyme, increaſed to two thouſand in three or four days. This made him hope they would continually increaſe as he advanced into the country. Wherefore, he departed from Lyme the 15th of June, and came the ſame day to Axminſter. He thereby prevented Chriſtopher Monk duke of Albemarle, who with four thouſand of the militia intended to go and beſiege him in Lyme. The duke of Monmouth being come to Axminſter, diſpoſed his troops in ſuch manner, that Albemarle, inſtead of attacking him, thought proper to retreat, perceiving his militia-men had no inclination to do their duty. Albemarle's retreat enabled the duke of Monmouth to march to Taunton, where he arrived the 18th, and was received with loud acclamations. His army being conſiderably increaſed during a five or ſix days ſtay at Taunton, he imagined his affairs were in a proſperous way, and that all the country would join him. In this expectation he called a council, where it was reſolved he ſhould aſſume the title of king. He had already inſinuated in his declaration, that he was lawful ſon of Charles II. and thereby ſhewn, that he pretended to the crown. But, in all likelihood, he would not have taken the title ſo ſoon, had not thoſe about him [p] repreſented to him, that appearing in arms againſt a king actually on the throne, he muſt be accounted a rebel as long as that king's right was acknowledged: that therefore, neither the nobility nor people could have any pretence to join him; whereas by taking upon him the royal ſtile, he would have the ſame advantage as James with regard to right. Probably, there was no occaſion to uſe many other arguments to prevail with him. What he had intimated in his declaration, plainly ſhews, that this was the end he propoſed to himſelf. The only thing there-

[i] Purſuant to the ſentence paſſed three years before, which made his death to be looked on as no better than murder. He juſtified all he had done; for he ſaid, he was unjuſtly attainted: and that had diſſolved his allegiance. He complained of the duke of Monmouth much for delaying his coming ſo long after him, and for aſſuming the name of king, both which he ſaid was contrary to their agreement at parting. Burnet, p. 632.

[k] Ailoffe and Rumbold were taken, who, though Engliſhmen, had choſe rather to follow Argyle than Monmouth. Rumbold was the perſon that dwelt in Rye-houſe, where it was pretended the plot was laid for murdering the late and preſent king. He denied the truth of that conſpiracy. He owned that he had heard many propoſitions at Weſt's chambers about killing the two brothers, and upon that he had ſaid, it could have been eaſily executed near his houſe; upon which ſome diſcourſe had followed how it might have been managed. But he ſaid, it was only talk, and that nothing was laid or ſo much as reſolved on. He ſaid he was for kingly government, but did not believe that God had made the greater part of mankind with ſaddles on their backs, and bridles in their mouths, and ſome few booted and ſpurred to ride the reſt. When Ailoffe was brought to London and examined by the king, he refuſed to diſcover any thing. Whereupon the king ſaid, "Mr. Ailoffe, you know it is in my power to pardon you, therefore ſay that which may deſerve it." He anſwered, as it is ſaid, "Though it is in your power, it is not in your nature to pardon." He was nephew by marriage to the old earl of Clarendon. But that could not ſave him. Burnet, p. 633.

[l] It was entitled, "The declaration of James duke of Monmouth, and the noblemen, gentlemen, and others, now in arms for the defence and vindication of the proteſtant religion, and the laws, rights and privileges of England." It was long (ſays Burnet) and ill penned: full of black and dull malice; it was plainly Ferguſon's ſtile, which was both long and fulſome, p. 641.

[m] The commons, in their addreſs, called the duke of Monmouth—— "That ungrateful rebel."

[n] One was, for erecting a new church, to be called the pariſh of St. James, within the liberty of Weſtminſter.

[o] The ending of this ſeſſion, ſays Burnet, was no ſmall happineſs to the nation; ſuch a body of men being diſmiſſed with doing ſo little hurt, p. 641.

[p] Particularly Ferguſon. See Kennet, p. 431. Note [c].

Henry

fore was to conſult about the moſt proper time for it. In ſhort, purſuant to the advice of thoſe he conſulted, he was proclaimed king at Taunton the 20th of June, by the name of James II.

He began his pretended reign with three proclamations. By the firſt, he promiſed the ſum of five thouſand pounds to any that ſhould bring the duke of York dead or alive. By the ſecond, he declared the parliament now ſitting a ſeditious aſſembly, and gave power to any that would to lay hold of the members as rebels and traitors, if they did not ſeparate before the end of June. The third was to declare the duke of Albemarle a traitor, who lay within ſix miles of Taunton with his militia-men to attack him, if he found opportunity.

The 21ſt of June the duke marched to Bridgewater. He was received there as at Taunton, eſpecially as his army was increaſed to five thouſand men, and might have been more numerous, had he been able to arm thoſe that offered to ſerve him. Beſides arms he wanted alſo good officers, ſcarce any but the meaneſt of the people having joined him. After cauſing himſelf to be proclaimed in Bridgewater, and his three proclamations to be read, he marched for Briſtol, where the inhabitants were inclined to receive him, had they not been awed by the duke of Beaufort their governor. He advanced, however, within three miles of the city, at the inſtance of ſome Briſtol men, who aſſured him, he would be received in ſpite of the governor and the garriſon. But in the mean time, he had notice that the king's forces were advancing, which made him alter his reſolution of attempting Briſtol to that of retreating to Bridgewater. He marched therefore towards Bath, and after vainly ſummoning that city to ſurrender, he beat up one of the king's quarters, at Philip's-Norton, where lay a troop of horſe, which were entirely defeated [a]. From thence he advanced to Frome, where he met with a chearful reception. But unhappily for him, the king's party had found means a few days before to diſarm all the inhabitants, ſo that he was diſappointed, his chief aim being to ſeize thoſe arms for ſuch of his men as wanted them. At Frome he heard of the earl of Argyle's defeat, which threw him into a great conſternation. However, he reſolved to purſue his march, and return to Bridgewater.

Whilſt theſe things paſſed in the Weſt, the king was preparing at London, with all poſſible diligence, for his defence againſt an enemy who could not but make him extremely uneaſy. But he had not many regular troops, and thoſe diſperſed in ſeveral parts of the kingdom. This obliged him to raiſe the militia, particularly in the weſtern counties, till the arrival of the ſix Engliſh and Scotch regiments which were to come from Holland. On this occaſion, the prince of Orange, his ſon-in-law, ſent monſieur Bentinck, with an offer of his perſon to head his army: but the king did not think proper to accept it. Mean while, as he had no great confidence in the militia, he ſent down his guards, and all the regular troops he could aſſemble, and formed a little army of two thouſand foot, and ſeven hundred horſe and dragoons. He gave the command to Lewis Duras, earl of Feverſham, brother of the marſhals Duras and de Lorge, and nephew to the late Mr. de Turenne. With theſe few troops, the earl of Feverſham encamped at a place called Sedgemore near Bridgewater, whilſt ſeveral parties of militia of the neighbouring counties lay about him, under the command of the dukes of Beaufort, Somerſet, Albemarle, and the earl of Pembroke.

The duke of Monmouth, who was come to Bridgewater, looking upon himſelf as beſieged, and conſidering that the king's forces daily increaſed, whilſt his own began to deſert, held a council of war, wherein it was reſolved to march in the night, and ſurprize the earl of Feverſham, who was encamped that day at Sedgemore, and according to the report of the ſpies, little expected to be attacked. Purſuant to this reſolution the duke began his march about eleven at night with profound ſilence, and within two hours fell in with Dunbarton's regiment, which, lying in an advanced poſt, gave the alarm to the royal army, and by that they had time to draw up and receive their enemies. The particulars of the battle, which was fought about an hour after, are not well known. Thus much is certain, the duke of Monmouth's horſe, commanded by the lord Grey, behaved very ill [b], though ſuperior to the king's in number, and were routed at the firſt charge. The duke of Monmouth, at the head of the foot, long fought with great bravery. But being deſerted by his own, and attacked by the king's horſe, his army was at laſt forced to take to flight. The loſs of this battle was aſcribed to the little experience or cowardice of the lord Grey, who commanded the horſe, and was even ſuſpected of treachery. What confirmed this ſuſpicion was, that being made priſoner, he readily obtained the king's pardon. It is ſaid moreover, that when he had ſo ill performed his duty, inſtead of endeavouring to rally the horſe, he rode up to the duke of Monmouth and told him, "all was loſt, and it was more than time to ſhift for himſelf [c]."

This battle was fought the 6th of July, at break of day. There was ſlain on the duke of Monmouth's ſide three hundred men on the ſpot, a thouſand in the purſuit, and as many taken priſoners. The duke retiring out of the fight, could hardly rally fifty horſe to ſecure his retreat. But theſe being quickly diſperſed, he was obliged to fly on foot, accompanied only by a German count, whom he had brought with him from Holland. The lord Grey was taken on the morrow, and, the day after, the duke of Monmouth was found in a ditch covered with fern, with ſome green peaſe in his pocket. Probably he had eaten nothing elſe for two days. He was brought to the lord Lumley, who immediately conveyed him to London.

No ſooner was the duke taken, but he believed himſelf loſt, and yet he retained ſome hopes that the king would be moved by his ſubmiſſion and repentance, and the queen dowager would intercede for him. In this belief, he wrote to the king for pardon, in the moſt ſubmiſſive terms he could deviſe, and which he thought moſt apt to move his compaſſion. He writ alſo to the queen dowager, who really interceded for him, and prevailed with the king to ſee the unfortunate duke. She made no doubt, that ſince the king had conſented to ſee him, he intended to pardon him; but ſhe was miſtaken. The duke being brought to the king's preſence, threw himſelf at his feet, and begged his life in a very ſubmiſſive or rather abject manner. The king, after aſking him ſome queſtions, made him ſign a declaration, whereby he owned, that the king his father aſſured him, he was never married to his mother. This done, the king told him, his crime was of too great a conſequence to be forgiven, and therefore he muſt prepare to die. The queen, who was preſent, is ſaid to have inſulted his misfortune in an unmerciful manner. The duke ſeeing no hopes left, roſe from the king's feet with an air of bravery, which would have better become him when he firſt came into his preſence, and was carried to the Tower to prepare for death. The king's and queen's behaviour on this occaſion was thought very ſtrange, princes not being uſed to admit criminals to their preſence, but when they deſigned to grant them a pardon. I do not find in any hiſtorian, that the duke was proceeded againſt in the uſual forms, ſo probably he was condemned by the king alone.

Till his execution, the king ordered Turner, biſhop of Ely, to attend him, and prepare him to die. The duke writ once more to the king for pardon, or at leaſt for a longer time, and deſired him to ſend him Dr. Tenniſon [d] or any other divine. The king denied the two firſt articles of his requeſt, and appointed Ken, biſhop of Bath and Wells, to go and acquaint him, that he muſt die the next morning.

In the morning, July the 15th, Dr. Tenniſon and Dr. Hooper were brought to him, and attended him till the laſt hour of his life. By their exhortations they perſuaded him to give it in writing, that the king his father told him, he was never married to his mother. He confeſſed alſo that his invaſion was a ſin, but would never own it a rebellion. There was another point about which the two divines could not receive from him any ſatisfaction, namely, his living with the lady Harriot Wentworth, though he had a ducheſs of his own, and his pretending to be lawfully married to her before God, alledging, that his firſt marriage was null, as being too young when he gave his conſent. All the pains taken by the two doctors to convince him of the falſhood of this opinion were fruitleſs, nay, he choſe rather to deprive himſelf of the communion, than own his engagements with that lady to be unlawful.

When he was on the ſcaffold, he declared, he died a proteſtant of the church of England. But Turner and Ken ſtopped him, and ſaid, that to be a member of the church of England, he muſt believe the doctrine of non-reſiſtance. He

[a] Henry Fitz-Roy, duke of Grafton, narrowly eſcaped with his life. Kennet, p. 431.

[b] They were mounted on ordinary marſh mares and colts, that would not ſtand the noiſe of drums and guns. Kennet, p. 431.

[c] But after all, it ſeems there was no ground for ſuſpecting him of treachery. And as for his being pardoned, it was done, that the earl of Rocheſter might enjoy his eſtate, which could not be without ſparing that lord's life, ſince his eſtate was entailed. See Kennet, p. 432. Note. Burnet, p. 646.

[d] Afterwards archbiſhop of Canterbury.

He

anſwered, he could not help it, but he did not believe it, yet he approved the doctrine of the church in all other things. At laſt, he laid his head on the block, which was not ſevered from his body until the fifth ſtroke. Thus died the duke of Monmouth, who had long been the people's idol, and whom James always conſidered as a very formidable rival. Charles II. died very ſeaſonably to free the duke his brother from the uneaſineſs created him by his competitor. But though James had mounted the throne, the duke of Monmouth endangered his crown. Neither the victory at Sedgemore, nor Argyle's defeat in Scotland, could be aſcribed to the valour or conduct of the king, but to mere chance, or rather to the direction of providence, which, for the welfare of England, was pleaſed to uſe proper means to be more plainly diſtinguiſhed.

The king being thus freed from his greateſt fears, gave himſelf over entirely to the paſſion of revenge on thoſe who directly or indirectly had aſſiſted the duke of Monmouth. To that end, the lord chief juſtice Jefferies was ſent with four judges aſſiſtants, into the Weſt, with a ſpecial commiſſion of oyer and terminer to try the late rebels; and major general Kirk was ordered to attend him with a body of troops, to keep the people in awe. It was not poſſible for the king to find in the whole kingdom, two men more deſtitute of religion, honour, and humanity. They were two cruel and mercileſs tygers, that delighted in blood. I ſhall relate here but ſome few of their barbarous actions: for a particular account of all their proceedings would be too great a digreſſion.

At Wincheſter, the widow of lord Liſle[e]; one of king Charles I's judges, was brought before him to be tried. Her crime was the harbouring and concealing Mr. Hickes a Preſbyterian miniſter[f] of the duke of Monmouth's party, though his name was in no proclamation, and one Nelthorp, who was a ſtranger to her. The jury, not ſatisfied with the evidence, brought her in not guilty. But Jefferies in great fury ſent them out again. They found her not guilty three times: but Jefferies threatening them with an attaint of jury, ſhe was brought in guilty, and executed accordingly, being above ſeventy years old[g].

At Dorcheſter, Jefferies, to ſhorten his work, told thirty priſoners, that if they expected any favour, they ſhould plead guilty. But as they did not care to take that courſe, he condemned twenty-nine, who were immediately executed.

In another place, two hundred perſons being indicted, Jefferies poſitively promiſed a pardon to ſuch as ſhould plead guilty, and of the two hundred, he ordered fourſcore to be hanged.

In fine, not to enlarge on ſuch a ſcene of horror, it ſuffices to ſay, that Jefferies condemned five hundred perſons, whereof two hundred and thirty were executed, according to the loweſt computation[h], and their quarters ſet up in the highways. Jefferies himſelf gloried in this barbarity, and boaſted, that he had hanged more men than all the judges of England ſince William the Conqueror. And yet he would have carried his cruelty farther, had not many purchaſed his favour with their eſtates. One Mr. Prideaux[i] alone gave him fourteen thouſand pounds to ſave his life. As for thoſe who had not money enough to buy pardons at his price, they were either hanged, or cruelly whipped, or ſold for ſlaves into the American plantations.

Kirk was not behind Jefferies either in cruelty or inſolence. Immediately after the duke of Monmouth's defeat, being ſent to Taunton, he cauſed nineteen perſons, by his own authority, without any trial or proceſs, and without ſuffering their wives or children to ſpeak with them, to be hanged, with pipes playing, drums beating, and trumpets ſounding. It was this doubtleſs, that made him worthy to be an aſſiſtant to Jefferies.

In the ſame town of Taunton, Kirk having invited his officers to dinner, ordered thirty condemned perſons to be hanged whilſt they were at table, namely, ten in a health to the king, ten in a health to the queen, and ten in a health to Jefferies. But one action he committed in another town is beyond all imagination. A young girl throwing herſelf at his feet to beg her father's[k] life, he drew her in to proſtitute herſelf to him, with the promiſe of granting her requeſt. But having ſatisfied his brutal luſt, he was ſo inhuman, as out of the window, to preſent the credulous girl with the ſight of her father hanging on the ſign-poſt. This ſad ſpectacle ſo affected the poor girl, that ſhe fell diſtracted.

Father Orleans, who writ from the mouth of James II, not being able to deny theſe barbarous executions, endeavours to excuſe them two ways. He ſays firſt, that the king was informed of them too late to prevent them, and that the great ſervices performed by Jefferies and Kirk, prevailed with him to ſpare them[l]. He ſays, in the next place, that the king made amends for theſe injuſtices, as far as lay in his power, by the general pardon he afterwards granted. But it is eaſy to ſee, how vain theſe excuſes are, if it is conſidered, that when Kirk was charged with theſe cruelties, he anſwered, that Jefferies and himſelf acted far ſhort of the king's inſtructions. Again, the king was ſo little diſpleaſed with Jefferies's conduct, that at his deſire he made him lord-chancellor[m], the lord keeper North dying while the chief-juſtice was exerciſing his cruelties in the Weſt. As for the general pardon, it was not publiſhed till ſeveral months after all theſe executions, when there were no more guilty to be found. The court muſt have believed, that very few could have the benefit of the pardon, ſince a company of young girls, from ten to twelve years old, were inſerted by name, who with chaplets of flowers on their heads, had preſented a bible to the duke of Monmouth, at his entry into Taunton.

It was not only in the Weſtern counties that the king gave ſenſible proofs of his revengeful temper. The city of London was witneſs alſo of ſeveral executions in October; among others, of Elizabeth Gaunt, who was publicly burnt for harbouring one of the duke of Monmouth's adherents[n]. Six men were hanged at Tyburn as traitors, for crimes of the like nature, and what is more ſtrange, without any previous trial.

But the execution that made moſt noiſe, was that of alderman Corniſh. This man, who was ſheriff of London at the time of the diſcovery of the popiſh plot, had been very active on that occaſion, which was grown an unpardonable crime in the preſent reign. Corniſh, whoſe name had hardly been mentioned in the rye-plot, not ſuſpecting any thing, and following his profeſſion, was ſeized on Tueſday the 13th of October, and hurried to Newgate without being allowed the uſe of pen, ink, and paper. The next Saturday evening, he had notice that he was indicted of high-treaſon, and that his trial was to be on Monday morning. On the morrow, he ſent a petition to the king for a longer time, alledging, that he did not even know wherein conſiſted the treaſon he was accuſed of. The king referred his petition to the judges, who abſolutely denied his requeſt. He was charged with conſpiring againſt king Charles II, with the Lord Ruſſel, and the reſt who had been executed for that affair, and condemned upon the evidence of the ſame witneſſes, though he ſhewed, in their depoſitions, manifeſt contradictions, and viſible improbabilities. But it was reſolved to revenge the death of thoſe who ſuffered for the popiſh plot, upon ſuch as had been moſt active againſt the papiſts. Corniſh was executed as a traitor, the 23d of October. But the parliament, in the year 1688, reverſed the ſentence, as well as thoſe of ſome others, who had unjuſtly ſuffered in the beginning of this reign.

The laſt that died for the proteſtant plot, was Charles Bateman, a noted ſurgeon, who was accuſed of holding ſeveral ſeditious diſcourſes at that time againſt the government. But many people believed, his chief crime conſiſted in his compaſſion to Titus Oates, having conſtantly attended him after his cruel ſcourgings, and uſed all his ſkill to cure his wounds. This man, who did not expect to be accuſed, grew diſtracted during his impriſonment, and the court was ſo well ſatisfied of it, that his ſon was permitted to make his defence for him. But his condition did not prevent his being condemned and executed.

The king was then in a flouriſhing ſtate. His two greateſt enemies were deſtroyed, and by his revenge upon thoſe that had offended him, as well in his own as in his brother's reign,

[e] He was one of Cromwell's lords, and commiſſioner of the great ſeal.

[f] Brother of the late Dr. Hickes, dean of Worceſter.

[g] All the favour the king would grant her, was to change her ſentence from burning to beheading. State Trials, Tom. IV. p. 129.

[h] Burnet ſays above ſix hundred were hanged, p. 648.

[i] Of Ford Abbey in ſomerſetſhire.

[k] Some ſay it was her brother's. See Kennet, p. 434. and Echard, T. III. p. 775.

[l] Burnet aſſures us, that the king had a particular account of all Jefferies's proceedings writ to him every day. And he took pleaſure to relate them in the drawing room to foreign miniſters, and at his table, calling it Jefferies's campaign. Dykvelt, the States embaſſador, told Burnet, that the King talked ſo often of theſe things in his hearing, that he wondered ſee him break out into thoſe indecencies, p. 648.

[m] And created him baron of Wem in Shropſhire.

[n] The villain, upon hearing that the king would ſooner pardon the rebels than thoſe that harboured them, by an unheard of baſeneſs, went and delivered himſelf, and accuſed her that harboured him, while ſhe was looking for an opportunity of ſending him out of the kingdom. Upon the evidence of this infamous witneſs, the judge charged the jury to find her guilty. Burnet, p. 649

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he had ſtruck ſuch a terror into the whole kingdom, that no man dared ſo much as to think of reſiſting him. The whigs were intirely humbled, the tories were triumphant, and the doctrine of paſſive obedience and non-reſiſtance was openly preached, as an eſſential article of the faith of the church of England. The king had a parliament, which ſought only to give him marks of their zeal, and ever ready to ſupply him with money for all extraordinary occaſions, without his being obliged to meddle with his revenue. His army greatly contributed to make him feared, and keep the people in awe. Scotland was entirely ſubdued, and the managers of the affairs of that kingdom ſeemed only to mind the enlarging of the prerogative royal. As for Ireland, it will preſently be ſeen, that he had not ſtayed till now to put that kingdom in the ſtate he deſired. In fine, the princes of Europe conſidering him as a monarch able to incline the balance to which ſide he pleaſed, made, as I may ſay, their court to him, either to gain him, or at leaſt to hinder him from turning againſt them.

What therefore did James II want to render his happineſs complete? One thing, which affected him more than all the reſt, but which he could not hope to obtain, without hazarding all his other advantages. This was, to make all his ſubjects papiſts, or at leaſt, to force them to pretend to be ſo. But this was not eaſy to be accompliſhed, by reaſon of the great ſuperiority of the number of the proteſtants in England and Scotland. Nevertheleſs, he attempted it, imagining, that the opportunity was too favourable to be neglected. But as he uſed at firſt very groſs artifices, obvious to all the world, he was obliged to ſupport them with force, and to that end, he was to ſet himſelf above the laws. Theſe two projects, of eſtabliſhing an arbitrary government, and deſtroying the proteſtant religion, were not of a late date. Every one knew they had long been in hand. But the Engliſh did not expect, the king would violate his repeated promiſes to ſupport and defend the religion eſtabliſhed by law: Nay, ſome were ſo ſtrangely blind, as to think it impoſſible for the king to break his word. But they were afterwards too ſenſible of their error. All the reſt of this reign conſiſts only in the means uſed by the king to execute this deſign, and in the meaſures taken by the Engliſh at laſt to ſtop his career. I muſt begin with the firſt of theſe points, before I proceed to the ſecond.

Many things ſhould have diverted the king from forming ſuch a project. Firſt, the difficulty of the execution, which might have been eaſily foreſeen. For if it is conſidered, that the papiſts of England are not the thouſandth part of the nation, it muſt be thought ſtrange, that with this thouſandth part it is attempted to compel the reſt to change their religion. I ſay compel, for what likelihood is there that, without compulſion, a whole nation may be perſuaded to quit their religion and embrace another, for which they have the utmoſt abhorrence? It will, perhaps, be ſaid, that James had almoſt accompliſhed it, and that without a foreign aid, the Engliſh would have been forced to ſubmit to the yoke. But the inconſiderableneſs of this aid demonſtrates, he was yet very far from his ends.

Secondly, As to the abſolute power, which muſt have been eſtabliſhed, in order to introduce a religion contrary to that of the whole kingdom, he was much miſtaken in ſuppoſing, that France would lend him a powerful aid for that purpoſe. For it was not the intereſt of Lewis XIV, to render the king of England abſolute, but only to raiſe commotions in that kingdom, which, by keeping England employed, ſhould facilitate the execution of his ambitious deſigns.

Thirdly, If the examples of Edward II, and Richard II, as too remote from his time, made no impreſſion upon him, he ſhould have conſidered that of the king his father, who, for endeavouring to ſtretch the prerogative royal, and for being only ſuſpected of intending to introduce popery, loſt his head on the ſcaffold. It has been ſeen, that Charles I, in the time of his afflictions, writ to the prince his eldeſt ſon, to take warning by him, not to aſſume more power than belonged to him. Moreover, when he was brought on the ſcaffold, he took off his George, and gave it to Dr. Juxon, ſaying, "Remember." The council of ſtate being willing to know the meaning of that expreſſion, Juxon anſwered, "That the king immediately before his coming out to the place of execution, had charged him to carry to the prince his George, with theſe his two laſt commands, That he ſhould forgive his murderers; and, If ever he came to the crown, he ſhould ſo govern, as not to force them upon extremities." The queen dowager, as ſhe was going into Somerſet-houſe, after the reſtoration of Charles II, ſaid, "Had I known the Engliſh ſome years ſince, as well as I do now, I ſhould never have been forced to leave this palace." In fine, Charles II, when at the point of death, told the duke his brother, "not to think of introducing the Roman-catholic religion into England, it being a dangerous and impracticable thing." Theſe warnings, which could not be ſuſpected by the king, ought to have made him ſeriouſly conſider what he was going to do.

Fourthly, don Pedro Ronquillo, the Spaniſh embaſſador, at his firſt audience after the king's acceſſion to the crown, told him, "That he ſaw ſeveral prieſts about him, who would importune him to alter the eſtabliſhed religion; but wiſhed his majeſty not to hearken to their advice, for if he did, he would have reaſon to repent of it when it was too late." The king taking ill the embaſſador's freedom, aſked him in a paſſion, "Whether, in Spain, the king adviſed with his confeſſors? Yes, Sir, replied don Pedro, and that is the reaſon our affairs go ſo ill."

Fifthly, pope Innocent XI, in a letter to the king upon his coming to the crown, told him, "That he was highly pleaſed with his zeal for the catholic religion: but was afraid he would carry it too far, and inſtead of contributing to his own greatneſs, and the advancement of religion, he would do both himſelf and the catholic church the greateſt prejudice, by attempting that which could never ſucceed."

Laſtly, It was manifeſt, that the king could hope to ſucceed in his undertaking only by force, and that this force wholly lay in his army and fleet. But was it not a ſtrange project, to attempt to reduce by force a proteſtant kingdom to the catholic religion, with a proteſtant army, and a fleet whoſe commanders and mariners were proteſtants? He had but too much reaſon to perceive his error, when it was too late to correct it.

Theſe conſiderations, examples, and warnings, were ineffectual againſt the impetuous zeal of the king, and the importunities of thoſe who were admitted to his ſecret counſels, and particularly the queen. He attempted at once two things equally difficult, namely, to ſet himſelf above the laws, and to alter the eſtabliſhed religion. When I ſay he attempted it, I mean, openly and bare-faced, for it was no new deſign. He had formed it long ſince, and, not to carry back the beginning of it too far, it ſuffices to obſerve, that the execution of it had been privately labouring about twenty years; and that moreover, James did but purſue the ſcheme he had perhaps himſelf framed, when duke of York. It was not therefore the duke of Monmouth's defeat that inſpired James II with the thoughts of becoming abſolute, and altering the eſtabliſhed religion. His good fortune to conquer that rival, ſerved only to put him upon haſtening the execution of his projects. This evidently appears, when it is conſidered, what paſſed in Ireland ſince the beginning of his reign.

About two months after the king's acceſſion to the crown, he recalled the duke of Ormond from Ireland, and appointed two lords juſtices to govern that kingdom [o]. The duke of Ormond was not a proper inſtrument for the king's purpoſes. At the ſame time, the privy council of Ireland was diſſolved, and a new one appointed, into which were admitted ſeveral known papiſts. Soon after, their number was ſo increaſed, that they made the major part of the council, ſo that the proteſtants no longer aſſiſted, that they might not authorize by their preſence, ſuch reſolutions as it was in vain to oppoſe. When the council was thus modelled, nothing was heard in Ireland, but impeachments againſt the proteſtants, for being concerned in the Rye-plot, and afterwards for holding correſpondence with the duke of Monmouth, or his adherents. The moment any perſon was accuſed, he was ſent to priſon by the council, without being admitted to bail, or brought to a trial. The earl of Granard, one of the lords juſtices, and a good proteſtant, weary of being an inſtrument to thoſe acts of injuſtice, deſired to be diſmiſſed. But the king denied him, and ſent him a letter under his own hand, aſſuring him, "that nothing ſhould be acted prejudicial to the proteſtant intereſt." But it ſoon appeared, that the king never meant to perform this promiſe. For very ſhortly after, he reſolved to have a ſtanding army of papiſts in Ireland, and to diſarm the proteſtants. This laſt article was firſt put in practice. The king writ to the lords-juſtices, "That there was reaſon to believe, that the rebellion of Monmouth had been of that ſpreading contagion, as to reach Ireland, and therefore it was not ſafe to have the arms of the militia diſperſed abroad; but they would be in greater readineſs for the uſe of the militia, and the defence of the country, to have them depoſited in the ſeveral ſtores of each county." Upon this order, the lords-juſtices publiſhed a proclamation, agreeable to the king's

[o] The archbiſhop of Armagh, and Arthur Forbes earl of Granard. The archbiſhop was ſo compliant to the court, that even his religion came to be ſuſpected. However, he was not thought thorough paced: ſo Sir Charles Porter was made chancellor in his room. Burnet p. 654.

desire, and the city of Dublin having brought in their arms, their example was followed by all the country.

The protestants being thus disarmed, means were devised to turn the protestant, into a catholic army. For that purpose, colonel Richard Talbot, a violent papist, was impowered to cashier such officers and soldiers as he thought fit. He was the man of all others most odious to the English protestants in Ireland. It is observable, that Titus Oates in his narrative of the popish plot, named him as designed for this very service. So, when the event was seen to agree so well with what Oates had related, many could not help thinking either that he had been well informed, or was a good prophet.

Talbot having received this commission, broke many officers, on pretence that they had borne arms against the king during the troubles, or were sons and relations of those who had served the parliament of Cromwell. It must be observed, that all this passed in Ireland, before or immediately after the duke of Monmouth's defeat, at a time when the king had not yet manifested his designs in England. That I may not be obliged frequently to return to what was transacting in Ireland, I shall briefly add here, that about the end of the year, Talbot came into England, and was made earl of Tyrconnel, and lieutenant-general of the Irish army; and shortly after, Henry earl of Clarendon was appointed lord-lieutenant of Ireland.

The parliament of England, after several adjournments, meeting at last on the 9th of November, the king made the following speech to both houses.

"My lords and gentlemen,

"AFTER the storm that seemed to be coming upon us when we parted last, I am glad to meet you all again in so great peace and quietness; God Almighty be praised, by whose blessing that rebellion was suppressed; but when I reflect what an inconsiderable number of men began it, and how long they carried it on without any opposition, I hope every body will be convinced, that the militia, which hath hitherto been so much depended on, is not sufficient for such occasions; and that there is nothing but a good force of well-disciplined troops in constant pay, that can defend us from such as, either at home or abroad, are disposed to disturb us. And in truth, my concern for the peace and quiet of my subjects, as well as for the safety of the government, made me think it necessary to increase the number to the proportion I have done; this I owed as well to the honour, as to the security of the nation, whose reputation was so infinitely exposed to all our neighbours, by having lain open to this late wretched attempt, that it is not to be repaired without keeping such a body of men on foot, that none may ever have the thought again of finding us so miserably unprovided. It is for the support of this great charge, which is now more than double to what it was[p], that I ask your assistance, in giving me a supply answerable to the expence it brings along with it; and I cannot doubt, but what I have begun, so much for the honour and defence of the government, will be continued by you with all the chearfulness and readiness, that is requisite for a work of so great importance.

"Let no man take exception, that there are some officers in the army not qualified, according to the late tests, for their employments: the gentlemen, I must tell you, are most of them well known to me; and having formerly served me on several occasions, and always approved the loyalty of their principles by their practice, I think them fit now to be employed under me; and I will deal plainly with you, that after having had the benefit of their services in such time of need and danger, I will neither expose them to disgrace, nor myself to the want of them, if there should be another rebellion to make them necessary to me. I am afraid some men may be so wicked to hope and expect, that a difference may happen between you and me upon this occasion: but when you consider, what advantages have risen to us in a few months, by the good understanding we have hitherto had; what wonderful effects it hath already produced in the change of the whole scene of affairs abroad, so much more to the honour of the nation, and the figure it ought to make in the world; and that nothing can hinder a further progress in this way to all our satisfactions, but fears and jealousies amongst ourselves; I will not apprehend that such a misfortune can befal us, as a division, or but a coldness between me and you; nor that any thing can shake you in your steadiness and loyalty to me, who, by God's blessing, will ever make you all returns of kindness and protection, with a resolution to venture even my own life in the defence of the true interest of this kingdom."

This speech equally surprised both houses of parliament, and the whole kingdom, when it came to be published. The English had often ventured their lives in the defence of their laws and liberties, of which they then believed themselves secure, as well by the constitution of the government, as by the king's solemn promise, but they beheld their laws openly attacked in the most sensible part. Many of those who had most warmly opposed the exclusion-bill, began to open their eyes, and perceive, that the jealousies and fears of the whig parliaments were too well grounded, and that it was difficult to reconcile the interests of a Roman catholic king, with those of a protestant kingdom. This was what the whigs had in vain declared in the late reign. Instead of duly weighing their reasons, the tories had run into the other extreme, nay, had expected to be gainers by setting the duke of York on the throne. But this first public step of the king, made them proceed for the future with a little more caution, though by their principles they were not yet obliged to take such measures as would have been necessary.

It was warmly debated in the house of lords, whether they should give the king thanks for his speech. Some were utterly against it; whereupon the marquis of Hallifax said, "They had now more reason than ever to give thanks to his majesty, since he had dealt so plainly with them, and discovered what he would be at." Nevertheless, it was resolved by the majority, that the king should be thanked. But, however, the bishop of London moved, that his majesty's speech might be debated; and, though it was unusual in the house, the 23d of the month was appointed to take the speech into consideration, with which the king was highly displeased.

When the commons were returned to their house, the king's speech was ordered to be read, which was followed by a long and profound silence. At last, the earl of Middleton moved for an address of thanks to the king for his speech. This motion produced a second silence, which was broke by the lord Castleton, who, more bold than the rest, plainly declared against thanking the king. Wherefore, as there would probably be some difficulty in the matter, the debate was adjourned till the 12th of the month. To give the reader a clear notion of the difficulties which occurred in the king's demand, I shall make here some observations which perhaps will not be foreign to the purpose.

The house of commons, as I said, consisted then of tory members, there being very few whigs, or, if any, their number was not considerable. Now the tories had a very different notion of the regal power from that of the whigs. They had, as we have seen, declared in the late reign for passive-obedience and non-resistance, and the church made it an article of faith. Nevertheless it may be said, when they introduced this doctrine without any limitation, they did not foresee all the consequences. It was properly to contradict the principles of the whigs, who ran into the other extreme. As they imagined that Charles II. and James II. were for them, they fancied they could not stretch the royal prerogative too much, in the belief, that these two princes would exert it only against their adversaries. According to this principle, king James's demand for a standing army of fifteen thousand men in time of peace, did not seem contrary to their interest, though the parliaments had ever been extremely averse to a standing army, which served only to increase the regal power. But what the king did by his sole authority, in employing popish officers in this army, was a thing as much against the tory as the whig interest. It was easy to perceive, of what dangerous consequences it might be to the protestant religion in general, as well Episcopalian as presbyterian; and these consequences were the more to be dreaded, as what passed in Ireland plainly discovered the king's intentions. Besides, the power assumed by the king, to exempt the popish officers from taking the test, was directly contrary to the liberties of the kingdom as well as to religion.

When therefore the king's speech was debated the 12th of November, in the house of commons, such members as were not of the same principles with the rigid and violent tories, spoke with great freedom, representing the inconveniences of a standing army in time of peace,[q], and

[p] The army, which before consisted but of seven thousand men, was increased to fifteen thousand. Rapin.

[q] Among other things it was said,—"All the profit and security of this nation is in our ships.—Supporting an army, is maintaining so many idle persons, to lord it over the rest of the subjects.—Armies debauch the manners of all the people, their wives, daughters, and servants, &c." On the other hand, the contrary party alledged, "That there was a bitter spirit in the three last parliaments, not yet well allayed, and to consider-

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moved for new modelling the militia, ſo as to render them of uſe upon occaſion. They were ſuffered to talk as much as they pleaſed, but when the queſtion was put for a ſupply to be given to the king, it was carried in the affirmative. It is true, ſome one having moved that theſe words might be added, "towards the ſupport of the additional forces," they were rejected, that the houſe might not appear to approve of the augmentation of the regular troops, and inſtead thereof it paſſed, "the houſe be moved to bring in a bill to make the militia uſeful." By this they would have had it believed, that the parliament reſerved to themſelves the power of breaking the regular troops, and eſtabliſhing a good militia in their room. But, doubtleſs, it was to hinder the people from being alarmed, if they ſaw the parliament approve of maintaining an army in time of peace. For, after all, a ſupply was given the king for the maintenance of this army.

As to the ſum which was to be granted, the courtiers moved for twelve hundred thouſand pounds. Others exclaimed againſt the exorbitancy of ſuch a ſum, and were for reducing it to four hundred thouſand pounds, alledging, that it would be enough to maintain the additional forces two years, till the militia ſhould be made uſeful. They repreſented, that they had already given cuſtoms and exciſes for his majeſty's life, which amounted to ſix millions[r], and that if they gave ſo much at once, they ſhould have nothing left to give; eſpecially as it was the nation's intereſt, that the king ſhould have frequent occaſion for his parliament. At laſt, after great debates, it was reſolved, that a ſupply of ſeven hundred thouſand pounds ſhall be granted to the king. It was evident therefore, that the maintenance of an army of fifteen thouſand men was not what moſt diſpleaſed the commons in the king's ſpeech.

But the affair of the popiſh officers was of ſuch a nature, that it concerned the tory no leſs than than the whig party. It was eaſy to ſee the great danger of the proteſtant religion, if the parliament, after having agreed to a ſtanding army, ſhould farther conſent to the king's employing as many papiſts as he pleaſed. The commons thought therefore, that on this occaſion it was neceſſary to ſet ſome bounds to paſſive-obedience, though till now this doctrine had been maintained without any reſtriction, becauſe it was not imagined, that the king would attack religion and the laws. One of the members ſpeaking on this ſubject, repreſented very ſtrongly, "That his majeſty, on his firſt acceſſion to the crown, told them, 'He had been miſrepreſented, and that he would preſerve the government in the church and ſtate, now eſtabliſhed by law, and maintain them in all their juſt rights and privileges:' That, overjoyed at this, they ran haſtily to him, and were ſo forward to give, that the king's miniſters put their ſtop to it: that they ought not to forget, that there was a bill of excluſion debated in that houſe; and that the arguments for it were, 'That they ſhould, in caſe of a popiſh ſucceſſor, have a popiſh army:' That they ſaw the act of the teſt already broken; but prayed them to remember what the late lord chancellor told them when king Charles paſſed that act: 'By this act, ſaid he, you are provided againſt popery, that no papiſt can poſſibly creep into any employment:' That he was greatly afflicted at the breach of their liberties, and ſeeing ſo great a difference between his laſt ſpeech, and thoſe heretofore made, he could not believe but this was made by ſome other advice: that what the king ſtruck at there was their all; and that he wondered there had been any men ſo deſperate, as to take any employment without being qualified for it: and concluded to have a ſtanding army voted deſtructive to the country." During theſe debates the court party were not idle. They repreſented very ſtrongly, the inconveniencies of not complying with the king's deſires. The reſult was, the appointing a committee to draw up the following addreſs, which was preſented to the king the 17th of November.

"Moſt gracious ſovereign,

"WE your majeſty's moſt loyal and faithful ſubjects, the commons in parliament aſſembled, do, in the firſt place, as in duty bound, return your majeſty our moſt humble and hearty thanks, for your great care and conduct in ſuppreſſing the late rebellion, which threatened the overthrow of this government both in church and ſtate, to the extirpation of our religion as by law eſtabliſhed, which is moſt dear unto us, and which your majeſty has been pleaſed to give us REPEATED ASSURANCES you will always defend and maintain; which, with all grateful hearts we ſhall ever acknowledge. We further crave leave to acquaint your majeſty, that we have, with all duty and readineſs, taken into our conſideration your majeſty's gracious ſpeech to us: and as to that part of it relating to the officers in the army, not qualified for their employments, according to an act of parliament made in the 25th year of the reign of your royal brother, entitled, 'An act for preventing dangers which may happen to popiſh recuſants;' we do, out of our bounden duty, humbly repreſent unto your majeſty, that theſe officers cannot by law be capable of their employments; and that the incapacities they bring upon themſelves that way, can no way be taken off but by an act of parliament: therefore, out of that great reverence and duty we owe unto your majeſty, who have been graciouſly pleaſed to take notice of their ſervices to your majeſty, we are preparing a bill to paſs both houſes, for your royal aſſent, to indemnify them from the penalties they have now incurred: and becauſe the continuing them in their employments, may be taken to be a diſpenſing with that law, without an act of parliament, the conſequences of which is of the greateſt concern to the rights of your majeſty's ſubjects, and to all the laws made for the ſecurity of their religion. We therefore, the knights, citizens, and burgeſſes, of your majeſty's houſe of commons, do moſt humbly beſeech your majeſty, that you would be moſt graciouſly pleaſed to give ſuch directions therein, that no apprehenſions or jealouſies may remain in the hearts of your majeſty's moſt loyal ſubjects."

This addreſs being preſented to the king by the ſpeaker, attended by the whole houſe, his majeſty gave them this anſwer:

"Gentlemen,

"I Did not expect ſuch an addreſs from the houſe of commons: for having ſo lately recommended to your conſideration the great advantage a good underſtanding between us had produced in a very ſhort time, and given you warning of fears and jealouſies amongſt ourſelves; I had reaſon to hope, that the reputation God had bleſſed me with in the world, would have ſealed and confirmed a good confidence in you of me, and of all that I ſay to you. But however you proceed on your part, I will be ſteady in all my promiſes I have made you, and be juſt in my word in this, and in all my other ſpeeches."

This anſwer, though pretty obſcure, ſo ſurprized the commons, that when it was read in the houſe, they kept a profound ſilence for a conſiderable time. At laſt it was moved by one of the members, that a particular day might be appointed to conſider of the king's anſwer. This motion was ſeconded by Mr. Coke, burgeſs for Derby, who added, "He hoped they were all true Engliſhmen, and not to be frighted out of their duty by a few hard words." Though this ſpeech was very conſiſtent with the freedom of a houſe of commons, the majority, however, were pleaſed to look upon Mr. Coke as an incendiary, who intended to ſow diſcord between the king and the commons, and voted him to be ſent to the Tower. Moreover, the houſe, to make amends in ſome meaſure for the offence they had given the king, proceeded to ways and means towards raiſing the ſeven hundred thouſand pounds before voted. But they ſtopped not there. To ſhew the king that they ſought all poſſible ways to content him, beſides a bill to indemnify the popiſh officers from the penalties they had already incurred, they reſolved to offer another to the king, to qualify ſuch a number of thoſe officers to ſerve in the army as he ſhould think fit. All this demonſtrates, it was with regret that the houſe ſwerved from the principle of paſſive-obedience and non-reſiſtance.

In the mean time, the lords received petitions from Thomas Grey, earl of Stanford, and Henry Booth, lord Delamere, repreſenting, that theſe two peers were committed to the Tower in July laſt, upon a general accuſation of treaſon, kept cloſe priſoners, and denied the uſe of pen, ink, and paper. Theſe petitions obliged the lords to ſend to the king, to know the reaſon why theſe two peers were impriſoned. The king anſwered by the lord chancellor, that they were committed for high treaſon, and that he had given orders for a commiſſion of oyer and terminer to try the lord Delamere in Cheſhire, where the crime was committed. But as he had given no orders about the earl of Stanford's trial, the lords appointed him to be tried by his peers, to which the king conſented.

able a force was needful beſides the militia." Life of James II. p. 123, 124, 130.

[r] Reckoning all the time for which they had been granted. Rapin.

This

Within a few days, on the 20th of November, the king finding it would be very difficult to obtain his deſires of the commons concerning the popiſh officers, prorogued the parliament till the 10th of February, after a ſeſſion but of eleven days. The king loſt, by the prorogation, the ſeven hundred thouſand pounds voted by the commons. But he did not want it, conſidering the vaſt ſums they had liberally granted him. This prorogation, which was followed by ſeveral others, and at length by the diſſolution of the parliament, the laſt in this reign, is a clear demonſtration of two things. Firſt, that the king conſidered the affair of the popiſh officers in the army, as of great moment, ſince he choſe rather to loſe ſeven hundred thouſand pounds, than ſee his pretended right to employ them conteſted by the parliament. The ſecond is, the exceſſive compliance ſhewn the king by the commons, in enabling him to maintain an army, employ popiſh officers, and, in a word, to have no occaſion for a parliament. For from hence ſprung all the evils which afflicted England during the reſt of this reign.

About a month after the prorogation of the parliament, the lord Delamere was brought to his trial by his peers, though the king had before reſolved to have him proceeded againſt in another manner. The lord Howard was the firſt witneſs produced againſt him. But though he gave a large account of the duke of Monmouth's conſpiracy, he depoſed nothing poſitive againſt the lord Delamere. The ſecond witneſs was Ford lord Grey, at which every one was ſurprized, it not being known that he was pardoned. This gave occaſion to think he was in great favour with the king. But his evidence tended more to prove in general the duke of Monmouth's rebellion, than the guilt of the priſoner in particular. One Saxon was the only witneſs that ſwore to the lord Delamere's correſpondence with the duke of Monmouth. But as he was a perſon of very bad reputation, the lords took no notice of his evidence, and the priſoner was unanimouſly acquitted.

As for the earl of Stanford he was admitted to bail, and though nothing could be proved againſt him, he thought fit to lay hold on the proclamation of pardon which was publiſhed ſhortly after. This pardon appeared not till the end of the year, after the executions of a great number of perſons. It was moreover clogged with ſo many exceptions, that the king was not much thanked for it.

James, in this firſt year of his reign, beſtowed honours and dignities upon ſeveral of his favourites and adherents, and advanced others to high offices. Henry Bennet, earl of Arlington, dying July 28, his place of lord chamberlain was given to John Sheffield, earl of Mulgrave, who became one of the chief favourites in this reign. Laurence Hyde, earl of Rocheſter, was made lord treaſurer, and Henry, earl of Clarendon, his elder brother, lord lieutenant of Ireland. Robert Spencer, earl of Sunderland, principal ſecretary of ſtate, was declared lord preſident of the council, and from that time became prime miniſter of ſtate.

The perſon moſt known abroad, that died this year, was Sir John Marſham, eminent for his great ſkill in ancient hiſtory and chronology. He departed this life in the eighty third year of his age [s].

[1686.] The year 1686, to which we are now to proceed, was wholly ſpent, as well as the next, in the execution of the king's two grand projects, namely of making himſelf abſolute and eſtabliſhing popery. Theſe two projects could not but keep equal pace. For the king being a papiſt, his chief aim in rendering himſelf abſolute was to alter the religion of the kingdom, and, on the other ſide, he could not introduce popery, but by ſetting himſelf above the laws.

Before things were carried any farther in England, he believed it proper to be aſſured firſt of Scotland and Ireland. As for Scotland, the managers there were entirely diſpoſed to comply with the king's will. The late parliament, beſides the acts before-mentioned, paſſed one [t] wherein it was declared, "That they owe all their bleſſings to the ſacred race of their glorious kings, and to the ſolid, abſolute authority wherewith they were inveſted by the firſt and fundamental laws of their monarchy:——And therefore they again declare to the world, That they abhor and deteſt not only the authors and actors of all preceding rebellions againſt their ſovereign, but alſo all principles and poſitions which are contrary or derogatory to the king's ſacred, ſupreme, ſovereign, abſolute power and authority, which none, whether particular perſons or collective bodies, can participate of any manner of way, or upon any pretext, but in dependence on him, and by commiſſion from him, &c." They paſſed another act, "To confirm and approve whatever had been done by his majeſty's privy council, juſtice-court, and thoſe commiſſionated by them, in baniſhing, impriſoning, or fining ſuch as refuſed to take and ſwear the oath of allegiance; and to aſſert the royal prerogatives in the utmoſt extent of them."

If what paſſed in Scotland in the reign of Charles I, and during the interregnum, be remembered, it will be eaſily perceived, this was not the general ſenſe of the Scots, but only the opinion of a parliament devoted to the king, and which viſibly abuſed their authority, to eſtabliſh a form of government directly contrary to the old conſtitution.

Encouraged by theſe great advantages, the king ſummoned the parliament of Scotland, to aſſemble the 29th of April this year, and wrote a letter to them, wherein "He recommends to their ſpecial care, his innocent Roman catholic ſubjects, who had always been aſſiſtant to the crown in the worſt of rebellions and uſurpations, though they lay under diſcouragements hardly to be named. Theſe he moſt heartily recommended to them, to the end, that as they had given good experience of their true loyalty and peaceable behaviour, ſo, by their aſſiſtance, they might have the protection of his laws, not ſuffering them to lie under obligations, which their religion could not admit of; by doing of which, they would give a demonſtration of their duty and affection towards him, and do him moſt acceptable ſervice. And this love he expected they would ſhew to their brethren, as they ſaw him an indulgent father to his people."

The earl of Murray, lord high commiſſioner, ſeconded this letter, with a particular account of the many advantages the king intended to procure his realm of Scotland, chiefly with reſpect to trade. He alſo endeavoured to perſuade them, that what the king deſired, tended as much to the honour and welfare of his ſubjects of Scotland, as to his own ſatisfaction. He concluded with ſaying, "By this you will ſhew yourſelves the beſt and moſt affectionate ſubjects, to the beſt, the incomparable, and moſt heroic prince in the world."

When the king's letter, and the lord commiſſioner's ſpeech came to be conſidered in the parliament, ſome members, without looking farther, were for complying with the king's deſires. But others, in greater numbers, moved and prevailed to have a committee appointed, to examine the ſtatutes againſt the papiſts. The committee finding the ſtatutes prohibited only the public exerciſe of the popiſh religion, drew up a bill to allow them the exerciſe of their religion in private. But when this bill was preſented to the parliament, it met with ſo much oppoſition, that the lord commiſſioner thought fit to adjourn the debate to another time, till he had received inſtructions from court. The king ſent him orders to diſſolve, or at leaſt prorogue the parliament, and ſome months after, by his ſole authority, he eſtabliſhed liberty of conſcience in Scotland.

Affairs in Ireland were upon another footing. The king's will met with no oppoſition there, and though the lord lieutenant was a proteſtant, his credit and authority were inſufficient to put a ſtop to the acts of injuſtice committed againſt thoſe of his religion. The new earl of Tyrconnel was no ſooner returned to Dublin, with the title of lieutenant-general of the army, but he began again to break the proteſtant officers and ſoldiers, and put Roman catholics in their places, without vouchſafing to aſk for the lord-lieutenant's order [u]. This bred a quarrel between them, wherein Tyrconnel behaved very haughtily, ever ſaying, he did nothing but by the king's expreſs order. When he had modelled the army according to the king's mind, he went over into England, where, by means of the queen, and father Petre the jeſuit, he ſupplanted the earl of Clarendon, and was appointed lord-lieutenant of Ireland. Upon his arrival at Dublin, he endeavoured by a proclamation to diſpel the fears of the proteſtants, who ſaw themſelves, to their great trouble, in ſubjection to a catholic. But his actions correſponded not with his promiſes. Wherefore, a great number of proteſtants choſe rather to quit their eſtates in Ireland, and withdraw into England, than remain under the government of one ſo juſtly odious to them. On the other hand, the Engliſh merchants who traded in Ireland, withdrew their effects, and by that the kingdom was reduced to great extremities. But all theſe diſadvantages were compenſated by the hopes of rooting out the proteſtant religion in that country.

But it was chiefly in England that the king deſired to eſtabliſh popery and arbitrary power. For, as I ſaid, one of thoſe things could not advance without the other. If he had only aimed at abſolute power, without meddling with re-

[s] This year alſo died Sir William Dugdale, garter king at arms, author of the Baronage, Antiquities of Warwickſhire, &c. and Thomas Otway.

[t] Containing a tender of duty, and offer of the exciſe to his majeſty. Kennet, p. 444.

[u] Two or three hundred Engliſh gentlemen, who had laid out their fortunes in purchaſing their military poſts, were now arbitrarily diſbanded, and five or ſix thouſand private ſoldiers ſent a begging. Kennet, p. 447.

Upon

ligion, in all appearance, he would have eaſily ſucceeded, ſince paſſive-obedience was in a manner eſtabliſhed, and now reckoned an eſſential doctrine of the church of England, the members whereof made the body of the nation, and were poſſeſſed of all the offices and places of truſt. But as he had already diſcovered, that if he wiſhed to be freed from the yoke of the laws, it was chiefly to eſtabliſh his religion; the parliament, however devoted to him in all other reſpects, had not been ſo compliant as to abandon the intereſt of religion: notwithſtanding this, he hoped to attain his ends; firſt, by cauſing the judges to give it as their opinion, that he had a power to diſpenſe with the laws. Secondly, by gaining the members of parliament by degrees, being reſolved to have no ſeſſion till he had accompliſhed that deſign. In England, as in other places, there are men always ready to ſacrifice the public, to their private intereſt, and there were but too many, on the preſent occaſion, even among the clergy themſelves. Dr. Cartwright, dean of Rippon, ſpeaking, in a ſermon, of the king's promiſes made to the parliament, which were then the common topic of diſcourſe and complaint, ſaid, "That the king's promiſes "were free donatives, and ought not to be too ſtrictly exa- "mined or urged; and that they muſt leave his majeſty to "explain his own meaning in them." The king was ſo delighted with this gloſs, that he rewarded the author with the biſhopric of Cheſter, as an encouragement to other clergymen to follow ſo good an example.

As for the judges, the king took care to ſend for them one by one, and talk with them privately in his cloſet [e], in order to perſuade them to declare for his diſpenſing power, telling them, he would have twelve judges of his opinion [f]. Four abſolutely refuſed to comply, and were immediately diſplaced. The king appointed four others of more pliable and ſubmiſſive underſtandings, among whom there was one papiſt [g].

At the ſame time, the king made a call of ſerjeants at law, among whom were ſeveral Catholics, one of whom was knighted [h], and a little after, another lawyer of the ſame religion was made a judge [i].

The privy-council alſo underwent the like alteration, the king having received into it five zealous Catholics, namely, the earl of Powis, the lord Arundel of Wardour, and the lord Bellaſis, (who had been long confined in the Tower, being accuſed of the Popiſh plot) Henry Jermyn, lord Dover, and the earl of Tyrconnel. He likewiſe admitted the new biſhop of Cheſter, and Dr. Parker biſhop of Oxford, a reputed Papiſt. All theſe changes clearly diſcovered the king's intentions.

But it was not long before he gave more ſignal marks of them. It has been remembered, that he aſſumed a power to diſpenſe with the obſervation of the teſt-act in his Catholic officers. The parliament's refuſal of their conſent to this innovation, only exaſperated the king, and made him reſolve to exempt from the penal laws all his ſubjects in general, and conſequently the Papiſts. But as this was directly againſt law, he undertook to ſhew, by the means of his corrupt judges, "That a power in the king to diſpenſe with law, was law." For that purpoſe he took care firſt to have papers diſperſed through the kingdom, to prove this pretended right, and to prepare the people for his deſigns [k]. At laſt in a particular caſe [l], all the judges, except one, gave their opinions for the king, and made it a general rule in law: 1. That the laws of England are the king's laws. 2. That therefore it is an incident, inſeparable prerogative of the kings of England, as of all other ſovereign princes, to diſpenſe with all penal laws, in particular caſes, and upon particular neceſſary reaſons. 3. That of theſe reaſons and neceſſities the king is the ſole judge: conſequently, 4. That this is not a truſt inveſted in and granted to the king, but the ancient remains of the ſovereign power of the kings of England, which never was yet taken from them, nor can be.

In conſequence of this deciſion, the Papiſts, with the king's permiſſion, ſet up every where in the kingdom, the free and open exerciſe of their religion. The Jeſuits erected colleges and ſeminaries in all the conſiderable towns; and at the ſame time, four Popiſh biſhops were publicly conſecrated in the king's chapel, and ſent down to exerciſe their functions in their reſpective dioceſes; under the title of vicars apoſtolical. Their paſtoral letters addreſſed to the lay-Catholics, were printed at the king's printing-houſe, and diſperſed through the kingdom. Monks appeared in the habits of their order at Whitehall and St. James's, and ſcrupled not to tell the Proteſtants, "That they hoped in a little time, to walk "in proceſſion through Cheapſide." And as many converts were expected, that ſo plentiful a harveſt may not want labourers, a great number of prieſts and monks were ſent from foreign parts. From this time, the only way to preferment was to be a Papiſt, or a promoter of Popery. All affairs of the council were managed by Catholics, or ſome others who had but little regard to religion. Thus, by the deciſion of ten or twelve judges, nominated and corrupted by the king before their admiſſion, the laws of England were given up, and the conſtitution entirely altered. By a like practice it was, that Charles I. cauſed his judges to decide, that he had a right to impoſe taxes in caſes of neceſſity, of which neceſſity himſelf was ſole judge. Hence it may be perceived, that the laws of England would be ill ſupported, had they no firmer foundation than the deciſions of judges appointed by the king. But it is ſurprizing, that the precedent of ſhip-money, eſtabliſhed by Charles I, and in effect, the principal cauſe of his ruin, made ſo little impreſſion on James II. But the violence of his zeal for his religion, made every thing eaſy or poſſible to him, and, at all events, he was reſolved to run the riſk of the undertaking.

The king uſed another expedient for the advancement of his religion. He ſent a circular letter to the biſhops, with an order, prohibiting all the inferior clergy from preaching upon controverted points of divinity, for fear, as was pretended, of raiſing animoſities among the people. It was thus that the perſecution began in Queen Mary's reign, and it ought not to ſeem ſtrange, that a popiſh king ſhould imitate ſo zealous a popiſh queen. But on this occaſion, the clergy of the church of England clearly diſcovered their averſion to popery, of which they had hitherto ſtood accuſed by their enemies, on pretence of a ſcrupulous attachment to ſome modes and ceremonies, which the firſt reformers had not thought fit to retrench. For many of the dignified clergy, and the moſt diſtinguiſhed for their piety and learning, far from prevaricating in the diſcharge of their office, preached openly on controverted points, or rather made them the chief ſubject of their diſcourſes. They ſaw the tendency of this extraordinary inhibition, at a time when the proteſtant religion was openly attacked, as well in ſermons, as writings printed with licence, and induſtriouſly diſperſed through the nation. It is juſtice to do honour to theſe faithful miniſters of the goſpel, by tranſmitting to poſterity the names of the moſt diſtinguiſhed amongſt them. Theſe were Tillotſon, Stillingfleet, Tenniſon, Wake, Patrick, Sharp, Sherlock, all famous for their writings, and all afterwards promoted to the firſt dignities of the church.

The king and his popiſh council were extremely offended with this boldneſs, and therefore, to force the proteſtant clergy to ſubmiſſion, the king erected a new court for eccleſiaſtical affairs, compoſed of various members, among whom were ſeveral catholics. A nomination of Papiſts to be judges of a proteſtant clergy in matters of doctrine and diſcipline, ſhewed that the king would no longer keep any meaſures. Among theſe commiſſioners were three biſhops, namely, William Sancroft of Canterbury, Crew of Durham, and Sprat of Rocheſter. The reſt were all laymen, of which the principal were Jefferies lord chancellor, the earl of Rocheſter lord treaſurer, the earl of Sunderland ſecretary of ſtate and preſident of the council, and the lord chief juſtice Herbert. The commiſſion was directed to any three of them, whereof the lord chancellor was always to be one, for a reaſon very obvious.

By this commiſſion they had a power to exerciſe and execute all manner of juriſdictions and pre-eminences, concerning any ſpiritual or eccleſiaſtical juriſdictions; to viſit, reform, redreſs, and amend all abuſes, offences, contempts, and

[e] Upon which the term "Cloſetting" was much toſſed about. He not not only talked with his judges in this manner, but with many parliamentmen, about the affair of the teſt, ſome whereof gave him very flat and hardy denials; others, though more ſilent, yet were no leſs ſteady. So finding he could not bring the majority to a compliance, he diſſolved the parliament: of whom, Burnet ſays, in all England it would not have been eaſy to have found five hundred men ſo weak, ſo poor, and ſo devoted to the court. So happily was the nation taken out of their hands by this precipitated violence of a bigotted court. Burnet, p. 668.

[f] Upon which Jones told him, "Poſſibly you may find twelve judges of "your opinion, but you will ſcarce find twelve lawyers to be ſo." Kennet, p. 449.

[g] The judges turned out, were, ſir Thomas Jones, William Montague, ſir Job Charleton, ſir Edward Neville. In whoſe places were put, ſir Henry Bedingfield, ſir Edward Atkyns, ſir Edward Lutwiche, Richard Heath. Kennet, p. 449.

[h] Sir Chriſtopher Milton, the poet's brother, who was made a judge.

[i] Sir Richard Allibone of Gray's-inn, a papiſt. The motto uſed by the ſerjeant was, 'Deus, Rex, Lex.' Ibid.

[k] L'Eſtrange and others were employed to ſhew, 'That a power in the 'king to diſpenſe with law, was law.' Echard, Tom. III. p. 798.

[l] In the caſe of ſir Edward Hales, a popiſh gentleman of Kent, who had an employment. Burnet, p. 660.

enormities whatſoever, which by the ſpiritual or occleſiaſtical laws of the realm might be lawfully corrected. They were alſo to enquire of all offences, contempts and miſdemeanors committed, or hereafter to be committed; that they might be corrected and puniſhed by the cenſure of the church; they were to ſearch for, and call before them all eccleſiaſtical perſons of what degree or dignity ſoever, and to puniſh the offenders, by excommunications, ſuſpenſions, deprivations, or other eccleſiaſtical cenſures: they were empowered to ſend for all ſtatutes, rules, letters-patent of univerſities, colleges, grammar-ſchools, and all other eccleſiaſtical corporations, and the ſaid ſtatutes to correct, amend, and alter as they ſaw convenient, &c.

Many of the beſt lawyers thought this commiſſion illegal, and contrary to the act paſſed in the 17th year of Charles I, for aboliſhing the High-commiſſion-court. Others pretended, there was nothing in it contrary to that act. It ſeems however, that the court was conſcious of its illegality, ſince tho' it was granted in April, it was not opened till Auguſt. Beſides, the archbiſhop would never act in it.

Shortly after, Dr. Sharp, in a ſermon, vindicated the church of England in oppoſition to the errors of popery. The king being informed of it, pretended, that the preacher's intention was to beget an evil opinion of him and his government in the minds of the hearers, and to lead them into diſobedience and rebellion. On this ſuppoſition he ſent a letter to Henry Compton biſhop of London, commanding him forthwith to ſuſpend Dr. Sharp from farther preaching in any pariſh-church or chapel in his dioceſe, till he had given him ſatisfaction, and his farther pleaſure was known therein. On receipt of this order, the biſhop wrote to the earl of Sunderland, and prayed him to communicate his letter to the king. He repreſented, that he was to proceed according to law, and as a judge; and by the law no judge condemns a man before he has knowledge of the cauſe, and has cited the party. Dr. Sharp himſelf carried the letter, but could obtain no anſwer. Two days after, he waited on the king at Windſor, with a very humble petition, but without any effect. The king and his council had already reſolved to embrace this occaſion to puniſh the biſhop of London, who was odious to the court, becauſe he had moved in the houſe of lords to examine the king's ſpeech. Beſides, by ſo great an example, they were reſolved to eſtabliſh the authority of their new eccleſiaſtical court. The biſhop was therefore cited to appear before the commiſſioners the 4th of Auguſt, where he was treated in a manner unbecoming his birth [m] and dignity by Jefferies the chancellor, who uſed him with his wonted inſolence. The biſhop demanded a copy of the commiſſion, or at leaſt to hear it read. But this was refuſed, and he was anſwered by Jefferies, that the commiſſion might be had in every coffee-houſe for a penny. At laſt, with great difficulty, he obtained a delay of five days. The 9th of Auguſt he appeared a ſecond time before the court, and again on the 23d, when he diſowned its juriſdiction, alledging, that as a biſhop he had no other judge but his metropolitan: but his plea was rejected. At laſt, after two or three adjournments of the court, he was ſuſpended from the function and execution of his epiſcopal office, for his diſobedience and contempt, and the biſhops of Durham, Rocheſter, and Peterborough, were appointed commiſſioners within the dioceſe of London, during the biſhop's ſuſpenſion. Dr. Sharp was likewiſe ſuſpended, but it was only for a few days.

This affair convinced all the world, that the court was reſolved to ſilence all the proteſtant miniſters, to prevent their maintaining the proteſtant religion in their ſermons. It was alſo perceived, that the king was reſolved to keep no more meaſures, ſince in a time of profound peace, he had formed a camp of fifteen thouſand men upon Hounſlow-heath, under the command of the earl of Feverſham. In this camp was a public chapel, where maſs was ſaid every day.

Though the army had but very few popiſh officers and ſoldiers, it was feared, that the whole would be ſubſervient to the king in the execution of his deſigns, in conſequence of that blind obedience uſually profeſſed by an army. To obviate this danger, Samuel Johnſon a clergyman [n], addreſſed a writing to the Proteſtant officers and ſoldiers of the army, wherein he laid before them the reaſons which ought to prevent their being the inſtruments of the court, for the deſtruction of their religion, and the ſubverſion of the government. This writing was too oppoſite to the king's deſigns to eſcape unpuniſhed. Wherefore the author being tried at the king's-bench, was ſentenced to ſtand three times in the pillory, to be whipped from Newgate to Tyburn, and to pay a fine of five hundred marks. The ſentence, after Johnſon's ſolemn degradation, was executed with great rigour. But his writing made a ſtrong impreſſion upon the minds of both officers and ſoldiers, and very much promoted the great deſertion which happened two years after in the army.

About the ſame time, the goldſmith, Miles Prance, who had been a witneſs againſt the perſons tried for the murder of ſir Edmundbury Godfrey, and had taken away three lives by his evidence, was tried upon an information exhibited againſt him for perjury, and ſentenced to pay a fine of a hundred pounds, to ſtand three times in the pillory, and to be whipped from Newgate to Tyburn. But becauſe he pleaded guilty, the whipping part of the ſentence was remitted. Some ſay, he was ſo intimidated by the example of Oates, that he pleaded guilty merely to eſcape puniſhment. Others again pretend to confirm his confeſſion from a declaration publiſhed by him afterwards, wherein he diſowned his depoſitions in 1678. But as he was a papiſt, ſome have ſuſpected he was induced by religious motives to publiſh this declaration. In a caſe of this nature every man is at liberty to form his own conjectures.

It is eaſy to diſcover from the king's whole conduct, that he had entirely pulled off the maſk, and was deſirous to have it thought, he intended to introduce the Roman catholic religion. Accordingly this was not doubted. His promiſe to the council and parliament to preſerve the proteſtant religion was entirely forgot, and there was no man ſo bold as to remind him of it. It was even dangerous to ſpeak of it in public converſation, for fear of ſome miſchievous conſequence. Nor was the king contented with acting openly in favour of his religion, but even privately uſed all poſſible endeavours to make proſelytes, chiefly among his courtiers and perſons of the firſt rank. He ſucceeded with reſpect to Robert Spenſer earl of Sunderland, who was willing to give him this proof of his devotion for him, though for ſome private reaſons he refuſed to make a public abjuration.

But he was not ſo ſucceſsful in his attempt upon his brother-in-law the earl of Rocheſter. For though the earl conſented to be preſent at a conference held by divines of both religions [o], the diſpute, it ſeems, only attached him more firmly to the proteſtant religion, ſince he bravely refuſed to forſake it. The king, mortified by his firmneſs, removed him from the treaſury, which was put in commiſſion, but withal aſſigned him a yearly penſion of five thouſand pounds upon the poſt-office. The earl of Clarendon his elder brother felt likewiſe the effects of the king's diſpleaſure upon the ſame account. Being recalled from his government of Ireland before the time, he was deprived, about the end of the year, of the privy-ſeal, which was given to the lord Arundel, a papiſt [p].

At laſt, the king gave an unqueſtionable proof of his zeal for the popiſh religion, by ſending the earl of Caſtlemain in embaſſy to the pope, "To reconcile the three kingdoms of England, Scotland, and Ireland, to the Holy See, from which for more than an age they had fallen off by hereſy." The embaſſador was received at Rome with a coldneſs which gave the king a ſenſible mortification. Innocent XI. not ſuffering himſelf to be impoſed on by this outward ſhew, conſidered the embaſſy was too much precipitated, ſince the converſion of the three kingdoms was yet far from being finiſhed, and therefore he reſolved to be no actor in a farce which would only render him ridiculous. And indeed to pretend to reconcile three kingdoms to the church of Rome, on pretence of a few late converſions, was it not expoſing the pope, the king, and the catholic religion to the mirth and inſults of their enemies? This embaſſy was owing, it is ſaid, to the influence of the jeſuits, who would have all Europe believe, they had converted the three kingdoms. But Innocent XI. was not ſo fond of the jeſuits, as to give them this ſatisfaction at the expence of his own honour. Beſides, being

[m] He was brother to the late, and uncle to the then earl of Northampton.

[n] The ſame who wrote the book called Julian the Apoſtate, which had given ſuch offence to the duke of York in the laſt reign, and drawn upon the author a ſevere proſecution.

[o] The Proteſtant divines were, Dr. Patrick and Dr. Jane; and the popiſh, Gifford and Godden. Kennet, p. 451.

[p] John Sheffield, earl of Mulgrave, and lord chamberlain, being ſollicited by the prieſts to change his religion, "he heard them gravely arguing for tranſubſtantiation." And then told them, "He had taken much pains to bring himſelf to believe in God, who made the world and all men in ; but it muſt not be an ordinary force of argument, that could make him believe, that man was quits with God, and made God again." Colonel Kirk was alſo ſpoken to, to change his religion, but he briſkly replied, "He was pre-engaged, for he had promiſed the king of Morocco, that, if ever he changed his religion, he would turn Mahometan." Burnet, p. 683, 684.

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then engaged in a quarrel with France, and not ignorant of the cloſe union between Lewis XIV. and James II. he was pleaſed with giving ſome mortification to Lewis in the perſon of his friend and brother of England. To this was owing his treatment of the embaſſador with ſo much coldneſs, not to ſay, incivility. Whenever he granted him an audience, his holineſs had a fit of coughing at command, which ſpoiled the embaſſador's harangue, and obliged him to withdraw. This happened ſo often, that at laſt the earl of Caſtlemain threatened to be gone. The pope with his uſual coldneſs ſent him word, "That ſince he would be gone, he adviſed him to riſe early in the morning, that he might reſt himſelf at noon; for in thoſe countries it was dangerous to travel in the heat of the day." All the favour the embaſſador could obtain from the pope, was a licence to the marſhal d'Humiere's daughter to marry her uncle, and a diſpenſation of the ſtatutes of the jeſuits order, that father Petre might enjoy a biſhopric. It is ſaid, the archbiſhopric of York was kept vacant for him. But if the pope and moſt of the cardinals coldly received the Engliſh embaſſador, the jeſuits made him ſome amends by ſhewing him all poſſible reſpect. At laſt, the king recalled him, being unable to bear ſo many mortifications.

However, the ill ſucceſs of this embaſſy, diſcouraged not the king from purſuing his deſigns with ſuch ardour and openneſs, that it could not be miſtaken. Not only all vacant preferments were conferred upon papiſts, but, without any reaſon given, proteſtants were deprived of their places to make room for papiſts. So, it was eaſily ſeen, that none beſides papiſts, or proteſtants not attached to their religion, could pretend to any employments. The court was ſo open in their meaſures, that ſome of the principal catholics could not forbear repreſenting to the king, that his proceedings were more dangerous than advantageous to their religion. But the king was deaf to all but violent counſels, and ſuch as were agreeable to his temper and zeal. One may ſee in the following letter, dated the 2d of February 1684, from a jeſuit of Liege to a jeſuit of Fribourg, the king's diſpoſition with regard to religion.

[1686-7] "It is wonderful to ſee king James's great affection to our ſociety: he wiſhed proſperity to this whole college, by the reverend father, the provincial, and earneſtly recommended himſelf to our prayers. Upon father John Keynes's return to England, he gave him a moſt gracious reception, (while earls and dukes were commanded for ſome hours to wait for admittance) with whom, in the queen's preſence, he diſcourſed with all familiarity. He aſked him, 'How many candidates for orders he had, and how many ſtudents?' And upon the provincial's anſwer to his majeſty, who was urgent with him, 'That of the former and the latter he had above fifty;' he replied, 'There would be occaſion for double or treble that number, to effect what he deſigned for that ſociety's performance;' and ordered, that they ſhould be all exerciſed in the art of preaching:

'For now,' ſays he, 'England has need of ſuch.'

"I do not doubt but you have heard, that the king writing to father de la Chaiſe, the French king's confeſſor, concerning the affairs of the houſe among the Walloons, declared, That whatever was done to the Engliſh fathers of that houſe, he would look upon as done to himſelf. Father Clare, rector of the ſame houſe, being arrived at London to treat of that matter, got an eaſy acceſs to the king, and as eaſily gained his point. The king himſelf forbad him to kneel and kiſs his hand, according to cuſtom, ſaying, 'Reverend father, you have indeed, once kiſſed my hand, but if I had known then, as I do now, that you were a prieſt, I would rather myſelf, father, have kneeled down and kiſſed your hand.' After he had finiſhed his buſineſs, in a familiar converſation, his majeſty told this father, 'That he would either convert England, or die a martyr; and he had rather die the next day and convert it, than reign twenty years piouſly and happily, and not effect it.' Finally, he called himſelf, 'A SON OF THE SOCIETY, of whoſe good ſucceſs,' he ſaid, 'he was as glad as of his own.' And it can ſcarcely be expreſſed how much gratitude he ſhewed when it was told him, 'That he was made partaker,' by the moſt reverend our provincial, 'of all the merits of the ſociety;' out of which he is to nominate one for his confeſſor; but hitherto it is not known who it will be: ſome report, that it will be the reverend father the provincial, but ſtill there is no certainty of that. Many are of opinion, that father Edward R. Petre, who is chiefly in favour with the king, will obtain an archbiſhopric, but more believe it will be a cardinal's cap. To him has been granted, within this month or two, all that part of the palace, in which the king uſed to reſide, when he was duke of York, where there is not a day, but you may may ſee I know not how many courtiers waiting to ſpeak to his eminence, for ſo they ſay he is called. For the king adviſes with him, and with many catholic lords, who have the chief places in the kingdom, to find a method to propagate the faith without violence. Not long ſince, ſome of theſe lords objected to the king, 'That they thought he made too much haſte to eſtabliſh the faith.' To whom he anſwered, 'I am gowing old, and muſt take LARGE STEPS; elſe if I ſhould happen to die, I might perhaps leave you in a worſe condition than I found you.' When they aſked him, 'Why then he was ſo little concerned about the converſion of his daughters, who were the heirs of the kingdom?' He anſwered, 'God will take care of that; leave the converſion of my daughters to me; do you, by your example, convert your tenants and others to the faith.'

"He has catholic lord-lieutenants in moſt counties; and we ſhall have ſhortly catholic juſtices of the peace in almoſt all places. We hope alſo, that our affairs will have good ſucceſs at Oxford. In the public chapel of the vice-chancellor, who is a catholic, there is always one of our divines, who has converted ſome of the ſtudents to the faith. The biſhop of Oxford himſelf, ſeems to be a great favourer of the catholic faith; he propoſed to the council, Whether it did not ſeem to be expedient, that at leaſt one college ſhould be granted to the catholics at Oxford, that they might not be forced to ſtudy beyond ſea at ſuch great expences; but it is not yet known what anſwer he had. The ſame biſhop having invited two of our brethren, together with ſome of the nobility, drank the king's health to a certain heretic lord who was in company, 'wiſhing his majeſty good ſucceſs in all his undertakings:' adding alſo, 'That the religion of the proteſtants in England, did not ſeem to him in a better condition, than Buda was before it was taken; and that they were next to atheiſts, that defended that faith.' Many embrace the true religion, and four of the moſt conſiderable earls had lately made public profeſſion of it. Father Alexander Keynes, the provincial's nephew, to whom is committed the care of the chapel belonging to the elector Palatine's envoy, is continually taken up in ſolving and anſwering the queſtions of heretics, who doubt of their faith, of whom you may ſee two or three together walking by the chapel door, continually diſputing about ſome point of religion. As to prince George, it is yet uncertain what religion he profeſſes. We gradually begin to get footing in England; we teach human learning at Lincoln, Norwich, and York; and at Worceſter we have a public chapel, protected by a guard of the king's ſoldiers, and we are to buy ſome houſes at Wigan in Lancaſhire. The catholic intereſt grows very ſtrong; and at ſome churches granted to the catholics, upon holidays, there are often counted fifteen hundred preſent at the ſermon. At London alſo, our buſineſs is carried on with the ſame good ſucceſs: ſermons are preached upon every holiday, and there are ſo many that frequent the chapels, that they are not big enough to hold them. Two of our ſociety, Dormer and Bertue, preach continually before the king and queen; father Edward Neville, before the queen-dowager; father Alexander Keynes, in the chapel aforeſaid; others in other chapels. There are many houſes bought in the Savoy, near Somerſet-houſe, which is the queen-dowager's palace, towards erecting the firſt college in London, for about eighteen thouſand florins; and they are hard at work to bring them to the form of a college, that a ſchool may be opened before Eaſter.

"A catholic lord-lieutenant is ſhortly to go over to Ireland, becauſe the king cannot be ſatisfied with any other, to eſtabliſh the catholic intereſt in that kingdom. The parliament will certainly ſit in this month of February, of whom his majeſty is reſolved to aſk three things: firſt, That by a general act all the catholic peers may be admitted to ſit in the upper houſe: ſecondly, That the teſt may be aboliſhed: and thirdly, which is the chief point, That all penal laws againſt catholics ſhould be abrogated. And that he may the better obtain theſe things, he deſigns to let them all know, 'That he is reſolved to turn out all thoſe who will not heartily act for the obtaining of them; and likewiſe diſſolve the parliament.' At which reſolution ſome heretics being terrified, came to a certain earl to adviſe with him what might be done; to whom he anſwered, 'The king's mind is ſufficiently known; what he has once ſaid he will certainly perform: if you love yourſelves, ſubmit to the king's pleaſure.' There is to be a great preparation of war at London, and a fleet of above a hundred men of war is to be fitted out againſt the ſpring, but againſt whom it is uncertain. The Dutch

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are under great apprehenſions, but for what reaſon, although they are ſaid to make an armament, time will beſt diſcover."

The jeſuits of Fribourg made no ſcruple to ſhew this letter to ſeveral perſons, who taking copies of it, made it public in Switzerland, and at Geneva. Dr. Burnet ſays, he copied it from one in the hands of Monſ. Heidegger, a famous profeſſor at Zurich. One of the copies was ſent to Dickvelt, embaſſador of the States-general in England, who ſpoke of it to the king. Whereupon the king deſired to ſee it, ſaying, he ſhould ſoon know whether it was genuine, or forged to render the jeſuits odious. But though it was put into his hands, he ſpoke no more of it to Dickvelt.

The parliament, which, according to the laſt prorogation, was to meet the fifteenth of February, was farther prorogued to the 28th of April. Probably the king did not find things ripe enough (as he deſired) to be aſſured of the concurrence of the parliament in the execution of his deſigns. He choſe rather to take another courſe, which to him ſeemed more ſhort and eaſy, in eſtabliſhing liberty of conſcience by his own authority. He was, doubtleſs, perſuaded, that it would be more eaſy to obtain the conſent of the parliament to a thing already done, than the power to do it. But he thought proper to begin with Scotland, that the example of that kingdom might influence the Engliſh. For this purpoſe he ſent a proclamation into Scotland for an entire liberty of conſcience, with orders to the privy-council to publiſh it. In his opinion, this proclamation was more than capable to convince all his good ſubjects of his great moderation, and deſire that all ſhould live in quiet. He excluded, however, out of his favour, the field-conventiclers, whom he recommended to his council to proſecute with all the ſeverity of the laws. This proclamation contained in ſubſtance:

"That his majeſty being reſolved to unite the hearts and affections of his ſubjects, to God in religion, to him in loyalty, and to their neighbours in chriſtian love and charity; he had therefore thought fit, by his ſovereign authority, prerogative royal, and abſolute power, which all his ſubjects were to obey without RESERVE, to give and grant his royal toleration, to the ſeveral profeſſors of the chriſtian religion after named. Firſt, He allows and tolerates the moderate preſbyterians, to meet in their private houſes only; but it is his pleaſure that field-conventiclers be proſecuted according to the utmoſt ſeverity of the laws. In like manner he tolerates quakers to meet and exerciſe in their form, in any place or places appointed for their worſhip." Then the proclamation proceeds thus, "Conſidering the ſevere and cruel laws made againſt Roman catholics (therein called papiſts) in the minority of our royal grandfather of glorious memory, without his conſent, and contrary to the duty of good ſubjects, by his regents and other enemies to their lawful ſovereign, our great grandmother queen Mary of bleſſed and pious memory; wherein, under the pretence of religion, they cloathed the worſt of treaſons, factions, and uſurpations; and made theſe laws, not againſt the enemies of God, but their own: which laws have ſtill been continued of courſe, without deſign of executing them, or any of them, ad terrorem only, on ſuppoſition, that the papiſts, relying on an external power, were incapable of duty and true allegiance to their natural ſovereigns, and rightful monarchs: we of our certain knowledge and long experience, knowing that the catholics, as it is their principle to be good chriſtians, ſo it is to be dutiful ſubjects; and that they have likewiſe, on all occaſions, ſhewn themſelves good and faithful ſubjects to us, and our royal predeceſſors, &c. Do therefore, with the conſent of our privy-council, by our ſovereign authority, prerogative royal, and abſolute power, ſuſpend, ſtop, and diſable all laws or acts of parliament, made or executed againſt any of our Roman catholic ſubjects, in any time paſt, to all intents and purpoſes, making void all prohibitions therein mentioned, pains or penalties therein ordained to be inflicted: ſo that they ſhall in all things be as free in all reſpects as any of our proteſtant ſubjects whatſoever, not only to exerciſe their religion, but to enjoy all offices, benefices, and others, which we ſhall think fit to beſtow upon them in all time coming.———And whereas the obedience of our ſubjects is due to us by their allegiance, and our ſovereignty; and that no law, difference in religion, or other impediment whatſoever, can exempt the ſubjects from their native obligations to the crown; and conſidering that ſome oaths are capable of being wreſted by men of ſiniſter intentions, a practice in that kingdom as fatal to religion as loyalty: we therefore caſs, annul, and diſcharge all oaths whatſoever, by which any of our ſubjects are incapacitated from holding places or offices in our ſaid kingdom, diſcharging the ſame to be taken or given in any time coming, without our ſpecial warrant and conſent; and we do ſtop, diſable and diſpenſe with all laws, injoining the ſaid oaths, teſts, or any of them, &c." Towards the concluſion, the king repeats former promiſes in theſe words:———"For the encouragement of our proteſtant biſhops, and the regular clergy, and ſuch as have hitherto lived orderly, we think fit to declare, that it never was our principle, nor will we ever ſuffer violence to be offered to any man's conſcience, nor will we uſe force, or invincible neceſſity, againſt any man on the account of his perſuaſion, nor the proteſtant religion; but will protect our biſhops and other miniſters, in their functions, rights, and properties, and all our proteſtant ſubjects, in the free exerciſe of their proteſtant religion in the churches."

Though this proclamation concerned only Scotland, I thought proper to inſert it here, becauſe it diſcovers clearly the king's intentions and principles, and conſequently, how he pretended to deal with his Engliſh ſubjects, though hitherto he ſtill kept within ſome bounds, with regard to that abſolute power, which England had not aſcribed to him in ſo extenſive a manner as Scotland.

[1687] The council of Scotland blindly obeyed the king, not only by publiſhing his proclamation, but even by thanking him for it, as for a ſignal favour. This ought not to appear ſtrange, becauſe the council wholly conſiſted of men entirely devoted to the king, nor was there in Scotland any perſon in public office, who was not, or at leaſt pretended not, to be in the ſame principles. The parliament was compoſed in the ſame manner, and by acts paſſed, had obliged all the Scots to an unlimited obedience, ſo that no man could oppoſe the king's meaſures, under pain of high-treaſon. Accordingly, the council, in thanking the king for his proclamation, might boldly ſpeak for the whole kingdom: not that they were ignorant that it was not the general ſentiment of the nation, but becauſe they knew, no perſon would have the boldneſs to contradict it. It is not therefore to the whole Scotch nation, that this blind obedience is to be imputed, but to their governors, who were but a ſmall part of the people.

The king, charmed with the ready compliance of the Scots, and conſidering it as a favourable precedent for England, ſummoned his council, and told them, "it was his intention to publiſh the like declaration in England. He grounded his reſolution on his obſerving, that the endeavours to eſtabliſh an uniformity in the four preceding reigns, had proved ineffectual, and been very prejudicial to the nation. That beſides, it was his opinion, as moſt ſuitable to the principles of chriſtianity, "That no man ſhould be perſecuted for conſcience ſake; for he thought conſcience could not be forced." The council, compoſed like that of Scotland, approved of this reſolution, and magnified the king's indulgence to his ſubjects. The declaration for liberty of conſcience was therefore publiſhed the fourth of April. It was much the ſame with that publiſhed in Scotland, except that the king ſoftened his expreſſions concerning his abſolute power, and ſaid, "he made no doubt of the concurrence of his two houſes of parliament, when he ſhould think it convenient for them to meet." It was however manifeſt, from the frequent prorogations of this parliament, that he was far from being aſſured of their concurrence.

Very probably, there was not in the whole nation a ſingle perſon, who thought the king deſired to favour or eaſe the non-conformiſts. Every one clearly ſaw, that his aim in this declaration was to eſtabliſh the popiſh religion, upon the ruins of the proteſtant. For how could it be ſuppoſed, that the king, from a violent perſecutor, ſhould at once become a friend to the diſſenters? Or what aſſurance could there be, that his promiſes to the non-conformiſts would be better kept than thoſe he had made to the church of England? Nevertheleſs the non-conformiſts had hitherto been treated with ſo much rigour, that it is not ſtrange, they ſhould at firſt think themſelves happy in a deliverance from perſecution. For this reaſon, addreſſes of thanks, from the ſeveral ſects, were preſented to the king for his declaration. The anabaptiſts led the way; the quakers followed, and next came the independents; and laſtly, the preſbyterians. Some of theſe addreſſes, ſpeaking of the royal power, carried it to the higheſt degree, becauſe it was then advantageous to the non-conformiſts to maintain the authority by which they were freed from their conſtraint. The churchmen failed not to take notice of this change. But they could not juſtly blame an exceſs in a which themſelves had fallen. The truth is, the two parties neither did then, nor yet do, follow on all occaſions, their own principles, with relation to the royal power, which they extend or contract, as the king is more or leſs favourable to them.

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Be this as it will, the war then waged between the two parties was of no long continuance. They were quickly ſenſible, that the court aimed to revive their former animoſities, in order to weaken them both. The king, to ſucceed in this deſign, made the hardſhips and perſecutions which the non-conformiſts had ſuffered from the church of England, the topic of his diſcourſe in his common converſations. No greater pleaſure could be done him, than to entertain him with the particulars of thoſe oppreſſions. To give the church of England a ſtill more ſenſible mortification, he ordered the proceſſes in the eccleſiaſtical court againſt the diſſenters to be reviewed. But the preſbyterians who were moſt concerned, were ſo wiſe as not to improve ſo favourable an occaſion to mortify their enemies. On the other hand, though ſome paſſionate men among the diſſenters, publiſhed virulent invectives againſt the church, to retaliate their ill uſage, the epiſcopalians unanimouſly reſolved not to anſwer them, for fear of widening the breach between the two parties, at a time when their union was more than ever neceſſary. It cannot be denied, that herein their moderation and prudence were exemplary. In general, it may be affirmed, that if ſome of the non-conformiſts, whether preſbyterians or others, ſuffered themſelves to be tranſported by their paſſions into inſults upon the church of England, they were men of no note. The moſt ſenſible, and thoſe who had moſt credit in their party, obſerved a great moderation. The Epiſcopalians, on their ſide, did all that lay in their power to eſtabliſh union, ſolely capable of ſupporting them both. Writings were publiſhed from time to time, in which the churchmen acknowledged their error in driving the preſbyterians to extremities; that they were not ſufficiently aware of the artifices of the court, and promiſed to have for them great condeſcenſion, in caſe affairs were reſtored upon a good footing. It is true, they are accuſed of having been no leſs forgetful of this promiſe, than of that made when the reſtoration of Charles II. was tranſacting. But this concerns the following reigns.

If there were non-conformiſts who thought themſelves obliged to expreſs their gratitude for the king's declaration, by flattering addreſſes, there were likewiſe biſhops who, with much leſs foundation, prevailed with their clergy to ſend addreſſes of thanks to the king, as for a ſignal favour to the church of England. Of this number were Crew biſhop of Durham, Barlow of Lincoln, Cartwright of Cheſter, Wood of Litchfield, and Watſon of St. David's. As for Parker biſhop of Oxford he was not ſo ſucceſsful, ſince he could find but one clergyman in his whole dioceſe, who would ſign ſuch an addreſs. It may eaſily be imagined that, had the king's project ſucceeded, theſe biſhops would not have been the laſt to embrace the popiſh religion.

The ſteps already made by the king for the intereſt of the popiſh religion, were not thought ſufficient by thoſe who aſpired to greater advantages. Hitherto the papiſts had not been able to procure any preferments in either of the univerſities, and yet they were paſſionately deſirous to ſet up there maſters and profeſſors of their own religion, in order to become in time heads of ſome of the colleges. It had been propoſed to the king to found a college in each univerſity. But, whether the expence diſcouraged him, or whatever was the reaſon, it was thought more proper to introduce papiſts into the colleges already founded. The deſign was begun at Cambridge, where Dr. John Peachell the vice-chancellor received a letter from the king, commanding the univerſity to admit to the degree of maſter of arts, Alban Francis, a Benedictine monk, without adminiſtring any oath whatſoever, notwithſtanding any ſtatute or law to the contrary, which the king was pleaſed to diſpenſe with in favour of the ſaid Alban Francis. The vice-chancellor having communicated this letter to the congregation of regents and non-regents, it was unanimouſly agreed by the members, not to admit Francis, till the king had been petitioned to revoke the mandate. For this purpoſe, they applied to Chriſtopher Monk, duke of Albemarle, their chancellor, praying his interceſſion with the king; to which he returned for anſwer, "That he had tried, but to no effect." Upon this anſwer, the univerſity ſent deputies to London, who were to apply to the earl of Sunderland; but he refuſed to hear them. Shortly after the king ſent a ſecond letter to the univerſity, the ſame in ſubſtance with the former, with this addition, "To do it at their peril." As the univerſity continued to ſtand their ground, a ſummons was ſent from the new eccleſiaſtical commiſſioners, commanding the vice-chancellor to appear in perſon before them, and the congregation, by themſelves, or their deputies. In ſhort, by ſentence of the court, the vice-chancellor was deprived of his office; but Francis was not admitted. This was the firſt avowed attempt to introduce papiſts into the univerſity. I ſay avowed, for ſome might have been received under the pretence of being proteſtants. But ſoon after, Magdalen-college in Oxford, the richeſt in revenue[a], had a more terrible ſtorm to encounter.

The preſidentſhip of that college being vacant the 31ſt of March, by the death of Dr. Clark, the vice-preſident gave notice for a new election the 13th of April. But before that day, the members of the college were informed, that the king had granted a particular mandate in favour of Anthony Farmer, a man of ill reputation, who had promiſed to declare himſelf a papiſt. Whereupon they preſented a petition to the king, praying him, either to leave them to the choice of their preſident, according to their founder's ſtatutes, or to recommend a perſon who might be more ſerviceable to his majeſty and the college. The anſwer received from the earl of Sunderland was, "That the king muſt be obeyed." Immediately after, the king's mandate was delivered to Robert Charnock[b], a new convert and fellow of the college. This mandate being read in the preſence of all the fellows, it was reſolved to keep to the day appointed for the election[c], on which day Dr. Hough was choſen by a great majority. The new preſident was preſented to the viſitor, the biſhop of Wincheſter, who ſwore and admitted him to his office.

The king was extremely provoked with this election, and notwithſtanding the interpoſition of the duke of Ormond, chancellor of the univerſity, the vice-preſident and fellows were cited to appear before the eccleſiaſtical commiſſioners at Whitehall. Accordingly, the 6th of June, ſix fellows, deputed by the ſociety, appeared before the commiſſioners, and to the queſtion, "Why they refuſed to obey the king's mandate?" they produced their ſtatutes, and the oaths they had taken for the obſervation of them, by which ſtatutes Farmer could have no pretenſion. They were ordered to attend again the 22d of the month, on which day they gave in ſo many allegations againſt Farmer, (who beſides was unqualified by the ſtatutes) that the commiſſioners were aſhamed of him. But as it was the king's cauſe they were maintaining, they deprived Dr. Hough of his preſidentſhip, and ſuſpended the vice-preſident and one of the fellows[d]. The king being informed of the allegations againſt Farmer, thought fit to drop his firſt mandate, and granted a ſecond in favour of Dr. Parker biſhop of Oxford.

The fellows of the college finding him no better qualified than Farmer, refuſed to obey the new mandate. This ſo incenſed the king, that he went himſelf to Oxford, bent at any rate to overcome their obſtinacy. He ordered them to attend him at Chriſt-church, and ſpoke to them in terms capable of intimidating men of leſs firmneſs and reſolution. He commanded them to be gone, and to admit the biſhop of Oxford their preſident, letting them know, that otherwiſe "they ſhould feel the weight of his hand." But inſtead of obeying, they offered a petition in vindication of their proceedings; but the king would not receive it. At laſt, after all his menaces, he was forced to leave Oxford, without gaining his point. Shortly after, the king appointed a commiſſion to viſit the college, namely, Cartwright, biſhop of Cheſter, Sir Robert Wright, chief-juſtice of the King's-Bench, and Sir Thomas Jenner, a baron of the Exchequer. Theſe commiſſioners treated the fellows very uncivilly, abſtaining not even from ſcurrilous and abuſive language. At laſt, ſeeing it was not poſſible to overcome them, they found an expedient to ſave in ſome meaſure the king's honour, by an ambiguous declaration, to which the fellows were willing to ſubmit. But this ſatisfied not the king, who, the commiſſioners ſaid, expected ſome farther ſubmiſſion, which they adviſed them to make, "by acknowledging their contempt to his ſacred majeſty in perſon, and to his letters; that they ſhould promiſe to behave themſelves loyally for the future; that they ſhould own the proceedings and legality of the court, implore his majeſty's pardon, and lay themſelves at his feet; and that they ſhould declare their entire ſubmiſſion to the biſhop of Oxford as their preſident." Of twenty-ſeven fellows, only Charnock and another[e] offered to ſign this ſubmiſſion.

[a] Though the certain rents of it are but about four or five thouſand pounds a year, yet it is thought the improved value of the eſtate belonging to it is about forty thouſand pounds. Burnet, p. 697.

[b] The ſame who was executed in the reign of king William, for being in a plot for the aſſaſſination of that prince. Rapin.

[c] The election was put off to April the 15th. See State-Trials, Tom. IV. p. 259.

[d] Dr. Aldworth, the vice-preſident, and Dr. Fairfax.

[e] Dr. Thomas Smith. See State-Trials, Tom. IV. p. 277.

At laſt, the commiſſioners, impowered by the king, deprived the twenty-five (who refuſed to ſubſcribe the declaration) of their fellowſhips, and expelled them from the college, for diſobedience to the king's commands. They all proteſted againſt the ſentence, declaring, "They would uſe all juſt and legal ways of being relieved." The ſentence, however, was confirmed by the eccleſiaſtical commiſſioners, and aggravated, by declaring the preſident and fellows incapable of being admitted to any eccleſiaſtical dignity or benefice. The preſident refuſed to put the biſhop of Oxford in poſſeſſion of his lodgings, which were therefore broken open. The college was filled with papiſts, and Charnock was made vice-preſident. Tho' this affair held from the beginning of June, to the end of October, I was willing, in order to avoid repetition, to finiſh the narrative at once.

The king diſcovered on all occaſions his extraordinary zeal for the advancement of his religion; but chiefly in the diſpoſal of all places and offices in his gift. For ſome time, he had ſcarce preferred any, but thoſe who were willing to purchaſe his favour by changing their religion, and often diſplaced thoſe who teſtified a zeal for the proteſtant religion, without regard to paſt ſervices or old offences. Many of thoſe who had been moſt active for the bill of excluſion, were careſſed and courted, provided they would embrace the king's religion; as for inſtance, the earl of Sunderland. But an adherence to the proteſtant religion, was a ſufficient cauſe to remove thoſe who had done him the moſt important ſervices on the ſame occaſion; witneſs his brothers-in-law the earls of Clarendon and Rocheſter. Charles Talbot, earl of Shrewſbury, who ſome years before had turned proteſtant, loſt his regiment of horſe, for refuſing to return to popery. The lords-lieutenants of counties were almoſt all papiſts. As for the judges, ſome were papiſts, and the reſt, though proteſtants, were ready to obey all the king's commands. If any of them proved too ſcrupulous, they were immediately diſplaced, for others more compliant. Theſe mercenary judges, when they went their circuits, received orders from the chancellor, to uſe all their authority for confirming the right aſſumed by the king of diſpenſing with the laws, and to diſcourage, as much as poſſible, thoſe whom they ſhould find not diſpoſed to ſubmiſſion. Theſe orders were executed with great rigour and inſolence.

Every one plainly ſaw the tendency of theſe proceedings, for the king was open and undiſguiſed. Nevertheleſs, there were even among the lawyers themſelves, ſome that affected to approve of all his actions, and by their addreſſes, to encourage him to proceed. To ſhew the exceſſive flattery of theſe men, I ſhall here inſert an addreſs preſented to the king on the 11th of June, by the ſociety of the Middle Temple.

"May it pleaſe your majeſty,

"We, your majeſty's dutiful ſubjects, to our great joy, have received a happy occaſion of making this declaration of our gratitude: and as we know that your majeſty's goodneſs is the greateſt that ever was ſhewn by a prince to his ſubjects, ſo we wiſh the voice of men and angels, to return ſufficient thanks for your majeſty's condeſcenſion and clemency to all your ſubjects, in your gracious declaration for a toleration. And as for this compaſſion and goodneſs, thanks ought to be paid your majeſty by all your ſubjects; ſo we eſpecially of the profeſſion of the law, have moſt reaſon to be thankful for the honour you have done us, by aſſerting your own royal prerogatives, which is the very life of the law, and our profeſſion. Which prerogatives, as they were given by God himſelf, ſo we declare, That no power upon earth can diminiſh them, but they muſt always remain entire and inſeparable to your royal perſon. Which prerogatives, as we have ſtudied to know them, ſo we are reſolved to defend them, by aſſerting with our lives and fortunes that divine maxim, A Deo Rex, a Rege Lex. And now as a teſtimony of our perfect ſatisfaction in this our addreſs and acknowledgement, we have ſubſcribed our names, that your majeſty may know us to be yours; and that the reſt of our profeſſion may follow our example: and therefore we beg your majeſty will accept this addreſs from us, who in concluſion make bold to offer our beſt wiſhes, and hearty deſires, that your majeſty's councils may proſper in wiſdom, your kingdoms flouriſh in peace, and your royal perſon enjoy a long, happy, and glorious reign over us."

With all this, the king was diſappointed in an affair which he earneſtly laboured, and that was the gaining the parliament to approve of the power claimed by him of diſpenſing with the laws. The parliament ſhould have met the 28th of April, and it was expected accordingly. But the king, not finding things ſo ripe as he deſired, had prorogued it to the 22d of November. Some days before this prorogation a pamphlet had been diſperſed in London, tending to give the parliament a diſadvantageous idea of the king, in the ſuppoſition that they were going to ſit. Here is a ſhort extract of this pamphlet, which was aſcribed to Dr. Burnet, then in Holland.

"Our king has given ſuch teſtimonies of his zeal for his religion, that we ſee among all his other royal qualities, there is none for which he deſires and deſerves to be ſo much admired, ſince even the paſſion of glory, of making himſelf the terror of all Europe, and arbiter of Chriſtendom, (which as it is natural to all princes, ſo muſt it be moſt particularly ſo to one of his martial and noble temper) yields to his zeal for his church; and that he, in whom we might have hoped to ſee our Edward the third, our Henry the fifth revived, chuſes rather to merit the heightening his degree of glory in another world, than to acquire all the conqueſts that this low and vile world can give him: and that, inſtead of making himſelf a terror to his neighbours, he is contented with the humble glory of being a terror to his own people; ſo that inſtead of the great figure this reign might make in the world, all the news of England is now only concerning the practices on ſome fearful mercenaries."

In the mean time, the king continued to take infinite pains to gain the members of parliament. He cloſetted, one by one, all that were in London, and repreſented to them what he thought capable to convince them of the neceſſity to aboliſh the penal laws, for the good of the kingdom, and inforced his arguments with menaces and promiſes. It is not improbable, but ſome might be gained, but he could never be aſſured of a majority of voices. This determined him at laſt to diſſolve the parliament, by proclamation the 2d of July.

When the firmneſs of the members of this parliament, as ſoon as they believed the intereſts of religion were at ſtake, is compared with their extreme zeal for the king in the beginning of their ſeſſion, it muſt be inferred, that their compliance was owing purely to their miſtake in their good opinion of the king, and that their firmneſs proceeded from their being at laſt undeceived. They are therefore unjuſtly accuſed of intending to ſacrifice to the king, the intereſt of religion and their country. They demonſtrated the contrary in reſiſting the temptations the king laid before them, even in his preſence, and face to face. This, in my opinion, is the higheſt degree to which firmneſs can be carried. They were all, or almoſt all, members of the church of England; nay, for the moſt part, high-churchmen. I have before given the reaſon of their exceſſive zeal and condeſcenſion for the king, and therefore need not repeat it. But when they diſcovered that the point was not to curb the Diſſenters, but that the king's deſigns concerned the proteſtant religion, without any diſtinction of ſects, they evidently ſhewed, that they were as good proteſtants, as thoſe who accuſed them of being papiſts, or popiſhly inclined. This truth will ſtill more plainly appear, in the firm and unſhaken courage of the church of England, on the moſt important occaſion that ever was.

After the parliament was diſſolved, the king's grand affair was to have a new one entirely at his devotion. But he would not call one, till he was aſſured of having ſuch members returned as he ſhould think proper. For this purpoſe, quo warrantos were iſſued againſt ſeveral corporations, to the end, that when they were deprived of their charters, the king might grant ſuch new ones, as ſhould render him maſter of the elections. It may be imagined, that as the courts of juſtice were diſpoſed, the corporations could not but be deprived of their charters, and for obtaining new ones were obliged to comply with the king's deſires. This was one of the methods uſed by the king, to diſpoſe the people to elect ſuch members as would promote the deſign of abrogating the penal laws and teſt. It would be too tedious and difficult to relate all the king's ſecret methods, the emiſſaries he ſent into the counties and corporations, the inſtructions he gave them to gain the people, the arguments, promiſes, and menaces they uſed. All that can be ſaid in general, is, that nothing was forgot which he thought would contribute to the procuring a favourable parliament. To this end, magiſtrates and lord-lieutenants were diſplaced, but chiefly, particular men were cloſetted to engage them in the king's meaſures. It was alſo with this view that he made a progreſs through ſeveral counties, and ſtopped at the cities

cities and great towns, to careſs or intimidate the people. But he every where met with ſuch coldneſs, or rather averſion to his deſigns, that he durſt not venture to call a parliament. As the people were convinced, that the king's deſign, with whatever pretence he diſguiſed it, was to deprive them of their liberty, and change the eſtabliſhed religion, they would not be the inſtruments of their own ruin. The affair of Magdalen college, which was in agitation during the king's progreſs, greatly contributed to open the eyes of the moſt blind, and exaſperate the nation. The king would have a parliament, which ſhould conſent to the abrogation of the penal laws and teſt, or grant him a power of diſpenſing with them, at a time when his whole conduct diſcovered a ſettled deſign of planting the popiſh upon the ruins of the proteſtant religion. Beſides, it was manifeſt he did not aſk this power as a favour, but inſiſted upon it as a right, which he had already aſſumed, without the concurrence of the parliament.

At laſt, the king ſhewed ſo open a contempt of the law, that no perſon could miſtake him. After ſending, as we have ſeen, a ſolemn embaſſy to Rome, he would have a nuntio in ordinary reſiding at his own court. The pope had, the laſt year, nominated for this employment, Ferdinando Dadda, domeſtic prelate to his holineſs, who had been about the king ever ſince his acceſſion to the crown, and was the queen's great favourite. He had been received as nuntio, but privately, and without the people's knowledge. But now the king having entirely pulled off the maſk, was for honouring him with a public reception; though to aſſume the character of the pope's nuntio was high-treaſon. To give more luſtre to the nuntio, he was firſt conſecrated archbiſhop of Amaſia in the royal chapel, after which, on the 3d of July, he made his public entry at Windſor, with great pomp and magnificence. It was a very ſurprizing ſpectacle to proteſtants, to ſee the nuntio from the pope in his pontificalibus, preceded by a croſs-bearer and a train of prieſts and monks, in the habits of their reſpective orders. Mean while, on this very occaſion, the king received an unexpected mortification; for having ordered Charles Seymour, duke of Somerſet, to attend the nuntio to his audience, he deſired his majeſty to excuſe him from an office which the laws of the land made criminal. This ſo incenſed the king, that he removed him from his places of gentleman of the bedchamber, and colonel of dragoons. Henry Fitz-roy, duke of Grafton, leſs ſcrupulous, accepted the office refuſed by the duke of Somerſet. Some have believed, that Dadda was one of the king's principal counſellors in affairs of religion. But it is not likely he would act ſo contrary to the ſentiments of the pope, who by no means approved the king's conduct. The ſame thing cannot be ſaid of father Petre, or Peters, the king's confeſſor, who was the firſt mover of all the engines to advance the progreſs of Popery. He was publicly received into the council the 11th of November, contrary to the opinion of the moſt eminent papiſts, who juſtly feared the king's affairs would thereby be very much prejudiced.

Though the king had given convincing proofs of his averſion to the proteſtant religion, he favourably received the French proteſtants, who took ſanctuary in England on account of the rigours exerciſed againſt them in France. He not only granted them his protection, but alſo large ſums, beſides his licence to encourage a public collection. Some aſcribe this to policy, in order to intimate to the Engliſh, how little ground they had to fear ſuch treatment in England, from a king, who was ſo charitably compaſſionate to the misfortunes of foreigners, perſecuted in their own country. But as the king himſelf did not diſcover the motives of this conduct, they can only be conjectured. Thus much is certain, the French preachers thought themſelves under ſuch obligations to the king, that they were amongſt the moſt forward to diſplay his virtues in their ſermons, whenever an occaſion offered. I myſelf remember to have heard a preacher in the church of the Savoy launch out into the profaneſt flattery [f].

George Villiers, duke of Buckingham, who now made a contemptible figure, died this year in Yorkſhire, juſt as he had lived, that is, without any ſenſe of religion. This ſame year death likewiſe ſeized the famous ſir William Petty, phyſician and fellow of the Royal Society, after having publiſhed ſeveral uſeful and valuable writings.

[1688] I am now come to the year 1688, a critical year to England, the firſt half of which portended to the Engliſh the loſs of their religion and liberties. James II. had promoted his great work in the three years he had been on the throne, with a ſurprizing rapidity and ſucceſs. He had inveſted himſelf with an abſolute power, that hardly ſuffered any contradiction. The laws of the land were openly violated. The privy-council was almoſt wholly popiſh, and under the direction of a jeſuit. The moſt conſiderable places in the court and kingdom were poſſeſſed by men of the ſame religion. The teſt and penal laws were inſufficient fences to ſecure religion, for which they were intended. In a word, the king was reſolved to complete his work at all events, and an army of fifteen thouſand men, encamped within a few miles of London, beſides the aſſiſtance of France, ſeemed to promiſe him ſucceſs. But what was more extraordinary was, that proteſtant corporations, when their religion was ſo violently attacked, ſent their addreſſes of thanks to the king, as for a great favour, publicly promiſing to chuſe ſuch members for the enſuing parliament, as ſhould concur with his meaſures. All this gave juſt occaſion to fear, that no remedy could poſſibly be found for the miſeries of the nation, which daily increaſed. The only refuge which ſeemed to be left, was the princeſs of Orange, preſumptive heir of the crown, who, like another Elizabeth, would reſtore things to their former ſtate, when ſhe ſhould aſcend the throne. But, beſides that the king, who was but in his fifty-fifth year, might yet live a great while, an aſtoniſhing proclamation, publiſhed the 2d of January, to notify the queen's being with child, and to order public thankſgiving to God, entirely deſtroyed the hopes which had been entertained.

The papiſts were tranſported with this agreeable news. Some even began to debate the queſtion, whether a daughter born ſince the king's advancement to the throne, ought not to take place before the princeſs of Orange, born while he was duke of York? But this queſtion was very needleſs. Every one was perſuaded, the papiſts through hope, and the proteſtants through fear, that the queen would be delivered of a prince. It is very certain, the proteſtants from this time began to form ſuſpicions about the queen's pregnancy. This appeared in ſeveral pamphlets, diſperſed thro' London, ſome of which were even dropped in Whitehall. Hitherto, the ſole foundation of the ſuſpicion, that the queen's pregnancy was a cheat, conſiſted in her having been ſo many years childleſs. But this foundation was too weak to prove the certainty of an impoſture. It was not impoſſible for the queen to be with child; but on the other hand, neither was it impoſſible that the queen ſhould be willing to ſuppoſe an heir. The extreme zeal of the king and queen, and of moſt of their counſellors and confidents, for their religion, rendered ſuch a ſuſpicion plauſible to the proteſtants. Hiſtories have recorded inſtances of the like impoſtures, as in Spain, and in England itſelf, where it is pretended, that queen Mary, to deprive her ſiſter Elizabeth of the ſucceſſion, would have ſuppoſed an heir, had not her huſband king Philip prevented it. For this reaſon, the ſtory of queen Mary's ſham-conception, as delivered by Fox, was reprinted and diſperſed through the kingdom, with this title, "Idem Iterum, or queen Mary's Big-Belly." Another cauſe which contributed greatly to corroborate this ſuſpicion, was the indiſcretion of ſome jeſuits, who publiſhed that ſhe would certainly be delivered of a prince. They pretended, that this conception was miraculous, and the effect of a ſolemn petition, which the late deceaſed ducheſs of Modena had put up in Heaven to the bleſſed Virgin Mary, or of a vow the queen had made to our Lady of Loretto, with the preſent of a golden image, enriched with precious ſtones. As on pretence that the queen had been ſeveral years childleſs, her pregnancy could not be deemed ſupernatural, there was no neceſſity to aſcribe it to a miracle, of which there could be no certainty. So this needleſs precaution ſerved only to confirm the ſuſpicion.

The queen's pregnancy produced many congratulatory addreſſes. Some of theſe carried their compliments and flattery to the laſt exceſs. This is no wonder. Moſt of the lords-lieutenants, juſtices, and magiſtrates of the towns, being devoted to the king, it was not difficult for them to perſuade the corporations, that theſe congratulations to the king were the juſt tribute of their duty. This being once inculcated, they drew up the addreſſes themſelves, and procured ſuch ſubſcriptions as they thought proper, thereby cauſing the corporations to ſay what they pleaſed. Were addreſſes to be conſidered, as containing the real ſentiments of the people, it might be ſaid, that all the Engliſh nation was tranſported with joy, through the hopes of a popiſh

[f] It is thought, that the king's favours to the French refugees, were chiefly to engage them to eſpouſe and abet the king's power of diſpenſing with all penal laws in religion. See Kennet, p. 499. Note [a].

About

ſucceſſor. But the nation ſoon diſcovered directly oppoſite ſentiments. Beſides, it appears, the king did not rely on this general concurrence of his ſubjects, ſince he dared not to call a parliament, whoſe approbation and compliance were the great object of his deſires.

Beſides the forementioned methods, which the king uſed to advance the popiſh religion, there was ſtill another from which he promiſed himſelf great ſucceſs. Some time ſince, the Romiſh prieſts and jeſuits had printed and diſperſed a great number of controverſial writings, which had been anſwered by Tillotſon, Tenniſon, Stillingfleet, Sherlock, and others, in a manner which in all appearance was not agreeable to the papiſts. The king fearing, without doubt, that his doctors would not be a match for the champions of the church of England, publiſhed a proclamation, grounded upon a ſtatute made the 14th of Charles II. "prohibiting the printing and ſelling all unlicenſed and treaſonable books and pamphlets, under the pains and penalties provided by the ſaid act." Under this name were comprehended the controverſial books publiſhed by the proteſtants, on a pretence, that they encouraged and fomented animoſities amongſt his ſubjects [a].

The king's grand deſign, as has been ſeen, was to repeal the teſt and penal laws, and for that purpoſe he wiſhed to have a parliament at his devotion. He had already abrogated theſe laws by his own authority, but he daily found, that this did not ſuffice to lead his ſubjects to the degree of compliance he deſired. He thought therefore, if the conſent of the prince and princeſs of Orange could be obtained, it would be a great ſtep towards obtaining the ſame thing of the parliament. To that end, he reſolved to ſound the inclinations of the prince of Orange, without his appearing in it. He employed Mr. James Stewart [b], penſionary Fagel's acquaintance, who writ to that miniſter, endeavouring to perſuade him, that it was the intereſt of England, and of the prince and princeſs of Orange, that the teſt ſhould be abrogated, and the laws againſt the catholics repealed. This letter coming only from a private man, the prince would not allow Mr. Fagel to return an anſwer. Mr. Stewart in vain renewed his inſtances for an anſwer, till at laſt, he was obliged to acquaint Mr. Fagel, that his firſt letter was writ by the king's direction, who deſired to have the opinion of the prince and princeſs upon the affair. This, joined to the falſe report propagated in London, that the prince and princeſs of Orange had given their conſent to the abrogation of the teſt and penal laws, forced Mr. Fagel at laſt to anſwer Mr. Stewart, and let him know the ſentiments of the prince and princeſs of Orange.

The letters of theſe gentlemen have made ſo much noiſe in the world, and are ſo univerſally known, that I do not think it neceſſary to inſert them. I ſhall content myſelf with briefly refreſhing the reader's memory with the ſubſtance of Mr. Fagel's anſwer. He told Mr. Stewart, "That it was the opinion of the prince and princeſs, that no chriſtian ought to be puniſhed for his conſcience, or ill uſed becauſe he differed from the eſtabliſhed religion, and therefore could conſent, that the Roman catholics ſhould enjoy a full liberty of conſcience. That as to the non-conformiſts, their highneſſes did not only conſent, but heartily approved of their having an entire liberty of conſcience, for the exerciſe of their religion, without any trouble, hindrance, or moleſtation on that ſcore.———But their highneſſes could not by any means agree to the repeal of the teſt, and thoſe other penal laws, that tended to the ſecurity of the proteſtant religion, ſince the Roman catholics received no other prejudice from theſe, than their being excluded from parliament and public employments; and that by them the proteſtant religion is ſheltered from all the deſigns of the Roman catholics againſt it, or againſt the public ſafety."

This anſwer was ſupported with reaſons ſo clear and ſolid, that Mr. Stewart finding himſelf too weak for ſuch an adverſary, thought it more adviſeable to deny all correſpondence with Mr. Fagel on this ſubject, in order to deſtroy the authority of Mr. Fagel's anſwer, which had been printed and diſperſed through England and all Europe. The penſionary, provoked at this proceeding, ſent a letter to the marquis of Albyville, the Engliſh embaſſador at the Hague, wherein he called him to witneſs, that the prince and princeſs of Orange had declared their thoughts to him concerning the penal laws, in the ſame manner as he had repreſented them; and that Albyville had acquainted the king with it long before he wrote his letter. He complained of the earl of Sunderland, for having aſſigned an allowance to print a pamphlet [c], which aſſerted, that the anſwer of Mr. Fagel to Mr. Stewart was ſuppoſititious, though he himſelf had ſent the original, and knew that the king had alſo ſeen it. This laſt letter was likewiſe printed in French and Engliſh, and diſperſed. All this was extremely injurious to the king, and began to give the Engliſh hopes, that the prince and princeſs of Orange would not abandon them in their preſſing neceſſities. It muſt be obſerved, that Mr. Fagel's letter to Mr. Stewart was writ on November the 4th, the laſt year before the queen's pregnancy was divulged. But this affair became not public, till the beginning of the year 1688.

The refuſal of the prince and princeſs of Orange to conſent to the abrogation of the teſt and penal laws, ſerved only to inflame the king's zeal, and oblige him to uſe freſh endeavours to have a parliament at his devotion. He ſent therefore emiſſaries into the ſeveral counties, to try to ſecure the elections, before he ventured to call a parliament. But the more ſollicitous he was to gain this point, the leſs inclination he found in the people, who, on ſo important an occaſion, were unwilling to truſt their intereſts with men devoted to the court, as the king deſired. Wherefore the king, foreſeeing all his artifices would prove unſucceſsful, and that he ſhould at laſt be obliged to uſe force, gave out commiſſions for raiſing new troops, for the increaſing of his ſtanding army; and likewiſe cauſed a larger fleet to be equipped. The new commiſſions were almoſt all given to Iriſh and popiſh officers.

Moreover, he wrote, the 17th of January, to the States-General, to demand the ſix Engliſh and Scotch regiments that were in their ſervice. The 2d of March he iſſued out a proclamation, "Forbidding his natural born ſubjects to enter or liſt themſelves in the ſervice of any foreign prince or ſtate, either by ſea or land."

The ſtates did not think proper to ſend theſe regiments to the king in the preſent juncture. They returned a civil anſwer, and declared, That having examined their engagements, they could find no agreement or capitulation that could oblige them to grant his majeſty's demands, except when he was in war with ſome of his neighbours, or there was an inſurrection at home. That they had accordingly ſent the ſix regiments into England in the year 1685, at the time of the duke of Monmouth's rebellion. But that now the king being in peace with his neighbours, and free from diſturbances at home, they ſaw no reaſon that could oblige them to ſend back thoſe troops. The king, not ſatisfied with this anſwer, renewed his inſtances. But the ſtates, in ſhewing how theſe regiments were formed, and the treaties which had been made about them, inſiſted, that they were obliged to ſend them back only in the two caſes above-mentioned, and that the king was not at preſent in either. At laſt, after a third fruitleſs attempt, the king, by a proclamation, called home all his ſubjects, which were in the ſervice of the States-General. Whereupon, the prince of Orange offered paſſes to all the officers of the ſix regiments that were willing to return home, which about forty of them accepted.

Though the king had publiſhed laſt year a declaration, for an entire liberty of conſcience to all his ſubjects, and, by virtue thereof, had filled almoſt all the offices with catholics, he thought fit to publiſh a ſecond upon the ſame ſubject, the 27th of April this year. Perhaps he had a mind to ſhew, that though he was deſirous of having what he had done, confirmed by parliament, he could, however, proceed without their concurrence, and act by abſolute power. Perhaps too, he intended to bring things to a criſis, being inceſſantly puſhed by his popiſh counſellors, who were for improving the occaſion offered them by the king's zeal. The declaration was as follows:

"James Rex,

"OUR conduct has been ſuch in all time, as ought to have perſuaded the world, that we are firm and conſtant to our reſolutions; yet that eaſy people may not be abuſed by the malice of crafty wicked men, we think fit to declare, that our intentions are not changed ſince the 4th of April 1687, when we iſſued out our declaration for liberty of conſcience in the following terms:" (Here the declaration

[a] About this time it was, that in order to retain the poorer ſort of people from letting their children be enticed into the popiſh ſchools and ſeminaries erected in and about London, charity ſchools began to be ſet up in that great and noble city. The firſt ſchools of this kind were opened at Norton-Falgate, and St Margaret's Weſtminſter, on Lady-Day, 1688. Kennet, p. 508.

[b] A Scottiſh lawyer, whom king James had pardoned, and received into favour, after a long exile. Kennet, p. 491. Burnet, p. 731.

[c] Intitled, "Parliamentum Pacificum; or, the happy union of king and people in a healing parliament." Kennet, p. 492.

The

was recited verbatim, and then it follows) "Ever ſince we granted this indulgence, we have made it our principal care to ſee it preſerved without diſtinction, as we are encouraged to do daily by multitudes of addreſſes, and many other aſſurances we receive from our ſubjects of all perſuaſions, as teſtimonies of their ſatisfaction and duty; the effects of which we doubt not but the next parliament will plainly ſhew; and that it will not be in vain, that we have reſolved to uſe our uttermoſt endeavours to eſtabliſh liberty of conſcience, on ſuch juſt and equal foundations, as will render it unalterable, and ſecure to all people the free exerciſe of their religion for ever; by which future ages may reap the benefit, of what is ſo undoubtedly for the general good of the whole kingdom. It is ſuch a ſecurity we deſire, without the burthen and conſtraint of oaths and teſts, which have been unhappily made by ſome governments, but could never ſupport any: nor ſhould men be advanced by ſuch means to offices and employments, which ought to be the reward of ſervices, fidelity, and merit. We muſt conclude, that not only good chriſtians will join in this, but whoever is concerned for the increaſe of the wealth and power of the nation. It would, perhaps, prejudice ſome of our neighbours, who might loſe part of thoſe vaſt advantages they now enjoy, if liberty of conſcience were ſettled in theſe kingdoms, which are, above all others, moſt capable of improvements, and of commanding the trade of the world. In purſuance of this great work we have been forced to make many changes both of civil and military officers throughout our dominions, not thinking any ought to be employed in our ſervice, who will not contribute towards eſtabliſhing the peace and greatneſs of their country, which we moſt earneſtly deſire, as unbiaſſed men may ſee by the whole conduct of our government, and by the condition of our fleet, and of our armies, which, with good management, ſhall be conſtantly the ſame, and greater, if the ſafety or honour of the nation require it. We recommend theſe conſiderations to all our ſubjects, and that they will reflect on their preſent eaſe and happineſs, how for above three years that it hath pleaſed God to permit us to reign over theſe kingdoms, we have not appeared to be that prince, our enemies would have made the world afraid of; our chief aim having been not to be the oppreſſor, but the father of our people; of which we can give no better evidence, than by conjuring them to lay aſide all private animoſities, as well as groundleſs jealouſies, and to chuſe ſuch members of parliament, as may do their parts to finiſh what we have begun for the advantage of the monarchy, over which Almighty God has placed us; being reſolved to call a parliament, that ſhall meet in November next at fartheſt."

The king was not ſatisfied with publiſhing this declaration in the uſual method, but thinking, without doubt, that, in ſo important an affair, extraordinary formalities were to be obſerved, he iſſued out an order of council, enjoining the biſhops to cauſe it to be ſent and diſtributed throughout their ſeveral dioceſes, to be read at the uſual times of divine ſervice, in all churches and chapels, on certain days named in the order. Some believed, the king had two views in this order; firſt, to mortify the church of England, againſt which he had for ſome time ſhewed great reſentment: ſecondly, to lay the biſhops under a neceſſity, either of making themſelves in ſome meaſure the inſtruments of his deſigns againſt the proteſtant religion, or of incurring the penalties of their diſobedience in caſe of refuſal.

Upon the receipt of this order, ſeveral biſhops, who were in London, aſſembled at the archbiſhop's palace at Lambeth, to conſult how they were to behave upon ſo nice an occaſion. For they were neceſſarily, either in obeying the king, to approve by their conduct this violation of the laws, and betray the intereſts of the proteſtant religion, or in refuſing to obey, to draw upon themſelves the penalties which, in all appearances, would be inflicted for their diſobedience. Theſe difficulties were debated in this aſſembly with all the care ſo important an affair required, after they had implored the divine aſſiſtance by extraordinary prayers. The reſult of their conference was, that it was better to obey God than man, and their caſe being ſuch, that they could not obey the king without betraying their own conſciences, they ought without further conſideration to expoſe themſelves to the approaching ſtorm, rather than ſacrifice the intereſts of God and the church. This reſolution was grounded upon four conſiderations. 1. That many would juſtly deem the clergy either cowards or hypocritical time-ſervers, in publiſhing what they thought illegal, and illegally ſent to them. 2. That many who had votes for parliament-men, would take this for the conſent of the publiſhers, and be ſtrengthened in the chuſing ſuch men as ſhould be friends, not only to the indulgence, but to the foundation of it, the diſpenſing power. 3. That the world would have reaſon to take their publication for an approbation, becauſe there could be no other intention in ordering it to be publiſhed, but to make the clergy parties to it. 4. That after this they muſt expect farther things to be publiſhed by them, at which they muſt make a ſtand; and their making a ſtand when they had loſt their reputation, would be of no force.

Purſuant to this reſolution, the conſulting biſhops, being ſeven, before they parted, drew up a petition, and ſubſcribing it the ſame day, the 18th of May, ſix of them croſſed[d] the water to Whitehall, to preſent it to the king, without acquainting any perſon with their deſign. Their names were Sancroft archbiſhop of Canterbury, Lloyd biſhop of St. Aſaph, Kenn of Bath and Wells, Turner of Ely, Lake of Chicheſter, White of Peterborough, and Trelawny of Briſtol. Their petition ran thus:

To the King's moſt Excellent Majeſty.

The humble petition of William archbiſhop of Canterbury, and divers of the ſuffragan biſhops of that province, now preſent with him, in behalf of themſelves and other of their abſent brethren, and of the inferior clergy of their reſpective dioceſes.

"Humbly ſheweth,

"THAT the great averſeneſs they find in themſelves, to the diſtributing and publiſhing in all their churches, your majeſty's late declaration for liberty of conſcience, proceeds neither from any want of duty and obedience to your majeſty, (our holy mother the church of England being, both in her principles, and in her conſtant practice, unqueſtionably loyal, and having, to her great honour, been more than once publicly acknowledged to be ſo by your gracious majeſty) nor yet from any want of tenderneſs to diſſenters, in relation to whom we are willing to come to ſuch a temper, as ſhall be though fit, when the matters ſhall be conſidered and ſettled in parliament and convocation: but among many other conſiderations, from this eſpecially, becauſe that declaration is founded upon ſuch a diſpenſing power, as hath been often declared illegal in parliament, and particularly in the years 1662, and 1672, and in the beginning of your majeſty's reign; and is a matter of ſo great moment and conſequence to the whole nation, both in church and ſtate, that your petitioners cannot in prudence, honour, or conſcience, ſo far make themſelves parties to it, as the diſtribution of it all over the nation, and the ſolemn publication of it once and again, even in God's houſe, and in the time of his divine ſervice, muſt amount to, in common and reaſonable conſtruction. Your petitioners therefore moſt humbly and earneſtly beſeech your majeſty, that you will be pleaſed not to inſiſt upon their diſtributing and reading your majeſty's ſaid declaration; and your petitioners, as in duty bound, ſhall ever pray, &c."

The king, ſurprized, and incenſed at this petition, anſwered in a very angry tone: "I have heard of this before, but did not believe it: I did not expect this from the church of England, eſpecially from ſome of you. If I change my mind, you ſhall hear from me; if not, I expect my command ſhall be obeyed." The biſhops replied, "We reſign ourſelves to the will of God," and then immediately retired.

The biſhops of Durham and Rocheſter, both eccleſiaſtical commiſſioners[e], cauſed the declaration to be read in their dioceſes. But it generally happened, wherever it was read, that the congregation immediately left the church. One miniſter, before he began to read it, told his flock, "That he could not refuſe the order ſent him to read the declaration, but that he knew no order which obliged them to hear it." In London it was read but in four or five churches[f].

Mean time, the court was unreſolved what courſe to take with the biſhops. Not but that they were determined to come to extremities, rather than quit their deſigns. However, they did not care to begin with the biſhops, becauſe of the people's reverence for them. Though the king's council perſuaded him to do all things with a high hand, they trembled, how-

[d] The archbiſhop, being in an ill ſtate of health, did not go to Whitehall. Burnet, p. 739.

[e] Barlow of Lincoln, and Crofts of Hereford. Kennet, p. 512. Note.

[f] Namely, by Mr. Hall, Dr. Thomſon, and Mr. Elliot. Kennet, p. 511. Note [b]. Burnet ſays it was read in ſeven churches in London, and in not above two hundred all England over, p. 740.

ever, when they met with any oppoſition, ſeeing the great diſproportion between the number of proteſtants and papiſts. They conſidered, that while every one was ſubmiſſive, the lords-lieutenants of counties, and the magiſtrates, all creatures of the king, had great credit and authority: but ſhould the people happen to grow weary of their obedience, and openly reſiſt, their authority would vaniſh; and it was not probable, the leſſer number ſhould ſubdue the greater. This had been the caſe in the reign of Richard II. and very lately in that of Charles I. It ſeems therefore, that prudence required the king carefully to avoid what might produce a certain revolution, and not to enter upon violent meaſures, till he had taken greater precautions. For, upon ſuppoſition of a rebellion, which was not impoſſible, if the biſhops were proceeded againſt with rigour, was it not a groſs error, to rely on a proteſtant army to introduce popery, and force proteſtants to ſubmiſſion? But on the other hand, thoſe who directed the king in his councils and undertakings, had not his intereſt chiefly in view, but that of the catholic religion. They conſidered the king only as an inſtrument to be uſed, at all events, whilſt he was alive, for fear they ſhould ſudenly loſe him. God ſeems to have blinded this prince, to prevent his ſeeing what every one elſe clearly ſaw, in order to throw him upon his ruin. He was therefore reſolved to proceed with the utmoſt rigour againſt the biſhops, and for that purpoſe they were ſummoned to appear before the council the 8th of June.

On their appearance, they were aſked, "Whether they owned the petition?" The biſhops ſurpriſed at this queſtion, ſince they themſelves had preſented the petition, feared ſome ſnare was laid for them, and therefore at firſt forbore to give a direct anſwer[g]. At laſt, the archbiſhop confeſſed, that it was written with his own hand, and that the reſt had ſigned it; adding withal, they had done nothing but what they were ready to juſtify. The chancellor endeavoured to make them ſenſible of the ill conſequences of their diſobedience, which tended to diminiſh the king's authority, and to diſturb the peace of the kingdom. At laſt, he aſked them, whether they would give their recognizances to appear before the court of King's-Bench to anſwer this high miſdemeanour? This they all refuſed, inſiſting on the privilege of their peerage, which they were reſolved to maintain, as well as the rights of the church, being equally bound by their callings to oppoſe all innovations both in government and religion. The chancellor, ſurpriſed at their conſtancy, threatened to ſend them to the Tower, and to proſecute them to the utmoſt rigour of the law, unleſs they immediately recanted, and withdrew their petition. They unanimouſly anſwered, That they were ready to go wherever his majeſty was pleaſed to ſend them; that they hoped the king of kings would be their protector and their judge; that they feared nothing from men; and that having acted according to law and their own conſciences, no puniſhments ſhould ever be able to ſhake their reſolutions.

Upon this anſwer, eighteen privy-councillors, ſeveral of them papiſts[h], were for ſending the biſhops to the Tower. A warrant was immediately drawn and ſigned for their commitment, the reaſon given being, "For contriving, making, and publiſhing a ſeditious libel againſt his majeſty and his government." It is difficult to conceive upon what foundation, they could be accuſed of publiſhing a petition which they had only delivered to the king himſelf. However, the attorney and ſollicitor-general, were ordered to proſecute them for the ſame the next term. It was not thought proper to ſend them to the Tower through London, for fear it might occaſion a tumult. They were therefore in the moſt private manner conveyed by water. But people hearing of it, flocked in multitudes to the river-ſide, and upon their knees defired their bleſſing, with loud acclamations extolling their conſtancy. The ſame ſpectacle was ſeen at the Tower, where the ſoldiers of the garriſon fell on their knees to beg their bleſſing.

This was a great mortification to the king, and might have convinced him, that he was yet very far from his aim. But, as I ſaid, the deſign of his counſellors was to make haſte and finiſh the work begun, for fear ſome accident ſhould deprive them of their inſtrument.

Two days after the biſhops had been ſent to the Tower, the 10th of June, the queen was delivered of a prince, who, during the life of his father was known by the name of the "prince of Wales," and afterwards, by ſome was called the "Pretender." His birth was an occaſion of triumph to the papiſts, but of aſtoniſhment and terror to the proteſtants, who ſaw their hopes defeated, that their misfortunes would end with the death of the king. It is univerſally known, that the birth of this prince has been very much ſuſpected, and that many did then, and ſtill do, believe it ſuppoſititious. Multitudes of papers have been publiſhed for and againſt, ſome containing the grounds of the ſuſpicions, and others, arguments to remove them. The reader, doubtleſs, expects not from a foreigner, the deciſion of a fact which was never perfectly cleared, the impoſture whereof reſts only upon conjectures and probabilities, and the truth upon ſuppoſitions, which indeed are generally true, but of which it cannot be ſaid, that it is impoſſible they may be ſometimes falſe. In general, it is very certain, the queen, during the whole time of her pregnancy, was ſuſpected of a deſign to impoſe an heir upon the kingdom, and this ſuſpicion was very public. It is alſo certain, that though the king and queen knew of this ſuſpicion, they took no care to remove it. On the contrary, their whole conduct, as well during the queen's pregnancy, as her labour, gave ſtill greater ſtrength to the ſuſpicion. For a negligence which ſignifies nothing when there is no ſuſpicion, muſt be remarked when an impoſture is ſuſpected. On the other hand, it ſeems a ſtanding rule, that, when both parents expreſs not any doubt concerning the birth of their child, no perſon can be ſure they are deceived. But this rule is perhaps not ſo general and certain as many imagine. It is very good where there is no ſuſpicion of a cheat. But in caſe a preſumptive heir, diſinherited by the birth of a child, who comes to take his place, has good proofs that the child is ſuppoſititious, certainly the bare owning of this child by both parents, will not invalidate proofs, which I ſuppoſe to be full. It is not impoſſible for a man and wife to ſuppoſe a child, through revenge, or ſome other intereſt, in order to deprive a preſumptive heir of their inheritance. I ſay, it is not impoſſible, though it rarely happens. There are however inſtances to prove the poſſibility. Indeed, to decide by law, that a child is ſuppoſititious, very convincing proofs muſt be alledged, becauſe the judges, who are obliged to follow the rules of law, are not determined by appearances, however probable they may be. But the caſe is not the ſame with the public, on whom very often conjectures grounded upon great probabilities, make as much impreſſion as the ſtrongeſt proofs. The affair in queſtion having never been legally decided, I can only preſent the reader with what has been moſt probably urged pro and con, in order to aſſiſt him either to be determined for or againſt the pretended ſuppoſition of the prince of Wales, or to ſhew him, that he ought to ſuſpend his judgment, till the thing is more plainly diſcovered. This I propoſe to do with impartiality, in producing the arguments alledged on both ſides.

There are three opinions concerning the real or pretended birth of the prince of Wales.

The firſt is, that the queen was not with child when ſhe pretended to be ſo, and that at the time of her pretended delivery, a ſon was ſuppoſed to be born of her. The ſecond is, that ſhe was really with child, but that having the misfortune of a miſcarriage, ſhe continued ſtill to feign herſelf big, and at laſt ſuppoſed, or cauſed to be ſuppoſed, a child as born of her body, and that this child dying ſhortly after, another was ſubſtituted in his room, and to this, dying ſeven weeks after, ſucceeded another child. The third opinion is, that the queen was really with child, and delivered the 10th of June of a ſon, the ſame who is ſince called the pretender, and is now at Rome. In confirmation of the firſt of theſe opinions it is alledged: 1. That the king, for certain reaſons, was become incapable of children. 2. That the queen had been ſeven years without being with child. 3. That now ſhe had never a conſtant reckoning. 4. That her delivery was ſudden, and immediately after the removing of her lodgings. 5. That it was on a Sunday morning, when all the proteſtant court ladies were at church. 6. That neither the princeſs Anne of Denmark, the archbiſhop of Canterbury, nor the

[g] It ſeems, as the biſhops were going to the council, they were adviſed to remember, that no man was obliged by the law to accuſe himſelf. Accordingly, when the king in council, holding the petition in his hand, aſked them whether they had ſigned that paper? they made a low bow, and ſaid nothing. What, ſays the king, do you deny your own hands? upon which they ſilently bowed again. Then the king told them, if they would own it to be their hands, upon his royal word not a hair of their heads ſhould be touched. Whereupon the archbiſhop ſays, "Relying on your Majeſty's word, I confeſs it to be my hand:" and ſo ſaid all the reſt. Then being ordered to withdraw, when they were called in again, they found the king vaniſhed, and Jefferies in the chair, who uſing them very roughly, ſent them to the Tower. The tranſlator had theſe particulars from the late biſhop of Durham's own mouth.

[h] They were, chancellor Jefferies, the marquis of Powis, the earls of Sunderland, Mulgrave, Huntingdon, Peterborough, Craven, Murray, Middleton, Melfort, and Caſtlemain; the lords Arundel, Darthmouth, Godolphin, and Dover; Sir John Erely, Sir Edward Herbert, and Sir Nicholas Butler. Echard, Tom. III. p. 861.

Dutch

Dutch embaſſador, were preſent at her labour, though they were the three perſons who ought principally to have been there. 7. That during the labour, her bed was not left ſo open as it ſhould have been. 8. That while ſhe went with child, ſhe never ſatisfied the princeſs Anne, and many proteſtant ladies about her, of her pregnancy, either by letting them feel her belly, or ſee her breaſts. 9. Neither did ſhe ſhew the princeſs any of her milk after her lying-in. 10. That during her labour, a warming-pan was brought into the room, though the weather was extreme hot, and the room heated by a vaſt crowd of people. Laſtly, It was alledged, that though the king, queen and courtiers, ſufficiently knew before the delivery, that the nation ſuſpected an impoſture, they did not uſe thoſe precautions as they might and ought to have done in ſuch a caſe; and, inſtead of putting it beyond all poſſibility of doubt, they left ſo many marks of ſuſpicion, as cauſed infinite doubts and diſputes: inſomuch, that ſome Roman catholics themſelves owned, "That ſo important an affair had been managed with great ſupineneſs and imprudence." This is what Mr. Echard ſays, one of the moſt moderate hiſtorians, who is not to be ſuſpected by the king's adherents.

Dr. Welwood is very ſhort in his account of this matter, and contents himſelf with giving the general opinion, without any thing of his own. Theſe are his words:

"While the biſhops were in the Tower, the Roman catholics had their hopes crowned with the birth of a pretended prince of Wales. The fears of a proteſtant ſucceſſor, had been the only allay that rendered their proſperity leſs perfect. Now the happineſs of having an heir to the crown, to be bred up in their own religion, quaſhed all thoſe fears, and atoned for the uncertainty of the king's life. It was ſo much their intereſt to have one, and there were ſo many circumſtances that ſeemed to render his birth ſuſpicious, that the nation in general were inclinable to believe, that this was the laſt effort of the party, to accompliſh our ruin."

But the moſt circumſtantial account of this affair, is that of Dr. Burnet, biſhop of Saliſbury, in the "Hiſtory of his own times," publiſhed ſince his death. As I am to make ſome remarks on his teſtimony, it will be neceſſary to inſert the following paſſage, wherein he expreſly ſpeaks of the birth of the prince of Wales.

"I muſt now look back to England, where the queen's delivery was the ſubject of all men's diſcourſe. And ſince ſo much depends on this, I will give as full and as diſtinct an account of all that related to that matter, as I could gather up, either at that time or afterwards. The queen had been for ſix or ſeven years in ſuch an ill ſtate of health, that every winter brought her very near death. Thoſe about her ſeemed well aſſured, that ſhe, who had buried all her children ſoon after they were born, and had now for ſeveral years ceaſed bearing, would have no more children. Her own prieſts apprehended it, and ſeemed to wiſh for her death. She had great and frequent diſtempers, that returned often, which put all people out of their hopes or fears of her having any children. Her ſpirits were now much on the fret. She was eager in the proſecution of all the king's deſigns. It was believed, that ſhe had a main hand in driving him to them all. And he, perhaps, to make her gentler to him in his vagrant amours, was more eaſy to her in every thing elſe. The lady Dorcheſter was come back from Ireland; and the king went often to her. But it was viſible, ſhe was not like to gain that credit in affairs, to which ſhe had aſpired: and therefore this was leſs conſidered.

"She had another mortification, when Fitz-James the king's ſon was made duke of Berwick. He was a ſoft and harmleſs young man, and was much beloved by the king; but the queen's diſlike kept him from making any great figure. He made two campaigns in Hungary, that were little to his honour: for, as his governor diverted the allowance that was given for keeping a table, and ſent him always to eat at other tables, ſo, though in the ſiege of Buda there were many occaſions given him to have diſtinguiſhed himſelf, yet he had appeared in none of them. There was more care taken of his perſon, than became his age and condition. Yet his governor's brother was a jeſuit, and in the ſecret: ſo every thing was ventured on by him, and all was forgiven him.

"In September the former year, the queen went to the bath, where the king came and ſaw her, and ſtaid a few days with her. She after that purſued a full courſe of bathing: and having reſolved to return in the end of September, an accident took her to which the ſex is ſubject; and that made her ſtay there a week longer. She came to Windſor on the 6th of October. It was ſaid, that at the very time of her coming to the king, her mother, the ducheſs of Modena, made a vow to the lady Loretto, that her daughter might by her means have a ſon. And it went current, that the queen believed herſelf to be with child in that very inſtant in which her mother made her vow: of which, ſome travellers have aſſured me, there was a ſolemn record made at Loretto. A conception ſaid to be thus begun, looked ſuſpicious. It was now fixed to the 6th of October: ſo the nine months were to run to the 6th of July. She was, in the progreſs of her big belly, let blood ſeveral times: and the moſt aſtringent things that could be propoſed were uſed.

"It was ſoon obſerved that all things about her perſon were managed with a myſterious ſecrecy, into which none were admitted but a few papiſts. She was not dreſſed nor undreſſed with the uſual ceremony. Prince George told me, that the princeſs went as far in deſiring to be ſatisfied, by feeling the motion, after ſhe ſaid ſhe was quick, as ſhe could go without breaking with her: and ſhe had ſometimes ſtaid by her even indecently long in mornings to ſee her riſe, and to give her her ſhift: but ſhe never did either. She never offered any ſatisfaction in that matter by letter to the princeſs of Orange, nor to any of the ladies of quality, in whoſe word the world would have acquieſced. The thing, upon this, began to be ſuſpected: and ſome libels were writ, treating the whole as an impoſture. The uſe the queen made of this, was, to ſay, that ſince ſhe ſaw ſome were ſuſpecting her capable of ſo black a contrivance, ſhe ſcorned to ſatisfy thoſe who could entertain ſuch thoughts of her. How juſt ſoever this might be, with relation to the libellers, yet certainly if ſhe was truly with child, ſhe owed it to the king and herſelf, to the king's daughters, but moſt of all to the infant ſhe carried in her belly, to give ſuch reaſonable ſatisfaction, as might put an end to jealouſy. This was in her power to do every day, and her not doing it, gave juſt grounds of ſuſpicion.

"Things went thus on till Monday in Eaſter week. On that day the king went to Rocheſter, to ſee ſome of the naval preparations; but was ſoon ſent for by the queen, who apprehended ſhe was in danger of miſcarrying. Dr. Scarborough was come to Knightſbridge to ſee biſhop Ward, my predeceſſor, who had been his ancient friend, and was then his patient: but the queen's coach was ſent to call him with all haſte, ſince ſhe was near miſcarrying. Dr. Windebank, who knew nothing of this matter, ſtaid long that morning upon an appointment with Dr. Walgrave, another of the queen's phyſicians, who, the next time he ſaw him, excuſed himſelf; for the queen, he ſaid, was then under the moſt apparent ſigns of miſcarrying. Of this the doctor made oath, and it is yet extant.

"On the ſame day, the counteſs of Clarendon, being to go out of town for a few days, came to ſee the queen before ſhe went, knowing nothing of what had happened to her. And ſhe, being a lady of the bed-chamber to the queen-dowager, did, according to the rule of the court, go into the queen's bed-chamber, without aſking admittance. She ſaw the queen a-bed, bemoaning herſelf in a moſt doleful manner, ſaying often, 'Undone, undone:' and one that belonged to her, carried ſomewhat out of the bed, which ſhe believed was linen taken from the queen. She was, upon this, in ſome confuſion: and the counteſs of Powis coming in, went to her, and ſaid with ſome ſharpneſs, What do you do here? and carried her to the door. Before ſhe had got out of the court, one of the bed-chamber women followed her, and charged her not to ſpeak of any thing ſhe had ſeen that day. This matter, whatever was in it, was huſhed up: and the queen held on her courſe.

"The princeſs had miſcarried in the ſpring. So, as ſoon as ſhe had recovered her ſtrength, the king preſſed her to go to the Bath, ſince that had ſo good an effect on the queen. Some of her phyſicians, and all her other friends, were againſt her going. Lower, one of her phyſicians, told me, he was againſt it: he thought ſhe was not ſtrong enough for the bath, though the king preſſed it with an unuſual vehemence. Millington, another phyſician, told the earl of Shrewſbury, from whom I had it, that he was preſſed to go to the princeſs, and adviſe her to go to the Bath. The perſon that ſpoke to him told him, the king was much ſet on it; and that he expected it of him, that he would perſuade her to it. Millington anſwered, He would not adviſe a patient according to direction, but according to his own reaſon: ſo he would not go. Scarborough and Witherby took it upon them to adviſe it: ſo ſhe went thither in the end of May.

"As ſoon as ſhe was gone, thoſe about the queen did all of the ſudden change her reckoning, and began it from the king's being with her at Bath. This came on ſo quick, that though

though the queen had ſet the fourteenth of June for her going to Windſor, where ſhe intended to lie-in, and all the preparations for the birth, and for the children were ordered to be made ready by the end of June, yet now a reſolution was taken for the queen's lying-in at St. James's, and directions were given to have all things quickly ready. The Bath water either did not agree with the princeſs: or the advices of her friends were ſo preſſing, who thought her abſence from the court at that time of ſuch conſequence, that in compliance with them ſhe gave it out it did not, and therefore ſhe would return in a few days.

"The day after the court had this notice, the queen ſaid ſhe would go to St. James's, and look for the good hour. She was often told, that it was impoſſible upon ſo ſhort a warning to have things ready. But ſhe was ſo poſitive, that ſhe ſaid, ſhe would lie there that night, though ſhe ſhould lie upon the boards. And at night, though the ſhorter and quicker way was to go from Whitehall to St. James's thro' the Park, and ſhe always went that way, yet now, by a ſort of affectation, ſhe would be carried thither by Charing-Croſs through the Pall-Mall. And it was given out by all her train, that ſhe was going to be delivered. Some ſaid it would be next morning: and the prieſts ſaid very confidently, that it would be a boy.

"The next morning about nine o'clock, ſhe ſent word to the king that ſhe was in labour. The queen dowager was next ſent to. But no ladies were ſent for: ſo that no women were in the room, but two dreſſers, and one under-dreſſer, and the midwife. The earl of Arran ſent notice to the counteſs of Sunderland; ſo ſhe came. The lady Bellaſis came alſo in time. The proteſtant ladies that belonged to the court were all gone to church, before the news was let go abroad: for it happened on Trinity Sunday, it being that year on the 10th of June. The king brought over with him from Whitehall a great many peers and privy councillors. And of theſe, eighteen were let into the bed-chamber; but they ſtood at the fartheſt end of the room. The ladies ſtood within the alcove. The curtains of the bed were drawn cloſe, and none came within them but the midwife, and an under-dreſſer. The queen lay all the while a-bed: and in order to the warming one ſide of it, a warming-pan was brought, but it was not opened, that it might be ſeen that there was fire and nothing elſe in it. So here was matter for ſuſpicion, with which ll people were filled.

"A little before ten the queen cried out as in a ſtrong pain, and immediately after the midwife ſaid aloud, ſhe was happily brought to bed. When the lords all cried out, of what? the midwife anſwered, the queen muſt not be ſurprized; only ſhe gave a ſign to the counteſs of Sunderland, who upon that touched her forehead, by which, it being the ſign before agreed on, the king ſaid, he knew it was a boy. No cries were heard from the child; nor was it ſhewed to thoſe in the room. It was pretended more air was neceſſary. The under-dreſſer went out of the room with the child, or ſomewhat elſe in her arms, to a dreſſing-room, to which there was a door near the queen's bed; but there was another entry to it from other apartments. The king continued with the lords in the bed-chamber for ſome minutes, which was either a ſign of much phlegm upon ſuch an occaſion; for it was not known whether the child was alive or dead: or it looked like giving time for ſome management. After a little while they went all into the dreſſing-room, and then the news was publiſhed. In the mean while, no body was called to lay their hands on the queen's belly, in order to a full ſatisfaction. When the princeſs came to town, three days after, ſhe had as little ſatisfaction given her. Chamberlain the man-midwife, who was always ordered to attend her labour before, and who brought the plaiſters for putting back the milk, wondered that he had not been ſent to. He went according to cuſtom with the plaiſters: but he was told they had no occaſion for him. He fancied that ſome other perſon was put in his place; but he could not find any that had it. All that concerned the milk, or the queen's purgations, was managed ſtill in the dark. This made all people inclined more and more to believe, there was a baſe impoſture now put on the nation. That ſtill increaſed. That night one Hemings, a very worthy man, an apothecary by his trade, who lived in St. Martin's Lane, the very next door to a family of an eminent papiſt, (Brown, b other to the viſcount Montacute, lived there) the wall between his parlour and theirs being ſo thin, that he could eaſily hear any thing that was ſaid with a loud voice; he (Hemings) was reading in his parlour late at night, when he heard one coming into the neighbouring parlour, and ſay with a doleful voice, the prince of Wales is dead: upon which a great many that lived in the houſe came down ſtairs very quick: upon this confuſion he could not hear any thing more; but it was plain, they were in a great conſternation. He went with the news next morning to the biſhops in the Tower. The counteſs of Clarendon came thither ſoon after, and told them, ſhe had been at the young prince's door, but was denied acceſs: ſhe was amazed at it; and aſked if they knew her: they ſaid they did, but that the queen had ordered that no perſon whatſoever ſhould be ſuffered to come in to him. This gave credit to Hemings's ſtory, and looked as if all was ordered to be ſhut up cloſe, till another child was found. One, that ſaw the child two days after, ſaid to me, that he looked ſtrong, and not like a child ſo newly born. Windebank met Walgrave the day after his birth, and remembered him of what he had told him eight weeks before. He acknowledged what he had ſaid, but added, that God wrought miracles: to which no reply could or durſt be made by the other: it needed none. So healthy a child being ſo little like any of thoſe the queen had borne, it was given out, that he had fits and could not live. But thoſe who ſaw him every day obſerved no ſuch thing. On the contrary, the child was in a very proſperous ſtate. None of thoſe fits ever happened, when the princeſs was at court; for ſhe could not be denied admittance, though all others were. So this was believed to be given out to make the matter more credible. It is true, ſome weeks after that, the court being gone to Windſor, and the child being ſent to Richmond, he fell into ſuch fits, that four phyſicians were ſent for. They all looked on him as a dying child. The king and queen were ſent for. The phyſicians went to a dinner prepared for them; and were often wondering that they were not called for. They took it for granted, that the child was dead. But, when they went in after dinner to look on him, they ſaw a ſound healthy child, that ſeemed to have had no ſort of illneſs on him. It was ſaid that the child was ſtrangely revived of a ſudden. Some of the phyſicians told Lloyd, biſhop of St. Aſaph, that it was not poſſible for them to think it was the ſame child. They looked on one another, but durſt not ſpeak what they thought.

"Thus I have related ſuch particulars as I could gather of his birth: to which ſome more ſhall be added, when I give an account of the proof that the king brought afterwards to put this matter out of doubt; but by which it became indeed more doubtful than ever. I took moſt of theſe from the informations that were ſent over to the prince and princeſs of Orange, as I had many from the vouchers themſelves. I do not mix with theſe, the various reports that were, both then and afterwards, ſpread of this matter, of which biſhop Lloyd has a great collection, moſt of them well atteſted. What truth ſoever may be in theſe, this is certain, that the method in which this matter was conducted from firſt to laſt was very unaccountable. If an impoſture had been intended, it could not have been otherwiſe managed. The pretended excuſe that the queen made, that ſhe owed no ſatisfaction to thoſe who could ſuſpect her capable of ſuch a baſe forgery, was the only excuſe that ſhe could have made, if it had been really what it was commonly ſaid to be. She ſeemed to be ſoon recovered, and was ſo little altered by her labour, either in her looks or voice, that this helped not a little to increaſe jealouſies. The rejoicings over England upon this birth, were very cold and forced. Bonfires were made in ſome places, and a ſet of congratulatory addreſſes went round the nation. None durſt oppoſe them. But all was formal, and only to make a ſhew."

After having related what has been ſaid by Echard, and the biſhop of Saliſbury, on the birth of the prince of Wales, I ſhall make ſome remarks on this ſubject.

1. If the accounts of theſe two famous writers be carefully examined, it will doubtleſs be ſurpriſing, to find a ſort of contradiction between them. For the ſuſpicions mentioned by Echard are, that the queen, though ſhe pretended to be, yet was not with child. Nay, the biſhop of Saliſbury ſeems at firſt to ſupport this ſuſpicion, by ſpeaking of her "great and frequent diſtempers;" of her having "for ſeveral years ceaſed bearing;" of her having "buried all her children ſoon after they were born;" of her refuſing to give ſatisfaction to the princeſs of Denmark, and the proteſtant ladies of the court. Nevertheleſs, he ſays poſitively afterwards, that ſhe was really with child the 6th of October[1], and that in Eaſter week ſhe had a miſcarriage, that is, ſix months after conception. If this be true, it very plainly follows, that all the ſuſpicions entertained of the queen from the beginning

[1] He only ſays, "it went current, that the queen believed herſelf to be with child on October 6." p. 749.

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of January (the time of her declared pregnancy) to Eaſter week, ought to vaniſh, though ſhe had been leſs careful of giving ſatisfaction to the public, than ſhe was. Aſſuredly this negligence is not capable to invalidate the reality of her pregnancy, if ſhe had a miſcarriage in the beginning of her ſeventh month. What the prince of Denmark told Dr. Burnet of his princeſs's fruitleſs endeavours to ſee the queen riſe, cannot ſerve to confirm the ſuſpicion of an impoſture, unleſs it appears that this was from the Monday before Eaſter, to the 10th of June[k]. But the biſhop fixes no time. It might even be inferred from the order obſerved by the biſhop in his ſtory, that what he ſays concerning the princeſs of Denmark, paſſed between January and Eaſter week. But ſuppoſing the reality of the pregnancy, it is clear, that the queen might have given ſatisfaction to the princeſs, and the proteſtant court-ladies. And it cannot be denied, that ſhe committed a great error in refuſing to do it. But it is certain, this refuſal proves nothing, if it be true that ſhe was with child, at leaſt till Eaſter week. The times are therefore carefully to be diſtinguiſhed. Her obſtinacy to give no ſatisfaction from January, when ſhe declared herſelf with child, to Eaſter week, can be aſcribed only to an unſeaſonable and prepoſterous haughtineſs. But it may be ſuſpected, that from Eaſter week to the 10th of June, ſhe ſtill pretended to be with child, when ſhe was no longer ſo, and that ſhe produced another at the time of her pretended delivery. Thus all the ſuſpicions concerning the reality of her pregnancy, are to be included within the ſpace of two months. For in the year 1688, Eaſter-day was the 15th of April; the queen had a miſcarriage the Monday before Eaſter, on the 9th of April; and ſhe was delivered the 10th of June. But no time is fixed for this refuſal of ſatisfaction to the public, though, the queen being ſix months gone when ſhe miſcarried, ſhe might, for ſome time, have cauſed the motion of the child to be perceived.

2. In the biſhop of Saliſbury's account, are four ſeveral children. The firſt, which really belonged to the queen, was an untimely birth of ſix months. The ſecond was ſuppoſed at the time of her pretended delivery, and died the ſame day. The third was brought in the room of the dead child, and died alſo ſome weeks after at Richmond. The fourth, ſubſtituted in the room of the third, muſt be the preſent pretender. It is ſurprizing, that Echard, who probably writ the hiſtory of this reign, but twenty or twenty five years after the time I am ſpeaking of, ſhould have heard nothing of theſe two laſt impoſtures, but confines himſelf to one, in what he relates concerning the public ſuſpicions.

3. Fuller, who pretended to give an exact account of the cheats, agrees not with the biſhop of Saliſbury. But I ſhall not inſiſt on his teſtimony, becauſe his pretended diſcovery has been little regarded.

4. It remains therefore to examine what the biſhop of Saliſbury ſays, to make us ſuſpect the ſuppoſition of the three laſt children. For, the firſt, which was but a miſcarriage, according to this author, was really the queen's. To this end, we are to diſtinguiſh three different times, namely, before, at, and after her delivery. I ſhall make ſome obſervations upon the moſt remarkable circumſtances of each of theſe times.

1. The king's preſſing the princeſs to go to the Bath, agrees very well with the deſign of ſuppoſing an heir. For the preſence of the princeſs at the queen's pretended delivery, muſt have been perplexing, on account of her intereſt to detect the impoſture. Had the king contented himſelf with barely adviſing her to go to Bath, nothing could have been inferred from it, but that he thought the Bath good for her health. But his preſſing it with an unuſual vehemence, and cauſing a phyſician to be told, that he expected it of him that he would perſuade her to it, ſeem to diſcover ſome ſecret deſign, eſpecially, when it is conſidered, that an impoſture was already ſuſpected. This ſuſpicion is farther confirmed by the change of the queen's reckoning, and by her delivery two days after it was known that the princeſs was upon the point of returning from the Bath. But there muſt not be given to this cauſe of ſuſpicion, more ſtrength than it really has. For as it is very poſſible for the king to have believed, that the Bath would be of ſervice to the princeſs his daughter, the ſuſpicion of his acting from another motive, is founded only upon the ſuppoſition of an impoſture. If this was well proved, the king's proceeding would become a ſort of new proof. But as it is not, it ſeems that the ſuſpicion ought not to be ſupported by the ſuppoſition of the fact in queſtion.

2. If it is true, that the queen did not believe herſelf with child till the 6th of October, and that ſhe afterwards ſuddenly changed her reckoning, there is reaſon to ſuſpect ſome myſtery in it. And indeed, by this new reckoning ſhe was to be brought to bed during the abſence of the princeſs of Denmark, whereas by the firſt ſhe could not be delivered till after her return. To this may be added, that if it is true, that about the end of September ſhe was ſtopped at the Bath, one week longer than ſhe intended, by an accident to which the ſex is ſubject, ſhe could not be with child from the 10th of September, nor conſequently brought to bed the 10th of June. To this it is anſwered, that theſe miſreckonings are common to the whole ſex. But this reaſon cannot take place here, becauſe it did not appear that the queen thought herſelf miſtaken.

3. It cannot be denied, that that there is ſomething extraordinary in the queen's ſudden reſolution, of going to lye-in at St. James's, when things were not ready. Hitherto no probable reaſon has been given of this ſudden change, to ſhew that ſhe could lye-in more commodiouſly at St. James's than at Whitehall, nor why ſhe at firſt choſe Windſor for the place, and fixed the time to the beginning of July.

4. I own I ſee nothing in the queen's affectation of being carried to St. James's by Charing-Croſs, through the Pall-Mall, to confirm the ſuſpicion of an impoſture.

5. I never heard, that the preſence of the archbiſhop of Canterbury is abſolutely neceſſary at the delivery of the queens of England, eſpecially at that of a popiſh queen, who could have no great need of his aſſiſtance.

As for the time of the queen's delivery, there are many things to be examined.

1. The queen, after having declared her intention to lye-in at St. James's, without any apparent neceſſity, was bent to go thither on the Saturday, though nothing was ready. This is a ſign, ſhe thought it would be too late if ſhe deferred going till the next day. It is therefore clear, that ſhe expected the moment of her delivery every hour, and yet when ſhe began to find herſelf ill, "No women were in the room but two dreſſers, one under-dreſſer, and the midwife." Not one foreign lady was in the palace. It cannot be denied, that this was very extraordinary for a queen, ſince it was ſo eaſy to have other ladies at hand to aſſiſt her, and the more, as ſhe hourly expected the moment of her delivery. It is no leſs extraordinary, that none of the court-ladies were called beſides the counteſs of Sunderland, by the particular care of the earl of Arran; and the queen-dowager, who lodged in Somerſet-houſe, a great way from St. James's. All this ſeems to diſcover, it was not deſired that many ladies ſhould be preſent at the labour. To this it is anſwered, that the queen was ſurprized, as women frequently are, and that the proteſtant ladies were at church. But ſome take occaſion from hence to confirm their ſuſpicion. They ſuppoſe, the queen would not have gone with ſo much precipitation on Saturday night, to St. James's, if ſhe had not known ſhe ſhould be delivered the next morning, while the proteſtant ladies were employed at their devotions. But after all, this is only a ſuſpicion. For, who can be ſure, that the queen acted by the motive aſcribed to her? All that can be ſaid, is, that the point in queſtion being a child, who, if a boy, was to take place of a princeſs, preſumptive heir of the king her father, the king and queen ought to have put his birth out of all doubt. Inſtead of this, they confirmed, by a myſterious conduct, ſuſpicions which were already but too far ſpread, and of which they could not be ignorant. The empreſs Conſtantia, wife of Henry VI, proving with child at the age of fifty-two years, choſe a place the moſt public for her labour, and thereby removed all ſuſpicion of the birth of her child. On the contrary, the queen of king James II, for having neglected all precautions, has left upon her ſon, real or pretended, a blot which has not yet been effaced.

2. The king's being at the farther end of the room with eighteen peers and privy-councillors, is a circumſtance which proves nothing at all. It is well known, that on theſe occaſions men approach not the bed, to be eye-witneſses of what paſſes there. All they can do, is to be attentive to the cries of the mother, or the infant. Beſides, the king himſelf was not leſs ſuſpected than the queen.

3. As to the warming-pan brought into the queen's chamber, and which is ſuppoſed to have in it a new-born child, this is only a conjecture founded upon the ſeeming uſeleſſneſs of a warming-pan on the 10th of June, which proved an

[k] It is here proper to take notice of this paſſage in Biſhop Burnet. "That the princeſs went as far in deſiring to be ſatisfied by feeling the motion, after the queen ſaid ſhe was quick, as ſhe could go without breaking with her." Ibid.

exceſſive hot day. To this it is anſwered, that a labour is often attended with a quaking and trembling like an ague, which begins with a cold fit. This is what I know nothing of. It is alſo pretended, that it was impoſſible to put a new-born child, in the narrow compaſs of a warming-pan, without ſtifling it.

4. It is very extraordinary, that the queen was not a full hour in labour; for the king was ſent for at nine of the clock, and before ten the queen was delivered. She cried out but once, in the moment of her delivery. When the mind is filled with ſuſpicions, ſuch circumſtances help to confirm them. Thoſe who are not in the ſame diſpoſition, find nothing extraordinary in this; becauſe the queen had ever had eaſy and quick labours.

5. It is commonly true, that children, the moment they are born and expoſed to the air, are heard to cry. But I know not whether this can be conſidered as infallible. However, the queen having neglected to give undoubted proofs of her pregnancy, every little uncommon circumſtance was capable to confirm the ſuſpicion of an impoſture.

6. As to the ſtreſs that is laid upon the curtains of the bed being cloſe drawn, this cannot ſeem ſtrange, ſince there were eighteen lords in the room.

7. The circumſtance of the child's being not ſhewn, can cauſe no ſuſpicion, but on ſuppoſition of the ſuſpicion itſelf, which ought to have been removed, by ſhewing the child as it came from the womb. For, otherwiſe, it is not uſually done, till the midwife has taken due care of the child. But if this is urged to prove, that a child was not taken out of the queen's bed, the ſuſpicion of the warming-pan muſt neceſſarily be ſuppreſſed, for had a child been put in the pan, it could alſo be taken out of it.

8. What is ſaid of the "king's continuing with the lords ſome minutes in the bed-chamber," and that "it looked like giving time for ſome management," is a gloſs which deſerves little or no notice.

9. Thoſe who believe the child in queſtion not born of the queen, would have had her take all the precautions which they themſelves imagine, to deſtroy all ſort of doubt, and the omiſſion of one of theſe precautions is, with them, ſufficient to confirm their ſuſpicions.

10. If no ſatisfaction was given to the princeſs of Denmark after her return from Bath, it may be alledged, that ſhe diſcovered no jealouſy concerning the birth of the prince of Wales, and as ſhe appeared convinced of the truth, there was no neceſſity of giving her proofs.

11. The refuſal of Chamberlain's plaiſters would be very apt to cauſe a ſuſpicion, if it was impoſſible for the queen's breaſts not to want them. But how many labours are there which have no need of remedies for putting back the milk? However, the biſhop of Saliſbury obviates this anſwer, by ſaying, that in her former labours, the queen had always great plenty of milk.

12. What is ſaid of the queen's recovering ſo ſoon after her delivery, proves nothing. Some mothers have ſo eaſy labours, that in a few days one can hardly perceive any alteration in them. Beſides, it is too general an expreſſion to ſay, "the queen ſeemed to be ſoon recovered." The preciſe time ſhould have been marked, that it might be judged, whether there was any thing extraordinary in it.

However, all theſe reaſons of ſuſpicions laid together, make an impreſſion upon many men, which each in particular would not be able to do. We muſt always recur to this point, that the king and queen, knowing that they were ſuſpected of an impoſture, ought to have taken juſt meaſures to remove the ſuſpicion, and not having done it, it is not very ſtrange it ſhould continue to this day.

As to what paſſed after the delivery, I mean the ſuppoſition of two children, when the firſt was dead, the biſhop of Saliſbury's account reſts only upon the credit of ſome perſons whom he has given for vouchers, and of others not named by him. There are beſides ſeveral particulars, in proof of which he produces no teſtimony.

He ſuppoſes, that the child of which it was pretended the queen was delivered, died the ſame day. This ſuppoſition is grounded upon what Hemings heard through the wall of his parlour, and upon the denial of acceſs at the young prince's door to the counteſs of Clarendon. All this may be of ſome weight, when a bare ſuſpicion only is meant to be eſtabliſhed. But if it is produced as a proof, the inſufficiency of of it is eaſily ſeen.

The death of the ſecond child at Richmond ſtands only upon the report of four phyſicians, who were ſent for to viſit him. The biſhop does not make the phyſicians poſitively ſay that the child died, but only that, "They all looked on him as a dying child;" and as they were not called for after dinner, "they took it for granted that the child was dead." But this conſequence is not abſolutely neceſſary; for poſſibly they were not called, becauſe the child grew better. But, ſays the biſhop, "When they went in after dinner to look on the child, they ſaw a ſound healthy child, that ſeemed to have had no illneſs on him." They inferred from this, that this was not the ſame child, and the biſhop concludes that the firſt was dead, and another put in his room. What is particular in this fact, is, that theſe four phyſicians doubted this was the ſame child, only becauſe the firſt had been ſick, and this was ſound and healthy; as if all children at ſuch an age were ſo like one another, that no feature could diſtinguiſh them. And yet, theſe phyſicians thought it was not the ſame child only by the difference between a ſtate of health and ſickneſs. This is very ſurpriſing, ſince naturally the faces of the two children muſt have been ſo different, is not to need other remarks[l].

In ſhort, the biſhop of Saliſbury's whole account of theſe three impoſtures, reſts either upon hearſay, or what he read in the informations ſent to the prince and princeſs of Orange; for he was then at the Hague. The ſenders of theſe informations were, probably, no friends of king James. It is therefore very poſſible, not to ſay likely, that they have aggravated their reports, and collected every circumſtance, true or falſe, which was apt to perſuade the prince and princeſs, that the prince of Wales was ſuppoſititious. As for the biſhop of Saliſbury, I am perſuaded, he has related nothing but what he either heard, read, or believed to be true. But who can ſay he was not deceived by prejudiced perſons, who looked upon their ſuſpicions as ſo many convincing proofs? I am aware, that all the Engliſh have not the ſame opinion of Dr. Burnet as I have. Volumes of remarks upon his hiſtory, in which he is violently abuſed, demonſtrate, that the jacobites conſider him as the ſworn enemy of James II. and as deſerving no credit. But as, for very good reaſons, they have not thought proper to make remarks upon what he ſays of three ſuppoſititious children, it is not my buſineſs to gueſs what they could have ſaid. I preſume therefore he has invented nothing, without pretending, however, to warrant what he ſays upon the teſtimony of others.

I have enlarged upon the birth of the prince of Wales, becauſe there ſeemed to me to be great confuſion, as well in the books, as in the diſcourſes on this ſubject. My intent was to help the reader, to determine for or againſt, or to ſuſpend his judgment till the thing is more fully cleared. As the principal deſign of hiſtory is to eſtabliſh facts that are certain, to deſtroy thoſe that are falſe, and to inform the readers of the grounds of doubting with regard to ſuch as are dubious, I imagined, that in an affair ſo important as this, which has made ſo much noiſe, and will, doubtleſs, yet long be talked of, the reader would be glad to know what to rely on. Thus much is certain, that moſt proteſtants believed the prince of Wales ſuppoſititious, chiefly becauſe it would have been very diſadvantageous to them, that James II. ſhould have had a popiſh ſucceſſor. The papiſts, on the contrary, queſtioned not this prince's birth, becauſe nothing could be more ſerviceable to their religion. I am perſuaded, there were few, either papiſts or proteſtants, but what were determined on this point, by their prejudices. But things having taken an unexpected turn, the truth or falſity of this prince's birth have hitherto produced none of the effects which were hoped or feared[m].

The aſſurance of a popiſh ſucceſſor, made the king hope he ſhould more eaſily accompliſh his deſigns. But he wiſhed, above all things, for the concurrence of a parliament. It was with this view, that cloſettings were once more put in practice. He cloſetted ſuch as he intended to gain. Promiſes and menaces were employed, and thoſe who refuſed to ſerve the king "in his own way," as the word was, might aſſure themſelves of his heavieſt diſpleaſure.

[l] Colonel Sands, who died in 1728, being in 1688 gentleman-waiter to the princeſs Anne, was ſent by her from Tunbridge (where ſhe then was) to court, to enquire after her brother's health; going up immediately to the king without ceremony or interruption, as is uſual in ſuch caſes, he came into the room where the prince lay: he ſaw there a pale, long-viſaged child, with red ſpots in his face, and other marks of weakneſs. This ſtruck him ſo, that he took very particular notice of it; but preſently after the ladies in the room came and turned him out, ſaying, the prince was a-ſleep. At his going out he met the king, who aſked him with a diſturbed countenance, whether he had ſeen the prince? Sands, fearing he had done ſomething amiſs, denied it; upon which the king's countenance cleared up. Some time after he was called to look at the prince, but ſaw a child of very different looks and complexion from that which he found before. All theſe particulars he committed to writing, and carried them to the princeſs. Continuation of Baker's Chron. Edit. 1730, p. 752.

[m] See State-Tracts, in king William's reign. Tom. I. p. 12—30.

Allybone's

However, he neglected not more effectual means to force his ſubjects to compliance. He ordered ſome entire regiments out of Ireland; and filled many vacancies in his Engliſh regiments, with Iriſh and popiſh officers. This gave ſo great a diſguſt to the whole army, that lampoons and ballads were vented upon the Iriſh, who were mortally hated by the Engliſh, eſpecially ſince the maſſacre in 1641.

Mean while, that the king's deſigns in augmenting his forces might not be doubted, an addreſs, ſuppoſed to be drawn by a jeſuit, was procured from the city of Carliſle, particularly, "To thank his majeſty for his royal army, which really was both the honour and ſafety of the nation; let the Teckelites think and ſay what they would." And upon this occaſion the addreſſers aſſured his majeſty, "That when, in his great wiſdom, he ſhould think fit to call a parliament, they would chuſe ſuch members as would certainly concur with his majeſty, in taking off the penal laws and teſts, and not hazard the election of any perſon, who had any ways declared in favour of thoſe cannibal laws. Surely, ſaid they, theſe men that oppoſe your majeſty in ſo gracious and glorious a work, do not conſider what a ſovereign prince, by his royal power, may do. A work which heaven ſmiles upon, and will reward with no leſs a bleſſing, we hope, than a prince of Wales."———

During the public rejoicings for the birth of the prince of Wales, the archbiſhop of Canterbury, and the other ſix biſhops, priſoners in the Tower, were brought to their trial at the King's-Bench bar the 15th of June. But upon their motion for a delay, the trial was put off to the 29th of the ſame month, and in the mean time they were ſet at liberty upon their own recognizance. The 29th of June, Weſtminſter-Hall was crowded with great numbers of lords, gentlemen, and others, to be ſpectators of this famous trial. The king's counſel pleaded, That the petition preſented by the biſhops was a real and ſeditious libel, tending to diminiſh the king's prerogative, and excite ſedition amongſt the people. The counſel for the biſhops, on the other ſide, retorted the arguments of their adverſaries with great force and freedom; proving, that the king having no power to diſpenſe with penal laws, a petition humbly preſented to remonſtrate to him that he had no ſuch power, ought not to be eſteemed a libel: that it was injurious to the biſhops, to accuſe them of having publiſhed a petition, which they had reſpectfully preſented to the king in private and alone: that the occaſion of preſenting it was not ſought by them, but preſſed upon them: nor could it be called a libel, becauſe the intent was innocent, and they kept within the bounds ſet by act of parliament. After long pleadings on both ſides, the judges, in giving directions to the jury, were not unanimous. There were four, of whom Wright the chief-juſtice, and Holloway, were the king's creatures. Powel was reckoned a man of perfect integrity, and Allybone was a papiſt. Wright gave his opinion, That the petition preſented by the biſhops was a libel. Holloway ſaid, That if the jury were ſatisfied that the petition was preſented with no ill intention, but only to ſhew the reaſons of the petitioners diſobedience to the king's command, he could not think it to be a libel. Powel maintained, That the petition could not be a libel, becauſe it was founded upon the king's incapacity to diſpenſe with laws, which was very true. Allybone aſſerted, That the crime of the biſhops was next door to treaſon [n].

The jury withdrawing, ſat up all night; whether they could not agree, or to render their verdict more ſolemn. The next morning the court being aſſembled, and the hall filled with crowds of people, the jury pronounced the biſhops Not Guilty. Immediately ſhouts of joy were heard through the crowd, and the loudeſt acclamations reſounded through the cities of Weſtminſter and London. For ſeveral hours nothing was heard but repeated ſhouts of both cities, tranſported with the news of the biſhops acquittal. Nor was this all. For the king being gone that morning to the army on Hounſlow-heath, and dining in the earl of Feverſham's tent, the news flew to the camp, where the whole army ſhouted ſo loud, that it ſtartled the king and his whole company. The earl of Feverſham being ſent to know what was the matter, immediately returned, and told the king, "It was nothing but the ſhouts of the ſoldiers upon the news of the biſhops being acquitted." "Do you call that nothing?" ſaid the king, "but ſo much the worſe for them." Notwithſtanding the reſentment expreſſed by the king, and his ſevere prohibitions againſt all riotous aſſemblies, the whole city was that night illuminated, and numberleſs bonfires proclaimed the general joy. This was followed by almoſt all the great towns in the kingdom, and at Norwich particularly the joy was exceſſive. This was a ſenſible mortification to the king. He at firſt threatened to deliver the biſhops to the eccleſiaſtical commiſſioners; and to ſhew his indignation, he diſmiſſed Sir Richard Holloway and Sir John Powell, and filled their places with others [o].

The king perceiving the people's diſpoſition was not favourable to him, he reſolved at laſt to come to open force. But as he could only make uſe of his army, he was willing firſt to try how far he might depend upon their obedience. For this purpoſe, he thought fit to communicate his deſign to every regiment ſingly, not doubting, that if two or three ſubmitted, the reſt would follow their example. Accordingly, the major of the lord Litchfield's regiment was ordered to tell the officers and ſoldiers, that thoſe who were unwilling to contribute to the repeal of the teſt and penal laws, ſhould lay down their arms. But it was with the utmoſt aſtoniſhment that he ſaw the whole regiment, two captains and a few popiſh ſoldiers excepted, inſtantly lay down their arms. He remained for ſome time ſpeechleſs, but at laſt recovering his ſurpriſe, he commanded the ſoldiers to take up their arms again, and ſullenly told them. "That for the future he would not do them the honour to aſk their advice."

It was now eaſy to foreſee, that with a proteſtant army he ſhould never be able to introduce popery. Wherefore he reſolved to caſhier many proteſtant officers and ſoldiers, and to put papiſts in their room. Accordingly he began with ſome regiments; but it gave a diſguſt to the whole army. Shortly after, reſolving to put thirty Iriſh ſoldiers into the duke of Berwick's regiment, lieutenant-colonel Beaumont, and other officers, remonſtrated to the duke, "That neither thoſe gentlemen nor himſelf thought it conſiſtent with their honours, to have foreigners impoſed upon them,———and therefore humbly petitioned, that they might have leave to fill up their companies with ſuch men of their own nation, as they ſhould judge moſt ſuitable to the king's ſervice; or otherwiſe, that they might be permitted, with all imaginable duty and reſpect, to lay down their commiſſions." An account of this being committed to the king, he immediately ordered the lieutenant-colonel, and five captains, to be taken into cuſtody, and tried by a court-martial as mutineers. It was at firſt believed, that his intention was to cauſe them to be condemned to die, but ſome news from abroad altered the ſentence, and they were only caſhiered. The fleet was no better diſpoſed than the army to aſſiſt the king in his deſigns. This appeared, in that vice-admiral Strickland ordering maſs to be ſaid on board his ſhip, there aroſe ſuch a mutiny and diſorder among the ſailors, that the officers could hardly ſave the prieſt from being thrown overboard.

The king's ſituation was ſuch, that it ſeemed he could neither advance, nor recede. His zeal for his religion, his principles of government, his temper naturally obſtinate, his condeſcenſion to the queen, prieſts, and jeſuits, who inceſſantly ſurrounded him, allowed him not time to leave his work unfiniſhed. Beſides, he muſt have changed his whole ſyſtem, as well as his whole council, and nothing is more rare than to ſee a prince proceed in that manner, before he is forced to it. But, on the other hand, he could eaſily perceive, how far he ſtill was from his end, by the diſpoſition of his ſubjects, his fleet, and his army. He hoped, however, to ſurmount all obſtacles, becauſe, though one part of his people ſhewed a reluctance to ſubmit to his will, another part ſeemed diſpoſed to receive the yoke with ſubmiſſion. There were biſhops who had cauſed the declaration for liberty of conſcience to be read in their dioceſes, as the biſhops of Durham, Cheſter and Rocheſter. Nay, the firſt had ſuſpended thirty of his clergy, for refuſing to read it [p]. In Cheſhire, ſome curates, rectors, and others, not contented to read the declaration, preſented alſo an addreſs, wherein they tell his majeſty,———"That if the matter of the declaration were not according to their wiſhes, yet the publiſhing of it was according to their duty, ſince it iſſued out from the

[n] Allybone's opinion is not here truly repreſented. What he affirmed was, that neither the biſhops, nor any other men, had power to meddle with matters relating to the government. And he confirmed his aſſertion by an inſtance in James I's time, when it was declared to be high miſdemeanor, and next to treaſon, to petition the king to put the penal laws in execution. In which it ſeems he was miſtaken; for the petition referred to, was a petition againſt the penal laws. See State-Trials, tom. IV. p. 391.

[o] Sir Robert Baldock, one of the king's counſel in this trial, was made judge in the room of the latter; and Sir Thomas Powel of the former. Sir Chriſtopher Milton, one of the juſtices of the Common-Pleas, having about this time his writ of eaſe, was ſucceeded by Sir Thomas Jenner; in whoſe room, and in Sir Thomas Powell's, ſerjeant Ingleby and ſerjeant Rotherham were made barons of the Exchequer. Kennet. p. 516.

[p] And amongſt them one of his own chaplains. Echard, tom. III. p. 876.

expreſs

expreſs prerogative of his ſupremacy over them; ſo that they could not but with trouble of mind hear of the proceedings of the ſeven biſhops, who, though they tenderly promiſed the diſſenters ſomething, yet refuſed to do their part about the declaration, leſt they ſhould be parties to it, which reaſon the addreſſers eſteem inſufficient. They therefore, in all ſubmiſſion, become earneſt, though too mean, interceſſors to his majeſty, in behalf of the church of England, that the faults of theſe and others may not be laid to her charge, in whoſe communion there were many, and they hoped there would be more, who concurred in promoting the purpoſes of his mild government: and ſo conclude with begging leave to make their congratulations for the happy birth of the young prince in his hereditary ſucceſſive kingdom."—

The king, flattered by ſuch addreſſes, and imagining that terror would by degrees oblige his ſubjects to ſubmit to his pleaſure, reſolved to puſh his point at all events. But, on the other hand, he had the mortification to hear, that a ſon of Cartwright, biſhop of Cheſter, who had procured this addreſs, was refuſed to be admitted to a fellowſhip of one of the colleges at Oxford; and that Gifford, nominated by him to the ſee of that city, was likewiſe denied his doctor's degree.

But the reſolution taken by the king and his council was not to be ſhaken by any obſtacles. Though the ſeven biſhops had been acquitted of the pretended crime laid to their charge, the new eccleſiaſtical court did not think itſelf bound by that precedent. Wherefore, the commiſſioners, by an order made the 12th of July, "Command all chancellors, archdeacons, commiſſaries, and officials, to enquire in what churches and chapels his majeſty's declaration was read, and to tranſmit an account thereof upon the 16th day of Auguſt next." But the greateſt part of thoſe to whom the order was directed, never took any notice of it. The commiſſioners being met on that day, were not a little puzzled how to proceed. At laſt, after a long conſultation, they were contented to renew their firſt order, "Requiring all perſons having eccleſiaſtical juriſdiction, to tranſmit to them, upon the 6th day of December next, an account of the enquiry they are hereby commanded to make in their viſitations, together with the names of the parſons, rectors, vicars, and curates, that had either obeyed, or diſobeyed his majeſty's command." The affairs which happened before the expiration of that term, hindered its being known what the eccleſiaſtical court intended to do, or whether this order would have been better obeyed than the former.

Doctor Sprat, biſhop of Rocheſter, one of the biſhops of the new eccleſiaſtical court, now thought it time to withdraw. Wherefore he writ to his colleagues a letter, wherein he told them: "That ſince their lordſhips were reſolved to proceed againſt thoſe who had not complied with the king's command in reading his declaration, it was abſolutely impoſſible for him to ſerve his majeſty any longer in that commiſſion." He proceeds farther and ſays, "That though I myſelf did ſubmit in that particular, yet I will never be any ways inſtrumental in puniſhing thoſe my brethren who did not; for, as I call God to witneſs, that what I did was merely upon a principle of conſcience, ſo I am fully ſatisfied, that their forbearance was upon the ſame principle." This biſhop was one of thoſe on whom the court relied, and therefore his defection could not but trouble the king extremely. Several have thought, that the principal motive of this proceeding, was to ſcreen himſelf in time from the approaching ſtorm, of which he had received ſome intimation.

After the prince's birth, thoſe who had any concern for their religion or country, ſaw clearly the danger with which both were threatened. It was evident, that the king no longer pretended to govern by the laws of the land, but according to his will and pleaſure. He had ſufficiently diſcovered his intention; ſo that nothing leſs than a total ſubverſion of the government in church and ſtate could be expected. If this did not ſufficiently authorize the moſt conſiderable members of the ſtate to take meaſures for the prevention of ſuch a deſign, it is hard to conceive, what difference there can be between a government, like that of England, limited by laws, and an abſolute monarchy. And yet it cannot be doubted, that the government of England is different from that of moſt other ſtates. I am very ſenſible this point is not without difficulty, and that it is not eaſy in England to fix the limits of the ſubjects obedience. Whilſt the church of England prepoſterouſly believed, that the king had no deſign to alter the form of the government, but intended only to enlarge his prerogative, inſtead of thinking proper to oppoſe it, ſhe believed it for her advantage, as it might prevent attempts like thoſe which had occaſioned ſo many miſchiefs in the reign of Charles I. The preſbyterians, the independents, the anabaptiſts, had carried the principles of the republicans ſo far, and drawn ſuch terrible conſequences from them, that after the reſtoration of Charles II, it was thought in ſome manner neceſſary to run into the other extreme, by inveſting the king with a power, which, rightly conſidered, might have had conſequences not leſs dangerous than the republican-principles. But herein the ſole aim was to curb the non-conformiſts by the king's authority, without foreſeeing that a time might come, when the king would uſe the power aſcribed to him, againſt all his ſubjects in general, and the church of England in particular. That time being come under James II, the church of England opened her eyes, though a little too late, and ſaw that ſhe had been labouring for her own deſtruction, in maintaining and even openly preaching paſſive-obedience without any reſtriction. It was from this doctrine, inculcated ſo carefully, and ſo long upon the minds of the Engliſh, as eſſential to the church, that thoſe ſubmiſſive addreſſes proceeded, which were daily preſented to the king. And indeed, as no bounds had been ſet to paſſive-obedience, many people did not conceive that they could, with a ſafe conſcience, refuſe an unlimited obedience to the ſovereign. But at laſt, the danger of the kingdom convinced men of ſenſe, that the royal authority was neceſſarily to be bounded, otherwiſe the church and ſtate were going to be ruined.

Such being the ſituation of affairs, ſeveral church of England men, both of the clergy and laity, thought it time to take meaſures for ſtopping the king's progreſs, and bounding his power. Though they had themſelves carried it very high, they choſe rather to retract, than by their obſtinacy to throw the church and ſtate into imminent danger, in continuing to maintain a doctrine which could juſtly be conſidered as the principal fountain of the kingdom's calamities.

The firſt and moſt neceſſary precaution taken by them, was to form a ſtrict union between the church of England and the non-conformiſts for their common ſecurity. This union was become more eaſy than ever. The two parties agreed, that their diviſion had been the ſole cauſe of their ruin. This was a ſtrong motive for their union. The churchmen acknowledged, they had carried paſſive-obedience too far, and that it had produced ill effects. They ſhewed a readineſs to comply with the ſcruples of the preſbyterians, in relinquiſhing the ceremonies which might be conſidered as indifferent, or at leaſt to leave every man at liberty to practiſe or not practiſe them. This was all the preſbyterians could reaſonably expect. In ſhort, as the churchmen appeared touched with the calamities occaſioned by their exceſſive rigour, ſo they ſeemed diſpoſed to more condeſcenſion, if things were reſtored to their former ſtate. The preſbyterians, who had hitherto groundleſsly accuſed the church of England of leaning to popery, could not forbear acknowledging their error, after the firmneſs of the ſeven biſhops had diſcovered the injuſtice of that accuſation. Theſe diſpoſitions being well managed by the prudent and well-meaning men of both parties, produced at laſt an uniformity of ſentiments, with regard to the principal point in queſtion, namely, That it was abſolutely neceſſary to think of means for the preſervation of religion and the ſtate, from the impending danger. The leading men on both ſides, took great pains to curb the paſſionate, whoſe views were very narrow. In a word, without the king's knowledge, the whigs and tories were reconciled, and reſolved to labour jointly for the preſervation of their country. But unfortunately this union ended with the danger. However, it may be affirmed, that this reconciliation of the two parties was the moſt fatal blow that could be given to the king's affairs, ſince his greateſt ſtrength lay in their diviſion. Father Orleans calls this union a league againſt the king. It would be needleſs to diſpute about this term. The queſtion is only to know, whether this union, this league, or whatever elſe it may be called, was contrary to law, to conſcience, or to the duty which ſubjects owe to their ſovereign. But to decide this queſtion, the government of England muſt be diſtinguiſhed from that of other ſtates, and on pretence of the name of king, common to ſo many princes, the rights of one ſovereign not be confounded with thoſe of another, in order to apply to a king of England whatever is aſſerted of ſovereignty in general. This was an artifice frequent with James I. The queſtion therefore is to know, whether, in ſuppoſing the conſtitution of England ſuch as it appears in this hiſtory, James II. had violated it in the moſt eſſential parts; whether he had now changed or conſiderably altered it; whether there was ground to fear an entire ſubverſion; and

and whether the Engliſh were obliged to ſuffer it without oppoſition. Of this the readers may judge, from what they have hitherto ſeen. But in ſuppoſing even that James II. had changed, or deſigned to change the conſtitution, a ſtrong objection laid againſt thoſe, who believed it proper to oppoſe the entire execution of his deſigns; namely, the frequent declarations of the parliament and church of England, ſince the reſtoration, that an unlimited obedience was due to the king. This objection was ſo ſtrongly impreſſed on the minds of ſome churchmen, that they could not reſolve to oppoſe the king's deſigns, becauſe they looked on ſuch oppoſition as an act of rebellion. Nay, many perſiſt in this opinion even to this day, and, with the papiſts, form the party of the jacobites. Happily for England, moſt of the clergy and laity of the eſtabliſhed church were of a contrary opinion, and laboured effectually for the preſervation of religion and the government in conjunction with the whigs, who made no ſcruple of uniting with them in the ſame deſign.

The union between the whigs and tories being effected, ſeveral perſons of diſtinction, as well amongſt the clergy as the laity, began to form a ſcheme for the execution of the great deſign to preſerve the church and ſtate. They ſaw no expedient more proper, than to put the prince of Orange at the head of the party againſt the king. That prince was ſo intereſted in the affair, that it was not doubted he would contribute whatever lay in his power, both to ſave England, and ſecure the ſucceſſion to the princeſs his wife, lately defeated of her right by a prince, who generally paſſed for ſuppoſititious. Theſe were very powerful motives to actuate the prince of Orange. But there was ſtill another, which was naturally to have a great effect upon him; namely, the extreme danger to which Holland would be expoſed, in caſe the king accompliſhed his deſign, by reaſon of the cloſe union between the kings of England and France. It was with this view that ſeveral great men timely repaired to the Hague, on divers pretences, to confer with the prince of Orange. The firſt were, Mr. Sidney (brother to Algernon Sidney, beheaded in the laſt reign) afterwards earl of Rumney, Sir Robert Peyton, Sir Rowland Gwin, Dr. Burnet, and others. It is to be preſumed, that aſſurances were tranſmitted from them to their friends in England, of the good inclination of the prince to the common cauſe. In July, one Joſeph Flight brought over into England about fourſcore letters from perſons of quality and credit, and carried back anſwers to the Hague. The affair being thus begun, the old lord Wharton pretending a journey into Germany, paſſed through the Hague. Colonel Sidney, uncle to the earl of Sunderland, went to the Spa, on pretence of only drinking the waters. The lord Dunblain, ſon to the earl of Danby, and commander of an independent frigate, croſſed and re croſſed the ſeas, to carry ſeveral diſpatches and reſolutions. The earl of Shrewſbury mortgaged his eſtate for forty thouſand pounds, and went over to the prince to offer him both his purſe and ſword. He was quickly followed by admiral Herbert, his couſin Mr. Herbert, Mr. Ruſſel, the lord Mordaunt, and the earl of Wiltſhire. The principal perſons with whom they held correſpondence in England, were the earls of Danby, Devonſhire, and Dorſet, the lords Lovelace and Delamere, the duke of Norfolk, the marquis of Hallifax, his ſon the lord Eland, the marquis of Wincheſter, his ſon the lord Pawlet, the lord Willoughby ſon to the earl of Lindſey, Mr. Leſter, Mr. Hampden, Mr. Powle, and many others, beſides ſeveral eminent citizens of London [b].

The prince of Orange being fully determined to head the party, it was, after ſeveral conſultations, reſolved, that the Engliſh lords at the Hague ſhould demand aſſiſtance of the States, in the name of all England. But to prevent the ſecret from being divulged, they applied at firſt only to perſons of the greateſt credit and influence, who promiſed to uſe all their intereſt, at a proper time, to promote the deſign. There was no need of many arguments to prevail with the States to aſſiſt the diſtreſſed Engliſh. They were equally concerned in the affair with the Engliſh themſelves; for the ruin of Holland would doubtleſs have ſoon followed the ſlavery of England. Of this the deſigns of Lewis XIV, and his union with James II [c], left no room to doubt. All the difficulty lay in making preparations, in concealing the deſign of them, in raiſing forces in the room of thoſe which the prince ſhould lead into England, and in ſecuring a timely relief, in caſe the king of France ſhould attack Holland. But all theſe things were taken care of, with great addreſs and ſecrecy. The difference at that time, about the election of an archbiſhop of Cologne, between prince Clement of Bavaria and the cardinal of Furſtemburg, furniſhed the States with a pretence to aſſemble an army near Nimeguen. On the other hand, the prince of Orange, by his intrigues, prevailed to have the direction of affairs then on the carpet, committed to the management of three or four members of the States, on pretence of the correſpondence the count d'Avaux, the French embaſſador, had in Holland, who might inform him of their reſolutions. Theſe commiſſioners, all in the prince of Orange's confidence, under colour of the Cologne affair, gave orders for encamping an army and preparing a fleet. At laſt, the prince of Orange, on pretence of providing for a war againſt France, which ſeemed to be ſo near, had an interview at Minden in Weſtphalia, with the electors of Saxony and Brandenburgh, the princes of the houſe of Lunenburgh, and the landgrave of Heſſe-Caſſel, and ſecured their aſſiſtance, in caſe France ſhould attack Holland or the Low-Countries, while he was engaged in the Engliſh expedition. All this was tranſacted with ſuch ſecrecy, that the embaſſadors of France and England at the Hague could get no certain intelligence. They were forced to recur to conjectures, though the firſt had uſually been informed of the reſolutions of the States, as ſoon as they were taken.

When the prince of Orange had ſecured to the States, in caſe of need, the aſſiſtance of theſe princes, he concerted his expedition with ſuch prudence and ſecrecy, that his ſcheme was not known till after the execution; namely, that the States, under colour of being ready to ſupport the election of the prince of Bavaria, ſhould form a camp on the heath near Nimeguen, a place too remote from the ſea, to give any ſuſpicion that theſe troops were deſigned for an embarquement: that a fleet of fifty men of war ſhould be prepared, with a ſufficient number of tranſports, for the embarkation of twelve or thirteen thouſand men: that, to prevent the alarm which theſe tranſports might give, the merchants of Amſterdam, Rotterdam, and other maritime places, ſhould freight as many as they could on divers pretences: that theſe ſhips ſhould repair to ſeveral ports, at a time aſſigned, to take the forces abroad, and afterwards to the Goree, where the men of war ſhould expect them: that the prince of Orange ſhould put himſelf on board this fleet, and at his landing in England, the Engliſh perſons of quality, by whom he was invited, ſhould diſperſe themſelves into divers parts of the kingdom, to excite inſurrections, and levy troops, while the prince, with his little army, ſhould make head againſt the king. It was not doubted, but the prince's army would conſiderably increaſe when he ſhould be in England, and the people in general be ready to ſecond the efforts of thoſe, who were labouring for their deliverance. This whole ſcheme was executed in the manner it had been reſolved, without the embaſſadors of England and France being able to learn any thing certain. They conjectured, however, by the naval preparations, that ſomething was ſecretly contriving againſt England. Indeed it was difficult to prepare four or five hundred tranſports and fifty men of war ſo privately, that they ſhould have no intelligence from their ſpies. The count d'Avaux failed not to ſend his conjectures to the court of France, which were immediately tranſmitted to England. Moreover, Mr. Skelton, king James's envoy at the Hague, had before informed him of an intercepted letter, which intimated that a great project was ſecretly carrying on againſt him. But the king was then ſo ſecure of ſucceſs, that he neglected this intelligence, believing it only an artifice to divert him from his deſigns.

A little before, Mr. Budé de Verace, a proteſtant at Geneva, gentleman-uſher to the princeſs of Orange, having been diſmiſſed, was returned to his own country. When he heard of the great preparations in Holland, he writ to Mr. Skelton, then envoy at Paris, that he had things to communicate to the king of England, that were of no leſs concern than his crown, but would not diſcover the ſecret to any but the king himſelf; and that if his majeſty would let him know his pleaſure, he would immediately repair to London. Skelton was not wanting to give information to the court of England, and to repeat it by five or ſix letters. But no notice was taken of it, whether through a too great ſecurity, or that the earl of Sunderland, to whom the letters were addreſſed, did not think proper to communicate them to the king.

Mean while, as the armament in Holland could hardly be concealed any longer, and the king received repeated advices of it, he judged it convenient, at all events, to flatter the people with the expectation of a parliament. So, the 24th

[b] As alſo the lord Churchill, afterwards duke of Marlborough, colonel Trelawny, and colonel Kirk. Burnet, p. 764.

[c] See State Tracts, in king William's reign. Tom. I. p. 37, &c.

of Auguſt, he declared in council his intention to call a parliament for the 27th of November, and the chancellor had orders to iſſue out the writs the 5th of September. However, the writs were not ſent, which gave occaſion to think the king only deſigned to amuſe the public.

The next day, Mr. de Bonrepos arrived at London from Paris, and had ſeveral conferences with the king. It is pretended, that he offered him, from the king of France, a fleet, and an army of thirty thouſand men, but that the earl of Sunderland prevented the offer from being accepted. He is ſaid to repreſent to the king, "That it would be very dangerous to introduce a foreign army into England, at the very time he was preparing to hold a parliament: That he would entirely loſe the hearts of his ſubjects, and even of thoſe who were moſt devoted to him: That if the French ſhould have a mind to render themſelves maſters of the kingdom, he would find but very few who would join to deliver him from ſuch troubleſome gueſts, and that in accepting ſo powerful an aid, he would quickly become only a viceroy to Lewis XIV." Some have pretended, that this advice was evident treachery in the earl of Sunderland, who was gained by the prince of Orange. But this accuſation reſts only upon the ill ſucceſs of the king's affairs afterwards, and upon the ſuppoſition that he would have ſucceeded in his deſigns, had the king of France's offer been accepted. However the king refuſed the aid, becauſe he thought it unneceſſary, and yet it is pretended, that he made at this very time a new alliance with Lewis, but which was never publiſhed.

In the mean time, the king hearing from ſeveral parts, that an armament was making in Holland, he ordered the marquis of Albyville, his embaſſador, to preſent a memorial to the States, to demand what they meant by their warlike preparations, eſpecially by ſea, at that time of the year. The States anſwered, That they armed in imitation of his Britannic majeſty, and might with more reaſon demand an explanation about the alliance into which he was lately entered. This anſwer increaſing the king's ſuſpicions, he now began to take the neceſſary meaſures for putting himſelf in a poſture of defence. With this view, he gave the governments of Portſmouth and Hull, the two keys of the kingdom, to papiſts, and took care to have the majority of the officers and ſoldiers of theſe garriſons of that religion.

After all, he could not yet believe, the prince of Orange would venture to attack him. He ſtill relied on his fleet and army, though he had now had ſeveral demonſtrations of their diſaffection. The court of France could not conceive the cauſe of ſo ſtrange an indolence; nor was Skelton leſs puzzled to anſwer the queſtion ſo often aſked, why the king his maſter refuſed the aſſiſtance of France? He could only ſay, that he had no orders about it. At laſt, in a conference one day with Monſieur de Croiſſy upon this ſubject, he told him, it was his private opinion, that if France would threaten to attack the States-General, in caſe any thing was attempted by them againſt the king of England, ſuch a declaration would break all the prince of Orange's meaſures. The court of France approving of this propoſal, the count D'Avaux preſented a memorial to the States the 30th of Auguſt, declaring, "That all circumſtances inclined the king his maſter to believe, with reaſon, that the arming in Holland threatened England, therefore his majeſty had commanded him to declare to them, on his part,—"That the ties of friendſhip and alliance between him and the king of Great-Britain, would oblige him not only to aſſiſt him, but alſo to look on the firſt act of hoſtility that ſhould be committed by their troops or their fleet, againſt his majeſty of Great-Britain, to be a manifeſt rupture of the peace, and a breach with his crown."—The States, after an ambiguous anſwer to this memorial, demanded of the marquis of Albyville the meaning of the new alliance between the two kings. The ſame demand was made to the court of England by the States embaſſador, Van Citters, to whom they ſent a copy of the memorial. Whereupon the king ſummoned a council, and by the earl of Sunderland's means it was reſolved, to diſown the proceedings of the count D'Avaux. This reſolution was immediately communicated to the embaſſador of the States, and to all the king's miniſters in foreign courts. Moreover, to convince the public, that the king was not concerned in the memorial preſented by the count D'Avaux, Skelton was recalled, and immediately ſent to the Tower.

On this occaſion, the earl of Sunderland reaſoned upon the ſame principle advanced by him, when the aſſiſtance offered by France was in debate. It cannot be denied, that his reaſons appeared plauſible to the king. But it is ſuppoſed by ſome, that the king was deceived, and that it was not poſſible for the earl of Sunderland to be deceived alſo. Wherefore they aſcribe his counſels to an expreſs deſign of betraying his maſter. Thoſe who talk thus, are, 'tis likely, very ſorry the king did not follow the contrary opinion, and embrace the offer of France. They are perſuaded, in that caſe, the prince of Orange's meaſures would have been diſconcerted, his undertaking relinquiſhed, and the king, with the aſſiſtance of thirty thouſand men, been abſolute maſter of his kingdom. But it muſt be conſidered, that this is ſuppoſing an uncertain event; that the prime miniſter's advice preceded the king's diſaſter ſome months; and, to accuſe him of an intention to betray the king, it muſt be ſuppoſed, that he could have foreſeen what the king himſelf did not: in a word, that he was ſecretly engaged with the prince of Orange, of which however there is no poſitive proof. The moſt plauſible ground of ſuſpicion againſt him is, his admiſſion into that prince's council and confidence, when on the throne. But he was not the only miniſter of king James, who was thus favoured by king William. It is however certain, though the earl of Sunderland embraced the popiſh religion, he was, and ſtill is, ſuſpected by the papiſts. There are even proteſtants, who owning that he betrayed his maſter, count this pretended treachery an honour to him, ſince it tended to the good of the kingdom.

Though the king, as I ſaid, had ordered writs to be iſſued out for a new parliament, the order had not been executed. This appears clearly in a proclamation of the 21ſt of September, wherein the king ſuppoſed the elections were not yet begun. It imported:

"That his majeſty having already ſignified his pleaſure to call a parliament, leſt thoſe whoſe right it was to chuſe members, ſhould lie under any prejudices and miſtakes, through the artifices of diſaffected perſons, he thought it fit to declare, that as it was his royal purpoſe to endeavour a legal eſtabliſhment of an univerſal liberty of conſcience for all his ſubjects, it was alſo his reſolution inviolably to preſerve the church of England, by ſuch a confirmation of the ſeveral acts of uniformity, that they ſhould never be altered any other ways than by repealing the ſeveral clauſes, which inflict penalties upon perſons not promoted, or to be promoted to any eccleſiaſtical benefices within the meaning of the ſaid acts, for exerciſing their religion contrary to the purport of the ſaid acts of uniformity. And that for the further ſecuring, not only the church of England, but the proteſtant religion in general, he was willing the Roman catholics ſhould remain incapable to be members of the houſe of commons; whereby thoſe fears and apprehenſions would be removed, which many perſons had had, "That the legiſlative authority would be engroſſed by them, and turned againſt proteſtants."———

This proclamation was too obſcure and ambiguous to produce any great effect. There was even a manifeſt contradiction in the deſign to repeal the penal laws, and at the ſame time to preſerve the acts of uniformity. Beſides, the king ſpoke only of excluding papiſts from the houſe of commons, and not from that of the lords. But what ſtill more plainly diſcovered the king's intention to amuſe the people, was, that the writs for a new parliament were not iſſued.

In the mean time, having received ſo many concurring advices of the prince of Orange's deſigns, he gave out commiſſions for augmenting his forces, and ſent for ſome regiments out of Ireland. At the ſame time, he ordered the fleet to be equipped with all expedition. Monſieur Barillon, the French embaſſador, propoſed that the king his maſter ſhould be deſired to abandon the ſiege of Philipſburg, undertaken by the dauphin, and carry the war into Holland. This propoſal was approved by ſeveral of the council, but oppoſed by others, on pretence that ſuch a proceeding would alienate the minds of all the Engliſh proteſtants from the king. This reaſon prevailed the more eaſily, as the prince of Orange's friends had ſpread a report, that the armament of Holland was only deſigned to prevent the French from landing in England.

At laſt, the king, as he he could no longer doubt the prince of Orange's intention, appointed the earl of Feverſham to command his army, after that poſt had been declined by the count de Roye. The command of the fleet was given to the lord Dartmouth. As the king was not ignorant how prejudicial to him was the report of his ſtrict alliance with Lewis XIV, he uſed his utmoſt endeavours to ſtifle it. For this purpoſe he ordered the marquis of Albyville to preſent a memorial to the States, to aſſure them from him, that there was no other treaty between him and France than thoſe that were public. He moreover offered the States to take ſuch meaſures with them, as might beſt ſerve to maintain the peace of Nimeguen, and the twenty years truce concluded in 1684. But the States, whether better informed than the king imagined,

gined, or for other reaſons, took no notice of the memorial. On the contrary, the penſionary of Holland frankly owned to the marquis of Albyville, that the prince of Orange being invited by the Engliſh nobility, was preparing to carry them aſſiſtance for reſtoring the government to its ancient ſtate, the king having entirely changed it ſince his acceſſion to the crown.

It ſeems that the king had hitherto preſerved ſome hope, either that the States had ſome other deſign, or that the prince only intended to deter him from finiſhing his work. But after this advice received from his embaſſador, who added, that many Engliſh were at the Hague ready to accompany the prince in his expedition, he diſcovered the utmoſt conſternation, as well as his whole council. Indeed, it was eaſy to conceive, that the prince had projected this undertaking, upon private aſſurances of encouragement from the Engliſh. This reflection made the king begin to ſee the great diſproportion between the number of the proteſtants, and that of the papiſts, and conſequently the ſmall hopes of being ſupported by the latter. In theſe melancholy thoughts, he believed his beſt refuge was to recover the church of England to his intereſt. He ſtill reckoned, ſhe was unſhaken in her principle of paſſive-obedience, and that by giving her ſome ſatisfaction, he ſhould ſecure her allegiance, after which, he ſhould have no further cauſe to fear the efforts of the prince of Orange. To this end, he ſent for the biſhops that were then in London, namely, Wincheſter, Chicheſter, Peterborough, Rocheſter, Ely, Bath and Wells, and told them, that he deſired their advice in the preſent conjuncture. He aſſured them of his readineſs to do whatever ſhould be thought neceſſary for the ſecurity of the proteſtant religion and the liberties of his ſubjects, without derogating from his own prerogative. He concluded with ſaying, this affair required a mature examination, and therefore prayed them to conſult together, in order to give him their advice. The biſhops withdrew, and immediately repaired to Lambeth, to form, with the archbiſhop (then indiſpoſed) a plan of what they were to counſel the king.

The 28th of September, the king publiſhed a proclamation to inform his ſubjects, "That his majeſty had received undoubted advice, that a great and ſudden invaſion from Holland with an armed force of foreigners, would ſpeedily be made in an hoſtile manner upon this kingdom; and although ſome falſe pretences, relating to liberty, property, and religion, contrived and worded with art and ſubtlety, might be given out, it was manifeſt, however, that no leſs matter by this invaſion was propoſed, "that an abſolute conqueſt of theſe his majeſty's kingdoms, and the utter ſubduing and ſubjecting them, and all his people, to a foreign power," which was promoted by ſome of his ſubjects, being perſons of wicked and reſtleſs ſpirits, implacable malice, and deſperate deſigns; who having no ſenſe of the miſery of former inteſtine diviſions, nor being moved by his majeſty's reiterated acts of grace and mercy, did again endeavour to embroil this kingdom in blood and ruin, to gratify their own ambition and malice, propoſing to themſelves a prey and booty in ſuch a public confuſion. That though his majeſty had notice, that a foreign force was preparing againſt him, yet he had always declined any foreign ſuccours, but rather had choſen to rely upon the true and ancient courage, faith and allegiance of his own people, with whom he had often ventured his life for the honour of this nation, and in whoſe defence againſt all enemies, he was firmly reſolved to live and die; and therefore his majeſty ſolemnly conjured his ſubjects to lay aſide all animoſities, jealouſies, and prejudices, and heartily and chearfully to unite together, in the defence of him and their native country.——That albeit the deſign had been carried on with all imaginable ſecrecy, and endeavours to ſurpriſe and deceive his majeſty, yet he had not been wanting on his part, to make ſuch proviſions as did become him, and made no doubt of being found in ſo good a poſture, that his enemies might have cauſe to repent their raſh and unjuſt attempts." In the concluſion, his majeſty declared, "That he did intend to have met his parliament in November next, and that the writs were iſſued forth accordingly, propoſing to himſelf, amongſt other things, That he might be able to quiet the minds of all his people in matters of religion, but that in regard of this ſtrange attempt, deſigned to divert his ſaid gracious purpoſes, he found it neceſſary to recall his aforeſaid writs, &c."——

Though the king pretended an entire reliance on the allegiance of his ſubjects, he knew however he had given them too much cauſe of diſcontent, to be aſſured of their affection. Wherefore he thought it neceſſary to give them other proofs of his ſincerity than bare words. To this end, he took off the biſhop of London's ſuſpenſion, and appointed Sir John Chapman, a churchman, to ſucceed Sir John Eyles, the preſent lord-mayor of London, who was an anabaptiſt. Moreover, being informed that the biſhops would adviſe him to reſtore the city charter, he ſent for the lord-mayor, aldermen, and ſheriffs, and told them, "That he reſolved to reſtore to them their ancient charter and privileges, and put them into the ſame condition they were in at the time of the judgment pronounced againſt them, upon the Quo Warranto." The ſame day, the 2d of October, he publiſhed a general pardon by proclamation, out of which were excepted, Robert Parſons, Edward Matthews, Samuel Venner, Andrew Fletcher, colonel John Rumſey, major John Manley, Iſaac Manley, Francis Charleton, John Wildman, Titus Oates, Robert Ferguſon, Gilbert Burnet, Sir Robert Peyton, Laurence Braddon, Samuel Johnſon, Thomas Tipping, and Sir Rowland Guynne. But all this was not capable to ſatisfy the people, who aſpired to a more ample and more certain deliverance.

The day after, the 3d of October, the archbiſhop of Canterbury, attended by eight biſhops, repaired to Whitehall, and was admitted to an immediate audience. After a ſhort ſpeech, he preſented to the king the reſult of their conferences drawn up in ten articles, which were ſo many advices, and withal, reproaches upon his paſt government. Theſe advices were:

I. "To put the whole management of his government, in the ſeveral counties, into the hands of ſuch of the nobility and gentry there, as were legally qualified for it.

II. "To annul his commiſſion for eccleſiaſtical affairs; and that no ſuch court be erected for the future.

III. "That no diſpenſation might be granted or continued by virtue whereof any perſon not duly qualified by law, had been put into any place, office, or preferment in church or ſtate, or in the univerſities, or continued in the ſame, eſpecially ſuch as had cure of ſouls annext to them; and particularly, that he would reſtore the preſident and fellows of St. Mary Magdalen college in Oxford.

IV. "To ſet aſide all licences or faculties, by which any perſons of the Romiſh communion might pretend to be enabled to teach public ſchools.

V. "To deſiſt from the exerciſe of his diſpenſing power, and to permit that point to be calmly and freely debated, and finally ſettled in parliament.

VI. "To inhibit the four foreign biſhops, who ſtiled themſelves vicars apoſtolical, from farther invading the eccleſiaſtical juriſdiction, which by law, was veſted in the biſhops of the church of England.

VII. "To fill the vacant biſhoprics, and other eccleſiaſtical promotions, within his gift, both in England and Ireland, with men of learning and piety: and in particular, (which the archbiſhop owned to be his peculiar boldneſs, ſince it was done without the privity of his brethren) forthwith to fill the archiepiſcopal chair of York (which had ſo long ſtood empty, and upon which a whole province depended) with ſome very worthy perſon: for which he was ſo bold to ſay, his majeſty had then before him a very fair choice.".

VIII. "To ſuperſede all farther proſecutions of Quo Warrantos againſt corporations, and to reſtore to them their ancient charters and privileges; as they heard God had put into his heart for the city of London, which they intended otherwiſe to have made one of their principal requeſts.

IX. "That writs might be iſſued out with convenient ſpeed, for calling of a free and regular parliament, in which the church of England might be ſecured according to the acts of uniformity: proviſion might be made for a due liberty of conſcience, and for ſecuring the liberties and properties of all his ſubjects, and a mutual confidence might be eſtabliſhed between his majeſty and all his people.

X. "Above all, That his majeſty would be pleaſed to permit his biſhops, to offer ſuch motives and arguments, as (they truſted) might, by God's grace, be effectual to perſuade his majeſty to return to the communion of the church of England, into whoſe moſt holy catholic faith he was baptized, in which he was educated, and to which, it was their daily earneſt prayer to God, that he might be re-united."

Theſe advices clearly ſhew, that what has hitherto been ſeen concerning king James's government, is not grounded upon calumnies ſpread by his enemies. For how, on the 3d of October (a month before the prince of Orange's arrival, and at a time when the events were yet uncertain) could theſe nine biſhops conſpire together to reproach the king with a violation of the laws in all theſe articles, under colour of giving him counſel? Beſides, theſe advices agree, for the moſt part, with the prince of Orange's declaration, ſigned at the Hague,

Hague, at the very time the biſhops were conſulting together at London. In ſhort, the king's proceedings two days after, invincibly prove the truth of theſe facts. So, the advocates for king James can only plead, either that he had a right to act as he did, or, though he had no ſuch right, his ſubjects were bound to ſubmit to his will. But this is not the place to examine theſe queſtions.

The king perceiving that a refuſal to comply with the advice of the biſhops, would only increaſe the people's jealouſy, reſolved, though probably with regret, to redreſs moſt of the grievances complained of. For this purpoſe, the commiſſion for eccleſiaſtical cauſes was diſſolved. The next day, the lord chancellor had orders to carry back in perſon the charter of London. The lord-lieutenants of the ſeveral counties were required to inform themſelves of the abuſes and irregularities committed in the late regulations of corporations, in order to redreſs the ſame. The biſhop of Wincheſter, viſitor of Magdalen college in Oxford, was ordered to ſettle that ſociety regularly, and according to their ſtatutes. A proclamation was iſſued out for reſtoring corporations to their ancient charters, liberties, rights, and franchiſes. The lord-lieutenants were diſplaced in ſeveral counties. Popiſh juſtices of the peace, mayors, recorders, and other magiſtrates, were removed, and proteſtants put in their places. Thus, in the ſpace of about twelve days, that formidable fabric was in effect, or in a great meaſure demoliſhed, which the Romiſh cabal had ſpent near four years in erecting.

But all theſe proceedings were not capable to reſtore the king to the confidence of his ſubjects, becauſe they came too late, and ſeemed rather the effect of neceſſity than inclination. No other motive could be imagined of the king's deſtroying his own work, than his fear of being deſerted on the arrival of the prince of Orange, who was daily expected. Whence it was inferred, that the king's condeſcenſion would laſt no longer than the danger. What had been only ſuſpected, was ſoon found to be true. The biſhop of Wincheſter, purſuant to the king's order, having cauſed a citation to be fixed on the gates of Magdalen college, to recall Dr. Hough and the ejected fellows of that ſociety, upon the news of the diſperſion of the prince's fleet by a tempeſt, was recalled on ſome frivolous pretence, and the reſtoration of the college deferred. But afterwards, the news proving falſe, the king reſumed his pretended affection for the univerſity, and the college was reſtored. This extremely prejudiced the king, as it manifeſtly ſhewed, that in his late changes in favour of the proteſtants, his aim had been only to amuſe them, till he ſhould be able to retract. Such as had fallen into the ſnare, and believed the king to have acted with ſincerity, loſt all their former confidence in him. So, James ſaw himſelf at once reduced to the aſſiſtance of his popiſh ſubjects alone, who were incapable to reſtore his ſinking affairs.

As all his hope was placed in his army, he applied himſelf, as far as lay in his power, to augment and ſtrengthen it with troops, which ſhould wholly depend on him. In obedience to orders already given, two thouſand five hundred men landed at Cheſter from Ireland, and three thouſand Scots were advanced to Carliſle. Beſides this, new commiſſions were granted[a], for levying ten regiments of horſe and foot, not to mention ſeveral independent companies. All the militia had orders to be in readineſs to march. Laſtly, a proclamation was publiſhed, commanding all horſes, oxen, and cattle, to be driven and removed to the ſpace at leaſt of twenty miles, from the places where the enemy ſhould attempt to land. This was all he could do. But it was not in his power to cauſe his ſubjects to ſecond him with affection, or his troops to ſerve him faithfully. Accordingly, it was not upon an army of thirteen or fourteen thouſand men that the prince of Orange relied, but upon the diſpoſition of the Engliſh, who impatiently expected his arrival. Without this, ſo ſmall an army would not have been capable of conquering England.

In the mean time, the populace of London growing inſolent, by the hopes of the prince's coming, began to inſult the popiſh chapels: wherefore the king ordered them to be ſhut up, for fear of an inſurrection in ſo dangerous a juncture. On the other hand, many Romiſh prieſts and jeſuits perceiving the gathering ſtorm, and preſaging nothing good from the diſpoſition of the people, and the court's conſternation, began gradually to diſappear, and to conſult their own ſafety by a timely retreat into foreign parts.

In the midſt of all theſe diſtractions, the king cauſed the prince of Wales to be ſolemnly baptized; the pope, repreſented by his nuntio, being godfather, and the queen-dowager godmother. Father Saban officiated, and named him James-Francis-Edward.

At the ſame time the court received a pamphlet, publiſhed in Holland, and entitled, "A Memorial of the Engliſh proteſtants, preſented to their Highneſſes, the prince and princeſs of Orange." It was aſcribed to Dr. Burnet, or major Wildman, wherein, after a long narrative of the grievances of the nation, the author complained of king James's obliging his ſubjects to own a ſuppoſititious child for the prince of Wales, adding, "That his majeſty would never ſuffer the witneſſes that were preſent at the queen's delivery to be heard and examined." The king was no ſtranger to the ſuſpicions entertained by the people on this account, but hitherto had pretended to be ignorant of, or at leaſt to deſpiſe, them. He perceived however, that on this occaſion, he could not, without great prejudice to himſelf, help anſwering ſo public a challenge. He therefore held an extraordinary council the 22d of October, to which were called the queen-dowager, all the lords ſpiritual and temporal then in town, the lord-mayor and aldermen of London, the judges, and ſeveral of his majeſty's learned council. All theſe being aſſembled, the king told them, "He had called them together upon a very extraordinary occaſion; but that extraordinary diſeaſes muſt have extraordinary remedies: that the malicious endeavours of his enemies had ſo poiſoned the minds of ſome of his ſubjects, that by the reports he had from all hands, he had reaſon to believe, that very many did not think this ſon, with which God had bleſſed him, to be his, but a ſuppoſed child. But, he might ſay, that by a particular providence, ſcarce any prince was ever born, where there were ſo many perſons preſent. That he had taken this time to have the matter heard and examined there, expecting that the prince of Orange, with the firſt eaſterly wind, would invade this kingdom: and as he had often ventured his life for the nation before he came to the crown, ſo he thought himſelf more obliged ſo to do now he was king, and did intend to go in perſon againſt him, whereby he might be expoſed to accidents; and therefore he thought it neceſſary to have this now done, in order to ſatisfy the minds of his ſubjects, and to prevent the kingdom's being engaged in blood and confuſion after his death: that he had deſired the queen-dowager to give herſelf the trouble to come hither, to declare what ſhe knew of the birth of his ſon; and that moſt of the ladies, lords, and other perſons who were preſent, were ready to depoſe upon oath their knowledge of the matter."

After this ſpeech, depoſitions were taken, firſt of the queen-dowager, who only ſaid, "That ſhe was in the room when the queen was delivered," without any thing more poſitive or particular. After her followed forty witneſſes, of which ſeventeen were papiſts, and it was begun with proving, that the queen was brought to bed while many perſons were in the room. To this tended the teſtimonies of the eighteen lords who accompanied the king thither. This proof ſignified nothing, or was very ambiguous. It was well known, there were a great many perſons in the room at the time the queen was ſaid to be delivered; which doubtleſs, was all that was meant by this proof. But it was not ſufficient to prove the reality of the delivery. Some of the ladies depoſed, that they ſaw the child ſoon after in the arms of the midwife. But as no man in the council durſt put any queſtions to the witneſſes, concerning ſeveral circumſtances, theſe general depoſitions were incapable to remove all ſuſpicions. The midwife depoſed poſitively, that ſhe took the child from the queen's body. The counteſs of Sunderland depoſed, that the queen called her to give her her hand, that ſhe might feel how the child lay, "which (added ſhe) I did," but ſhe did not ſay whether ſhe felt the child or not. The biſhop of Saliſbury adds, That the counteſs of Sunderland told the ducheſs of Hamilton, (from whom he had this particular) that when ſhe put her hand into the bed, the queen held it, and let it go no lower than her breaſts, ſo that really ſhe felt nothing. Many ladies depoſed, That they had often ſeen the marks of milk on the queen's linen near her breaſts. Two or three depoſed, That they ſaw it running out at the nipple. But what is remarkable, none of theſe ladies named the time in which they ſaw the milk, except one, who named the month of May. Now if it be true, as was before related, that the queen was really with child till the ninth of April, and that ſhe miſcarried that day, all that was mentioned of milk in the queen's breaſts, particularly by her that fixed it to the month of May, might have followed upon that miſcarriage, and be no proof concerning

[a] Particularly to Henry Cavendiſh, duke of Newcaſtle; to the lord Brandon; to the marquis de Miremont, nephew to the earl of Feverſham; to colonel Henry Gage, and colonel Solomon Richards. Gazette, No. 2387.

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the late birth. Mrs. Pierce the laundreſs depoſed, That ſhe took linen from the queen's body once, which carried the marks of a delivery. The biſhop objects here, that it is ſtrange ſhe ſhould ſpeak only to one time. The lady Wentworth was the ſingle witneſs that depoſed, That ſhe had felt the child move in the queen's belly, but ſhe fixed it to no time.

In general, this briefly is the uſe that may be made of the ſuſpicions mentioned by ſeveral authors, and of theſe depoſitions, namely, There being three caſes, in none of which the two parties agree, the depoſitions are not applicable to any of the caſes, without being contradicted by thoſe who maintain one of the other two caſes. Let us take, for inſtance, the two depoſitions, which, next to that of the midwife, appear moſt convincing, namely, That of the lady who had ſeen milk run from the queen's breaſts: and that of the lady Iſabella Wentworth, who had felt the child in the womb. Theſe two teſtimonies are ſufficient againſt thoſe who maintain, that the queen was not with child from January, the time of her declared pregnancy, to the 10th of June, the time of her delivery. But they are inſufficient againſt thoſe who pretend ſhe was really with child, from the 6th of October to the ninth of April, when ſhe had a miſcarriage for the reaſons before mentioned. To be able therefore to give a certain judgment concerning the birth of the prince of Wales, it is neceſſary, 1. That facts ſhould be agreed in, I mean, whether it be true, that the queen was really with child, and that ſhe had a miſcarriage. 2. That thoſe who derive their ſuſpicions from the queen's obſtinate refuſal to give ſatisfaction to the public, ſhould fix the time of this obſtinacy to the interval between the 9th of April, the day of her pretended miſcarriage, and the 10th of June, the day of her delivery. For in ſuppoſing the reality of her pregnancy till Eaſter-week, the ſuſpicions ariſing from the queen's obſtinacy, cannot but be ill grounded, unleſs this obſtinacy is confined to the ſpace of time, between the miſcarriage and the delivery, which it is not. 3. That the two ladies who depoſed concerning the milk and the motion of the child, ſhould have fixed the time to the ſame interval, otherwiſe their teſtimony proves nothing againſt thoſe who maintain, that the queen was really with child till Eaſter-week, and had then a miſcarriage; but this is what does not appear. As to the teſtimony of the midwife, which is the principal and moſt poſitive, all that can be objected to it, is, that it is a ſingle teſtimony, and that beſides, ſhe being a papiſt, might have been corrupted. But this is only a conjecture, a bare poſſibility. It is therefore clear, that to decide this queſtion in a manner capable to ſatisfy thoſe who only ſeek the truth, a more perfect knowledge muſt be had of many circumſtances which as yet lie concealed.

The king's precaution produced not the expected effect. The ſuſpicion of an impoſture was ſo deeply rooted in the minds of moſt of the Engliſh, that it was rather confirmed than removed by this examination. The myſterious conduct obſerved at a time when, conſidering the general ſuſpicion, all poſſible precautions ought to have been taken to render the birth unqueſtionable, made a ſtronger impreſſion than all theſe teſtimonies, and the rather, as they were found to be very defective. Before this examination, the preſumption of law was for the prince, ſince he was owned by both parents, ſo that the proof lay on the other ſide, and ought to be offered by thoſe who queſtioned it. But after the king had undertaken to prove the reality of his ſon's birth, by forty witneſſes, of which more than thirty ſaid nothing material, and the reſt fixed no time to what they depoſed, he left room to his enemies to object againſt theſe very depoſitions.

The king's own teſtimony was not more effectual. After the witneſſes were examined, he told the aſſembly, "That the princeſs Anne of Denmark would have been preſent; but that ſhe being with child likewiſe, and having not lately ſtirred abroad, could not come ſo far without hazard." Adding further, "That though he did not queſtion but every perſon there preſent was ſatisfied before in this matter, yet by what they had heard, they would be better able to ſatisfy others: that beſides, if he and the queen could be thought ſo wicked as to endeavour to impoſe a child upon the nation, they ſaw how impoſſible it would have been; neither could he himſelf be impoſed upon, having conſtantly been with the queen during her being with child, and the whole time of her labour. That there was none of them but would eaſily believe him, who had ſuffered ſo much for conſcience ſake, uncapable of ſo great a villainy, to the prejudice of his own children; and that he thanked God, that thoſe who knew him, knew well, that it was his principle to do as he would be done by, for 'that was the law and the prophets;' and he would rather die a thouſand deaths, than do the leaſt wrong to any of his children."

The reaſons alledged by the king in this ſpeech were far from being convincing, ſince thoſe who believed the impoſture, were perſuaded that the king was chiefly concerned in it, notwithſtanding all his aſſeverations, which were but little regarded. It is a ſad thing for a king not to be credited by the body of his ſubjects. The depoſitions were ſolemnly enrolled in chancery, and afterwards printed and diſperſed among the people. But this did not prevent a general belief that the prince of Wales was ſuppoſititious. So this birth remains hitherto in uncertainty, and probably will long remain ſo. For it muſt be obſerved, that after the king and queen had withdrawn into France, there was no finding either the midwife or the queen's ladies, who had depoſed the moſt material circumſtances of the pregnancy or the delivery.

The 28th of October, the earl of Sunderland was ſuddenly removed from his places of preſident of the council, and principal ſecretary of ſtate. It is believed that his neglect of Skelton's letters to him, was the principal cauſe of his diſgrace. He ſaid upon this ſubject, "If he gave no account of theſe letters to the king, it was becauſe Skelton never wrote but ſecond-hand news." But theſe were not mere letters of news. One Wickſtead, formerly a monk, being ſeized for holding correſpondence with the king's enemies, charged the earl of Sunderland to his face, with revealing his majeſty's ſecrets to the prince of Orange. But being committed to the cuſtody of a meſſenger, he made his eſcape the next day.

However, it is certain, Sunderland had been ſome time ſuſpected by the papiſts, who, in all appearance, perſuaded the king of his ſecret intelligence with the prince of Orange. He publiſhed afterwards an apology, but the diſcuſſion of this affair would be too great a digreſſion.

As the prince of Orange was expected with the firſt eaſterly wind, ſome of the moſt devoted to the king during his proſperity, thought proper to ſecure themſelves by letters of pardon for their illegal actions. Amongſt theſe were chancellor Jefferies, ſir Nicholas Butler, the biſhop of Cheſter, the biſhop of Durham, and about twenty more, to whom the king readily granted the favour they deſired.

While theſe things were tranſacting in England, the neceſſary diſpoſitions were making in Holland for the aſſiſtance of the Engliſh. For it was upon this foot that the States let their troops to the prince of Orange; and what the king called in England an invaſion, in Holland was termed, "a brotherly aſſiſtance lent by the States and the prince to the diſtreſſed Engliſh." It can hardly be thought, that the prince of Orange, with an army of thirteen or fourteen thouſand men, would have undertaken a deſcent into England, had he not been aſſured of a favourable reception from the generality of the people. But as it was neceſſary to remove the ſuſpicion fomented by the king, that the prince was coming to conquer and ſubdue England, he thought proper, in a declaration, to ſhew the true motives of his undertaking. This declaration, dated the 10th of October, new ſtile, was divided into twenty-ſix articles, reducible to theſe three general heads:

"The firſt contained a particular enumeration of the grievances of the Engliſh nation, eſpecially the king's arrogating to himſelf a diſpenſing power: his advancing papiſts to civil, eccleſiaſtical, and military employments, and allowing them to ſit in the privy-council: his ſetting up an illegal commiſſion for eccleſiaſtical affairs, in which there was one of his miniſters of ſtate, who made public profeſſion of the popiſh religion, and who, at the time of his firſt profeſſing it, declared, 'That for a great while before, he had believed that to be the only true religion;' and by which not only the biſhop of London was ſuſpended, but the preſident and fellows of Magdalen college arbitrarily turned out of their freeholds, contrary to that expreſs proviſion in Magna Charta, 'That no man ſhall loſe his life or goods but by the laws of the land:' his allowing popiſh monaſteries and colleges of jeſuits to be created: his turning out of public employments, all ſuch as would not concur with him in the repeal of the teſt and penal laws: his invading the privileges, and ſeizing on the charters of moſt corporations, and placing popiſh magiſtrates in ſome of them: his ſubjecting the courts of judicatory to his arbitrary and deſpotic power, and putting the adminiſtration of juſtice into the hands of papiſts: his not only arming the papiſts, in contempt of the laws, but likewiſe raiſing them up to the greateſt military truſts, both by ſea and land, ſtrangers as well as natives, and Iriſh as well as Engliſh, that he might be in a capacity to enſlave

the nation: his putting the whole government of Ireland into the hands of papiſts: his aſſuming an abſolute and arbitrary power in the kingdom of Scotland; from which it was apparent, what was to be looked for in England."

Secondly, His highneſs alledged, "That thoſe great and inſufferable oppreſſions, and the open contempt of all law, together with the apprehenſion of the ſad conſequences that muſt certainly follow upon it, had made the ſubjects to look after ſuch remedies as are allowed of in all nations, and in the moſt abſolute monarchies, all which had been without effect; his majeſty's evil counſellors having endeavoured to make all men apprehend the loſs of their lives, liberties, honours, and eſtates, if they ſhould go about to preſerve themſelves from this oppreſſion, by petitions, and repreſentations; an inſtance of which was, the proſecution of the ſeven biſhops: that a peer of the realm (the lord Lovelace) was treated as a criminal, only becauſe he ſaid, 'That the ſubjects were not bound to obey the orders of a popiſh juſtice of peace;' though it is evident, that they being by law rendered incapable of all ſuch truſts, no regard is due to their orders: that both he, and his conſort the princeſs, had endeavoured to ſignify, with terms full of reſpect, to the king, the juſt and deep regret, which all theſe proceedings had given them, and declared what their thoughts were, touching the repealing of the teſt and penal laws: but that theſe evil counſellors had put ſuch ill conſtructions on their good intentions, that they had endeavoured to alienate the king more and more from them. That the laſt and great remedy for all theſe evils, was, the calling of a parliament, which could not yet be compaſſed, nor could be eaſily brought about; for thoſe men apprehending that a lawful parliament would bring them to account for all their open violations of law, and for their conſpiracies againſt the proteſtant religion, and the lives and liberties of the ſubjects, they had endeavoured, under the ſpecious pretence of liberty and conſcience, firſt to ſow diviſions between thoſe of the church of England, and diſſenters, with deſign to engage proteſtants, who are equally concerned to preſerve themſelves from popiſh oppreſſion, into mutual quarellings; that ſo by theſe, ſome advantage might be given them to bring about their deſigns; and that both in the elections of members of parliament, and afterwards in the parliament itſelf: that they had alſo made ſuch regulations, as they thought fit and neceſſary, for ſecuring all the members that were to be choſen by the corporations; by which means they hoped to avoid the puniſhment they deſerved, though it was apparent, that all acts, made by popiſh magiſtrates, were null and void of themſelves; ſo that no parliament could be lawful, for which the elections and returns were made by popiſh magiſtrates, ſheriffs and mayors of towns; and therefore as long as the magiſtracy was in ſuch hands, it was not poſſible to have a free parliament legally called and choſen. That there were great and violent preſumptions, inducing his highneſs to believe, that thoſe evil counſellors, in order to the gaining the more time for the effecting their ill deſigns, had publiſhed, 'That the queen had brought forth a ſon;' though there had appeared, both during the queen's pretended bigneſs, and in the manner wherein the birth was managed, ſo many juſt and viſible grounds of ſuſpicion, that not only he himſelf, but all the good ſubjects of the kingdom, did vehemently ſuſpect, 'That the pretended prince of Wales was not born of the queen;' and though many both doubted of the queen's bigneſs, and of the birth of the child, yet there was not any thing done to ſatisfy them, or put an end to their doubts. That ſince his conſort the princeſs, and likewiſe he himſelf, had ſo great an intereſt in this matter, and ſuch a right as all the world knew, to the ſucceſſion of the crown: ſince all the Engliſh did in the year 1672, when Holland was invaded with a moſt unjuſt war, uſe their utmoſt endeavours to put an end to that war, and that in oppoſition to thoſe who were then in the government; ſince the Engliſh nation had ever teſtified a moſt particular affection and eſteem, both to his highneſs's deareſt conſort, and to himſelf, he could not excuſe himſelf from eſpouſing that intereſt, in a matter of ſuch high conſequence, and for contributing all that in him lay, for the maintaining both of the proteſtant religion and the laws and liberties of theſe kingdoms: to the doing of which, his highneſs 'was moſt earneſtly ſollicited by a great many lords, both ſpiritual and temporal, and by many gentlemen, and other ſubjects of all ranks."

In the laſt place his highneſs declared, "That for the forementioned reaſons, he has thought fit to go over to England, and to carry with him a force ſufficient to defend him from the violence of thoſe evil counſellors: that his expedition was intended for no other deſign, but to have a free and lawful parliament, aſſembled as ſoon as it was poſſible; and that in order to this, all the late charters, by which the elections of burgeſſes are limited, contrary to the ancient cuſtom, ſhould be conſidered as null and of no force: that to this parliament he would refer the enquiry into the birth of the pretended prince of Wales, and of all things relating thereto, and to the right of ſucceſſion: that he would concur in every thing that might procure the peace and happineſs of the nation, under a juſt and legal government: that he would keep the forces under his command, under all the ſtrictneſs of martial diſcipline, and promiſed, that he would ſend back all thoſe foreign forces, as ſoon as the ſtate of the nation would admit of it: that therefore he invited and required all perſons whatſoever to come and aſſiſt him, in order to the executing his deſigns againſt all ſuch as ſhall endeavour to oppoſe him: that he would likewiſe take care, that a parliament ſhould be called in Scotland, for reſtoring the ancient conſtitution of that kingdom, and for bringing the matters of religion to ſuch a ſettlement, that the people might live eaſy and happy: that he would alſo ſtudy to bring the kingdom of Ireland to ſuch a ſtate, that the ſettlement there might be religiouſly obſerved, and that the proteſtant and Britiſh intereſt there might be ſecured."

This declaration being printed, and ready to be ſent over to England to be diſperſed among the people, the prince was informed, that the king, by the advice of the biſhops, had redreſſed ſeveral grievances mentioned in his declaration. Wherefore he thought fit to make the following addition to it.

"After we had printed our declaration, we have underſtood, that the ſubverters of the religion and laws of theſe kingdoms, hearing of our preparations to aſſiſt the people againſt them, have begun to retract ſome of the arbitrary and deſpotic power that they had aſſumed, and to vacate ſome of their unjuſt judgments and decrees: the ſenſe of their guilt, and the diſtruſt of their force, have induced them to offer to the city of London ſome ſeeming relief from their great oppreſſions; hoping thereby, to quiet the people, and to divert them from demanding a re-eſtabliſhment of their religion and laws, under the ſhelter of our arms: they did alſo give out, 'That we do intend to conquer and enſlave the nation;' and therefore it is, we have thought fit to add a few words to our declaration.

"We are confident, that no perſons can have ſuch hard thoughts of us, as to imagine, we have any other deſign in this our undertaking, than to procure a ſettlement of the religion, and of the liberties and properties of the ſubject, upon ſo ſure a foundation, that there may be no danger of the nation's relapſing into the like miſeries at any time hereafter. And as the forces we have brought along with us are utterly diſproportioned to that wicked deſign of conquering the nation, if we were capable of intending it; ſo the great numbers of the principal nobility and gentry, that are men of eminent quality and eſtates, and perſons of known integrity and zeal, both for the religion and government of England; many of them being alſo diſtinguiſhed by their conſtant fidelity to the crown, who do both accompany us in this expedition, and have earneſtly ſollicited us to it, will cover us from all ſuch malicious inſinuations: for it is not to be imagined, that either thoſe who invited us, or thoſe who are already come to aſſiſt us, can join in a wicked attempt of conqueſt, to make void their own lawful titles to their honours, eſtates, and intereſts. We are alſo confident, that all men ſee how little weight there is to be laid on all promiſes and engagements that can be now made, ſince there has been ſo little regard had in the time paſt, to the moſt SOLEMN PROMISES. And as that imperfect redreſs that is now offered, is a plain confeſſion of thoſe violences of the government that we have ſet forth, ſo the defectiveneſs of it is no leſs apparent; for they lay down nothing but which they may take up at pleaſure, and they reſerve entire, and not ſo much as mention their claims and pretences to an arbitrary and deſpotic power, which has been the root of all their oppreſſion, and the total ſubverſion of the government. And it is plain, that there can be no redreſs, no remedy offered but in parliament, by a declaration of the rights of the ſubjects that have been invaded, and not by any pretended acts of grace, to which the extremity of their affairs have driven them. Therefore it is that we have thought fit to declare, that we will refer all to a free aſſembly of this nation, in a lawful parliament."

About the ſame time was publiſhed, "The reſolution of the States-General, containing the reaſons that had obliged them to aſſiſt his highneſs the prince of Orange with ſhips, men, and ammunition, in his intended expedition into England." The two principal reaſons were: 1. That the prince

of Orange had been invited to this expedition by the Engliſh nobility, gentry, and clergy: 2. That the States had juſt cauſe to fear, that in caſe the king of England became abſolute in his own kingdom, he would, in conjunction with the king of France, endeavour to bring their ſtate to confuſion, and, if poſſible, totally to ſubject it. This fear was founded upon the earl of Caſtlemain's preſſing the pope, and the patron cardinal Cibo, (during his embaſſy at Rome) to admit his maſter to mediate a reconciliation between the courts of Rome and Verſailles, aſſuring, "When that reconciliation was brought about, the two kings would effectually ſerve the cauſe of the church, and begin with the deſtruction of Holland." The pope, to whom ſuch projects were not agreeable, informed the emperor of it, who communicated it to the prince of Orange. This is at leaſt what Dr. Burnet ſays in one of his letters.

Every thing being ready for the projected expedition, the prince of Orange went into the aſſembly of the States-General the 16th of October, to take a ſolemn leave of them. This was done in ſo tender and moving a manner, that both himſelf and the States melted into tears. He embarked the 19th of October, on a frigate of about thirty guns. The fleet conſiſted of fifty men of war, twenty-five frigates, as many fire-ſhips, with near four hundred victuallers, and other veſſels, for the tranſportation of above four thouſand horſe, and ten thouſand foot. The moſt conſiderable of the Engliſh, who accompanied the prince, were, the earls of Shrewſbury and Macclesfield, the lords Mordaunt, Wiltſhire, Paulet, Elan, Dunblain, admiral Herbert, Mr. Herbert, colonel Sidney, Mr. Ruſſel, ſir Rowland Gwin, major Wildman, Dr. Burnet, Mr. Harbord, Mr. Ferguſon, and many others leſs known. The prince had with him, beſides the general officers of the Dutch forces, count Schomberg, marſhal of France, who had laſt ſerved the elector of Brandenburgh, count Charles his ſon, monſieur Caillemotte, younger ſon to the marquis of Rouvigny, and about three hundred French officers, who had left their country for their religion. Admiral Herbert led the van of the fleet, vice-admiral Evertzen brought up the rear, and the prince placed himſelf in the main body, carrying a flag with Engliſh colours, and their Highneſſes arms ſurrounded with this motto, THE PROTESTANT RELIGION AND LIBERTIES OF ENGLAND; and underneath, the motto of the houſe of Naſſau, JE MAINTIENDRAI, i. e. "I will maintain."

This numerous fleet had been but few hours under ſail, when ſuddenly the wind coming more weſterly, there aroſe ſuch a ſtorm, that in leſs than two hours the whole fleet was ſo diſperſed, that the next day ſcarce two ſhips could be ſeen together. The ſtorm continued two days, during which time, the ſhips endeavoured to gain, ſome one port, ſome another. Many were driven northward, and could not reach the appointed rendezvous till eight days after. Nevertheleſs, the damage was ſo inconſiderable, that there was properly only loſs of time. But, on this occaſion, the States made uſe of an artifice, which did the king great prejudice: they ordered the Harlem and Amſterdam Gazettes to aggravate the damage ſuſtained by the fleet, and to inſinuate, that the prince could not poſſibly be in a condition to purſue his deſign till the next ſpring [b]. This was intended to amuſe the court of England, and make them more remiſs in their preparations. But beſides this advantage, they received from that artifice another ſtill more conſiderable, which was, that the king, hearing the news with great pleaſure, flattered himſelf, that he had now nothing more to fear, and that before the ſpring, he ſhould infallibly be able to break all the prince of Orange's meaſures. In this belief, he revoked ſome of his acts of grace granted to his ſubjects, and thereby clearly ſhewed, that theſe acts were extorted by neceſſity, and that conſequently, no change was to be expected in his conduct for the future.

It was in this critical juncture that captain Langham, an Engliſhman in the ſervice of the States, was ſeized on his arrival in England. In his portmanteau were found many copies of the prince's declaration, which were ſent to court. The king having read the declaration, was ſurprized at that expreſſion, "That the prince was moſt earneſtly invited over by divers of the lords, both ſpiritual and temporal, and by many gentlemen, and others." Immediately he ſent for the archbiſhop, and four or five biſhops then in London, and demanded of them, "Whether the contents of the prince's declaration, relating to their inviting him over, were true?" The biſhops contented themſelves with promiſing in general, their faithful allegiance to his majeſty. But the king, little ſatisfied with this anſwer, required them to juſtify themſelves to the world, as to their part in that invitation. At the ſame time he fixed a day, whereon he obliged them to preſent a paper under their own hand, ſignifying their abhorrence of the prince of Orange's intended invaſion. He farther let them know, "That a declaration was then in the preſs againſt the prince of Orange, and was only deferred, to have their paper of abhorrence put into it."

On the day appointed, the biſhops repaired to Whitehall, and as ſoon as they were in the king's preſence, he called for their paper. But with all ſubmiſſion, "They begged to be excuſed from writing any thing of that nature, and for making a particular defence to a general accuſation, leſt they ſhould give the firſt precedent of that kind againſt the privilege of peers: beſides, that their profeſſion being to promote peace, they thought it belonged not to them to declare war, eſpecially againſt a prince ſo nearly allied to the crown." This anſwer threw the king into a violent rage. However, they perſiſted in their refuſal, in as dutiful terms as poſſible. The king, not being able to prevail with them, ordered them to withdraw with great indignation. They were afterwards informed, that one of the principal members of the council and jeſuited party, adviſed the king, "To impriſon them all, and extort the truth from them by violence."

Mean time, the king being deſirous to conceal the prince of Orange's declaration from the people, forbad the publiſhing and diſperſing of it by proclamation. But being afterwards informed, that a great number of copies were handed about the kingdom, and ſenſible that his prohibition would be to no purpoſe, he choſe to print the declaration with remarks, tending to juſtify his own, and render odious the prince of Orange's conduct.

About the ſame time was printed a letter from the prince of Orange to the officers of the Engliſh army, and another from admiral Herbert to the Engliſh fleet. The deſign of theſe two letters was the ſame, namely to inform the army and the fleet of the true intentions of the prince, and to repreſent to them, that in being the king's inſtruments to accompliſh his deſigns, they were labouring their own ruin. Wherefore the officers, ſoldiers, and ſailors, were conjured not to ſuffer themſelves to be abuſed by a falſe nation of honour, to ſerve the king, contrary to the manifeſt intereſt of their religion and country. Theſe two letters had a wonderful effect upon officers, ſoldiers, and ſeamen; ſo that from this time many of them reſolved not to draw their ſwords in this quarrel, till they had a free parliament to ſecure their religion and liberties.

The king's fleet conſiſted of ſixty one men of war, of which thirty eight were of the line of battle. Several Engliſh authors venture to affirm, this fleet was more than ſufficient to defeat that of the States. I know not upon what their aſſertion is grounded: but it ſeems to me, it is as likely, that in caſe the fleets had engaged, the king's would have ſhared the danger. While the Engliſh fleet lay at anchor at the Gunfleet, the lord Dartmouth, the admiral, called a council of war, wherein it was debated, whether it was proper to put to ſea, and engage the enemy? An author who has writ the naval tranſactions of the Engliſh, ſays on this occaſion, "That this propoſal carried the greateſt weight with it, had there been a real deſign of obſtructing the prince of Orange in his paſſage to England. But inſtead of that, (continues he) matters were ſo concerted and agreed among the flag-officers and commanders, that had the admiral come fairly up with the Dutch, it would not have been in his power to have done them much damage." Wherefore, by a great majority, it was reſolved to continue there, in order to intercept the Dutch fleet.

The damage ſuſtained by the prince's fleet in the late ſtorm was ſo inconſiderable, and ſo eaſily repaired, that in eleven days it was in condition to put to ſea again. The firſt of November, in the afternoon, the prince embarked on a new veſſel called the Brill, and the fleet at firſt ſteering northward, it was thought the deſign was to land ſomewhere in the north of England, and Burnet ſays, the firſt ſcheme was to anchor in the mouth of the Humber. But during the night, whether the prince had changed his mind, or was hindered from purſuing this courſe by a violent eaſt wind, all the fleet ſteered towards the eaſtern coaſts of England; after which they ſhortened ſail for fear of accidents in the night. The next morning the fleet ſailed towards the

[b] It was ſaid in the Gazettes, that the prince had loſt moſt of his own horſes; and that there were one thouſand five hundred horſes dead or unſerviceable; whereas there were really but four hundred loſt. See State Tracts, tom. I. p. 56.

They

Channel, without meeting any Engliſh ſhip, and in their paſſage diſcovered the coaſts of Eſſex and Kent. The 3d of November, the fleet entered the Channel[c], and lay between Calais and Dover, to ſtay for the ſhips that were behind. Here the prince called a council of war. It is eaſy to imagine, what a glorious ſhow the fleet made. Five or ſix hundred ſhips in ſo narrow a channel, and both the Engliſh and French ſhores covered with numberleſs ſpectators, are no common ſight. For my part, who was then on board the fleet, I own it ſtruck me extremely.

The king, upon advice of the prince's deſign to land in the north, had ſent part of his army that way. But it was with the utmoſt ſurpriſe that he received ſeveral expreſſes, with the news that the enemy's fleet was ſailing weſtward. He however flattered himſelf that the lord Dartmouth would purſue and give a good account of them. But, for what reaſon I know not, the Engliſh fleet remained in their ſtation, till the enemy's ſhips had paſſed by[d].

The fourth of November being Sunday, and the prince's birth-day, now thirty-eight years of age, was by him dedicated to devotion, the fleet ſtill continuing their courſe, in order to land at Dartmouth or Torbay. But in the night, whether by the violence of the wind, or the negligence of the pilot[e], the fleet was carried beyond the deſired ports, without a poſſibility of putting back, ſuch was the fury of the wind. This accident gave them the melancholy proſpect of being forced to ſail on to Falmouth, or ſome other inconvenient place. But ſoon after, the wind turned to the ſouth, which happily carried the fleet into Torbay, the moſt convenient place for landing the horſe of any in England. The forces were landed with ſuch diligence and tranquillity, that the whole army was on ſhore before night. The next morning, the wind turning weſt, blew ſo tempeſtuouſly, that had the landing been deferred a few hours, probably, it would not have been poſſible to diſembark the troops. This wind prevented the lord Dartmouth, who was come in ſight of the Dutch fleet, from attacking it, and obliged him to go into Portſmouth. Upon this occaſion theſe two famous verſes of Claudian were applied to the prince of Orange:

" O nimium dilecte Deo, cui militat æther,
" Et conjurati veniunt ad claſſica venti."

Heaven's favourite! to whom the ſkies aſſiſtance lend,
Whilſt on thy ſails conſpiring winds attend.

It was thus, the prince of Orange landed in England, without any oppoſition, the fifth of November, whilſt the Engliſh were celebrating the memory of their deliverance from the powder-plot, about fourſcore years before. This is one of the moſt remarkable æras in the Engliſh hiſtory, and which probably will never be forgot by that nation.

The prince's army marched from Torbay about noon the next day in very rainy weather and bad roads. The ſoldiers, before they landed, were ordered to bring three days bread with them, and they carried the tents themſelves. But the officers, even the moſt conſiderable, were in a very uneaſy ſituation, at their firſt encampment, being wet to the ſkin, and having neither clothes for change, nor bread, nor horſes, nor ſervants, nor other bed than the earth all drenched with rain, their baggage being yet in the ſhips. Had this ſituation laſted two days more, the officers, as well principal as ſubaltern, would have been reduced to great extremities. But the prince did all that was in his power to procure them refreſhment. He ordered horſes, carriages, and proviſions from the neighbouring country, and in this ſtate purſued his march to Exeter, about twenty miles from Torbay.

As ſoon as the king heard the prince was landed, his firſt care was to order his army to rendezvous in ſome convenient place. He choſe Saliſbury-Plain, whither his army repaired from ſeveral parts, with all poſſible diligence. They who have ſaid that he ought to have marched directly to Torbay at the head of his army, did not conſider, that the thing was impracticable. The greateſt part of his army was as yet diſperſed in different quarters. Part had marched to the north, and part to Portſmouth to ſecure that place, which was of great conſequence. The Iriſh forces were ſtill in and about Cheſter, and the Scotch at Carliſle. The king, when he quitted London, could not avoid leaving there a good body of troops, unleſs he would have hazarded the ſeeing that powerful city, where he was not beloved, declare for the enemy. But it is ſtrange, that the king, though he had two month's notice of the prince's intended invaſion, had neglected to form a camp of twenty thouſand men in the heart of the kingdom, to be ready to march againſt him on the firſt news of his landing. This was a precaution taken by ſome of his predeceſſors on the like occaſion, when they expected a deſcent without knowing in what place, and which might have ſerved him for an example. His negligence therefore ſeems inexcuſable, ſince, after the prince's arrival at Torbay, he was obliged to loſe much time in aſſembling his army of more than thirty thouſand men. Very probably, if his forces had been ready, and he had marched into the weſt, the prince would have been extremely embarraſſed, who ſtayed ten days at Exeter, without any great increaſe of his army. Had he ſhewn ſo much firmneſs as Richard III, on the like occaſion, he would doubtleſs have prevented the deſertion of numbers, who perhaps were not yet determined to abandon him, and only reſolved it becauſe they ſaw in his conduct a conſternation which to them ſeemed ominous. But this is all conjecture.

However, the king having ſent a reinforcement to Portſmouth under the duke of Berwick, vainly amuſed himſelf with endeavouring to perſuade the people, that the prince's forces were too contemptible to inſpire him with fear. He printed a liſt of the regiments of the prince's army, with the companies, troops, officers and ſoldiers belonging to each[f]. But the prince's declaration was more relied on than this liſt, wherein it was ſaid, he would not have come with ſo ſmall a number of troops, had a conqueſt of England been intended; from whence it was inferred, that he was aſſured of aſſiſtance, which would appear in due time.

The king affected to expreſs a great confidence, as being ſuperior in number of forces. The better to ſhew he was incapable of fear, hearing that the counties of Kent and York, and the city of London, were preparing to addreſs him for an accommodation with the prince of Orange, he publicly declared, " That he would look upon all thoſe as his enemies, who ſhould pretend to adviſe him to treat with the invader of his kingdoms." At the ſame time, he publiſhed a declaration, endeavouring to demonſtrate, that the prince's ſecret deſign was to uſurp the crown. But for ſuch a declaration to have any effect, it muſt have come from a prince believed innocent, and unjuſtly attacked. But the people were far from this belief. They rather looked on the king as intending to ſubvert their religion and liberty, and on the prince of Orange, as the nation's deliverer.

Mean while, the prince, now at Exeter, found not at firſt the encouragement that he expected. The biſhop, Dr. Lamplugh, on the firſt news of his landing, poſted to court, where he was rewarded with the archbiſhopric of York, which had been kept long vacant, with intention, as it was thought, to confer it on father Petre, the king's confeſſor. The Sunday after the prince's arrival at Exeter, Dr. Burnet mounting the pulpit to read his declaration, all the canons and part of the congregation left the church, not to be preſent at the reading. On the other hand, few came to offer their ſervice to the prince, and the levy of three regiments of foot, for which he had granted commiſſions[g], went on but ſlowly. Not but that in general the people of the country were inclined to the prince, and wiſhed well to his undertaking. But the memory of the ſeverities againſt the duke of Monmouth's adherents, was yet ſo recent, that every one feared to engage in a like enterprize, the ſucceſs whereof was uncertain. In ſhort, the prince remained nine days at Exeter, without being joined by any perſon of diſtinction. It is even pretended that in a council of war, held at Exeter, he ſuffered it to be propoſed to him to reimbark for Holland. But on the tenth day ſome of the principal gentlemen of the country joined him. Among theſe was Sir Edward Seymour, by whoſe advice an aſſociation was drawn, and ſigned by all perſons then with the prince, or who afterwards repaired to him. It was likewiſe ſent to ſeveral other parts of the kingdom, and ſigned by great numbers. It was as follows:

" We whoſe names are hereunto ſubſcribed, who have now joined with the prince of Orange, for the defence of the proteſtant religion, and for the maintaining the ancient

[c] They paſſed by the Gunfleet in a very foggy day; while the Engliſh could not, by reaſon of the violence of the wind, purchaſe their anchors. Burchet, p. 414.

[d] The lord Dartmouth was kept in by the eaſterly winds. Burnet, p. 787.

[e] It being a hazy foggy morning, and full of rain, they over-ſhot Torbay. Hiſt. of Deſert. p. 58.

[f] According to that liſt, the prince's foot forces conſiſted of ten thouſand ſix hundred and ninety-two; his horſe, of three thouſand ſix hundred and ſixty; and his fleet of ſix hundred and thirty-five veſſels. Gazettes, No. 2397.

[g] To the lord Mordaunt, Sir John Guiſe, and Sir Robert Peyton. Echard, tom. III. p. 611.

government, and the laws and liberties of England, Scotland, and Ireland, do engage to Almighty God, to his highneſs the prince, and to one another, to ſtick firm to this cauſe, in the defence of it, and never to depart from it, till our religion, laws, and liberties are ſo far ſecured to us in a free parliament, that they ſhall no more be in danger of falling into popery and ſlavery. And whereas we are engaged in this common cauſe under the protection of the prince of Orange, by which means his perſon is expoſed to danger, and to the curſed attempts of papiſts, and other bloody men; we do therefore ſolemnly engage to God, and to one another, that if any ſuch attempt be made upon him, we will purſue not only thoſe that make it, but all their adherents, and all that we find in arms againſt us, with the uttermoſt ſeverity of a juſt revenge, to their utter ruin and deſtruction; and that the execution of any ſuch attempt (which God of his infinite mercy forbid) ſhall not divert us from proſecuting this cauſe, which we do now undertake, but that it ſhall engage us to carry it on with all the rigour that ſo barbarous an attempt ſhall deſerve."

From this time the face of the prince of Orange's affairs, who left Exeter to march to Saliſbury, was entirely changed. Every day brought him perſons diſtinguiſhed by their birth, eſtates, or employments. The lord Colcheſter, ſon to earl Rivers, a lieutenant in the life-guards, waited upon the prince, accompanied by Mr. Wharton, colonel Godfrey, John How, Eſq. four life-guard men, and about threeſcore men more on horſeback. Theſe were followed by the earl of Abingdon, captain Clarges, Mr. Ruſſel, and others. But what was more material, the lord Cornbury, ſon to the earl of Clarendon, colonel of dragoons, leaving Saliſbury, under pretence of an order from the king, to beat up one of the enemies advanced poſts at Honiton, carried with him his own regiment, and thoſe of horſe of Berwick, St. Albans, and Fenwick, and with the major part of them went over to the prince at Exeter.

About the ſame time the lord Delamere took arms in Cheſhire, and declared openly for the prince, inviting all his tenants to follow his example. The lord Lovelace was alſo marching to Exeter, with ſixty or ſeventy horſemen, but paſſing through Cirenceſter, was made priſoner, by the militia of the country, after a warm ſkirmiſh, in which ten or twelve men were killed on both ſides.

On the other hand, the two archbiſhops, five biſhops, the dukes of Grafton and Ormond, the earls of Dorſet, Clare, Clarendon, Burlington, Angleſey, and Rocheſter, the lords Newport, Paget, Chandois, and Oſſulſton, meeting together in London, drew up a petition, which was ſigned at the biſhop of Rocheſter's houſe at Weſtminſter. The intent of it was, to pray the king to call a free parliament, and find ſome expedient to ſatisfy the prince of Orange. The petition being delivered, and afterwards printed by the lords for their own vindication, this anſwer was returned from the king, which was alſo publiſhed: "My lords, what you aſk of me, I moſt paſſionately deſire; and I promiſe upon the faith of a king, That I will have a parliament, and ſuch a one as you aſk for, as ſoon as ever the prince of Orange has quitted this realm: for how is it poſſible a parliament ſhould be free in all its circumſtances, as you petition for, while an enemy is in the kingdom, and can make a return of near an hundred voices?" This anſwer was not ſatisfactory to the lords, who eaſily ſaw, that the king was far from deſiring a free parliament, nor would have any but of which he could be maſter.

Though the king ſtill put on a face of aſſurance, the deſertions in his army made him very uneaſy. He knew not what to reſolve, in the fear of ſome conſpiracy among the officers to deliver him to the prince of Orange, if he ſhould put himſelf at the head of the army. This was the reaſon of his ſtopping the march of his forces, artillery, and his own equipage. But in a council held on this occaſion, it was judged neceſſary for him to be as ſoon as poſſible with his army, in order to keep thoſe firm to their duty who were yet unreſolved. He therefore departed the 17th of November, after having recommended the care of the city to the lord-mayor, and in a ſpeech to the officers about him, renewed his promiſe of calling a parliament as ſoon as the prince of Orange had quitted the kingdom: he told them, "If they deſired any thing more, he was ready to grant it; but that if, after all, any of them was deſirous to go over to the prince of Orange, he was willing to grant them paſſes, and ſpare them the ſhame of deſerting their lawful ſovereign." But at the very time he ſeemed diſpoſed to give a general ſatisfaction, he left at Whitehall a council compoſed of five lords, all odious to the people, except the lord Godolphin. The other four were, the chancellor Jefferies, the lords Arundel and Bellaſis, both known papiſts; and the lord Preſton, ſuſpected of favouring popery. It is ſaid, the king deſigned to leave there alſo his confeſſor, father Petre, but the jeſuit choſe rather to retire to France.

The king arrived the 19th of November at Saliſbury, where the officers of the army, who were moſt devoted to him, paid him their compliments, and expreſſed an abhorrence of lord Cronbury's defection. At his arrival he was ſeized with a bleeding at the noſe, which encreaſed the next day, as he was going to view part of his army, quartered eight miles from Saliſbury. On the ſame, or the following day, moſt of the chief officers applied themſelves to the earl of Feverſham their general, deſiring him to aſſure the king, "That upon any occaſion they would be ready to ſpill the laſt droop of their blood in his ſervice; but yet they could not in conſcience fight againſt a prince, who was come over with no other deſign, than to procure the calling of a free parliament, for the ſecuring of their religion and liberties." This declaration, at which the king was extremely ſurprized, ſhewed him that his army, which had been always his principal refuge, could not be relied on. The earl of Feverſham, ſtrongly ſuſpecting the lord Churchill (afterwards duke of Marlborough) one of the king's favourites, lieutenant-general, captain of a troop of his life-guards, and gentleman of the bed-chamber, was very earneſt with the king to have him ſecured. But the king, whether he had no ſuch ſuſpicion, or feared it would occaſion a mutiny, would not follow his advice. However, the very next day the lord Churchill went over to the prince of Orange, accompanied by the duke of Grafton, colonel Berkley, four or five captains of his own regiment, and ſome other officers. Father Orleans inſinuates, that he had formed a deſign to deliver the king to the prince of Orange, which was prevented by his majeſty's bleeding at the noſe, at the time he intended to go and view his troops at Warminſter, the moſt advanced poſt of his army. But this accuſation is groundleſs, and entirely deſtroyed by the reſpectful letter written by that lord to the king, and which I therefore think proper to inſert here.

"SIR,

"SINCE men are ſeldom ſuſpected of ſincerity, when they act contrary to their intereſts; and though my dutiful behaviour to your majeſty in the worſt of times, (for which I acknowledge my poor ſervices much over-paid) may not be ſufficient to incline you to a charitable interpretation of my actions; yet I hope the great advantage I enjoy under your majeſty, which I can never expect in any other change of government, may reaſonably convince your majeſty, and the world, that I am actuated by a higher principle, when I offered that violence to my inclination and intereſt, as to deſert your majeſty at a time when your affairs ſeem to challenge the ſtricteſt obedience from all your ſubjects, much more from one who lies under the greateſt perſonal obligations imaginable to your majeſty. This, ſir, could proceed from nothing but the inviolable dictates of my conſcience, and a neceſſary concern for my religion, which no good man can oppoſe, and with which I am inſtructed, nothing ought to come in competition. Heaven knows, with what partiality my dutiful opinion of your majeſty hath hitherto repreſented thoſe unhappy deſigns, which inconſiderate and ſelf-intereſted men have framed againſt your majeſty's true intereſt, and the proteſtant religion. But as I can no longer join with ſuch, to give a pretence by conqueſt, to bring them to effect; ſo I will always, with the hazard of my life and fortune (ſo much your majeſty's due) endeavour to preſerve your royal perſon and lawful rights, with all the tender concern, and dutiful reſpect that become,"

Yours, &c.

This letter is a clear evidence, that nothing was farther from the lord Churchill's thoughts, than to deliver the king to the prince of Orange.

The lord Churchill's defection quite ſunk the king's ſpirits, who from this time ſaw not on whom he could rely. So, no longer daring to venture his perſon with his army, he left Saliſbury, and returned to London with a precipitation like a flight. Before his departure, he publiſhed a proclamation, "promiſing a free and abſolute pardon to all his ſubjects who had taken up arms, and joined with the prince of Orange, provided they quitted and deſerted him within the ſpace of twenty days." But this proclamation had no effect. In his return, he met with a greater mortification, in the defection of the prince of Denmark his ſon-in-law, who leaving him at Andover, went off to the prince of Orange with the duke

of Ormond, Sir George Hewet, and others. That prince wrote a very reſpectful letter to the king, in vindication of his conduct, wherein he grounds the defection chiefly on his concern for the proteſtant religion, which the king had openly declared to deſtroy, not only in England, but in all Europe, by his ſtrict union with France.

Mean time, the prince of Orange having left Exeter, was advanced to Sherburn, from whence it was in his power to march to Saliſbury or Briſtol, according to the reſolutions taken by the king. The king had an army ſo ſuperior to that of the prince in number, that had he marched directly to the prince, and attacked him, he would, doubtleſs have very much diſtreſſed him. It is not likely the prince would have ventured a battle, but on the king's advancing, would probably have retired to Briſtol, in expectation of a more general defection in the king's army. Such a defection was juſtly expected, according to all the advices of thoſe who came to join him. Wherefore, it is very unlikely that he would have riſked an advantage, of which he was almoſt aſſured, by a battle, the ſucceſs whereof would have been doubtful. I remember a report then in the prince's army, that the marſhal de Schomberg being told, the king was advancing to give battle, the marſhal coldly anſwered, "If we think proper." But upon hearing that the king was returned to London, and his army retiring to Reading, the prince marched to Saliſbury, and made a public entry into that city, amidſt the acclamations of the people. During his march, there was a ſmall ſkirmiſh between two parties of the armies, in which that of the prince, though very inferior in number, defended themſelves with ſo much bravery, that the enemy had no reaſon to boaſt of the advantage, the loſs being almoſt equal on both ſides[h].

The deſertion of his principal officers was not the only cauſe of the king's mortal fears. Scarce a day paſſed, but what brought him ſome diſagreeable news from different parts of the kingdom. The earl of Bath had made himſelf maſter of Plymouth, where the Dutch fleet lay ſecure. The earl of Shrewſbury, and Sir John Guiſe had, with the aſſiſtance of the inhabitants, forced the duke of Beaufort to ſurrender the important city of Briſtol. The earl of Devonſhire, at the head of a great number of Derbyſhire gentlemen, had declared for a free parliament, agreeable to the prince's declaration. The earl of Danby had ſecured York, and having diſarmed and turned out all the papiſts, (who, under the protection of the duke of Newcaſtle, ſtood up for the king) declared for a free parliament. The town of Berwick ſoon followed the example of York, and the gentlemen of Nottinghamſhire had done the ſame. Colonel Copley, deputy-governor of Hull, ſurpriſed that town, and made the lord Langdale, the popiſh governor, priſoner. The duke of Somerſet and the earl of Oxford, came to offer their ſervice to the prince of Orange. The duke of Ormond entered Oxford without reſiſtance, and cauſed the prince's declaration to be read there. In fine, the king heard, that five commiſſioners from Scotland, among whom were the duke of Queenſbury, and the lord of Belcarris, were coming to London, to demand a free parliament in that kingdom. But the king's greateſt affliction was, to ſee himſelf forſaken by his own daughter, the princeſs of Denmark, who had privately withdrawn from Whitehall, being attended by the biſhop of London, mounted and armed, and retired to Nottingham, from whence ſhe was conducted to the prince her huſband at Oxford. Some days before, it was reported, that the queen had treated her very rudely, and proceeded ſo far as to ſtrike her. This ſo incenſed the people, that as ſoon as they found ſhe appeared not at Whitehall, they offered to tear all the Romiſh party in pieces, upon a ſurmiſe of her being murdered, or confined, but on the news of her being in ſafety, they were appeaſed. At her going off, ſhe writ the following letter to the queen.

"Madam,

"I beg your pardon, if I am ſo deeply afflicted with the ſurpriſing news of the prince's being gone, as not to be able to ſee you, but to leave this paper to expreſs my humble duty to the king and yourſelf; and to let you know that I am gone to abſent myſelf, to avoid the king's diſpleaſure, which I am not able to bear, either againſt the prince or myſelf; and I ſhall ſtay at ſo great a diſtance, as not to return before I hear the happy news of a reconcilement. And as I am confident the prince did not leave the king with any other deſign, than to uſe all poſſible means for his preſervation; ſo I hope, you will do me the juſtice to believe, that I am not capable of following him for any other end. Never was any one in ſuch an unhappy condition, ſo divided between duty and affection to a father and a huſband; therefore I know not what to do, but to follow one to preſerve the other. I ſee the general falling off of the nobility and gentry, who avow to have no other end, than to prevail with the king to ſecure their religion, which they ſaw ſo much in danger, by the violent counſels of the prieſts; who, to promote their own religion, did not care to what danger they expoſed the king. I am fully perſuaded, that the prince of Orange deſigns the king's ſafety and preſervation, and hope all things may be compoſed without more bloodſhed, by calling of a parliament. God grant a happy end to theſe troubles, that the king's reign may be proſperous, and that I may ſhortly meet you in perfect peace and ſafety; till when, let me beg you to continue the ſame favourable opinion that you hitherto had of, Yours, &c.

From what has been ſaid it appears, that the defection was almoſt univerſal, and not confined to the court and the army. It is inconceivable, that the king ſhould not have foreſeen it, or ſhould have ſo ill an opinion of the Engliſh, as to think, they would quietly ſuffer their laws and religion to be deſtroyed: that they ſhould imagine, the giving a man a commiſſion in his army, and obliging him to take the oath of allegiance, ſhould free him from, or at leaſt make him forget his duty to God and his country. But it muſt be remembered, what the princeſs of Denmark inſinuated to the queen, that the king's counſellors cared not to what danger they expoſed him. In making him the inſtrument to execute their deſigns, they no farther regarded his perſon, than as it ſerved to eſtabliſh their religion, in which they could not ſucceed without rendering him abſolute, and James imprudently fell into the ſnare. Herein may be obſerved, the difference between Charles II. and James II. The firſt was always ſenſible, that the zealous promoters of abſolute power intended his grandeur only as a means to accompliſh other projects. Wherefore, when he ſaw himſelf engaged in very dangerous courſes, he forſook them as well as he could, and left his counſellors, his miniſters, and even his own brother in the danger. This was his frequent practice, and he thereby bequeathed to the duke his brother, the difficulty and peril of a contrary method. But James II. in purſuing a directly oppoſite courſe to that of Charles, gave himſelf up entirely to the counſels of thoſe, who to attain their own ends, regarded not to what danger they expoſed him by their violent proceedings.

Be this as it will, the king, at the time I am ſpeaking of, was plunged in a gulph of difficulties, without perceiving any way to eſcape. The queen was diſmayed, and her conſternation inexpreſſible. Father Petre was retired into France, under the protection of the lord Waldgrave, ſent thither in the room of Skelton. The violent counſels of Jefferies were now unſeaſonable. The popiſh counſellors, ſeeing all their meaſures broken, took care to ſhelter themſelves from the impending ſtorm, to which they left the king expoſed. In ſhort Mr. Barillon, the French embaſſador, and Monſieur de Lauſun, then in London, vented themſelves in fruitleſs reproaches on the king, for refuſing the aſſiſtance offered by France, without directing him how to repair that error. In this extreme diſtreſs (more eaſy to be imagined than deſcribed) his ſole refuge was to turn to the proteſtant peers, whoſe counſels he had before rejected, whom he had deprived of their employments, and, in a word, treated as enemies. He therefore aſſembled all the peers, ſpiritual and temporal, that were in London. The number indeed was but ſmall, there being many with the prince of Orange, or in ſeveral parts of the kingdom for his ſervice. When they were met, he prayed their advice concerning the preſent exigencies. On this occaſion he had the mortification to hear a long enumeration of all his unwarrantable proceedings, ſince his acceſſion to the throne, and particularly his violent meaſures to deſtroy the proteſtant religion, and ſubvert the liberties of England. Theſe, it was ſaid, had occaſioned the dangerous ſymptoms that now appeared in the body politic, and for which there was no other remedy than a free parliament. The neceſſity therefore was repreſented to his majeſty, 1. Of granting a general pardon to all thoſe who either came over with the prince of Orange, or had joined him ſince his landing. 2. Of deputing ſome lords to his highneſs to treat with him about a ſuſpenſion of arms, and to endeavour to bring matters to an accommodation. And laſtly, Of turning

[h] This ſkirmiſh was on November 20, at Wincanton, between a detachment of ſeventy horſe and fifty dragoons and granadiers of the king's; and twenty-five men of the prince of Orange's. Kennet, p. 530.

High

all papiſts immediately out of their employments, to convince the world, that his majeſty acted with ſincerity.

The king took that night to conſider of the advice, and the next day declared in council, that he was reſolved to call a free parliament, that ſhould meet the 15th of January next enſuing. Accordingly, the chancellor was ordered to iſſue out the writs. Then he publiſhed a proclamation in which he declared, that all his ſubjects ſhould have free liberty to elect, and all the peers, and ſuch as ſhould be elected members of the houſe of commons, ſhould have full liberty and freedom to ſerve and ſit in partiament, notwithſtanding they had taken up arms, or committed any act of hoſtility, or been any way aiding or aſſiſting therein. He likewiſe declared in council his intention of ſending commiſſioners to treat with the prince of Orange: but as to that part of the advice relating to the Roman catholics, his majeſty only ſaid, "He would leave that matter to be debated in parliament." However, ſir Edward Hales, a papiſt, and lieutenant of the Tower, having been obnoxious to the city of London, by threatning to bombard it, was diſplaced, and colonel Skelton put in his room.

The commiſſioners nominated by the king to treat with the prince of Orange, were the marquis of Hallifax, the earl of Nottingham, and the lord Godolphin. They left London the ſecond of December, and on their way met with paſſes from the prince.

At the ſame time appeared a printed paper at London and other places, called, "The third declaration of the prince of Orange," dated the 28th of November. It was penned by a private, and ſtill unknown, hand, who had the boldneſs to put the prince's name to it, and diſperſe it through the kingdom [i]. Amongſt other things he made the prince ſay, That as he would offer no violence to any but in his own neceſſary defence, ſo he would not ſuffer any injury to be done to the perſon, even of any papiſt, provided he was found in ſuch place, and condition, and circumſtance, as the law required. But he declared, that all papiſts, who ſhould be found in open arms, or in any office civil or military, contrary to the known laws of the land, ſhould be treated by him and his forces, not as gentlemen and ſoldiers, but as robbers, free-booters, and banditties: ſo ſhall all perſons found any ways aiding or aſſiſting to them: That whereas he he was certainly informed, that great numbers of armed papiſts had of late reſorted to London and Weſtminſter, and parts adjacent, not ſo much, he had reaſon to ſuſpect, for their own ſecurity, as out of a wicked deſign to make ſome deſperate attempt upon the ſaid cities and their inhabitants, he therefore required all magiſtrates and officers, civil and military, to diſarm and ſecure them, that all power of doing miſchief might be taken from them: That thoſe magiſtrates or others, who ſhould refuſe to aſſiſt him, to execute vigorouſly what he required of them, ſhould be eſteemed the moſt criminal and infamous of all men: betrayers of their religion, laws, and country, of whom he would require the life of every ſingle proteſtant that ſhould periſh, and every houſe that ſhould be burnt or deſtroyed, by their treachery and cowardice.

This declaration, publiſhed in the prince's name, though it was diſowned by him, finiſhed the confuſion of the papiſts; and the more, as ſeveral juſtices of peace cauſed it to be publiſhed, not imagining that any private man would have had the boldneſs to undertake ſuch a thing. From this time the popiſh party were reduced ſo low, that they durſt not hold up their heads. "An Hue and Cry after father Petre," was publicly cried and ſold in the ſtreets, notwithſtanding he was a privy-councillor. A legal accuſation againſt the earl of Saliſbury, "For infringing the moſt ſacred laws of the kingdom by turning papiſt," was preferred to the grand jury of Middleſex, who found the ſame.

The 6th of December, the three commiſſioners by an expreſs acquainted the king, "That they were to meet the prince of Orange that night at Ameſbury." But the next day they informed his majeſty, "That his highneſs had made a new appointment to meet them at Hungerford, and had ſent to them the earls of Clarendon and Oxford, to deſire them to make their propoſals in writing." This meſſage ſurprized the king, chiefly becauſe the prince had deputed the earl of Oxford, who had never been concerned in any public affair, and the earl of Clarendon was mortal enemy of the marquis of Hallifax. He inferred from thence, the prince's unwillingneſs to come to any accommodation. For this cauſe, Barillon and Lauſun earneſtly preſſed the king, to ſecure himſelf, the queen, and the prince of Wales, by a timely receſs from the nation. But he was willing ſtill to wait for the ſucceſs of the negotiation with the prince of Orange.

The ſubſtance of the propoſals delivered by the king's commiſſioners to the prince was, "That the king obſerving that all the cauſes of complaint, alledged by his highneſs, ſeemed to be referred to a free parliament, he had iſſued out his writs for calling one [k]. That he had ſent commiſſioners to his highneſs for adjuſting all matters relating to the freedom of elections, and ſecurity of the parliament; and, in order to that, propoſed, that the reſpective armies might be kept at ſuch a diſtance from London."

The prince, who was then marching towards London, returned no anſwer to theſe propoſals, but the next day, with the advice of the lords and gentlemen aſſembled with him, he put the following propoſitions into the hands of the king's commiſſioners.

"I. That all the papiſts, and all ſuch perſons as are not qualified by law, be diſarmed, diſbanded, and removed from all employments, civil and military.

"II. That all proclamations that reflect upon us be recalled; and that if any perſons, for having aſſiſted us, have been committed, that they be forthwith ſet at liberty.

"III. That for the ſecurity and ſafety of the city of London, the cuſtody and government of the Tower, be immediately put into the hands of the city.

"IV. That if his majeſty ſhall think fit to be in London, during the ſitting of the parliament, that we may be there alſo, with equal number of guards: and if his majeſty ſhall pleaſe to be in any place from London, whatever diſtance he thinks fit, that we may be at a place of the ſame diſtance; and that the reſpective armies be from London thirty miles: and that no further forces be brought into the kingdom.

"V. That for the ſecurity of the city of London, and their trade, Tilbury-fort be put into the hands of the ſaid city.

"VI. That a ſufficient part of the public revenue be aſſigned to us for the ſupport and maintenance of our troops, until the ſitting of a free parliament.

"VII. That to prevent the landing of the French, or other foreign troops, Portſmouth may be put into ſuch hands, as by his majeſty and us ſhall be agreed on."

Theſe propoſals were ſo reaſonable, that the king himſelf could not help owning, "they were better than he expected." Indeed, the prince of Orange ever adhered to his declaration, in which he only demanded entire freedom for the parliament, and a ſufficient ſecurity for the city of London, without ſtipulating any other advantage for himſelf than the maintenance of his army, till the ſitting of the parliament, for about ſix weeks. As the king could no longer hope to execute his firſt deſigns, it ſeems that nothing could be more advantageous to him in his preſent ſituation, deſerted by all, and not knowing which way to turn, than to be freed from his difficulties, by reſtoring things to their ancient and natural ſtate. Had he diſcovered a willingneſs to embrace theſe propoſals, probably, the parliament would have aſked no more of him than the eſtabliſhment of their religion and laws, ſo as not to be eaſily ſhaken, and he might have kept his crown, though perhaps with ſome diminution of the rights claimed by himſelf, his brother, father, and grandfather. This cannot be ſaid to be a hard condition, conſidering how he had governed, and the preſent ſituation of his affairs. He even ſeemed at firſt diſpoſed to accept theſe propoſals, and refer to the next parliament the deciſion of all differences, ſince that very day he called an extraordinary council of all the lords that were in town. As it was plain, he would be adviſed to accept the propoſals by all the lords, it could hardly be doubted, that he had ſuch an intention, and only called the council for form-ſake. It is not known what paſſed in it, but only that the ſame council was ordered to meet the next morning, to give their farther advice upon the exigency of affairs. Before the council broke up, the king, addreſſing himſelf to the duke of Bedford, ſaid, "My lord, you are a good man, and have a great influence: you can do much for me at this time." To which the duke replied, "I am an old man and can do but little;" then added with a deep ſigh, "I had once a ſon, that could now have been very ſerviceable to your majeſty." This was meant of the lord Ruſſel, beheaded in the late reign, who was ſacrificed to the vengeance of the king, then duke of York.

[i] Hugh Speke has owned himſelf the author of it. Secret. Hiſt. of the Revolut.

[k] He had indeed called a parliament, but the writs were not yet ſent down. Rapin.

Sir

The king was ſtruck dumb with this anſwer, ſo that he could make no reply.

Every thing ſeemed to promiſe an accommodation, and it was not doubted, but the next day ſome reſolution would be taken for the peace and ſecurity of the kingdom. But that ſame night the king, as it is ſuppoſed, conſulted with ſome of his popiſh counſellors, whoſe intereſted advice overthrew all theſe flattering expectations. Theſe counſellors eaſily perceived, what they were to expect from a free parliament. It was manifeſt, nothing could free the king from his preſent difficulties, but the delivering up the popiſh religion to the reſentments of the proteſtants, and the paſſing ſuch acts as would hinder its being ever eſtabliſhed in England. They therefore thought it more advantageous to their religion, that the king ſhould preſerve all his pretenſions, though unable to ſupport them, than ſacrifice them to the parliament. To that end, they adviſed him to withdraw into France. They repreſented, how diſhonourable it would be to retract what he had done, how prejudicial to the Catholic religion, to be forced to give his aſſent to ſuch acts of parliament as would tend only to render its eſtabliſhment impracticable. That the Catholics would be entirely deſtitute of any reſource, whereas by preſerving his rights, he might hope to be reſtored by the arms of France, and finiſh the work ſo glorioufly begun. In a word, by this intereſted counſel, they clearly diſcovered, if the king had been willing or able to perceive it, that not his perſon, but their religion was the ſole object of their concern. In fine, to give more weight to their reaſons, they inſtilled into the queen ſuch apprehenſions, as made her uſe all her influence with the king, to engage him to do as he was adviſed. They told her, the parliament would be far from being favourable to the king and herſelf: and being both ſuſpected, and even openly accuſed in the prince of Orange's declaration, of impoſing an heir upon the crown, it was very apparent, the parliament, to favour the princeſs of Orange, would declare the prince of Wales ſuppoſititious: that perhaps ſhe herſelf would be accuſed for the fact, ſince it was not ſcrupled to impeach the queen, her mother-in-law, for matters much leſs important: that a ſhort exile with a powerful and generous prince, who was able to reſtore them, was preferable to living in their own kingdom, with only the ſhadow of ſovereignty, in diſhonour, indigence, and in dependence upon thoſe whom they ought to command. Theſe conſiderations, ſupported, as it is pretended, by Barillon and Lauſun, made ſuch an impreſſion upon the queen, that ſhe reſolved to retire into France with the prince of Wales, after a poſitive promiſe from the king, that he would follow her with all convenient ſpeed.

Purſuant to this reſolution, in the night between the 9th and 10th of December, the queen in diſguiſe croſſed the Thames to Lambeth, in an open boat, expoſed to wind and rain. At Lambeth, under the walls of a church ſhe waited till a coach could be got ready in the next inn. She went from thence to Graveſend, where ſhe embarked with the prince of Wales on a ſmall veſſel, which conveyed them ſafely to Calais. From thence they went to Verſailles, where ſhe was received by the king of France with great marks of affection, which was ſome alleviation to her melancholy ſituation.

The king being fully determined to follow the queen, waited but one day to execute his deſign. The night between the 10th and 11th of December, in a plain ſuit, and a bob wig, he took water at Whitehall, accompanied only by Sir Edward Hales, Mr. Sheldon, and Abbadie a Frenchman, page of the back-ſtairs, without acquainting any other with his intention. If the manner in which this monarch intended to leave his dominions is impartially conſidered, it will hardly be denied, that this was an entire deſertion of them, and a putting of his ſubjects into the ſtate in which nature dictates to men, to provide for their own ſafety. Firſt, he fled without being purſued, and without any cauſe to fear, either for his life or liberty. So that it is manifeſt, his conſcience ſuggeſted evils to him, which were never intended. Secondly, He fled without any proviſion for the government of the kingdom. From this conduct it was afterwards inferred, that he abandoned his ſubjects in a perfect anarchy, and thereby authorized them to chuſe what form of government they pleaſed, or to elect another king. Thirdly, by his flight he violated the promiſe ſo ſolemnly made in his proclamation of calling a parliament. Fourthly, before he went off, he writ to the earl of Feverſham to diſband the army, without any care of their pay, probably, on purpoſe to cauſe diſturbances in the kingdom, by the diſcontents of the officers and ſoldiers. Fifthly, he ordered all the writs to be burnt, that were not ſent out, for electing the parliament, imagining, doubtleſs, that after his departure, it would not be poſſible to aſſemble a parliament, which by the laws could only be called by the king. Sixthly, when he took water, he threw the great-ſeal into the Thames, that nothing might be legally done in his abſence. If this may not be called a real deſertion of his kingdom, it will be difficult to give a name to ſuch proceedings.

As ſoon as the king's flight was known, a general conſternation enſued, moſt people being ignorant how they were to behave on ſo extraordinary an occaſion. However, about thirty ſpiritual and temporal lords met at Guildhall, and ſent for the lord-mayor and aldermen. After a ſhort conſultation, it was reſolved to adhere to the prince of Orange, and ſend deputies to him, with this reſolution ſigned by the whole aſſembly. Then they ſent for colonel Skelton, lieutenant of the Tower, of whom they demanded the keys, which he willingly reſigning, they were given to the lord Lucas. Preſently after, the common-council of the city ſent deputies [1] to the prince, with an addreſs, imploring his protection, and praying him to honour the city with his preſence.

Though, upon the king's flight, the militia of London and Weſtminſter were immediately up in arms, they could not prevent the mob from aſſembling and committing ſome diſorders. They confined their rage chiefly to the maſs-houſes erected by the king in the city and ſuburbs, which they demoliſhed entirely, and made bonfires with the materials. And as there were alſo chapels in the houſes of embaſſadors, thoſe of the Spaniſh and Florentine embaſſadors were rifled, before a ſtop could be put to the diſorder. In the firſt of theſe chapels the principal court-papiſts had conveyed all their valuable effects, and this probably was the chief cauſe of the pillage. The houſes of the other embaſſadors were preſerved, by the great care of ſome lords. The two miniſters of Spain and Florence were afterwards largely recompenſed for their loſſes [m].

During theſe diſorders of the mob, chancellor Jefferies, diſguiſed in a ſeaman's habit, in order to eſcape in a veſſel freighted for Hamburgh, was diſcovered [n] as he was looking out of the window of the houſe where he had concealed himſelf. He was immediately ſeized by the mob, and, after many indignities put upon him, carried before the lord-mayor, who declined meddling with him. But the chancellor ſeeing himſelf in the hands of an enraged mob, which threatened to tear him in pieces, deſired that he might be ſent to the Tower, which at laſt was granted him, not as a favour, but in hopes of ſeeing him ſhortly conducted from thence to the gallows. It is pretended, he offered to diſcover many ſecrets, and for that reaſon, was kept ſome time in priſon, till the affairs of the government ſhould be ſettled. But he died in that interval, by the blows he had received, according to ſome; by drinking of ſpirituous liquors, according to others; and as ſome pretend, of the ſtone. Never man had better deſerved a public puniſhment, as an atonement for all the miſchiefs done to his country, and for all the blood ſpilt by his means.

Mean time, the earl of Feverſham, after having communicated the king's letter to the principal officers, diſmiſſed the army, and gave notice of it by a trumpet to the prince of Orange, who returned no anſwer. This made it thought the prince did not approve of his conduct. And indeed it ſeems, that in ſuch a juncture, if he was unwilling to pay ſo much deference to the prince, as to communicate to him the order before it was executed, he ſhould not have done it, at leaſt without the advice of the lords aſſembled at London, who in the preſent ſtate of the kingdom had a right to interpoſe in the government. Accordingly, his conduct was greatly blamed; and this fault was the more taken notice of, as it occaſioned an alarm which threw the city and country into the uttermoſt conſternation. Some Iriſh ſoldiers of the diſbanded troops, finding themſelves moneyleſs, and incapable of ſubſiſting in a country where they were ſo generally hated, reſolved to keep themſelves from ſtarving, by forcibly entering a country-houſe. Whereupon a man of the neighbourhood runs directly to London, crying, as he paſſed, "That the Iriſh were up, and marching to London, firing of houſes, and putting man, woman, and child, to the ſword." The news immediately flew through the city, and cauſed a ſtrange panic fear. This report, as it went along, ſo gathered, that the terror was increaſed. The city was in alarm all night, expecting every moment the arrival of the Iriſh. Some pre-

[1] Sir Robert Clayton, Sir Baſil Firebrace, Sir William Ruſſel, and Charles Duncomb, Eſq; Kennet, p. 534.

[m] The Spaniſh embaſſador had ſeventy thouſand pounds for his loſſes. Buckingham's account of the Revolution, p. 16.

[n] By a clerk in chancery, that accidently paſſed by. Kennet, p. 535.

The

pared for flight, others ran to arms, not a window in London and Weſtminſter, but what was illuminated. From London the conſternation ſpread through the whole kingdom, ſo that in the remote parts, where people had more time to conſider what was to be done, a reſolution was taken, in caſe the news ſhould be true, of deſtroying all the Iriſh, and papiſts in England. Happily this terror vaniſhed in London as ſoon as the real cauſe of it was known.

Mean time, the prince of Orange being advanced as far as Henley, and fearing the diſorders which might be committed by a diſbanded army, publiſhed a ſhort declaration, requiring all colonels to call together the ſeveral officers and ſoldiers of their reſpective regiments, in ſuch places as they ſhould think convenient, and there to keep them in good order and diſcipline, till farther orders. This declaration was followed by another of the lords aſſembled at London, to the ſame effect, with an additional promiſe of ſubſiſtence, till they ſhould be otherwiſe provided for, to all officers and ſoldiers who ſhould obey, and deliver up their arms to perſons appointed to receive them. Beſides this, all magiſtrates were required to apprehend, and ſeize, all ſuch ſoldiers as ſhould not repair to their reſpective bodies, and to deal with them as vagabonds.

All theſe things were tranſacted, in the belief, that the king had left the nation; and indeed he was gone from Whitehall with that intention. He was got as far as a little place near Feverſham, and had even embarked in a ſmall veſſel that was to carry him to a frigate, ready to tranſport him to France. This veſſel, not being able to ſail immediately, by reaſon of a tempeſtuous wind, Sir Edward Hales, one of the king's attendants, ſent his footman to the Poſt-office at Feverſham. His livery was known by a man, who told ſome others, that Sir Edward was not far off. The footman was followed to the river-ſide, and ſeen to make ſigns to ſome people on board a bark; whereupon the fiſhermen, and other perſons of Feverſham, immediately boarded the veſſel where the king was. Sir Edward was ſoon known, and the king being taken for his chaplain, had many indignities put upon him. Then ſearching him, they found four hundred guineas, and ſeveral valuable ſeals and jewels, which they took from him. Amongſt the people who crouded into the ſhip, there happened to be a conſtable who knew the king, and throwing himſelf at his feet, begged him to forgive the rudeneſs of the mob, and ordered reſtitution to be made of what had been taken from him. The king received the jewels and the ſeals, but gave the four hundred guineas among them. After this, he deſired to be gone, but the people, by a ſort of violence conducted him to a public inn in the town. Here he ſent for the earl of Winchelſea, lord-lieutenant of the county, who prevailed with him not to leave the kingdom, but to return towards London.

This news being brought to London, produced various effects. Some wiſhed the king had never been ſtopt; others were glad of an opportunity to convince him, there was never any ill deſign againſt his perſon. The lords and the magiſtrates of London, who had made ſuch advances towards the prince of Orange, were confounded at their haſte, and were under ſome fear, in caſe the ſtate of affairs ſhould be altered. At laſt, the lords aſſembling, thought proper to appoint four of their body[d] to wait on the king, with an invitation to return to Whitehall, and with aſſurances of being received with all due reſpect; and coaches were immediately ſent to bring him. At the ſame time, an expreſs was diſpatched to the prince of Orange, to acquaint him that the king was ſtill in the nation. The prince, who was come as far as Windſor, was not a little ſurpriſed at the news. He was marching to London to ſettle with the lords, by whom he was expected, the affairs of the nation, in the ſuppoſition that the king had left it. But his majeſty's return threw the prince into great perplexity, and of courſe would oblige him to take other meaſures. Nevertheleſs, as the king had no army, and by his haſty flight, had entirely forfeited the confidence of all his friends, and the eſteem of his enemies, as he was not in a condition to command, but in ſome meaſure depended upon others, the prince diſpatched Monſieur Zuyleſtein to him, to deſire him to remain at Rocheſter, till it could be agreed what was to be done. But Zuyleſtein miſſing his way, the king came to London the 16th of December, about four in the afternoon, where he was received with acclamations as if he had been returning from victory.

The king being reſtored to his palace, and in ſome manner to his deſerted royalty, diſcovered an inclination to reſume his old meaſures, and ſtill brave the proteſtants. In all appearance, the acclamations as he paſſed through London, had revived his courage, and put him in hopes of a general declaration in his favour. The firſt thing he did was to publiſh an order of council, wherein he ſaid, That being given to underſtand, that divers outrages had been committed in ſeveral parts of the kingdom, by burning, pulling down, and defacing of houſes, he commanded all lord-lieutenants, &c. to prevent ſuch outrages for the future, and ſuppreſs all riotous aſſemblies. This was his laſt public act, which crowned ſo many others done in his reign, in favour of the papiſts. Moreover, he diſcharged Leiburn, a popiſh biſhop, who had been ſent to Newgate, and during his ſhort ſtay at Whitehall, was ſurrounded, as formerly, with prieſts, jeſuits, and Iriſhmen.

The king, in his journey to London, diſpatched the earl of Feverſham with a letter to the prince, "Kindly to invite him to the palace at St. James's, with what number of guards and troops he ſhould think convenient to bring along with him, that they might amicably and perſonally confer together about the means of redreſſing the public grievances." The prince returned no anſwer. But the moment the earl of Feverſham was out of his preſence, Monſieur Bentinck demanded his ſword, and told him, he had orders to ſecure him. This doubtleſs was owing to his precipitate diſbanding the army. Some indeed have thought it was only a pretence to remove him from the king's perſon, being ſuſpected of giving him ill advice, or perhaps, becauſe he was too much devoted to him, though he ever profeſſed the proteſtant religion.

In a council held by the prince, and the Engliſh lords who were with him, it was reſolved, "That the royal palace at Whitehall, being ſtill crouded with Iriſh papiſts, prieſts, and jeſuits, his highneſs could not with eaſe and ſafety remain at St. James's, where he muſt neceſſarily go the next day, without his majeſty and his popiſh guards were removed within a reaſonable diſtance from London." Moreover, an accident which happened two days before, provoked thoſe who were concerned for the prince's life. The duke of Grafton marching through the Strand at the head of a regiment, to take Tilbury fort out of the hands of the Iriſh, an Iriſh officer riding up to him, fired a piſtol at him; for which he was ſhot dead upon the place. Much more might ſuch an attempt be apprehended againſt the prince, from ſome of the king's guards. In the debate, it was propoſed to ſend the king priſoner to Breda. But the prince of Orange rejected the propoſal with indignation, proteſting, That he could not conſent to put him under any reſtraint. At laſt, ſince the prince's preſence at London was abſolutely neceſſary, it was agreed, that the king ſhould be deſired to remove to Ham, a houſe belonging to the ducheſs of Lauderdale. It appears from hence, that the king's approbation was no longer conſidered as abſolutely neceſſary to ſettle the affairs of the kingdom. And indeed it ſeems, that ſince he would have abandoned all, he had no right to pretend to any thing. Purſuant to this reſolution, the prince of Orange ſigned an order, directed to the marquis of Hallifax, the earl of Shrewſbury, and the lord Delamere, to acquaint the king with it, and to tell him, he ſhould be attended by his guards, to preſerve him from any diſturbances.

Immediately after, the prince ordered the regiment of his guards, conſiſting of three battalions, to march and take poſſeſſion of all the poſts about Whitehall and St. James's, either by perſuaſion or force. The king being informed of it, ſent for count Solms who commanded theſe guards, and deſired him, "If it could be, to let him have his own guard at Whitehall, only for that night," but the count alledging his order, "to relieve all the poſts," the king anſwered, "do your office." At ten o clock at night, the Dutch blue guards entered St. James's houſe, and towards eleven, thoſe who were ordered to Whitehall, moved through the Park, and with lighted match, and in order of battle, marched up to the king's guards. The captain of the guards ſcrupling to diſlodge, at laſt received the king's orders to retire. After this, the Dutch took poſſeſſion of the guard-houſe, and at the ſame time relieved all the poſts about Whitehall and the Park, placing every where double centries. So that, during the reſt of the night, the king was really in the power of the prince of Orange. An hour after midnight, the three lords appointed by the prince came to Whitehall, and ſent to awake the king for an audience. The king ordering them to come to his bedſide, they delivered the prince's meſſage, which was to deſire his majeſty's departure to Ham; to which the king conſented; but after they were withdrawn, he ordered them to be recalled, and bid them tell the prince, that he deſired rather to go to Rocheſter, according to the prince's meſſage

[d] The earls of Middleton, Ayleſbury, Yarmouth, and Feverſham. Kennet, p. 536.

by Zuyleſtein, to which the prince conſented that very night. His anſwer coming to the king at eight in the morning, the king about noon took a barge, attended by the earls of Aleſbury, Litchfield, Arran, and Dumbarton, ſix of the yeomen of his guard, and about a hundred of the Dutch guard, commanded by the lieutenant-colonel of the regiment. About nine at night he arrived at Graveſend, where he found his own coaches, and ſome troops of the militia, by whom he was the next day conducted to Rocheſter.

The prince arrived at London the ſame day the king left Whitehall, and lodged at St. James's, when he received the compliments of the nobility, the lord-mayor, aldermen, and common-council of the city of London. From this time it may be ſaid, the king was a mere cypher. He was not a priſoner, but had no power left of doing good or hurt, ſo that moſt of the lords who had any employments at court, laid down the badges of their offices, as the ſtaff, the key, &c. as believing they had no longer any right to exerciſe the ſame.

During the rejoicings at London for the prince's arrival, the mob inſulted the papiſts again, not excepting embaſſadors. As there was properly no government, ſuch diſorders were almoſt unavoidable, no perſon daring to undertake to reſtrain them. At laſt, the privy-council ordered, that all foreigners ſhould be permitted quietly to leave the kingdom. The prince of Orange ſent particular paſſes to the pope's nuntio, the envoys of Poland, Savoy, and Modena. The popiſh lords, Langdale and Montgomery, were releaſed. But the earls of Peterborough and Saliſbury were kept in cuſtody, on account of impeachments againſt them. Romiſh prieſts and jeſuits, apprehended ſince the king's flight, were likewiſe detained.

Mean while, as it was abſolutely neceſſary to put an end to the preſent anarchy, the prince of Orange aſſembled the lords ſpiritual and temporal in London, to the number of above threeſcore, and made this ſhort ſpeech to them, "My lords, I have deſired you to meet here, to adviſe the beſt manner how to purſue the ends of my declaration, in calling a free parliament, for the preſervation of the proteſtant religion, the reſtoring the rights and liberties of the kingdom, and ſettling the ſame, that they may not be in danger of being again ſubverted." Upon ſpeaking theſe words he withdrew, and left them to conſult together. His declaration was read, and the lords voted him their particular thanks. Then they reſolved to aſſemble every day in their old houſe at Weſtminſter, and named five of the moſt eminent lawyers[e] to aſſiſt them in the room of the judges, who were moſt of them abſent. It was farther propoſed, that the whole aſſembly ſhould ſign the aſſociation ſubſcribed by the nobility and gentry at Exeter. To this all agreed, except the duke of Somerſet, the earls of Pembroke and Nottingham, the lord Wharton, and all the biſhops but that of London. The objection of the biſhops was chiefly founded upon the unchriſtian word "Revenge," which, to ſatisfy them, was afterwards changed for that of "puniſhment."

In the mean time, the king was at Rocheſter in a melancholy ſituation. He perceived his flight had done him an irreparable injury. The proceedings at London ſhewed, that he was no longer regarded as a king to be intruſted with the government, and it was not in his power to reſtore himſelf by force. Nevertheleſs, ſome of his friends preſſed him to call a parliament, aſſuring him that ſince his misfortune there was a great turn in the minds of the city and army, and that compaſſion for him generally prevailed. But the very name of a free parliament made him tremble. For, beſides that his conſcience might reproach him and inſpire this fear, he plainly ſaw, the leaſt which could befal him, would be, that the parliament would take effectual meaſures for the ſecurity of the proteſtant religion, and that, as long as he lived, he ſhould be ever diſturbed. Probably it was the fear of paſſing the reſt of his days in ſo uncomfortable a ſtate, which determined him to withdraw into France. Indeed in taking that courſe, he might hope one day to be reſtored by the aſſiſtance of that crown. Whereas by ſtaying in England, he ſaw no other advantage, than the enjoyment of a royalty, ſurrounded with troubles and mortifications, and in which he could not without danger attempt to recover his former authority. Whatever were his motives, which can only be gueſſed, on the 23d of December, about three in the morning, he privately withdrew, taking with him only the duke of Berwick his natural ſon, Mr. Skelton, and Abbadie, and went on horſeback to a place near the river, where he embarked on a ſmall frigate, which landed him ſafely at Ambleteuſe in France, from whence he repaired to St. Germains. It was eaſy to execute this deſign, no perſon about him having orders to ſtop or hinder him from diſpoſing of himſelf as he pleaſed. Very probably, the prince of Orange received no leſs ſatisfaction from this ſecond, than he had from the firſt flight. The king's preſence in the nation could not but greatly embarraſs him. Beſides his natural generoſity, he had promiſed the princeſs that nothing ſhould be attempted againſt the life or liberty of her father. So, the king could not do a greater ſervice to the prince, than voluntarily to retire out of the kingdom. Eſpecially, as this afterwards furniſhed a pretence to ſay, he had abdicated the crown, which abdication paved the prince's way to the throne. When the king quitted Rocheſter, he left the following paper written with his own hand.

"The world cannot wonder at my withdrawing myſelf now the ſecond time. I might have expected ſomewhat better uſage, after what I wrote to the prince of Orange, by my lord Feverſham, and the inſtructions I gave him: but inſtead of an anſwer, ſuch as I might have hoped for, what was I to expect after the uſage I received, by making the ſaid earl a priſoner, againſt the practice and law of nations? The ſending his own guards at eleven at night, to take poſſeſſion of the poſts at Whitehall, without advertiſing me in the leaſt manner of it: the ſending to me at one of the clock at midnight, when I was in bed, a kind of order by three lords, 'To be gone out of my palace before twelve that ſame morning?' After all this, how could I hope to be ſafe, ſo long as I was in the power of one who had not only done this to me, and invaded my kingdoms, without any juſt occaſion given for it; but that did, by his firſt declaration, lay the greateſt aſperſions upon me that malice could invent, in that clauſe of it which concerns my ſon. I appeal to all that know me, nay, even to himſelf, that in their conſciences neither he, nor they can believe me in the leaſt capable of ſo unnatural a villainy, nor of ſo little common ſenſe, to be impoſed on in a thing of ſuch a nature as that. What had I then to expect from one, who, by all arts hath taken ſo much pains to make me appear as black as hell to my own people, as well as to all the world beſides? What effect that hath had at home, all mankind have ſeen by ſo general a defection in my army, as well as in the nation, amongſt all ſorts of people.

"I was born free, and deſire to continue ſo; and though I ventured my life very frankly on ſeveral occaſions, for the good and honour of my country, and am as free to do ſo again (and which I hope I ſhall yet do, as old as I am, to redeem it from the ſlavery it is like to fall under) yet I think it not convenient to expoſe myſelf to be ſo ſecured, as not to be at liberty to effect it; and for that reaſon to withdraw; but ſo as to be within call whenſoever the nation's eyes ſhall be opened, ſo as to ſee how they have been impoſed upon by the ſpecious pretences of religion and popery. I hope it will pleaſe God to touch their hearts, out of his infinite mercy, and to make them ſenſible of the ill condition they are in, and bring them to ſuch a temper, that a legal parliament may be called; and that, amongſt other things which may be neceſſary to be done, they will agree to liberty of conſcience to all proteſtant diſſenters; and that thoſe of my own perſuaſion may be ſo far conſidered, and have ſuch a ſhare of it, as they may live peaceably and quietly, as Engliſhmen and chriſtians ought to do, and not be obliged to tranſplant themſelves; which would be very grievous, eſpecially to ſuch as love their country. And I appeal to all men, who are conſidering men, and have had experience, whether any thing can make this nation ſo great and flouriſhing, as liberty of conſcience? Some of our neighbours dread it. I could add much more, to confirm what I have ſaid, but now is not a proper time."

This paper remained not unanſwered. As I have not been able to procure Dr. Burnet's animadverſions upon it[f], I ſhall endeavour to ſupply the want with ſome obſervations.

The firſt is taken from Mr. Echard, who very juſtly obſerves, "That though the king gave ſome reaſons for his ſecond deſertion, he gave none at all for his firſt. Now it was the firſt, which chiefly demonſtrated, that he choſe rather to abandon his kingdoms, than be forced to reſtore religion and the laws.

2. The king ſuppoſed, that after the diſobliging manner in which he had been treated by the prince of Orange, he had no room to believe himſelf ſafe. And yet he could not

[e] Sir John Maynard, Holt, Pollexfen, Bradford, and Atkinſon. Kennet, p. 537.

[f] They are in State Tracts, tom. I. p. 126.

deny,

deny, that he had been in the power of the prince, by whom his perſon was untouched. At the very time of his writing this paper, he was at full liberty to concert meaſures for his eſcape into France, and actually executed that deſign, without any oppoſition.

3. What he ſaid concerning the birth of the prince of Wales, was founded upon the impoſſibility, that thoſe who knew him, ſhould believe him capable of ſo unnatural a villainy. But it was the very belief of his being privy to that unnatural villainy, which fixed the imputation upon him.

4. He aſcribes the defection of his army and the whole nation, to the artifices and calumnies of the prince of Orange; whereas the whole hiſtory of his reign is a demonſtration, that it could only be imputed to his own conduct.

5. He ſuppoſed, that he withdrew himſelf, in order to come and redeem the nation from ſlavery. But this ſuppoſition has been deſtroyed by the event, there having been in England but very few, who really wiſhed his reſtoration.

6. He inſiſted, that liberty of conſcience was abſolutely neceſſary to render the Engliſh nation great and flouriſhing. But there was not, perhaps, a ſingle Engliſhman, who believed this was the end propoſed by the king, or that was not convinced, it was only a pretence to introduce his own, and to deſtroy the proteſtant religion.

7. His ſaying, that ſome neighbours dreaded the nation's becoming too great, by the eſtabliſhment of liberty of conſcience, was only an inſinuation to make the people believe, that the Dutch had left their ſhips and forces to the prince of Orange, for that very reaſon.

THE

INTERREGNUM.

[1688] UPON the king's departure, there was an Interregnum, but of ſuch a nature, as the like had never been known in England. It was not owing to the death, but to the flight of the ſovereign. So, at the ſame time, the nation was without a king, and without any one to repreſent him, and to take care of the government; and yet there was a king, but a fugitive, and who pretended not to renounce his rights. In ſuch circumſtances, it is in vain to appeal to laws, cuſtoms, or precedents, ſince the difference between this ſtate, and that which laws and cuſtoms ſuppoſe, is manifeſt.

As ſoon as the lords heard of the king's departure, they believed themſelves inveſted with a power to act in their own names, becauſe indeed, in ſuch a juncture, it could properly belong only to them, to take upon them the government. There was no parliament in being, and conſequently no houſe of commons to join with them. By the death or deſertion of the king, all public offices and employments ceaſe, becauſe they come from him. There remains therefore no authority but in the peers, who are neareſt the throne, and conſequently, more authoriſed to take care of the government, till it can be ſettled by the body of the nation, by means of a parliament. The ſtate of the kingdom was ſuch, that there was no example of the like to ſerve for a precedent. The king had abandoned the nation without being forced to it. He was in full liberty, and there did not appear any other motive of his flight, than the fear of being obliged to call a free parliament, which, probably, would not have approved of his late meaſures, but reſtored the conſtitution to its ancient ſtate. The prince of Orange pretended not to have a right to govern; his pretenſions conſiſted only in procuring a free parliament. But this parliament muſt be called by ſome authority. And by what authority could a parliament meet, if the nation continued in anarchy, where no perſon would have a right to meddle with the government? It was therefore the peers, who alone were entitled to take care of the ſtate, or elſe it muſt be ſaid, that becauſe the king was pleaſed to deſert the nation, without ſettling the government, the ſtate was to remain in anarchy, till he ſhould think fit to reſume the care of it. Let the inconveniences ariſing from the power aſſumed by the lords, be never ſo much urged, thoſe which anarchy would have produced, were infinitely greater and more dangerous. Nay, who knows, whether one of the motives of the king's flight, was not to leave the nation in this ſtate of confuſion? Be that as it will, the juncture was ſuch, that extraordinary proceedings could not be avoided.

The firſt thing done by the peers, after conſulting together, was the addreſſing the prince of Orange. "To take upon him the adminiſtration of public affairs, both civil and military; the diſpoſal of the public revenue; and the care of Ireland, till the meeting of the intended convention." The addreſs was dated the 25th of December. By a ſecond addreſs they deſired him, "To iſſue out miſſive letters, ſubſcribed by himſelf, to the lords ſpiritual and temporal being proteſtants, and to the ſeveral counties, cities, and boroughs, containing directions for the chuſing, within ten days, ſuch a number of perſons to repreſent them, as are of right to be ſent to parliament." Theſe addreſſes were ſigned by about ninety lords, that were then preſent in the houſe. They were followed by an order from the ſame peers, to all papiſts to depart the city of London, and ten miles from the ſame, and not to remove from their habitations above five miles; excepting the ſervants of the queen-dowager, the domeſtics of foreign miniſters, and all houſe-keepers in London, and ten miles from the ſame, who had been traders for three years laſt paſt, provided they gave in to the lord-mayor, their names and places of abode, in eight days; and alſo ſuch popiſh officers as ſhould give bail in ſix days, to appear the firſt day of the term, and to be on their good behaviour in the mean time; but ſuch officers as ſhould neglect, were to be taken into cuſtody.

The word convention, to ſignify a parliament aſſembled without the cuſtomary formalities, was new in England, where it had been, as I think, but once uſed in that ſenſe, namely, after the reſtoration of king Charles II. This prince finding, upon his return into England, a parliament ſitting which had hot been ſummoned by him, would not own it for a parliament, on account of the conſequences. But on the other hand, he would not deprive himſelf of the benefit of the reſolutions of this parliament, which had reſtored him to the throne of his anceſtors. So, to reconcile theſe two things together, he was willing to own it as a convention. Probably, the word was borrowed from what is practiſed in Scotland, where a difference is put between a convention of the ſtates, and a parliament. It was therefore this convention of the year 1660, that the lords had in view, when they addreſſed the prince of Orange to call one. But as this was a ſingle precedent, and as the convention of the year 1660, had been firſt called under the name of a parliament, the prince thought, that beſides the ſuffrages of the peers, it was proper to be authoriſed by others, which might paſs for thoſe of the people. He therefore publiſhed an order, "Deſiring all ſuch perſons as had ſerved in any of the parliaments during the reign of the late king Charles II. to meet him at St. James's, upon the 26th of December, by ten of the clock in the morning. He deſired likewiſe, that the lord-mayor and court of aldermen of the city of London, and fifty of the common-council, would be there at the ſame time."

In purſuance of this order, about an hundred and ſixty members, the aldermen of London (the mayor being indiſpoſed) and the deputies of the common-council, met at St. James's on the day appointed, where the prince briefly told them, "That he had deſired them to meet him there, to adviſe the beſt manner how to purſue the ends of his declaration, in calling a free parliament, for the preſervation of the proteſtant religion, and the reſtoring the rights and liberties of the kingdom." They all repaired immediately to the commons houſe in Weſtminſter, when the firſt queſtion they debated, was, "What authority they had to aſſemble?" Upon which it was ſoon agreed, that the requeſt of the prince was a ſufficient warrant. The next queſtion was, "How the prince could take upon him the adminiſtration of affairs, without a diſtinguiſhing name or title?" But as this queſtion tended to prolong the deliberations, and defeat the ends propoſed by the meeting, it was thought proper to wave ſuch queſtions in their future debates. An aſſociation

was

was likewiſe propoſed to be ſigned, but every perſon was left at liberty to ſubſcribe it or not. After theſe previous debates, they reſolved to addreſs the prince to take upon him the adminiſtration of public affairs, until the meeting of the convention, the 22d day of January next. The anſwer returned by the prince to this addreſs, and to that of the lords, was the ſame, that he would endeavour, as far as he was able, to ſecure the peace of the nation, according to their deſire.

During the king's ſtay at Rocheſter, Barillon, the French embaſſador, had been very active to promote diviſions amongſt the peers, with a view to ſerve the king. Of this the prince was not ignorant; but as he was not yet inveſted with any authority, he was obliged to ſuffer it, though he knew he had not a greater enemy in England than the embaſſador. But the moment he was intruſted with the government, he ſent an expreſs order for him to leave the kingdom within four and twenty hours. At the ſame time, he ſent St. Leger, a French refugee, to attend him to the ſhip. That gentleman could not forbear ſaying to the embaſſador, as they were on the road, "Sir, had any one told you a year ago, that a refugee ſhould be commiſſioned to ſee you out of England, would you have believed it?" The embaſſador anſwered, "Sir, croſs over with me to Calais, and I will give you an anſwer."

On Sunday the 30th of December, the prince of Orange went to the royal chapel at St. James's, where he was preſent at divine ſervice[z], and a ſermon preached by Dr. Lloyd, biſhop of St. Aſaph: after which he received the ſacrament from the hands of the biſhop of London. This public profeſſion of the eſtabliſhed religion, greatly contributed to diſpel the fears of thoſe, who dreaded his too zealous adherence to the preſbyterian religion, in which he had been educated. But it muſt be obſerved, that tho' the difference between the epiſcopal and preſbyterian churches has occaſioned much noiſe, diſturbance, and enmity in England, yet, both then and now, very few foreign proteſtants ſcruple to communicate with the church of England.

The next day, the prince publiſhed a proclamation, authoriſing all publiſh officers, not being papiſts, to act in their reſpective offices, till the meeting of the intended convention, or other order to contrary.

The ſame day he paid a viſit to the queen-dowager, who indirectly aſked him to releaſe her chamberlain the earl of Feverſham, which the prince readily granted.

Though in the hiſtory of the two laſt reigns I have ſaid but little of the affairs of Scotland, the reader however may have remarked, that this kingdom was intirely ſubjected to an arbitrary power, and withal, to epiſcopacy, contrary to the general bent of the people. When the prince of Orange's declaration for Scotland (the ſame in ſubſtance with that for England) appeared there, the preſbyterians began to take courage, thoſe at the helm not daring to uſe any violence for fear of a general inſurrection, which would have been extremely prejudicial to the king's affairs at that juncture. Things remained in this ſituation, till the king's party began to retire into England. For though the Scotch biſhops had publiſhed an abhorrence of the prince's expedition, it was by no means the ſentiments of the nation in general. Every one felt the weight of the yoke impoſed on them, and the epiſcopalians themſelves had reaſon to fear, that under the pretence of humbling the preſbyterians, the king intended to deſtroy the proteſtant religion. So far their caſe was the ſame with that of the Engliſh. And therefore the duke of Queenſbury, and ſome other Scotiſh gentlemen were come to London, to deſire a free parliament. Hence may be known, what the Scots thought of their preſent ſlavery. The lord chancellor, upon the news of king James's withdrawing, immediately reſigned the great ſeal, and retired from Edinburgh. Upon which, the populace of that city inſulted and rifled, not only the Roman catholics, but alſo thoſe who had appeared moſt devoted to the epiſcopal party. So, the biſhops were forced to retire, to avoid the inſults of the preſbyterians, who were now much ſuperior to their late perſecutors. On the other hand, ſeveral Scotch lords and gentlemen repaired to London, to obſerve the motions there, and to determine their conduct by that of the Engliſh.

The prince of Orange, who could not viſit Scotland, aſſembled all the Scotch nobility and gentry then in London, who meeting at St. James's, to the number of thirty lords and fourſcore gentlemen, he aſked their advice, what was to be done for ſecuring the proteſtant religion, and reſtoring their laws and liberties, according to his declaration? After this ſhort ſpeech, the lords and gentlemen repaired to the council chamber at Whitehall, and chuſing duke Hamilton their preſident, conſulted together, what advice was moſt proper to be given to the prince. This affair was in effect ſettled the firſt day. But on the morrow they were interrupted by a propoſal from the earl of Arran, that the king ſhould be deſired to return and call a free parliament. The tendency of this propoſal was eaſily ſeen, and therefore it was unanimouſly rejected. At laſt, it was agreed to preſent an addreſs to the prince of Orange, to deſire him to take upon him the adminiſtration of all affairs, both civil and military, and to call a general meeting of the ſtates to be holden the 14th of the following March. This addreſs being preſented to the prince, he deſired time to conſider of it, and two days after returned much the ſame anſwer as he had to the Engliſh.

The proſpect from Ireland was not ſo pleaſing. The earl of Tyrconnel, a zealous papiſt, and entirely devoted to the king, was lord-lieutenant, and ſupported by an army, which he had taken care to compoſe of popiſh officers and ſoldiers. There was room therefore to fear, that the earl would not ſubmit to the reſolutions taken in England, and he was not then to be forced to obedience. Mean while, the prince of Orange having received addreſſes not only from the Engliſh lords and commons concerning Ireland, but likewiſe from the proteſtants of that kingdom, could not but endeavour to procure the happineſs of a nation which depended upon England. It was therefore thought proper to ſummon the earl of Tyrconnel by a letter, to ſubmit to the preſent adminiſtration in England. The delivery of this letter was committed to colonel Hamilton, who promiſed to ſecond it with his perſuaſions. But it was afterwards known, that he acted in concert with Tyrconnel directly to oppoſe it.

The prince, and the lords, as I have ſaid, had ordered the forces diſbanded by the earl of Feverſham to re-aſſemble. When this was done, the prince diſcharged the arrears of the Engliſh army, with two hundred thouſand pounds, advanced in four days by the city of London, ſixty thouſand of which was lent by ſir Samuel Daſhwood. After this, he ordered a reform of eight new raiſed regiments, beſides the troop of life-guards, commanded by the lord Dover, who were all papiſts. Then, ſeveral colonels and other officers having reſigned their commiſſions on account of the new oath exacted of them, he filled their places with proteſtants, and in a word took all poſſible care to put the army under ſuch a regulation, as might render it ſerviceable to the ſtate.

The archbiſhop of Canterbury had hitherto declined waiting on the prince of Orange. But at laſt he ſent a compliment to the prince, and with ſeven or eight biſhops more ſigned the aſſociation, after ſome words were ſoftened in it, that gave them uneaſineſs.

About the ſame time, ninety diſſenting miniſters attended the prince, and aſſured him of their fervent prayers for the preſervation of his perſon, and the ſucceſs of his endeavours for the defence and propagation of the proteſtant intereſt. The prince returned a favourable anſwer, though expreſſed in general terms, inſinuating, that it would not be his fault, if they were not made eaſy.

In the mean time, the elections for the members of the convention proceeded with all imaginable freedom. The electors gave their votes according to their own inclinations, without ſollicitations from the prince, or his friends. Moreover, the prince had ordered the ſoldiers to remove at a certain diſtance from the places of election, to take away all pretence of compulſion.

Mean while, the prince conſidering, that the convention was to ſettle the goverment, thought proper to ſend for his princeſs; ſince if, as it was probable, the convention ſhould declare the throne vacant, no perſon had a juſter pretenſion to it than ſhe. Very likely alſo, he thought he had himſelf room to aſpire to it, by his late great ſervice to the Engliſh. But a ſevere froſt retarded her departure from Holland longer than he expected.

[1688-9] The commons met the 22d of January in two houſes, as a parliament. The peers choſe George Savile, marquis of Hallifax, for their ſpeaker; and the commons, Mr. Henry Powle. In each houſe was read the following letter from the prince of Orange, on the occaſion of the meeting:

"My lords and gentlemen,

"I have endeavoured to the utmoſt of my power, to perform what was deſired from me, in order to the public peace

[z] Dr. Burnet read prayers. Kennet, p. 540.

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and ſafety; and I do not know that any thing hath been omitted which might tend to the preſervation of them, ſince the adminiſtration of affairs was put into my hands. It now lieth upon you to lay the foundations of a firm ſecurity for your religion, your laws, and your liberties. I do not doubt, but that by ſuch a full and free repreſentative of the nation, as is now met, the ends of my declaration will be attained: and ſince it hath pleaſed God hitherto to bleſs my good intentions with ſo great ſucceſs, I truſt in him, that he will compleat his own work, by ſending a ſpirit of peace and union to influence your counſels, that no interruption may be given to a happy and laſting ſettlement.

"The dangerous condition of the proteſtants in Ireland, requiring a large and ſpeedy ſuccour, and the preſent ſtate of things abroad, oblige me to tell you, that next to the danger of unſeaſonable diviſions amongſt ourſelves, nothing can be ſo fatal as too great delay in your conſultations. The States, by whom I have been enabled to reſcue this nation, may ſuddenly feel the ill effects of it, both by being too long deprived of the ſervice of their troops, which are now here, and of your early aſſiſtance againſt a powerful enemy, who hath declared a war againſt them. And as England is by treaty already engaged to help them upon ſuch exigencies, ſo I am confident, that their chearful concurrence to preſerve this kingdom with ſo much hazard to themſelves, will meet with all the returns of friendſhip and aſſiſtance, which may be expected from you, as proteſtants and Engliſhmen, whenever their condition will require it.

"Given at St. James's the 22d day of January, "1688-9."

After the reading of this letter, the two houſes preſented an addreſs to the prince, in which they acknowledged him, under God, the deliverer of the nation: they approved likewiſe of all that he had done ſince he had been intruſted with the adminiſtration, which they prayed him to continue till farther application ſhould be made to him by them, which ſhould be done with all convenient ſpeed. They promiſed alſo to diſpatch the matters recommended to them by his letter. The prince in his anſwer accepted the offers made him by the two houſes, and ſtrongly preſſed them to a conſideration of the affairs of Europe.

The firſt thing done by the two houſes after their addreſs of thanks to the prince, was to appoint a day of public thankſgiving to God, for the happy deliverance of the nation. As, on theſe occaſions, prayers ſuited to the day are always compoſed by the biſhops, they had an order to inſert a particular prayer for the prince of Orange.

In the mean time, king James, perceiving the prejudice his flight would do him, endeavoured to prevent it, by a letter directed to the "lords, and others of his privy-council." He repeated the reaſons contained in the writing left on his table at his departure from Rocheſter, and declared his intention to return to England for the holding a free parliament. He reproached the prince of Orange with artifices to hinder his holding ſuch a parliament, and required their advice, "What was fit to be done by him towards his returning." Though this letter was immediately printed and diſperſed, it was little regarded. Even the perſons to whom it was addreſſed, judged it not proper to return an anſwer, at a time the convention was ſitting. James therefore ſent a letter of the ſame tenor to both houſes of the convention, adding a promiſe, on the word of a king, of a pardon even to thoſe that betrayed him, (ſome few excepted) and a reſolution, by an act of oblivion, to cover all faults. But both houſes returning the letters unopened, the king's friends complained of it, as of a great hardſhip.

The houſe of commons deferred their ſitting till the 28th of January, to give time to the reſt of their members to come up to town. That day, Mr. Dolben, ſon to the late archbiſhop of York, made a long ſpeech to prove the vacancy of the throne, by the king's deſerting the kingdom. Upon this aroſe a debate, which held four or five hours, and ended with this memorable vote:

"That king James the Second, having endeavoured to ſubvert the conſtitution of the kingdom, by breaking the original contract between king and people; and by the advice of jeſuits and other wicked perſons, having violated the fundamental laws, and withdrawn himſelf out of the kingdom, hath 'abdicated' the government, and that the throne is thereby become vacant."

The next day, the commons farther voted, "That it hath been found by experience to be inconſiſtent with this proteſtant kingdom, to be governed by a popiſh prince."

They preſented likewiſe an addreſs to the prince of Orange, for the ſtopping all ſhips that were going to France. Two days after, they voted, that the thanks of the houſe ſhould be given to the clergy of the church of England, who had refuſed to read in the churches the king's declaration for toleration; and alſo to the officers and ſoldiers, for having teſtified their ready adherence to the proteſtant religion; and to all ſuch as had appeared in arms for the defence of the ſame. All theſe votes were ſent up to the lords for their concurrence.

But in the houſe of lords things paſſed not with that unanimity. There were ſeveral parties, who cauſed every queſtion to be nicely examined. It was on the 29th of January, that the lords began to conſider the vote of the commons, concerning the vacancy of the throne. The firſt motion was, "Not to agree with the commons that the throne was vacant, but only to ſuppoſe it for the preſent, leaving it to be further examined afterwards, in order to cut ſhort ſeveral other queſtions, by determining this firſt, 'Whether the throne being vacant, it ought to be filled up by a regent or a king?'" Daniel Finch, earl of Nottingham, who was at the head of the party for a regent, made a long ſpeech, alledging ſeveral arguments for a regency, taken from the Engliſh and other hiſtories. He inſiſted particularly upon what had very lately paſſed in Portugal, where, Alphonſo VI. being depoſed, his brother, don Pedro, had only the title of regent of the kingdom conferred on him. But the marquis of Hallifax and the earl of Danby demonſtrated on the other ſide, the inſuperable difficulties attending the adminiſtration of the government under a regent. At laſt, after a very long debate, the queſtion being put to the vote, fifty-one were for a king, and forty-nine for a regency[a]. Thirteen biſhops were among the laſt, and but two among the firſt, namely, Dr. Compton biſhop of London, and Sir Jonathan Trelawney biſhop of Briſtol. The archbiſhop of Canterbury was abſent.

If the principles advanced by the church of England in the reign of Charles II. and the doctrine of paſſive-obedience and non-reſiſtance ſo ſtrenuouſly maintained, and publicly preached, be remembered, it will not be thought very ſtrange, that the biſhops ſhould refuſe to vote for depoſing king James, and ſetting another king on the throne. This was directly contrary to the maxims they had not long ſince approved, and from which they did not think proper to depart entirely. The truth is, by maintaining theſe extravagant maxims, without admitting any limitations, at a time when they thought only of oppoſing the principles of the republicans, they had thrown themſelves into a very dangerous ſtrait, of which they were not ſenſible, till they ſaw the proteſtant religion expoſed to the danger attending theſe maxims. They perceived then, it was abſolutely neceſſary to limit the regal authority, and were themſelves the firſt to do it, by openly refuſing to read the declaration for liberty of conſcience. Herein they acted directly contrary to the principle of paſſive-obedience and non-reſiſtance, maintained before with ſuch ardour by the church of England. This the king reproached them with, when he told them, He did not expect to meet with reſiſtance from the church. So, after eſtabliſhing as an eſſential doctrine of the church of England, that the royal power is by divine right, and that the king can never be diſobeyed without ſin, they ſhewed by their own practice, that it muſt be received with this reſtriction, "When the king enjoins things according to law. But in caſe his commands are contrary to law, he not only may, but even ought to be reſiſted." A doctrine which would never have been conteſted, had it been thus explained at firſt. When I ſay the biſhops, I mean the church of England in general.

It is therefore certain, that when the queſtion was to be decided, Whether, on ſuppoſition of the vacancy of the throne, it ſhould be filled with a king or a regent, the church of England was ſatisfied that James II. had violated the laws, and no longer deſerved to be truſted with the government of the kingdom. This was the general opinion. The only point was to know, whether the title of king ſhould be left him, and a regent appointed to govern in his room, or whether another king ſhould be ſet on the throne. It is eaſy to ſee the little difference between a king actually depoſed, whoſe throne is filled by another, and a fugitive king, from whom no more orders are to be received, and

[a] The chief of thoſe that voted for a regency, were, the dukes of Somerſet and Beaufort; the earls of Kent, Pembroke, Clarendon, Rocheſter, Craven, Weſtmoreland, Scarſdale, Cheſterfield, Litchfield, Yarmouth, and Lindſey; the lords Weymouth, Coventry, Brooke, Leigh, Ferrars, Chandois, Jermin, Arundel of Trerife, Dartmouth, Godolphin, Griffin, &c. Kennet, p. 544.

whoſe authority is exerciſed by a regent not of his own chuſing. But, beſides the particular view ſome lords might have, of rendering the reſtoration of king James leſs difficult, by leaving him the title of king, the biſhops found a conſiderable advantage in a regency. For by that they did not ſwerve ſo far from the principle they had before preached, and cauſed to be preached, that the regal power is jure divino. Indeed, when religion was in extreme danger, they had not thought fit to inſiſt upon this principle. They had not only ſuffered and approved the prince of Orange's coming to the relief of their religion, but moreover, ſome had invited him into England. But the ſtorm being over, the king a fugitive, the catholic party ſuppreſſed, and all fear vaniſhed, they believed they ought not entirely to depart from their principles. If, for their own ſafety, they were willing the kingdom ſhould be governed, not by king James, but by a regent, they could not, on the other hand, reſolve openly to recede from what they had maintained, that the regal power is jure divino, and the king's character indelible.

On the morrow, January 30, this queſtion was put in the houſe of lords, "Whether or no there was an original contract between the king and people?" This queſtion was warmly debated, ſeveral maintaining, that ſuch a contract was only a chimera. Others rejecting the general aſſertions urged by the firſt, and the inſtances brought from the practice of other countries, confined themſelves to the particular conſtitution of the Engliſh government. They endeavoured to ſhew, that it muſt have been by virtue of ſuch a contract, that the parliament was poſſeſſed jointly with the king, of the legiſlative power: otherwiſe, the right of the parliament, in their opinion, could be founded only upon cuſtom, which was not ſufficient to balance the king's pretended divine right: whence it would follow, that the king, in virtue of his divine right, might aboliſh this cuſtom, and render himſelf abſolute. But that the prevention of ſuch a misfortune was the occaſion of their preſent meeting. The queſtion being put to the vote, fifty-three were for the original contract, and forty-ſix only againſt it.

The next day they took into conſideration the word "abdicated," and entered into a grammatical diſpute, to know whether the word could be underſtood only of a voluntary abdication, without any mixture of compulſion, and it was concluded, that the word "deſerted" was more proper. They next examined the word "vacant," and put this queſtion, "Whether king James, having broke that original contract between him and his people, and deſerted the government, the throne was thereby vacant?" The debates upon this queſtion were longer, and more warm than any of the former. In ſhort, the party that maintained, it was a law-maxim, That, "The king never dies," and conſequently, that the throne can never be vacant, carried the negative of the queſtion by eleven voices. But on the morrow, forty lords entered their proteſtations againſt the vote. As the lords vote was founded upon the crown's devolving, on the king's demiſe, immediately to the next heir without any vacancy, ſome of the other party moved, that ſuppoſing king James to be dead in law, the prince and princeſs of Orange ſhould be declared king and queen. But this was alſo carried in the negative by five voices.

If theſe ſeveral reſolutions be conſidered, and compared together, the lords will doubtleſs ſeem to have rendered it impoſſible to ſettle the government any way. In the firſt place, the firſt vote by which the regency was rejected, was founded upon the ſuppoſition of the throne's being vacant, and yet by the laſt vote it was carried, that the throne was not vacant. Secondly, it appeared, that they were not for king James. It was agreed, he had broke the original contract, and deſerted the government, and yet it was decided, that the throne was not vacant. Thirdly, in voting that the throne was not vacant, becauſe the king never dies, and the regal authority devolves, after the king's natural or civil death, to the next heir, they refuſed to acknowledge the princeſs of Orange for queen. There remained therefore but one expedient, namely, to recognize for king the prince of Wales, who was conveyed into France; a prince, that by moſt of the Engliſh was believed ſuppoſititious, and beſides would, probably, be educated in the Romiſh religion. But the commons had voted, and the lords concurred afterwards to the vote, that it was inconſiſtent with a proteſtant kingdom, to be governed by a popiſh king. The ſeveral reſolutions of the lords upon the queſtions propoſed, ſeem therefore to tend ſolely to render the ſettling of the government impracticable. This, no doubt, was the aim of ſome among them, that the difficulties might not poſſibly be ſurmounted, but by recalling king James. Many were ſatisfied of this, and therefore a petition was drawn up to be preſented to the lords, deſiring, in plain terms, that the prince and princeſs of Orange might be ſettled on the throne. Care was taken to get this petition ſigned by all ſorts of people, that by the great number of ſubſcribers it might paſs for the ſenſe of the nation. But the prince of Orange not liking this way of proceeding, ſent the lord-mayor orders, to put a ſtop to this tumultuous project, which was accordingly done.

The 2d of February, the lords ſent a meſſage, to acquaint the commons with two amendments they had made to their vote of the 28th of January. The firſt was, inſtead of the word "abdicated," they would have "deſerted" put in. The ſecond, that the words, "and that the throne is thereby become vacant," ſhould be left out. The commons, not pleaſed with theſe two amendments, appointed a committee to draw up reaſons why they muſt inſiſt upon their vote, and deſired a conference with the lords upon that ſubject. This conference produced no effect, each houſe perſiſting in their opinion. Only the earl of Nottingham intimated from the lords, that they inſiſted upon the amendments, not to favour king James, but ſolely to maintain hereditary right, in the fear that the election of a king might deſtroy that right. But the commons perſiſting ſtill in their opinion, by a ſuperiority of two hundred and eighty-two, againſt one hundred and fifty-one, appointed twenty-four of their moſt able members to manage on this extraordinary occaſion at a free conference, for which the lords named on their part, the earls of Nottingham, Clarendon, Rocheſter, Pembroke, with the biſhop of Ely, and ſome others.

As this conference between the two houſes is the moſt remarkable ever known in England, as well for the importance of the thing itſelf, as for the ability of the managers, I ſhall inſert it at large, and take the liberty to add ſome remarks, for the illuſtration of the ſpeeches made on this occaſion.

Mr. Hampden, who opened the conference, ſaid, My lords,——"The word ABDICATED, the commons conceive, is of a larger ſignification than the word your lordſhips are pleaſed to uſe, DESERTED; but not too large to be applied to all the recitals in the beginning of the commons vote, to which they meant it ſhould be applied. Nor ought it to be reſtrained to a voluntary expreſs reſignation, only in word or writing; overt-acts there are, that will be ſignificant enough to amount to it. My lords, That the common law of England is not acquainted with the word, it is from the modeſty of our law, that it is not willing to ſuppoſe there ſhould be any unfortunate occaſion of making uſe of it.

"Your lordſhips next amendment is, that your lordſhips have left out the laſt words in the commons vote, 'And that the throne is thereby vacant.' My lords, the commons conceive it a true propoſition, and that the throne is vacant; and they think they make it appear, that this is no new phraſe; neither is it a phraſe that perhaps ſome of the old records may be ſtrangers to, or not well acquainted with: but they think it not chargeable with conſequences that your lordſhips have been pleaſed to draw from it, 'That it will make the crown of England become elective.' If the throne had been full, we know your lordſhips would have aſſigned that, as a reaſon of your diſagreement, by telling us who filled it; and it would be known by ſome public royal act, which might notify to the people, in whom the kingly government reſided; neither of which hath been done, and yet your lordſhips will not allow the throne to be vacant."—

Mr. Sommers[b] ſaid——"If it be an objection that the word 'abdicated' hath not a known ſenſe in the common law of England, there is the ſame objection againſt the word 'deſerted:' So that your lordſhips firſt reaſon hath the ſame force againſt your own amendment, as it hath againſt the term uſed by the commons. The words are both Latin words, and uſed in the beſt authors, and both of a known ſignification; their meaning is very well underſtood; though it be true, their meaning be not the ſame: the word 'abdicate' doth naturally and properly ſignify, entirely to renounce, throw off, diſown, relinquiſh any thing or perſon, ſo as to have no further to do with it; and that whether it be done by expreſs words, or in writing,' (which is the ſenſe your lordſhips put upon it, and which is properly reſignation or ceſſion) or, 'by doing ſuch acts as are inconſiſtent with the holding, or retaining of the thing;' which the commons take to be the preſent caſe, and therefore made choice of the word

[b] A famous lawyer, who was afterwards lord chancellor in the reign of king William III. Rapin.

word 'abdicate,' as that which they they thought did, above all others, moſt properly expreſs that meaning: and in this latter ſenſe it is taken by others." [Here, to ſhew that it was the true ſignification of the word, he urged the authorities of Grotius, Calvin, Briſonius, Budæus, and Praleius.] "But the word, 'deſerted,' hath not only a very doubtful ſignification, but in common acceptance, both of the civil and common law, doth ſignify only a 'bare withdrawing, a temporary quitting a thing, a neglect only which leaveth the party at liberty of returning to it again." [For this he quoted Spigelius and Bartolus, adding,] "Hence it appears, that that is called 'deſertion,' which is temporary and relievable: that is called 'dereliction,' where there is no power or right to return. So in the civil law, the word 'deſert' is uſed to ſignify, ſoldiers leaving their colours. And in the cannon law to 'deſert' a benefice, ſignifies no more than to be non-reſident. In both caſes, the party hath not only a right of returning, but is bound to return again: which, my lords, as the commons do not take to be the preſent caſe, ſo they cannot think that your lordſhips do; becauſe it is expreſly ſaid in one of your reaſons given in defence of the laſt amendment, 'That your lordſhips have been, and are willing, to ſecure the nation againſt the return of king James:' which your lordſhips would not, in juſtice, do, if you did look upon it as no more than a negligent withdrawing, which leaveth a liberty to the party to return. For which reaſons, my lords, the commons cannot agree to the firſt amendment, to inſert the word 'deſerted' inſtead of 'abdicated;' becauſe it doth not in any ſort come up to their ſenſe of the thing: ſo they do apprehend it doth not reach your lordſhips meaning, as it is expreſſed in your reaſons; whereas they look upon the word 'abdicated,' to expreſs properly what is to be inferred from that part of the vote, to which your lordſhips have agreed, 'That king James the Second, by going about to ſubvert the conſtitution, and by breaking the original contract between king and people, and by violating the fundamental laws, and by withdrawing himſelf out of the kingdom,' hath hereby renounced to be a king, according to the conſtitution, by avowing to govern by a deſpotic power, unknown to the conſtitution, and inconſiſtent with it; he hath renounced to be king according to the law, ſuch a king as he ſwore to be at the coronation, ſuch a king to whom the allegiance of an Engliſh ſubject is due; and hath ſet up another kind of dominion, which is to all intents an 'abdication,' or abandoning of his legal title, as fully as if it had been done by expreſs words (1.)'

Remark (1). It is eaſy to perceive, that theſe two ſpeeches of Mr. Hampden and Mr. Sommers refer to what was objected by the lords in a former conference againſt the word "abdicated," and the "vacancy of the throne." I thought proper to omit that firſt conference, becauſe moſt of the things therein alledged, are repeated in this. However, it may be ſeen here by the commons anſwers, what the lords objections were.

Mr. ſerjeant Holt added,——"For that part of your lordſhip's objection. 'That it is not a word known to the common law of England,' that cannot prevail; for your lordſhips very well know, we have very few words in our tongue, that are of equal antiquity with the common law: your lordſhips know the language of England is altered greatly in the ſeveral ſucceſſions of time, and the intermixture of other nations; and if we ſhould be obliged to make uſe only of words then known and in uſe, what we ſhould deliver in ſuch a dialect, would be very difficult to be underſtood.

"Your lordſhip's ſecond reaſon for your firſt amendment, in changing the word 'abdicated' for the word deſerted,' is, 'Becauſe in the common acceptation of the civil law, 'abdication' is a voluntary expreſs act of renunciation.' That is the general acceptation of the word, and I think the commons do uſe the word in this caſe, becauſe it hath that ſignification: but I do not know whether your lordſhips mean a voluntary expreſs act or formal deed of renunciation: if you do ſo, I confeſs I know of none in this caſe: but my lords, both in the common law of England, and in the civil law, and in common underſtanding, there are expreſs acts of renunciation that are not by deed; for if your lordſhips pleaſe to obſerve, the government and magiſtracy is under a truſt, and any acting contrary to that truſt, is a renouncing of the truſt, though it be not a renouncing by formal deed; for it is a plain declaration by act and deed, though not in writing, that he who hath the truſt, acting contrary, is a diſclaimer of the truſt; eſpecially, my lords, if the actings be ſuch as are inconſiſtent with, and ſubverſive of this truſt: for how can a man in reaſon or ſenſe, expreſs a greater renunciation of a truſt, than by the conſtant declarations of his actions to be quite contrary to that truſt?"

Then the earl of Nottingham ſpoke on the ſide of the lords, and ſaid,——"The main reaſon of the change of the word 'deſerted,' is upon the account of the conſequence drawn in the concluſion of your vote, 'That the throne is thereby vacant:' that is, what the commons mean by that expreſſion, whether you mean it is ſo vacant as to null the ſucceſſion in the hereditary line, and ſo all the heirs to be cut off, which we ſay will make the crown elective? And it may be fit for us to ſettle that matter firſt, and when you know what the conſequence of the throne being vacant means in the vote as you underſtand it, I believe we ſhould much better be able to ſettle the difference about the two words (2)."

Rem. (2.) It does not appear that the commons had any thoughts of making the crown elective. This was a conſequence aſcribed to them by the lords, to have an occaſion to contradict the vacancy of the throne.

To this it was replied by ſerjeant Maynard, "My lords, when there is a preſent defect of one to exerciſe the adminiſtration of the government, I do conceive, the declaring a vacancy, and proviſion of a ſupply for it, can never make the crown elective. The commons apprehend there is ſuch a defect now; and by conſequence a preſent neceſſity for the ſupply of the government, and that will be next for your lordſhips conſideration, and theirs afterwards. If the attempting the utter deſtruction of the ſubject, and ſubverſion of the conſtitution, be not as much an 'abdication' as the attempting of a father to cut a ſon's throat, I know not what is. My lords, the conſtitution, notwithſtanding the vacancy, is the ſame; the laws that are the foundations and rules of that conſtitution are the ſame; but if there be in any particular inſtance, a breach of that conſtitution, that will be an 'abdication,' and that 'abdication' will infer a vacancy. It is not that the commons do ſay, 'The crown of England is always and perpetually elective;' but it is more neceſſary that there be a ſupply, when there is a defect, and the doing of that would be no alteration of the monarchy from a ſucceſſive one to an elective."

Then the biſhop of Ely on the ſide of the lords, ſaid, "Gentlemen,——That 'abdicated' may be tacitly by ſome overt-acts, Mr. Sommers very truly did alledge out of Grotius: but I deſire to know whether Grotius, that great author, in treating on this ſubject, doth not interpoſe this caution, 'If there be a yielding to the times: if there be a going away, with a purpoſe of ſeeking to recover what is for the preſent left or forſaken;' in plain Engliſh, 'if there were any thing of force or juſt fear in the caſe, that doth void the notion of 'abdication."

Mr. ſerjeant Maynard replied, "But, my lords, that is not any part of the caſe declared by the commons in this vote; when the whole kingdom and the proteſtant religion, our laws, and liberties have been in danger of being ſubverted, an enquiry muſt be made into the authors and inſtruments of this attempt, and if he who had the adminiſtration intruſted to him, be found the author and actor in it, what can that be but a renunciation of his truſt, and conſequently his place thereby vacant? 'Abdication,' (under favour) is an Engliſh word; and your lordſhips have told us, the true ſignification of it is a renunciation. We have indeed, for your lordſhips ſatisfaction, ſhewn its meaning in foreign authors; it is more than a 'deſerting' the government, or leaving it with a purpoſe of returning."

The biſhop of Ely replied, "The objection of the lords againſt the word 'abdicated,' is, 'That it is of too large a ſignification for the caſe in hand.' It ſeems to be acknowledged, that it reaches a great way; and therefore the lords would have a word made uſe of, which ſignifies only, 'the ceaſure of the exerciſe of a right (3)."

Rem. (3.) Hitherto the lords had not clearly diſcovered why they rejected the word "abdicated." It appears here, by what the biſhop of Ely ſays, that it was becauſe this word expreſſed the commons meaning too well, and therefore the lords would have another word in its ſtead, from which the vacancy of the throne could not be inferred.

The biſhop adds,——"If there be ſuch a defect as hath been ſpoken of, it muſt be ſupplied; there is no queſtion of that. And I think we have by another vote, declared, 'That it is inconſiſtent with our laws, liberties, and religion, to have a papiſt to rule over this kingdom; which I take to be only as to the actual exerciſe and adminiſtration of the government. It is Grotius his diſtinction between a right, and the exerciſe of that right: and as there is a natural incapacity for the exerciſe, as ſickneſs, lunacy, infancy, doating old age, or an incurable diſeaſe, rendering the party unfit

unfit for human ſociety, as leproſy, or the like; ſo, I take it, there is a moral incapacity; and that I conceive to be a full irremoveable perſuaſion in a falſe religion, contrary to the doctrine of chriſtianity. Then there muſt be a proviſion undoubtedly made for ſupplying this defect in the exerciſe, and an intermediate government taken care for; becauſe become neceſſary for the ſupport of the government, if he to whom the right of ſucceſſion doth belong, makes the exerciſe of his government impracticable, and our obedience to him, conſiſtently with the conſtitution of our religion, impoſſible; but that, I take it, doth not alter that right, nor is an 'abdication' of the right (4.)"

Rem. (4.) It muſt be remembered that the biſhop of Ely's poſition, which was afterwards maintained by others, was, that "there was a real diſtinction between a right, and the exerciſe of that right." They readily agreed, that James II, ſhould be deprived of the exerciſe of the right to govern, but not of the right itſelf. Upon this diſtinction all the arguments of the lords are grounded.

"'Abdication' (continued he) no doubt is, by adoption, an Engliſh word, and well known to Engliſhmen converſant in books. Now it is objected, that it is not a word as ancient as the common law of England. We find it in Cicero,—— where it ſometimes ſignifies, 'The renouncing the actual exerciſe of a right,' and ſometimes, 'The renouncing of the very right,' ſo that the ſignification is doubtful; and ſuch words we hope the commons will not think fit to uſe in a caſe of this nature and conſequence as ours now in debate. And beſides, the lords apprehend, that great inconveniencies will follow upon the uſe of this word, if it mean a 'renouncing abſolutely of that right.'———Then there is another diſtinction in thoſe authors that write concerning this point, which are chiefly the 'civilians.' There may be an 'abdication' that may 'forfeit the power of a king only;' and there may be one, that may 'forfeit both that and the crown too.' It is a diſtinction indeed in other words, but to the ſame ſenſe. Thoſe 'abdications' that are of power only, are incapacities; whether thoſe I call natural and involuntary, as defects of ſenſe, age, or body, or the like; or moral or voluntary, as contrariety in religion; an inſtance whereof there was lately in Portugal, which was a 'forfeiture only of the power,' and, not of the 'name,' and 'honour of a king;' for though the adminiſtration was put into the younger brother's hand, the patents, and other public inſtruments ran in the elder brother's name (5.)"

Rem. (5.) If the biſhop of Ely had only a view to James II, the inſtance of the natural incapacities which made Alphonſo VI, king of Portugal, forfeit the exerciſe of the regal power, does not ſeem to be to his purpoſe; ſince theſe incapacities were not the point in queſtion, with regard to James II, which may make it ſuſpected, that he had an eye to the prince of Wales. For, as will hereafter appear, the lords, in maintaining, that the throne was not vacant, pretended that by the civil or natural death of the king, the next heir was immediately to fill the throne, and this heir, according to ſome, was the prince of Wales. But as he was a minor, an intermediate governor muſt be appointed to govern in his name.

"This is not, without all doubt, naturally an 'abdication' in the full extent of the word; nor do I here (as I ſaid) conſider, whether that the king be gone out of the kingdom, or ſtay in it; but only, whether he be fit for the adminiſtration, which muſt be provided for, be he here, or gone away. But the higheſt inſtance of an 'abdication,' is, when a prince is not only unable to execute his power, but acts quite contrary to it; which will not be anſwered by ſo bare a word as 'endeavour.' I take theſe to be all the diſtinctions of 'abdications.' Now, if this laſt inſtance of an 'abdication of both power and right,' take place in a ſucceeding monarchy, the conſequence will be, 'That there is forfeiture of the whole right; and then that hereditary ſucceſſion is cut off; which, I believe, is not intended by the commons. But here is one thing that is mentioned in this vote, which I would have well conſidered, for the preſervation of the ſucceſſion, and that is the original compact: we muſt think, ſure, that meant of the compact, that was made at the firſt time, when the government was firſt inſtituted, and the conditions, that each part of the government ſhould obſerve on their part, of which this is the moſt fundamental, 'That king, lords, and commons, in parliament aſſembled, ſhould have the power of making new laws, and altering of old ones:' and that being one law which ſettles the ſucceſſion, it is as much a part of the original compact as any: then if ſuch a caſe happens, as an 'abdication' in a ſucceſſive kingdom, without doubt, the compact being made to the king, his heirs, and ſucceſſors, the diſpoſition of the crown cannot fall to us, till all the heirs do 'abdicate' too. There are indeed many examples, and too many interruptions in the lineal ſucceſſion of the crown of England: I think I can inſtance in ſeven ſince the conqueſt, wherein the right heir hath been put by: but that doth not follow, that every breach of the firſt original contract, gives us power to diſpoſe of the lineal ſucceſſion; eſpecially, I think, ſince the ſtatutes of queen Elizabeth, and king James the Firſt, that have eſtabliſhed the oath of allegiance to the king, his heirs and ſucceſſors; the law is ſtronger againſt ſuch a diſpoſition: I grant, that from king William the Firſt, to Henry VIII, there has been ſeven interruptions of the legal line of hereditary ſucceſſion; but, I ſay, thoſe ſtatutes are made ſince that time, and the making of new laws, being as much a part of the original compact, as the obſerving old ones, or any thing elſe, we are obliged to purſue thoſe laws, till altered by the legiſlative power, which, ſingly or jointly, without the royal aſſent, I ſuppoſe, we do not pretend to (6.)"

Rem. (6.) By this reaſoning the lords and commons being agreed, that a catholic king could not exerciſe the right of government, and James II, being a catholic; and as he might poſſibly have an infinite ſeries of ſucceſſors from father to ſon, all catholics, it would follow, that England might be always governed by regents.

"Theſe laws being made ſince the laſt interruption, we are not to go by any precedent that was made before the making thoſe laws. So that, all that I conceive ought to be meant by our vote, is, 'But the ſetting aſide the perſon that broke the contract: and, in a ſucceſſive kingdom, an 'abdication' can only be a forfeiture, as to the perſon himſelf.' I hope, and am perſuaded, that both lords and commons do agree in this, 'Not to break the line of ſucceſſion, ſo as to make the crown elective.' And if that be declared, that this 'abdication' of king James the Second, reacheth no farther than himſelf; and that it is to continue in the right line of ſucceſſion, that, I hope, will make all of one mind in this important affair (7.)"

Rem. (7.) For the better underſtanding the biſhop of Ely's ſpeech, as well as ſome others that follow, it muſt be obſerved, that among the lords who had voted for the vacancy of the throne, by a majority of eleven voices, there were two ſorts of men. The one, without any deſire to favour king James, or the prince of Wales, had no other view than to oppoſe the republican party, who, under colour of gratitude to the prince of Orange, were labouring with all their power to have him elected king, reckoning it would be a large ſtep towards advancing the authority of the people, and rendering the crown elective. Some of the lords voted againſt the vacancy of the throne, chiefly in oppoſition to this party. But there were others who carried their views farther, and by rendering the ſettling of the government impracticable, laboured indirectly, either to cauſe king James to be recalled, or the prince of Wales to be acknowledged for king, knowing it would be impoſſible to prove him ſuppoſitious in a legal manner. But as theſe concealed themſelves among the others, and pretended only to defend hereditary right, it is hard to know by the ſpeeches, who deſigned only to maintain hereditary right, and who had farther views. This the reader is to remember, that he may not imagine, all the lords who voted againſt the vacancy of the throne, were for king James.

Then the earl of Clarendon ſpoke on the lords ſide, and ſaid,——"This breaking the original contract is a language that hath not been long uſed in this place; nor known in any of our law-books or public records, it is ſprung up, but as taken from ſome late authors, and thoſe none of the beſt received. It is not denied, 'That the king is bound by law, and bound to perform the laws made, and to be made.' But I would take notice, that his obligation thereunto, doth not proceed from his coronation-oath; for our law ſaith, 'He is as much king before he is crowned, as he is afterwards; and there is a natural allegiance due to him from the ſubjects immediately upon the deſcent of the crown upon him.' I was in great hopes, that you would have offered ſomething in anſwer to one of my lord of Ely's reaſons againſt that part of the vote, which declares, 'The throne to be vacant,' viz. 'That no act of the king's alone can bar, or deſtroy, the right of his heir to the crown, which is hereditary and not elective (8.)"

Rem. (8.) The earl of Clarendon begins with repreſenting the original contract between king and people, as an imaginary thing. And yet he owns "the king is bound by law, (though he cites none) and bound to perform, &c." But that this

this obligation proceeds not from his coronation-oath. What is it then that binds him?

" And then, if this matter goes no farther than king James the Second, in his own perſon; how comes the vacancy and the ſupply to be devolved upon the people? for if he only be ſet aſide, then it is apparent, where the crown is to go, to the perſon that hath the next right of ſucceſſion, and conſequently there is no vacancy." (9.)

Rem. (9.) The lords always ſpoke of the next heir, but without naming the prince of Wales. The reaſon is, that by raiſing, as they thought, invincible obſtacles to the election of a new king, they deſigned by degrees to lead the commons to propoſe the examination of the prince of Wales's birth. But the managers for the commons carefully avoided that ſnare, and therefore the prince of Wales was not ſo much as once mentioned by name in the conference.

The earl of Nottingham added,——" The lords having declared that they are willing, 'to ſecure the nation againſt the return of king James into this kingdom; and will therefore concur with the commons in any act that ſhall be thought neceſſary to prevent ſuch his return, it ſhould ſeem we were agreed in that matter; and if that were the point, we ſhould find words proper ſoon enough to expreſs our meaning by. But I find neither of the words 'abdicated' or 'deſerted,' will, on the one ſide or on the other, be allowed to ſignify this meaning. Therefore we ſhould come preſently to think of ſome other that would. But the reaſons why my lords did chiefly inſiſt upon the alteration of the word 'abdicated,' was, 'Becauſe they did apprehend, that it being a word not known to our laws, there might be other inferences drawn from it than they do apprehend our laws will warrant, from the caſe, as it is ſtated in the fact of this vote; and, as they conceive, is done in the concluding of the throne's being vacant.' Therefore, I think it would ſhorten the preſent debate, if we did ſettle the point of the vacancy firſt. For if we were ſure, that the throne were, or were not vacant, we ſhould eaſily light upon what word were proper to be uſed in this caſe."

Sir George Treby ſpeaking on the ſide of the commons, ſaid,——" I think, my lord, the preſent debate is to begin, where the difference between the two houſes doth begin, and that is at the word 'abdicated.' 'Original contract,' is a phraſe and thing uſed by the learned Mr. Hooker, in his book of 'Eccleſiaſtical Polity.' But I have a greater authority than this, and that is your lordſhips own, who have agreed to all the vote, but this word 'abdicated,' and the 'vacancy of the throne.' But it is very much beyond what the vote before us doth lead us unto, 'To talk of the right of thoſe in the ſucceſſion: for that goes farther than the very laſt part of our vote, and it is ſtill to lead us yet farther, to ſay any thing about making the crown elective.'——Then he endeavoured to prove that king James had actually " abdicated" the kingdom, alledging the authority of Grotius, who ſays, " That if there be any word or action that doth ſufficiently manifeſt the intention of the mind and will, to part with his office; that will amount to an abdication or renouncing." " Now (added he) I beg leave to put this caſe, That had king James the Second come here into the aſſembly of lords and commons, and expreſſed himſelf in writing, or words, to this purpoſe: " I was born an heir to the crown of England, which is a government limited by laws, made in full parliament, by king, nobles, and commonalty; and, upon the death of my laſt predeceſſor, I am in poſſeſſion of the throne; and, now I find, I cannot make laws without the conſent of the lords and repreſentatives of the commons in parliament: I cannot ſuſpend laws that have been ſo made, without the conſent of my people; this indeed is the title of kingſhip I hold by original contract, and the fundamental conſtitutions of the government; and my ſucceſſion to, and poſſeſſion of the crown, on theſe terms, is part of that contract: this part of the contract I am weary of, I do renounce it, I will not be obliged to obſerve it; nay, I am under an obligation not to comply with it; I will not execute the laws that have been made; nor ſuffer others to be made, as my people ſhall deſire, for their ſecurity in religion, liberty and property, which are the two main parts of the kingly office in this nation." I ſay, ſuppoſe he had ſo expreſſed himſelf, doubtleſs, this had been a plain renouncing of the legal regular title which came to him by deſcent: If then he, by particular acts, ſuch as are enumerated in the vote, has declared as much or more than theſe words can amount to, then he hath thereby declared his will to renounce the government,——And this doth amount to a manifeſt declaration of his will, no longer to retain the exerciſe of his kingly office according to law, he has ſufficiently declared his renouncing of the very office, and therefore I cannot depart from inſiſting upon the word 'abdicated,' which doth ſo well correſpond to the fact of the caſe, and ſo well expreſs the true meaning of the commons in their vote."

The earl of Nottingham ſaid,——" I will not undertake to diſpute, whether a king of England may, or may not, renounce his kingdom. For my own part, I think he can, and I may go ſo far in agreement with thoſe that have ſpoken to this point, 'To yield that he may do it by implicit acts, contrary to the kingly office.' For a king to ſay he will not govern according to law; and for a king to act wholly contrary to law, and do that which would ſubvert the conſtitution, is (I think) the ſame thing. But then I muſt ſay alſo, that I think there is a difference between ſaying ſo, and doing ſomething inconſiſtent with what the laws require; for every deviation from the law, is a kind of breach of the fundamental conſtitutions; as the laws are neceſſary, ſo far as to ſupport the foundation. But if every tranſgreſſion, or violation of the law, by the prince's connivance or command, were ſuch a breach of the fundamental laws, as would infer an 'abdication,' then were it in vain to call any of his miniſters or officers to account for any ſuch action. Then the action is the king's, and not theirs; and then adieu to the maxim of, 'A king's not doing wrong.' I take this matter to be ſo plain, as to the diſtinction that I have mentioned, that nothing can be more; and it has been thought ſo eſſentially neceſſary to have it clear and manifeſt, that thoſe two great inſtances of Edward II. and Richard II. were expreſs ſolemn renunciations, and thoſe confirmed in parliament by the lords and commons, by the act of depoſing them. Therefore I cannot infer from the facts enumerated in the vote, that this ſhould be an 'abdication' for himſelf and his heirs."

Sir George Treby replied,—" When a king breaks the law in ſome few particular inſtances, it may be ſufficient to take an account of it from thoſe evil miniſters that were inſtrumental in it, why ſuch a thing was done, which was againſt laws? Why ſuch a law was not executed by them, whoſe duty it was to ſee it put in execution? You may, in ordinary caſes of breaking the law, have remedy in the ordinary courts and courſe of juſtice. But ſure! he does not take this to be ſuch a caſe, or theſe to be ordinary violations of the law: and therefore, in the extraordinary caſes, the extraordinary remedy is to be recurred unto. And where ſhall any man come to have any redreſs in ſuch a caſe as this, when the malefactor comes to be party, unto whom all applications for relief and redreſs from injuries ſhould be made, and ſo be himſelf ſhall be a judge of his own breaches of law? This moſt apparently was the caſe as to the Quo Warranto's, which was a plain deſign to ſubvert the conſtitution in the very foundation of the legiſlature. It is becauſe the king hath violated the conſtitution, by which the law ſtands, as the rule both of the kingly government, and the people's obedience, that we ſay, he hath 'abdicated' and 'renounced' the government; for all other particular breaches of the law, the ſubject may have remedy in the ordinary courts of juſtice, or the extraordinary court of parliamentary proceedings: but where ſuch an attempt as this is made on the eſſence of the conſtitution, it is not we that have brought ourſelves into this ſtate of nature, but thoſe who have reduced our legal well-eſtabliſhed frame of government into ſuch a ſtate of confuſion, as we are now ſeeking a redreſs unto."

The lords objecting nothing farther againſt the uſe of the word " abdicated," the commons proceeded to the ſecond amendment: namely, the leaving out the words, " And that the throne is thereby vacant." Mr. Sacheverell opened the debate, and ſaid,——" My lords, the commons, in uſing the words 'abdication' and 'vacancy,' had no thoughts of making the kingdom elective, neither can any ſuch thing be deduced from their words." (10.)

Rem. (10.) As the principal reaſon which induced the lords to oppoſe the commons vote, was, the conſequence drawn from thence, that the crown would thereby become elective, the commons were very careful to deny this conſequence, by ſaying, that not only they had no ſuch thought, but that it could not be inferred from their vote. This was a material point. For if the lords could have drawn from the commons a confeſſion, that the conſequence was juſt, they would have pretended, that by declaring the throne vacant, the conſtitution was ſubverted, and the crown made elective inſtead of hereditary. It ſeems, that the commons might have denied that the crown was originally hereditary, and maintained, it was ſo only by the ſtatutes made in the reigns of Elizabeth and James I. From whence they might have inferred, that the parliament which ſettled the crown upon the

deſcendants of James I, in the direct, and afterwards in the collateral line, had likewiſe power to alter the order of the ſettlement. But they avoided all diſcuſſions of this nature, being ſenſible, that the deſign of the lords was to multiply the ſubjects of diſpute, in order to increaſe the obſtacles of the projected eſtabliſhment.

Mr. Sacheverell continued, "The commons reaſon for their diſagreeing to this amendment, was, becauſe they conceive (that as they may well infer) from ſo much of their own vote, as your lordſhips have agreed unto, 'That king James the Second hath abdicated the government: and that the throne is thereby vacant:' So, if they ſhould admit your lordſhips amendments, 'That he hath only deſerted the government;' yet, even thence would follow, 'It is vacant, as to king James the Second:' deſerting the government being, in true conſtruction, deſerting the throne. If king James had only given over the exerciſe of the government, [as their lordſhips pretended] he continues in the office, and is king ſtill; and then all the acts that we have done in this convention, are wholly (as we conceive) not juſtifiable, you are in no place or ſtation to relieve yourſelves, or the nation, in this exigence; unleſs you will think of ſetting up another regency by your own authority, without his conſent; which, I conceive, by the laws of England, you cannot do. What then follows upon all we have done? we have drawn the nation into a ſnare, by the ſteps we have taken; and leave all in ſuch an intricacy, as we have no power by law to deliver them out of; nor can we anſwer for what we have done, unleſs the king ſhould die, and that would leave the ſucceſſion uncertain."

Mr. Pollexfen purſuing the ſame argument, maintained, "That the lords ſaying in their vote, 'That the government was deſerted,' could not mean only the exerciſe of it, but a vacancy: the king's power, and the exerciſe of that power, was, in conſtruction of the law, one and the ſame, and ſo joined, that they could not be ſevered; and therefore, the ſuppoſed diſtinction was only notional, and altogether diſagreeing to the laws of England. That it was utterly unlawful, and as great a crime, to take away from the king the exerciſe of the government, as to take from him the government; it might do well for their lordſhips to conſider, whether they were not guilty of the ſame crime, which they would decline by their amendment. That the commons therefore could not admit, That there ſhould be a taking away the exerciſe of the government from the king, any more than the taking away the government, which, the commons ſaid, he had himſelf given away by 'abdication;' and that if king James was king ſtill, they could not by any means agree to the keeping him out of the kingdom. That to have a regency upon king James without his own conſent, or till his return, while the right was ſtill in him, would be a ſtrange and impracticable thing, and introductive of a common-wealth, inſtead of the ancient government by a limited monarchy; and that the concluſion, That ſuch a vacancy in the throne would make the crown elective, had no premiſſes either from their actions, their ſayings, their votes, or any thing elſe in that caſe." (11.)

Rem. (11.) The lords anſwered but weakly Mr. Pollexfen's reaſons. Several of thoſe who were againſt a vacancy verily believed, it was as unlawful to deprive king James of the exerciſe of the regal power, as of the power itſelf. But they durſt not directly undertake his defence, becauſe "they knew his perſon was odious to the whole nation." Wherefore they had adviſed this diſtinction between a right, and the exerciſe of that right, to leave room for his reſtoration. Mr. Pollexfen, as appears, maintains, that this diſtinction is imaginary. Let the reader examine, whether it was well proved, or only ſuppoſed: or whether, in ſuppoſition of its reality, it was applicable to the point in hand.

The earl of Clarendon interpoſed, and ſaid, "He would not declare his opinion about the vacancy as to king James, but deſired to know the meaning of the commons, how far the vacancy was to extend?"

This gave occaſion to Mr. Pollexfen to aſk the lords, "Whether their lordſhips did agree, 'That the throne was vacant as to king James the Second?' That if ſo, or if they ſhould ſay it was full of any body elſe, and would name whom it was full of, it would then be time for the commons to give an anſwer."

To which the ſame earl replied, "That admitting, for diſcourſe ſake, that the throne was vacant as to king James the Second, it muſt then be ſupplied by thoſe that ſhould have come if he were dead; this government being, by all our laws, an hereditary monarchy, which is to go in ſucceſſion by inheritance in the royal line. That if the commons ſaid this government was vacant, that would be to put all thoſe by, that ſhould take it by ſucceſſion, which would make the kingdom elective for that time: that the lords ſaid, there was no vacancy; but ſince the commons ſaid, The throne was vacant, he might very well aſk, Who had the right of filling up that vacancy?"

Mr. ſerjeant Maynard anſwered, "That was not the queſtion before them, though it would come properly in debate, when they were agreed upon the vacancy; that he granted the Engliſh monarchy to be hereditary; but though it ſhould in an ordinary way deſcend to the heir, yet as their caſe was, they had a maxim in law as certain as any other, which ſtopt the courſe; for, ſaid he, no man can pretend to be king James's heir while he is living: Nemo eſt hæres viventis." (12.)

Rem. (12.) Mr. ſerjeant Maynard ſeems to have juſtly remarked, that it was proper to agree upon the vacancy before they proceeded to the queſtion, "Who ſhould fill the throne?" otherwiſe the conſequence would be examined before the premiſſes were ſettled, on which it was founded.

The earl of Pembroke replied, "That to that point the lord Clarendon had given an anſwer, 'That it ſhould go to the next heir in the line, that were to take it if the king were dead.' And that as they ſhould be underſtood, they ſhould make it a caſe of demiſe of the king's, as the law calls it; that is, the king was dead in law, by his abdication or deſertion. That to anſwer the queſtion of the commons, 'Who the throne was full of?' it was ſufficient to know, that there were heirs, who were to take by lineal ſucceſſion, though they did not, or could not, poſitively name the particular perſon." (13.)

Rem. (13.) If the lords had gained this point, that in caſe the throne was vacant with regard to the perſon of king James only, it ſhould be filled by the next heir, they would have thereby engaged the commons in a diſcuſſion of the prince of Wales's birth, wherein they would have had great advantages. But the commons deſired, above all things, to avoid this examination, into which the lords would have artfully drawn them.

The earl of Nottingham argued, "That if the lords ſhould grant a vacancy as to the king himſelf, yet they might juſtly do theſe acts mentioned in the commons reaſons; for if barely the exerciſe of the government were deſerted, there muſt be a ſupply of that exerciſe in ſome perſon's taking the adminiſtration; and as none ſo fit, becauſe of the prince's relation to the crown, and in his preſence here, to addreſs unto about it, ſo none ſo proper to make that addreſs as the lords; ſince in the abſence of the king, they were the king and kingdom's great council, and might have done by themſelves without the commons; but being met in a full repreſentative body, they joined with them." (14.)

Rem. (14.) This concerns only the vindication of the lords conduct, which had been a little cenſured by Mr. Sacheverell and Mr. Pollexfen. This vindication is wholly founded upon the diſtinction between a right, and the exerciſe of that right, which the earl of Nottingham ſuppoſes, without undertaking to prove it.

"They were told, 'That the next heir in ſucceſſion could not take it, becauſe no one could be heir to one alive;' yet ſtill he thought the anſwer given by the lords a very good one, 'That though the king was not dead naturally, yet if (as they inferred) he was ſo civilly, the next of courſe ought to come in by hereditary ſucceſſion; for he knew not any diſtinction between ſucceſſors in the caſe of a natural death, and thoſe in caſe of a civil one: that he would know, if the next heir ſhould be ſet aſide, and another put in, whether that king of England ſhould be king to him and his heirs, and ſo being once upon the throne, the ancient lineal ſucceſſion be altered? which indeed would ſufficiently make the kingdom elective, by taking it from the right heir? That if it was not ſo, then he aſked, Whether ſuch a king as ſhould be put in, ſhould be king only during king James's life? That, he ſuppoſed, was not the meaning of the commons; but, at leaſt, he muſt be made a king during his own life; that then if there was a diſtinction made as to the ſucceſſion, between a natural and a civil death, if king James ſhould die during the life of the new king, what would become of the hereditary monarchy? Where muſt the ſucceſſor come in, when the next heir to king James might not be the preſent heir to the preſent ſucceſſor? That therefore they muſt reduce all to this point, Whether this would not make the kingdom elective? That if they made it once elective, it was enough to make it ever ſo; for he would be bold to ſay, They could not make a ſtronger tie to obſerve that

kind

kind of ſucceſſion, than what lay upon them to preſerve it in this caſe."

He added, "That if the throne was vacant, he would know whether they were obliged to fill it? That if they were, they muſt fill it either by the old laws, or by the humour of thoſe who were to chuſe. That if they filled it by the old laws, they declared it was an hereditary kingdom, and they were to take the next ſucceſſor, to whom the ſucceſſion would belong, and there would be no need of ſtanding upon a vacancy: that if they were to fill it according to the humour of the times, that diverted the courſe of inheritance; and that he could not ſee by what authority they could do that, or change the ancient conſtitution, without committing the ſame fault they had laid upon the king. But, ſaid he, if you pleaſe to ſuppoſe the throne vacant as to king James, that is, 'That he has no right,' then let us go on to the next ſtep." (15.)

Rem. (15.) The earl of Nottingham enumerates here all the inconveniences, difficulties, and contrarieties to the law which could ariſe from the commons vote, and all ended in the danger of rendering the crown elective. But he took care not to mention the difficulties which flowed from the lords opinion. The conſequences of their opinion were, either that the kingdom ſhould be left in its preſent confuſion, or king James recalled, or the prince of Wales acknowledged for king. In all three, the danger was as great as in running the hazard of making the crown elective, which was the only danger the earl would have to be conſidered. As if the danger of leaving the kingdom in confuſion, of recalling the king, of owning a prince who was by moſt people thought ſuppoſititious, who was abſent and a minor, who would be bred in France in the catholic religion, and from whom the ſame inconveniences as had cauſed king James to be rejected, were to be feared when he ſhould be of age: as if, I ſay, all theſe dangers were to be reckoned as nothing in compariſon of the hazard of a breach in the lineal ſucceſſion. Beſides, it was only by way of conſequence that the lords pretended that the crown would become elective by this breach, though the commons affirmed they had no ſuch intention.

But Mr. Sacheverell replied, "That all their buſineſs was to maintain that the throne was vacant."

And Mr. Sommers added, "That the lords alledged as a reaſon againſt the word 'abdicate,' That 'it was not a word known to our laws,' but that the word 'vacant' could not have that objection made to it, ſince it was in our records, and even applied in a parallel caſe to this in the firſt of Henry IV."

To which the earl of Rocheſter anſwered, "That as that was the only precedent for the word 'vacant,' yet it was attended with this very conſequence, that it would make the monarchy elective; for it being there declared, That the royal ſeat was vacant, immediately did follow an election of Henry IV. who was not next in the royal line."

The ſame argument was purſued by the earl of Clarendon, who ſaid, "That it was plain in the caſe of Richard II. who had abſolutely reſigned, renounced, or abdicated in writing under his own hand; that after that, the parliament being ſitting, they did not think that ſufficient to go upon, becauſe that writing might be the effect of fear, and not vuluntary: that thereupon they proceeded to a formal depoſition upon articles; and then came in the claim of Henry IV. that this was undoubtedly an election; though he was really the next heir, the earl of March not appearing, Henry claimed it as his undubitable right, being the next heir that appeared: that all the kings that were thus taken in or elected, (for the election was not of God's approbation) any one year ſcarce paſſed in any of the reigns, without being diſturbed in the poſſeſſion: that Henry IV. did not care to owe the crown to the election, but claimed it as his right; that it was a plauſible pretence, and kept him and his ſon upon the throne; bnt in the time of his grandſon Henry VI. there was an utter overthrow of his title and poſſeſſion too: for in the firſt of Edward IV. all the proceedings againſt Richard II. as well as all the reſt of the acts during the uſurpation (as that record rightly calls it) were annulled, repealed, revoked, and reverſed, and all imaginable words uſed to ſet thoſe proceedings aſide, as illegal, unjuſt, and unrighteous: that that act deduced the pedigree of the royal line from Henry III. to Richard II. who died without iſſue; and then Henry IV. ſays the act, uſurped; but that the earl of March, upon the death of Richard II. and conſequently Edward IV. from him, was undoubted king by conſcience, by nature, by cuſtom and by law." (16.)

Rem. (16.) All the arguments from the acts of parliament relating to the differences between the houſes of Lancaſter and York, muſt be very weak. Becauſe theſe parliaments did not all proceed upon the ſame principle, and becauſe the one pulled down what the other had ſet up. This evidently appears, in that both ſides in the preſent caſe, alledged ſome of the acts of theſe parliaments, in ſupport of their cauſe.

Hereupon Sir Robert Howard exerted himſelf, and replied, "He would not ſay that the record of Henry IV. was not a precedent of election; for the parliament did not much mind his claim, knowing that he claimed by deſcent, where there was a perſon that had a title before him: thus the commons did not doubt but that power which brought in another line then, upon the vacancy of the throne by the leaſion of Richard II. was ſtill, according to the conſtitution, reſiding in the lords and commons, and was legally ſufficient to ſupply the preſent vacancy: that he would aſk the queſtion of any lord there, whether, had there been an heir to whom the crown had quietly deſcended in the line of ſucceſſion, and this heir certainly known, their lordſhips would have aſſembled without his calling, or would have either adminiſtered the government themſelves, or adviſed the prince of Orange to have taken it upon himſelf? that he doubted they had been all guilty of high-treaſon by the laws of England, if a a known ſucceſſor of the throne were in poſſeſſion of the throne, as he muſt be if the throne were not vacant: that from hence their lordſhips ſaw, that the difficulty in this matter aroſe from this, That they would all agree the throne to be vacant, when they knew of none that poſſeſſed it; that ſome ſuch thing had been pretended to as an heir-male, of which there were different opinions, and in the mean time they were without a government. Muſt we ſtay, added he, till the truth of the matter be found out? What ſhall be done to preſerve our conſtitution, and in a little time it will, perhaps, through the diſtraction of our conſtitution, be utterly irremediable. He confeſſed it would be a difficult thing to go upon the examination who was heir, or elſe their lordſhips would have explained themſelves before. But, continued he, it not being clear, muſt we always remain thus? Uſe what words you will, fill up, or nominate, or elect, it is the thing that we are to take care of, and it is high time it was done. There is no ſuch conſequence to be drawn from this vote, as an intention or likelihood of altering the courſe of the government, ſo as to make it elective; the throne has all along deſcended in an hereditary ſucceſſion, the main conſtitution has been preſerved. The precedent of Henry IV. is not like that of elections in other countries; and I am ſorry there ſhould be any occaſion for what is neceſſary to be done now; but when ſuch difficulties are upon the nation, that we cannot extricate ourſelves out of, as to the lineal ſucceſſor, your lordſhips, I hope, will give us leave to remember, 'Salus populi eſt ſuprema lex.' And if neither you nor we can do any thing in this caſe, we, who are met under the notion of a convention of the ſtates, have then met to no purpoſe; for after we have voted ourſelves to be without government (which looks as if ſomething were really intended as to a ſettlement) all preſently ſinks, and we are as much in the dark as we were before. Your lordſhips ſay, you will never make a precedent of election, or take upon you to alter the ſucceſſion. With your lordſhips favour, the ſettlement of the conſtitution is the main thing we are to look after. If you provide for the ſupply of the defect there, that point of the ſucceſſion will, without all queſtion, in the ſame method, and at the ſame time, be ſurely provided for. But, my lords, have not you yourſelves limited the very ſucceſſion, and cut off ſome that might have a lineal right? Have you not concurred with us in our vote, 'That it is inconſiſtent with our religion and laws to have a papiſt to reign over us?' Muſt we not come then to an election, if the next heir be a papiſt? Nay, ſuppoſe there was no proteſtant heir at all to be found, would not your lordſhips then break the line? If your lordſhips then in ſuch a caſe muſt break through the ſucceſſion, I think the nation has reaſon to expect you ſhould take care to ſupply the preſent defect, where the ſucceſſion is uncertain; or what can we do further, but even part in confuſion, and ſo leave the nation to extricate itſelf as well as it can out of its diſtraction. But even at whoſe doors that will lie, I muſt leave to your lordſhips own thoughts."

It is ſaid this ſpeech, wherein good ſenſe, and a zeal for the nation equally ſhined, made a deep impreſſion upon ſome of the lords who aſſiſted at the conference, and upon all the reſt of the audience. However, as the earl of Clarendon, to prove the lineal ſucceſſion, had alledged what paſſed with regard to Edward IV. Sir George Treby undertook to explain that matter, and ſaid:

"That

"That it was very well known, that Edward IV came in diſ-affirmance of the title of the houſe of Lancaſter: that as thoſe times went, whenever there was a turn in government, as there were ſeveral, there were new and contrary declarations about the title to the crown, made conſtantly in parliament; and what one parliament ſettled, another undid: but then, that this advantage the commons had on their ſide; that as they had this firſt precedent for them, ſo they had the laſt, viz. the parliament-roll of the firſt of Henry VII, where the record is ſet right again: that the act for depoſing Richard II, was indeed repealed by the firſt of Edward IV, and thereupon it proceeds to attaint Henry VI; but then came in Henry VII, in the firſt year of whoſe reign there was an act made, that ſet aſide all the acts and attainders made againſt his line, and conſequently it repealed the firſt of Edward IV, which had repealed the firſt of Henry IV: that Henry VII, was of the line of Lancaſter, and though he had the heireſs of the houſe of York in his boſom, yet after he came to the throne, he would not endure to have his crown reckoned matrimonial, or ſuffer the ſtile to go in the name of Henry and Elizabeth, as he muſt have done if he had ſtuck to the title by the right line of ſucceſſion. That therefore this act for reſtoring the record of the firſt of Henry IV again, was as good an authority as it was before, and ſomewhat better; for it had the laſt act on its ſide, which was yet unrepealed."

Here the earl of Pembroke replied, "That Henry VII had a good right and title by marriage to the crown, 'in re uxoris;' but that his own title, as deſcended from Henry IV, was an uſurpation; and therefore he would not ſuffer any one to preſcribe which was beſt, as long as it was acknowledged he had one good."

Sir George Treby returned, "That if Henry VII's title by deſcent was an uſurpation, it was hard to determine what title he did govern by; ſince, though his wife was the lineal heir, yet ſhe had no part, or ſo much as a name in the adminiſtration. But, added he, if we ſhould allow none for acts of parliament, but thoſe that were made in the reigns of hereditary kings, and in the right line, I doubt we ſhall want the greateſt part of thoſe laws that compoſe the volume of Statute-books, and the records by which we enjoy a great part of our inheritances and poſſeſſions."

Sir Richard Temple alledged, "That if laws made about the ſucceſſion be ſo obliging, what then ſhould they ſay to the ſucceſſion of queen Elizabeth, who had an act of parliament both againſt her and her ſiſter."

The earl of Pembroke replied, "That to ſhew what opinion ſhe herſelf, and the wiſe men of her time, had in that point, there was an act made in her reign, and yet in being, which declared it to be a præmunire, to affirm, the parliament cannot ſettle the ſucceſſion of the crown, or alter it. That entails of the crown had been in parliament, both ancient and modern; yet the authority of another ſubſequent act had prevailed againſt ſuch an entail, ſo that they ſhould be done in parliament."

Sir Richard returned, "He thought they were in as full a capacity to take care of the government, as any of their predeceſſors; and that if they did as their predeceſſors had done before them, that ought not to be called a changing of the monarchy from an hereditary to an elective."

Here the earl of Nottingham once more interpoſed and ſaid, "He could not imagine how a kingdom could be hereditary, and that the king who had children in being at the time of his forſaking the government, could have the throne vacant, both of him and his children; that the courſe of inheritance, as to the crown of England, was by law a great deal better provided for, than that of any other inheritance, 'That no attainder of the heir of the crown could bar the ſucceſſion to the throne,' as it did the deſcent to any common perſon; and that the very deſcent by order of birth would take away any ſuch defect. That this was the opinion of the great lawyers of England, in the caſe of Henry VII; and therefore he could not apprehend, how any act of the father, could bar the right of the child; ſince even the act of the ſon, which might endanger an attainder in him, could not do it; ſo careful was the law of the royal line of the ſucceſſion, which was declared by ſeveral acts of parliament, and very fully and particularly by the twenty-fifth of Henry VIII. ——That he deſired to know, whether the lords and commons had power by themſelves to make a binding act or law? and whether, according to the legal conſtitution, every king of England, by being ſeated on the throne, and poſſeſſed of the crown, was not thereby king to him and his heirs? and that without an act of parliament he knew not what determination they could make of his eſtate. That it was urged indeed, that the lords had in effect already agreed to the vacancy, by voting, 'That it was inconſiſtent with our religion and laws, to have a popiſh prince to rule over us:' but that a vote of either houſe, or both houſes together, could not alter the law in that or any other point; yet becauſe he was deſirous that that vote ſhould have its effect, he deſired that every thing of that nature might be done in the ancient uſual method of parliament. That ſince they were happily delivered from the fears of popery and arbitary power, God forbid they ſhould aſſume any ſuch power to themſelves; for what advantage ſhould they then give to thoſe who would quarrel with their ſettlement for the illegality of it? Would not this, which they endeavour to cruſh, break forth into a viper? That in all the breaches that were made upon the line of ſucceſſion, ſuch was the force of the laws, that the uſurpers would not take the crown upon them, unleſs they had ſome ſpecious pretence of an hereditary title to it. That what he would have avoided by all means, was the miſchievous conſequences that he feared would enſue upon the vacancy of the throne, namely, the utter overthrow of the whole conſtitution; for if the lords and commons only remained as parts of the government, and if the head be taken away, and the throne vacant, by what laws or conſtitutions was it that they retained lords and commons? That they were knit together in their common head; and that if one part of the government was diſſolved, he ſaw not any reaſon but that all muſt be diſſolved. He confeſſed, that any government was better than none; but he earneſtly deſired they might enjoy their ancient conſtitution." (17.)

Rem. (17.) The earl of Nottingham, in his ſpeech, reaſoned like Charles I, in his diſputes with the parliament. That is, he ſuppoſed the government in its natural ſtate, and on that ſuppoſition, his arguments were ſtrong. But it is hard to conceive a greater diſorder in the government than at the time of this conference. King James had reigned three years in an arbitrary manner. He had violated, not ſome particular laws of little moment, but fundamental laws, whereon the ſecurity of the national religion and liberties depended. After which, he had withdrawn himſelf out of the kingdom, without taking any order about the government. Moſt men thought his ſon ſuppoſititious, and he had ſent him into France. Could the government therefore be ſuppoſed in a natural ſtate? and if it was not, the reaſoning built upon ſuch a ſuppoſition ought to fall to the ground. However expreſs the laws may be, they always ſuppoſe ſome certain conſtitution of government. But if this conſtitution is broke, as may happen in all countries under the ſun, How, in order to remedy this evil, can the laws be taken for rule, which ſuppoſe the government in its uſual and natural ſtate, and which have not provided for extraordinary unforeſeen caſes?

What the earl of Nottingham would intimate, though he does not ſpeak plainly, is briefly this: The lords and commons are but two of the branches of the government, and can make no law without the third, that is, the king, who is their head. The king has abſented himſelf. He muſt therefore be recalled, or waited for till he returns, or elſe his next heir muſt be owned for king. Now this heir is the prince of Wales. This is evident from the care that was taken not to name him. Or if none of theſe methods be followed, the kingdom muſt be left in a ſtate of anarchy, or a regent appointed to govern in the king's name, during his abſence.

The whole debate was cloſed with two ſhort ſpeeches made by Mr. Paul Foley, and Mr. Eyre: the former ſaid, "He hoped there was no danger of ſhaking our fundamentals in this caſe; that they were purſuing thoſe methods which agreed with our laws and conſtitution; for though the monarchy of this nation be hereditary in the ordinary courſe of ſucceſſion, yet there might fall out a caſe wherein that could not be complied with, and a plain vacancy might enſue. For, ſaid he, put the caſe the whole legal line ſhould fail, ſhould we in that caſe have no government at all? And who then ſhould we have but lords and commons? And I think that comes neareſt to the caſe in queſtion, where the ſucceſſor is not known; for if he had been, we ſhould have heard of him before now. And what is the reaſon that it ſhould then in the former caſe devolve to the lords and commons, but that there is no king? And they being the repreſentative body of the kingdom, are the only remaining apparent parts of the government, and are only to ſupply the defect by providing a ſucceſſor?"

Mr. Eyre ſubjoined, "That they were led out of the way, hunting after the conſequences of a vote not yet agreed unto; That they had made a right and apt concluſion from the premiſſes,

premiſſes, otherwiſe all the vote was but hiſtorical: we declare, adds he, 'That the late king James has broke the original contract, has violated the fundamental laws, and has withdrawn himſelf out of the kingdom, that he has abdicated the government.' What occaſion was there for ſuch a declaration as this, if nothing were concluded from it? That were only to give the kingdom a compendious hiſtory of thoſe miſeries they have too well learned by feeling them. Therefore there was a neceſſity to make ſome concluſion; and none ſo natural as this; that we are left without a king, that the throne is thereby vacant, which it may be as to the poſſeſſion, and yet the right of ſucceſſion no ways prejudiced. But, my lords, we are come here by the commands of the houſe of commons, to debate the reaſons of their vote, and your amendments, not to diſpute what will be the conſequences, which is not at preſent our province." And here ended this famous conference.

During all theſe debates in the convention, the prince of Orange ſtaid at St. James's, without taking the leaſt pains to gain any one perſon to his party. He was never leſs affable, being deſirous to ſhew by his behaviour, that his intention was not to deprive any man of the liberty to vote as he ſhould think fit. The two houſes were ſurpriſed that no body ſpoke to them in the prince's behalf. At laſt, finding that his ſilence might be ill conſtrued, as if he was unwilling to take upon him the burden of royalty, he ſent for the marquis of Hallifax, the earls of Danby, Shrewſbury, and ſome others, and told them:

"He had been till then ſilent, becauſe he would not ſay or do any thing that might ſeem in any ſort to take from any perſon the full freedom of deliberating and voting in matters of ſuch importance: he was reſolved neither to court nor threaten any one. Some were for putting the government into the hands of a regent: he would ſay nothing againſt it, if it was thought the beſt means for ſettling their affairs: only he thought it neceſſary to tell them, that he would not be the regent: ſo, if they continued in that deſign, they muſt look out for ſome other perſon to be put in that poſt: he himſelf ſaw what the conſequences of it were like to prove: ſo he would not accept of it. Others were for putting the princeſs ſingly on the throne, and that he ſhould reign by her courteſy. He ſaid, no man could eſteem a woman more than he did the princeſs; but he was ſo made, that he could not think of holding any thing by apron-ſtrings: nor could he think it reaſonable to have any ſhare in the government, unleſs it was put in his perſon, and that for term of life: if they did think it fit to ſettle it otherwiſe, he would not oppoſe them in it: but he would go back to Holland, and meddle no more in their affairs: he aſſured them, that whatſoever others might think of a crown, it was no ſuch thing in his eyes, but that he could live very well, and be well pleaſed without it. In the end he ſaid, he could not reſolve to accept of a dignity, ſo as to hold it only the life of another: yet he thought that the iſſue of the princeſs Ann ſhould be preferred in the ſucceſſion, to any iſſue he might have by any other wife than the princeſs."

This declaration being immediately divulged by thoſe it was made to, did not a little contribute to bring the debates in the houſe of lords to a ſpeedy determination. As for the commons, about two thirds were for the prince.

When the report of the conference between the two houſes was made to the lords, there was a very warm debate, whether they ſhould inſiſt upon the amendments. During the debate, it was moved, that the birth of the prince of Wales might be examined into. But this motion was at length rejected for ſeveral reaſons: 1. The prince of Wales was now ſent out of England to be bred up in France, an enemy both to the nation and the eſtabliſhed religion. What therefore would ſuch an examination ſignify? 2. It was impoſſible for the people of England to know, whether he was the ſame perſon that had been carried over or not. 3. In caſe he ſhould die, another might be put in his room, in ſuch manner, that the nation could not be ſure concerning him. 4. The Engliſh nation ought not to ſend into another country for witneſſes to prove that he was their prince, much leſs receive one upon the teſtimony of ſuch as were not only aliens, but ought to be preſumed enemies. 5. It was known, that all the perſons who had been the confidents in that matter, were conveyed away; ſo it was impoſſible to come at them, by whoſe means only the truth of that birth could be diſcovered. It is pretended, there were ſome who thought it a deep piece of policy, to let the prince of Wales's title remain undecided, in order to deter the ſucceeding kings from imitating king James [a].

At length, after a long debate, the majority of the lords departed from their two amendments, and agreed with the vote of the commons, "That king James had abdicated the government, and that the throne was thereby become vacant." Very likely, they who deſerted the party of the earls of Nottingham, Clarendon, and Rocheſter, conſidered, that the ſuggeſted danger of the crown's becoming elective, was not to be compared to that which muſt neceſſarily happen, if the kingdom was left in the preſent confuſion, or king James recalled, or the prince of Wales acknowledged for king. It is ſaid however, that the ſcale was turned to this ſide by the arrival of ſome lords, who were not preſent in the houſe when the two amendments were voted: but they are not named. It is hardly probable that the pretended arrival of theſe lords ſhould have occaſioned the change in the houſe of peers. There muſt have been a dozen at leaſt, and all of the ſame ſide, which is not very likely.

This great ſtep being made, the next thing to be debated was, who ſhould fill the vacant throne. The marquis of Hallifax moved, That the crown ſhould be given to the prince of Orange alone, and to the two princeſſes after his death. But he was not ſeconded [b]. If Dr. Burnet biſhop of Saliſbury is to be credited, Bentinck [c], the prince's favourite and confident, ſtrenuouſly ſupported this propoſal. The debate upon this affair was very long. It was readily agreed, that the princeſs of Orange ſhould be placed on the throne; but the queſtion was whether the prince ſhould be king of himſelf, or as huſband of the princeſs? Upon this, parties began to be formed in both houſes. Mean while, as the princeſs was detained in Holland by the froſt, and by contrary winds after the thaw, the earl of Danby ſent one over to the princeſs, with an account of the preſent ſtate of the debate, and to tell her, that if ſhe deſired it, he did not doubt but he ſhould be able to carry it, for ſetting her alone on the throne. The princeſs anſwered, She was the prince's wife, and would never be other than what ſhe ſhould be in conjunction with him, and under him. Adding, ſhe would take it very ill, if any, under a pretence of their care for her, would ſet up a divided intereſt between her and the prince. Not content with this, ſhe ſent the lord Danby's letter [and her anſwer] to the prince, and thereby broke all the meaſures of thoſe, who wiſhed to create a miſunderſtanding or jealouſy between them. The earl of Danby received not the leaſt mark of diſpleaſure from the prince of Orange, who continued ſtill to employ and truſt him.

At laſt, both houſes agreed, and voted ſeverally, that the prince and princeſs of Orange ſhould be king and queen of England, but that the ſole and full regal power ſhould be in the prince only, in the name of both. However, this was carried in the houſe of lords but by two or three voices only, and not without a proteſtation entered againſt it by the contrary party [d].

The laſt debate in the convention, was, concerning the oaths that ſhould be taken to the king and queen. To avoid all cavils upon the terms, [rightful and lawful king] in the uſual oath, it was thought proper to reduce the oath to the ancient ſimplicity of ſwearing, "to bear faith and true allegiance to the king and queen." Hence aroſe the famous diſtinction of a king "de facto," and a king "de jure," ſome pretending, that they took the oath to the king and queen, only as king and queen "de facto," whom they were bound to obey no longer than they continued in quiet poſſeſſion; but that it was lawful for them to aſſiſt king James, if he ſhould come to recover his crown, as being ſtill their king "de jure." This diſtinction proceeded chiefly from the clergy, who had ſo far entangled themſelves with thoſe ſtrange

[a] Burnet ſays, that when this matter was debated in private, ſome obſerved, that as king James by going about to prove the truth of the birth, and doing it ſo defectively, had really made it more ſuſpicious than it was before; ſo, if there was no clear and poſitive proof made of an impoſture, the pretending to examine into it, and then the not being able to make it out beyond the poſſibility of contradiction, would really give more credit to the thing than it then had, and, inſtead of weakening it, would ſtrengthen the pretenſion of his birth, p. 887.

[b] Burnet ſays, many of the republican party approved of this; for by it they gained another point: The people in this caſe would plainly elect a king without any regard to the order of ſucceſſion, p. 818.

[c] Afterwards earl of Portland.

[d] Burnet, p. 822, ſays, that things were ſo near an equality in the houſe of lords [one hundred and twenty being preſent,] that it was carried by a very ſmall majority of two or three, to agree with the commons in voting the 'abdication' and 'vacancy' of the throne, and that the vote by which the prince and princeſs were declared to be king and queen went very hard. Echard ſays by twenty voices: ſixty-five againſt forty-five.

conceits of the divine right of monarchy, and had ſo engaged themſelves by publicly preaching paſſive-obedience and non-reſiſtance, as an eſſential doctrine of the church of England, that they did not know how to diſengage themſelves from the ſnare they themſelves had laid, at a time when they little thought of being ever taken in it.

At length, on the 12th of February, the princeſs of Orange arrived at London, and ſeemed very well pleaſed with what had been reſolved, that the adminiſtration of the government ſhould be in the prince only, in the name of both. Thus the ſtrict union between the prince and princeſs broke the meaſures of ſuch as hoped to create a miſunderſtanding between them, in order to ſerve their old maſter.

The next day, the prince and princeſs of Orange being ſeated on two large chairs, under a canopy of ſtate in the Banquetting-houſe, both houſes of the convention waited upon them in a full body, to offer them the crown. But before they proceeded to this ſolemn offer, they cauſed the clerk of the crown to read the following declaration of the lords ſpiritual and temporal, and commons aſſembled at Weſtminſter.

" WHEREAS the late king James the Second, by the aſſiſtance of divers evil counſellors, judges, and miniſters employed by him, did endeavour to ſubvert and extirpate the proteſtant religion, and the laws and liberties of this kingdom; by aſſuming and exerciſing a power of diſpenſing with, and ſuſpending of laws, and the execution of laws, without conſent of parliament: by committing and proſecuting divers worthy prelates, for humbly petitioning to be excuſed from concurring to the ſaid aſſumed power: by iſſuing and cauſing to be executed, a commiſſion under the great ſeal for erecting a court, called, 'The court of commiſſioners for eccleſiaſtical cauſes:' by levying money for and to the uſe of the crown, by pretence of prerogative, for other time, and in other manner, than the ſame was granted by parliament: by raiſing and keeping a ſtanding army within this kingdom in time of peace, without conſent of parliament; and quartering ſoldiers contrary to law: by cauſing ſeveral good ſubjects, being proteſtants, to be diſarmed, at the ſame time, when papiſts were both armed and employed contrary to law: by violating the freedom of election of members to ſerve in parliament: by proſecutions in the court of King's Bench for matters and cauſes cognizable only in parliament; and by divers other arbitrary and illegal courſes. And whereas of late years, partial, corrupt, and unqualified perſons, have been returned and ſerved on juries in trials, and particularly divers jurors in trials for high treaſon, which were not freeholders; and exceſſive bail hath been required of perſons committed in criminal caſes, to elude the benefit of the laws made for liberty of the ſubjects; and exceſſive fines have been impoſed; and illegal and cruel puniſhments inflicted; and ſeveral grants and promiſes made of fines and forfeitures, before any conviction or judgement againſt the perſons upon whom the ſame were to be levied. All which are utterly and directly contrary to the known laws and ſtatutes, and freedom of this realm.

" And whereas the ſaid late king James the Second, having 'abdicated' the government, and the throne being thereby vacant, his highneſs the prince of Orange (whom it hath pleaſed Almighty God to make the glorious inſtrument of delivering this kingdom from popery and arbitrary power) did (by the advice of the lords ſpiritual and temporal, and divers principal perſons of the commons) cauſe letters to be written to the lords ſpiritual and temporal, being proteſtants, and other letters to the ſeveral counties, cities, univerſities, boroughs, and cinque-ports, for the chuſing of ſuch perſons to repreſent them, as were of right to be ſent to parliament, to meet and ſit at Weſtminſter, upon the 22d day of January, in this year 1688, in order to ſuch an eſtabliſhment, as that their religion, laws, and liberties, might not again be in danger of being ſubverted. Upon which letters, elections having been accordingly made; and thereupon the lords ſpiritual and temporal, and commons, purſuant to their reſpective letters and elections, being now aſſembled in a full and free repreſentative of this nation, taking into their moſt ſerious conſideration the beſt means for attaining the ends aforeſaid, do, in the firſt place (as their anceſtors in like caſe have uſually done) for the vindicating and aſſerting their ancient rights and liberties; declare,

" 1. That the pretended power of ſuſpending of laws, or execution of laws, by regal authority, without conſent of parliament, is illegal.

" 2. That the pretended power of diſpenſing with laws, or the execution of laws, by regal authority, as it hath been aſſumed and exerciſed of late, is illegal.

" 3. That the commiſſion for erecting the late court of commiſſioners for eccleſiaſtical cauſes, and all other commiſſions and courts of the like nature, are illegal and pernicious.

" 4. That the levying of money for or to the uſe of the crown, by pretence of prerogative, without grant of parliament, for longer time, or in any other manner than the ſame is, or ſhall be granted, is illegal.

" 5. That it is the right of the ſubjects to petition the king, and all commitments and proſecutions for ſuch petitioning, are illegal.

" 6. That the raiſing or keeping a ſtanding army within the kingdom in time of peace, unleſs it be with conſent of parliament, is againſt law.

" 7. That the ſubjects, which are proteſtants, may have arms for their defence, ſuitable to their condition, and as allowed by law.

" 8. That election of members of parliament ought to be free.

" 9. That the freedom of ſpeech, and debates or proceedings in parliament, ought not to be impeached or queſtioned, in any court or place out of parliament.

" 10. That exceſſive bail ought not to be required, nor exceſſive fines impoſed, nor cruel nor unuſual puniſhments inflicted.

" 11. That jurors ought to be duly impannelled and returned; and jurors, which paſs upon men in trials for high treaſon, ought to be freeholders.

" 12. That all grants and promiſes, of fines and forfeitures of particular perſons, before conviction, are illegal and void.

" 13. And that for redreſs of all grievances, and for the amending, ſtrengthening, and preſerving of the laws, parliaments ought to be held frequently. And they do claim, demand, and inſiſt upon all and ſingular the premiſſes, as their undoubted rights, and liberties; and that no declarations, judgments, doings, or proceedings, to the prejudice of the people in any of the ſaid premiſſes, ought in any wiſe to be drawn hereafter into conſequence or example. To which demand of their rights, they are particularly encouraged by the declaration of his highneſs the prince of Orange, as being the only means for obtaining a full redreſs and remedy therein.

" Having therefore an entire confidence, that his ſaid highneſs the prince of Orange will perfect the deliverance ſo far advanced by him, and will ſtill preſerve them from the violation of their rights, which they have here aſſerted, and from all other attempts upon their religion, rights, and liberties; the ſaid lords ſpiritual and temporal, aſſembled at Weſtminſter, do reſolve, That William and Mary, prince and princeſs of Orange, be, and be declared King and Queen of England, France, and Ireland, and the dominions thereunto belonging, to hold the crown and royal dignity of the ſaid kingdoms and dominions, to them the ſaid prince and princeſs during their lives, and the life of the ſurvivor of them; and that the ſole and full exerciſe of their regal power be only in, and executed by, the ſaid prince of Orange, in the names of the ſaid prince and princeſs, during their joint lives; and after their deceaſe, the ſaid crown and royal dignity of the ſaid kingdoms and dominions to be to the heirs of the body of the ſaid princeſs; and for default of ſuch iſſue, to the princeſs Anne of Denmark, and the heirs of her body; and for default of ſuch iſſue, to the heirs of the body of the ſaid prince of Orange.

" And the ſaid lords ſpiritual and temporal, and commons, do pray the ſaid prince and princeſs of Orange, to accept the ſame accordingly. And that the oaths hereafter-mentioned, be taken by all perſons of whom the oaths of allegiance and ſupremacy might be required by law inſtead of them; and that the ſaid oaths of allegiance and ſupremacy be abrogated:

" I, A. B. do ſincerely promiſe and ſwear, That I will be faithful, and bear true allegiance to their majeſties, king William and queen Mary. So help me God. I, A. B. do ſwear, That I do from my heart abhor, deteſt, and abjure, as impious and heretical, this damnable doctrine and poſition, 'That princes excommunicated or deprived by the pope, or any authority of the ſee of Rome, may be depoſed or murdered by their ſubjects, or any other whatſoever.' And I do declare, That no foreign prince, perſon, prelate, ſtate, or potentate, hath, or ought to have, any juriſdiction, power, ſuperiority, pre-eminence or authority, eccleſiaſtical or ſpiritual, within this realm. So help me God."

After

After the reading of this declaration, the marquis of Hallifax, ſpeaker of the houſe of lords, made a ſolemn tender of the crown to their higneſſes, in the name of both houſes, whereupon the prince of Orange returned the following anſwer:

"My lords and gentlemen,

"THIS is certainly the greateſt proof of the truſt you have in us, that can be given, which is the thing that makes us value it the more; and we thankfully accept what you have offered. And as I had no other intention in coming hither, than to preſerve your religion, laws, and liberties, ſo you may be ſure, that I ſhall endeavour to ſupport them, and ſhall be willing to concur in any thing that ſhall be for the good of the kingdom, and to do all that is in my power to advance the welfare and glory of the nation."

All this was followed with the acclamations of the people, which quickly flew over the whole city. The ſame day the prince and princeſs were proclaimed king and queen of England, France, and Ireland, by the names of William and Mary, to the inexpreſſible joy of the people [e].

[e] I. King James the Second's natural iſſue was as follows:

1. By Mrs. Arabella Churchill, ſiſter of John duke of Marlborough, afterwards married to colonel Godfrey, he had (1.) James Fitz-James, grandee of Spain, mareſchal of France, knight of the golden-fleece, commonly called duke of Berwick. Outlawed in 1695. (2.) Henry Fitz-James, commonly called the grand prior, born 1673. Outlawed in 1695. Lieutenant-general and admiral of the French gallies. He died in France, December 7, 1702. (3.) Henrietta, born 1670, who married Henry lord Waldgrave, 1683. Father of James the preſent lord Waldgrave, born in 1684.

2. By Mrs. Catherine Sedley, daughter of ſir Charles Sedley, Bart. created baroneſs of Darlington, and counteſs of Dorcheſter, afterwards married to ſir David Collier, the late earl of Portmore, he had Catharine Darnley, preſent ducheſs dowager of Buckingham, born 1681. She married (1.) James Anneſly, earl of Angleſey, in October 1699. By whom ſhe had Catharine Anneſly, January 7, 1701, who married William Phips, Eſq. ſon of ſir Conſtantine Phips. (2.) John Sheffield, duke of Buckinghamſhire and Normandy, March 1, 1705. By whom ſhe had Edmund the preſent duke of Buckinghamſhire, born January 11, 1716.

II. By an indenture in the firſt of James II, a pound weight of gold, twenty two carats fine, and two carats allay, was coined in 44l 10s. by tale, namely, into ten ſhillings, twenty ſhillings, forty ſhillings, and five pounds pieces; and a pound weight of ſilver of the old ſtandard into 62 ſhillings by tale, namely, into crowns, half-crowns, ſhillings, ſix-pences, groats, two-pences, and pence; which ſtandard both for gold and ſilver hath continued ever ſince.

The gold coins have on one ſide the king's head laureat, IACOBVS II. DEI. GRATIA. Reverſe MAG. BR. FRA. ET. HIB. REX. the arms ſingle in ſeparate ſhields crowned, with the ſcepters, but nothing in the center. Some have an elephant under the king's head, being of African gold. (Fig.) The five-pound-piece is like the guinea, but has DECVS, &c. upon the rim.—Of the ſilver monies, the crown has the king's head laureat; the arms on the reverſe in four ſeparate ſhields crowned; the inſcription as on the gold coins; and upon the rim, DECVS. ET. TVTAMEN, &c. the half-crown is the ſame, and the ſhilling and ſixpence the like, except the inſcription upon the rim. The leſſer pieces, from the groat to the penny, have as many initial letters of his name crowned, as they contain pence, but the ſame inſcription as the crown-piece. The tin farthing and halfpenny have the king's head, JACOBVS. SECVNDVS. Reverſe Britannia, BRITANNIA, upon the rim 1685. NVMMORVM. FAMVLVS.

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DISSERTATION

ON THE

Riſe, Progreſs, Views, Strength, Intereſts, and Characters of the two Parties of the WHIGS and TORIES. Firſt publiſhed in the Year 1717.

THOUGH the two parties or factions which divide England, have been long talked of, it is but of late years that all Europe, as I may ſay, is engaged in their quarrel. Before the laſt peace, foreigners generally looked upon the differences between the Whigs and the Tories, as a matter of curioſity, which no way concerned them. If any ſeemed to regard them, it was ſolely on account of the diverſity of the opinions of the two parties, concerning the hierarchy or government of the church. To this was confined the idea, which moſt private foreigners formed of the Engliſh diviſions. I ſay, private foreigners; for princes and their miniſters knew what influence they had in the political affairs of Europe, according as the one or the other party prevailed in the court or parliament of England; but, as for the people, it may be ſaid, that in general, they knew not the conſequences of them.

The peace of Utrecht has opened numberleſs eyes, becauſe it is clearly ſeen to flow from the late revolution in the court of England, by the change of the whig, into a tory, miniſtry. As all Europe was engaged in the war, and conſequently concerned in the peace by which it was terminated, thoſe who before only talked of the Engliſh diviſions, as of a foreign affair, are but too ſenſible of what conſequence they are to other ſtates. From that time this matter has been reaſoned and diſputed upon with more warmth. In ſhort, moſt foreigners are become whigs or tories, according as they have believed to ſee in the two parties, principles agreeable or contrary to their intereſts. Though whigs and tories equally profeſs the proteſtant religion, and though their differences ſeem not much to concern either proteſtants or Roman catholics, it has happened, that the papiſts have declared for the tories, and the proteſtants for the whigs. The reaſon of this proceeding is obvious, namely, that the one have conſidered the tories as men labouring to ſet a zealous popiſh prince on the throne of England, whilſt the others have believed, that the preſervation of the proteſtant religion was the ſole aim of the whigs. There is yet another motive which has determined foreigners to ſide with one of the parties, that is, their inclination to France, or their fear of the ambitious deſigns of that crown. In this reſpect the adherents of France are tories, and her enemies whigs. Every one therefore has made a choice, without troubling themſelves, otherwiſe, with the differences of the two parties. This conduct in foreigners is the leſs ſurpriſing, ſince in England itſelf, many are whigs or tories, without having a diſtinct idea of the party they have embraced.

It is very ſtrange, that hitherto the public has not been exactly informed concerning theſe two parties, which, by the ſuperiority either may have in England, are in a capacity to influence the moſt important affairs of Europe. It is true, we have tranſlations of ſeveral Engliſh books, or other pamphlets, upon this ſubject. But it is not from thence, that the true ſtate of the affairs of the two parties may be learnt. Theſe writings are publiſhed by whigs or tories, and conſequently by authors viſibly ſuſpected. Accordingly, there is not one but what carries evident marks of the partiality of its author. It is therefore rather from a foreign pen, that we are to expect a fair account of this matter, though, to ſpeak the truth, there are few foreigners but what either are not ſufficiently informed, or are biaſſed to one of the factions. However, the author of this diſſertation, though a foreigner, thinks himſelf qualified to give the public a more extenſive knowledge of the two parties, than many people have hitherto had. He reſided a long time in England, and has, many years, diligently ſtudied the Engliſh hiſtory. Beſides, he is attached neither by inclination nor intereſt to any one of the parties, and is now in a country where he has nothing to hope or fear from either. His impartiality will evidently appear in the diſſertation itſelf. To give a diſtinct knowledge of the two parties, the author was unavoidably obliged to deſcend to many particulars of the Engliſh hiſtory, without which the riſe and progreſs of theſe parties could not have been clearly explained. If the Engliſh think this Diſſertation defective in ſome points, and too large in others, they are deſired to remember, it was not penned for their uſe; that the author's aim was to confine himſelf to general ideas; in a word, that the things which paſs for common, and well known in England, are myſteries abroad, and require a full explication.

It will perhaps be thought ſtrange, that the author, who was born under a government purely monarchical, ſpeaks in ſome places, ſo as it may be thought he approves not of ſuch a government. To obviate this ſuſpicion, he deſires his readers to conſider, that he could not ſpeak pertinently of his ſubject, without aſſuming an Engliſh ſpirit, and conforming himſelf to the principles which are common in England. It is thus only that he believed he ſhould be able to diſcover the ſtrength and weakneſs of the two parties. All his reaſonings are founded upon this principle, of the ſolidity of which he is perfectly convinced; "That every private perſon is in conſcience obliged quietly to ſubmit to the government eſtabliſhed in the country where he was born, or providence has placed him." Wherefore it is his opinion, that all ſecret practices, all cabals, all means, direct or indirect, tending to the diſſolution of ſuch government, are ſo many crimes, for which the authors are reſponſible to God and their ſuperiors.

THE government of England is of a particular kind, of which there is not the like at preſent in all the world. It is, however, the ſame which was formerly eſtabliſhed in all the kingdoms of Europe, formed out of the ruins of the Roman empire. The preſent difference between England and other ſtates, in this reſpect, is owing to this, that the Engliſh have preſerved the form of their government ever ſince their ſettling in Great Britain; whereas in other nations, it has been loſt by degrees, or extremely altered. This government, which has ſo long ſubſiſted in this iſland, appears in ſome reſpects monarchical, in others, republican; and yet, properly ſpeaking, it is neither. It cannot be called purely monarchical, ſince the nobility and the people have a ſhare in the legiſlative power jointly with the king, nor can the king impoſe any tax, without the people's conſent. Neither is it republican, ſince there is a king, who exerciſes the ſovereign authority, who diſpoſes, as he pleaſes, of all places and dignities eccleſiaſtical, civil, or military; and can make peace or war, without conſulting his ſubjects. It would be therefore in vain to pretend to deſcribe this government, by the uſual names of Monarchy, Ariſtocracy, Democracy, which agree not with it. It is a mixed government, differing from, and yet compoſed of, all three. The prerogatives of the ſovereign, and the privileges of the nobles and people, are ſo tempered together, that they mutually ſupport one another. At the ſame time, each of the three powers, concerned in the legiſlature, may inſuperably obſtruct the attempts of one or both the others, to render themſelves independent. In ſhort, it is very near the ſame form of government, eſtabliſhed by the Saxons in Germany, by the Franes in Gaul, by the Viſigoths in Spain, by the Oſtrogoths, and after them, by the Lombards in Italy. Theſe northern nations introduced this government into the moſt ſouthern parts of Europe, when they ſettled there, and founded new ſtates upon the ruins of the Roman empire.

If, therefore, it be aſked, How long this government has been in England? I ſhall not ſcruple to anſwer. Ever ſince the

the Anglo-Saxons finiſhed the conqueſt of that part of Great Britain, which their deſcendents poſſeſs to this day. It is true, a doubt may ariſe, whether the commons, in the time of the Anglo-Saxons, were part of the parliament; and I confeſs this point is hard to be determined. But, however, when England was divided into ſeven kingdoms, Engliſh and Saxon, each of theſe had its king and parliament. This laſt was called the "wittena-gemot," or "aſſembly of wiſe-men;" and there was alſo the like for the common affairs of the whole Heptarchy. This ſame form of government ſubſiſted when the ſeven kingdoms were reduced to one and the ſame ſtate. The fields of Mars [March] or of May, called ſince the States-general in France, the Cortes in Spain, and perhaps the Diets of the German empire, are the remains of this ancient form of government, introduced by the northern nations, wherever they ſettled.

William, duke of Normandy, ſirnamed the Baſtard or Conqueror, having ſubdued England in 1066, became abſolute, and eſtabliſhed a deſpotic power, though, in all likelihood, he preſerved the ſhadow of a parliament. To ſecure his conqueſt, he tranſplanted many Norman, French, Breton, and Angevin families, enriching them with the lands, of which he inceſſantly diſpoſſeſſed the Engliſh. Theſe tranſplanted families multiplied greatly in a ſhort ſpace, and became in the end ſo powerful, as to make head againſt their ſovereigns, ſucceſſors of the Conqueror. At firſt, they gloried in their entire dependence upon the king, who had put them in poſſeſſion of their lands. Their intereſt required that they ſhould ſupport that power by which they held all their Engliſh poſſeſſions. But when they were once firmly ſettled, they began to dread, that the regal power, which had enriched them, might with the ſame eaſe ſtrip them of their eſtates, if the king ſhould ſo pleaſe. For this reaſon, they wiſhed the government reſtored to the ſame ſtate, as in the times of the Saxon kings. This was the only means to avoid the inconveniences of an arbitrary power, (which might, in time to come, turn as much to their prejudice, as it had to their advantage) and to perpetuate the poſſeſſion of their lands. What at firſt was only a bare wiſh, ſoon roſe into hope, and at laſt into right, by the methods I ſhall preſently ſpeak of. To explain this fully, a large detail of the Engliſh hiſtory would be neceſſary, and a particular enumeration of all the cauſes which have contributed to put the nobility, and afterwards the people, in poſſeſſion of a right, which they did not enjoy, under the firſt Norman kings. But as this detail would lead me too far, I ſhall content myſelf with a ſhort abridgment, concerning the ſubject in hand.

William the Conqueror, in 1087, left the kingdom of England to his ſecond ſon William, ſirnamed Rufus, in prejudice of Robert his eldeſt ſon, who had only Normandy. Robert made ſome attempts to diſpoſſeſs his brother of a crown, of which he believed himſelf unjuſtly deprived. But Rufus defeated them by his addreſs, engaging as well the Normans as the Engliſh in his intereſt, with promiſes of reeſtabliſhing the ancient government, and reviving the Saxon laws. He knew that both were paſſionately deſirous of what he made them hope. By the Normans, I mean here the foreigners newly ſettled in England. This promiſe of Rufus was therefore the firſt foundation of their pretenſions. I ſay the firſt, for the Normans had no right to demand of the king what he was pleaſed to promiſe them, and the conquered Engliſh had as little, to limit the power of their conquerors. It is true, the Engliſh might ground their pretenſions upon ſome general promiſes made them by William the Conqueror, when he received their firſt homages. But this prince never pretended that they ſhould found a right on theſe promiſes. Accordingly, he always treated England as a conquered nation. However, Rufus kept his word with neither Normans nor Engliſh.

Upon his death, Henry I. his younger brother, aſcended the throne in 1100, in prejudice of his eldeſt brother Robert, ſtill alive. To ſecure his uſurpation, he purſued the ſame courſe as his predeceſſor Rufus. He promiſed to reſtore the ancient government, and confirmed his promiſe by a charter in form, but executed it no better than his brother. However, the rights of the ſubject received ſtrength from theſe promiſes though ill performed.

Henry I. dying, Maud, his daughter, widow of the emperor Henry V. and wife to Jeffery Plantagenet, earl of Anjou, ought to have mounted the throne; but in 1135 was defeated of her right by Stephen, earl of Boulogne, ſon of the Conqueror's eldeſt daughter. He bound himſelf more ſtrongly than his two predeceſſors to reſtore the Saxon laws, but in all appearance with as little intention to perform his engagements. At laſt, the great men, finding he ſought pretences to evade his promiſes, harraſſed him with a war which laſted the moſt part of his reign. In the beginning, they called into England the empreſs Maud, and her ſon Henry by the earl of Anjou; and the war ended in a treaty which ſecured the crown to Henry after Stephen's demiſe, though he had ſons.

To Stephen, in 1154, ſucceeded Henry II. During his reign, and that of his eldeſt ſon Richard I. there were no conteſts between the king and the barons, for ſo the great men of the kingdom were then called. But very conſiderable diſputes aroſe in the reign of king John, ſirnamed Lackland, brother and ſucceſſor of Richard I. An unhappy quarrel between the prince and the court of Rome, having forced him to do homage to pope Innocent III. for his kingdom, and bind himſelf to pay him tribute, this diſhonourable proceeding, added to many other cauſes, loſt him the eſteem and affection of his ſubjects. The barons improving ſo favourable a juncture, preſented to him the charter of Henry I. which had never been executed, and reſolved to oblige him to confirm it. John at firſt rejected it with great haughtineſs, but at laſt compelled by his own weakneſs, and the united oppoſition of almoſt all the barons, he was obliged to grant them a charter, much more ample and advantageous to the ſubject, than Henry the Firſt's, and which was called Magna Charta, or the Charter of Liberties. By this charter, drawn as the barons pleaſed, the king's power was ſo curbed, that it was in a manner reduced to the ſame ſtate as under the Saxon kings before the conqueſt. This charter has been ever ſince the principal foundation of the rights of the ſubjects. I ſhall not here pretend to decide a queſtion ſo much above my reach, whether this foundation is very ſolid. It will ſuffice briefly to remark, by what means a conceſſion ſeemingly ſo defective in its origin, ſince it was evidently extorted, changed, as I may ſay, its nature by the firmneſs of the Engliſh, and acquired an indiſputable authority, though it might have been conteſted at firſt. To this end, we muſt ſee what paſſed afterwards with reſpect to this charter.

King John, who had ſigned it, deſiring to revoke it, drew upon himſelf freſh misfortunes, which laſted as long as he lived. The barons, reſolving to adhere to their charter, took at laſt the deſperate courſe to call in to their aſſiſtance Lewis, ſon of Philip Auguſtus, king of France, and to put him in poſſeſſion of all, or the greateſt part of, the kingdom. John died during the war, deprived by a foreign prince, or rather his own ſubjects, and left a ſon of ten years of age, little capable to maintain the quarrel. Some lords, who had remained faithful to the late king, appointed the earl of Pembroke regent, during the minority of the young prince, who was recognized by his few adherents by the name of Henry III. in 1216.

Shortly after the face of affairs was changed by the prudent conduct of the regent, who, ſeeing the barons bent to ſupport their charter, promiſed poſitively, it ſhould be confirmed and executed. Upon this aſſurance, they deſerted prince Lewis, who was obliged to return to France.

Henry III. was no ſooner out of his minority than he repealed Magna Charta, and thought of reigning uncontrouled. But, as he had not a capacity equal to ſuch an undertaking, his long reign of fifty-ſix years was one continued ſcene of troubles on account of the Magna Charta. He was frequently forced to confirm it, and as often broke all his oaths and engagements. At laſt, the barons took arms under the conduct of the earl of Leiceſter, ſon of the famous Simon Montfort, general of the cruſade againſt the Albigenſes. The king had the misfortune to loſe a battle, and to ſee himſelf, his brother the king of the Romans, and his ſon prince Edward, in the hands of the earl of Leiceſter, who obliged them to ſwear, they would never oppoſe the execution of Magna Charta. The earl of Leiceſter governed ſome time in the name of the king his priſoner. It is pretended, the commons were firſt received into parliament during his adminiſtration. But, without ſtaying to examine ſo difficult a queſtion, I ſhall only obſerve, that at leaſt it cannot be denied, that ſince the end of Henry III's reign the commons have ever enjoyed this privilege.

Prince Edward, ſon of Henry III, having happily made his eſcape from the earl of Leiceſter, gained a battle in which the earl was ſlain. This victory reſtored the king to his liberty, who uſed it not agreeably to the oath he had been obliged to take. But his reign and life ended a few years after his deliverance. Though the barons party was very much humbled, yet Edward I. who in 1272 ſucceeded his father Henry III. confirmed Magna Charta. However, ſome ſteps taken by him afterwards, diſcovered a deſign to revoke

it; but the barons beginning to ſtir, he retracted, and confirmed it once more.

Edward II, his ſon and ſucceſſor, in 1307, was depoſed by the parliament, for intending to eſtabliſh an abſolute power contrary to Magna Charta.

Edward III, ſon and ſucceſſor of this unfortunate prince, in 1327, confirmed it ten times during the courſe of his reign, which the victories obtained by himſelf and his ſon the prince of Wales, over France, rendered extremely glorious.

Richard II, grandſon and ſucceſſor to Edward III, in 1377, was ſolemnly depoſed, for having violated in many inſtances the privilege of the people, founded on Magna Charta.

Henry IV, who had uſed that pretence to dethrone Richard II, in 1399, and put himſelf in his place, made ſome attempts to diminiſh the privileges of the parliament; but did not carry very far the execution of this project.

Henry V, his ſon, who ſucceeded him in 1413, maintained the parliament in all its rights, and left the privileges of his ſubjects untouched. His reign was one continued ſeries of victories and ſucceſſes againſt France. He died in 1422.

From that time the government of England remained ſo well ſettled, and ſo firm upon its foundations, I mean, the prerogatives of the king, and the privileges of the parliament, that for near two hundred years, not one king appears to have had any intention to ſhake it. The policy of the kings turned wholly upon governing their parliaments by ſecret intrigues, without diſcovering any deſire of altering the conſtitution. True it is, that ſome kings, as Henry VIII, did what they pleaſed, but without any prejudice to the privileges of parliament. On the contrary, by ſupporting the parliament in its rights, they had the addreſs to make it ſubſervient to their ends. This, by the way, is the beſt, and perhaps the only method, for a king to render himſelf powerful and eaſy.

After ſo long a continuance of the ſame form of government, and ſo uninterrupted a poſſeſſion of the privileges of Magna Charta, the Engliſh nation was ſo accuſtomed to it, that it ſeemed impoſſible to make any alteration without throwing the kingdom into confuſion. Nay, it ſeemed there was no fear that any king ſhould ever think of attempting ſo difficult a thing, at the hazard of his crown, as had been the caſe of ſome former kings. Notwithſtanding all this, James I, ſucceſſor to queen Elizabeth, in 1603, failed not to take ſome ſteps in this dangerous courſe, and endeavour to diminiſh the privileges of parliament. It was by the pernicious counſels of the duke of Buckingham, his favorite, that he engaged in this deſign, which probably would have ended unfortunately for him, had not death ſurprized him before he had plainly diſcovered his intention. The duke of Buckingham ought to be conſidered as the firſt author of the troubles, which have ſo long infeſted England, and ſtill do infeſt it to this day.

It was under Charles I, ſon and ſucceſſor to James, in 1623, that the project to render the king abſolute, and independent of the laws, was vigorouſly puſhed and advanced by all methods. The duke of Buckingham, favourite to Charles I, as he had been to his father, inſpired him with maxims directly contrary to the eſtabliſhed government, and thereby occaſioned his ruin. The duke being aſſaſſinated, the deſign was purſued by Charles, which had been begun by the deceaſed favourite. He imagined the nation might be governed without a parliament, or at leaſt that parliaments were only to ſupply him with money. He had diſſolved three in the four firſt years of his reign, and even ſignified his intention of calling no more. Twelve years paſſed without a parliament, during which the king levied taxes by the bare act of his will, upon his ſubjects, and by his conduct diſcovered a deſign to reign arbitrarily. Unhappily for him, he admitted to his perſon and council two men imbued with the ſame maxims, by whom he was puſhed on to his ruin; namely, William Laud, archbiſhop of Canterbury, and Thomas Wentworth, earl of Strafford.

While this prince had no difficulties to ſtruggle with from abroad, he enjoyed his uſurped power with ſome tranquility, but not without the open murmurings of the people. Mean time, no perſon dared to oppoſe ſo violent a torrent. At laſt, the archbiſhop of Canterbury adviſing him to finiſh the reſtoration of the Scotch hierarchy, and introduction of the Engliſh liturgy, he followed the pernicious advice, but could not execute his project, without engaging in an open war in 1639, with his ancient kingdom of Scotland. He levied forces, and maintained them by taxes, which he himſelf had impoſed. Money failing him after the firſt campaign, he at laſt, in April 1640, called a parliament, which was diſſolved in a few days, for the ſame reaſon as the three firſt, and the arbitrary impoſitions continued as before. But the king quickly perceived, that the continuation of his power depended upon the happy ſucceſs of his arms. The people ſerved him with regret. The lords, on divers pretences, withdrew from court. The validity of his orders, by virtue whereof his impoſitions were levied, were conteſted in town and country. In ſhort, the king ſaw his ſubjects every where ready to deſert him, on the firſt occaſion.

This occaſion preſented itſelf ſooner than he expected. His army having received a check, and the Scots ſurprized Newcaſtle, the king was forced to ſeek means to drive them out of England, whereas he had hoped to become abſolute in Scotland. But inſtead of finding his Engliſh ſubjects ready to aſſiſt him, he ſaw them on the contrary, rejoicing at his diſgrace, and conſidered it as a proper opportunity to recover their privileges. In this extremity, he aſſembled the peers at York, in order to adviſe with them upon what was to be done. Their unanimous opinion was, that the only way to free himſelf from the preſent difficulties, was to call a parliament. He then perceived, that an interval of fifteen years was not capable to efface out of the minds of the Engliſh, the memory of their parliaments, which they looked upon as the ſtrongeſt ſupport of their liberties. Mean while, he was under a ſort of neceſſity to follow the advice of the peers, in calling a parliament [a].

In the preſent diſpoſition of the people to the king, ſuch repreſentatives were choſen, as were eminent for their ability, courage, and firm attachment to the privileges of the ſubject. The parliament being met, inſtead of thinking to drive the Scots out of the kingdom, as the king had hoped, believed they ought, before all things, to ſecure the liberties of the nation, by ſetting bounds to the illegal authority, which the king had for fifteen years aſſumed. This reſolution was no ſooner diſcovered, than all the people adhered to the parliament. From that time the king was ſo deſtitute of friends, that he ſaw himſelf unable to reſiſt the torrent. His only refuge was, to comply with his parliament, and paſs almoſt every bill preſented to him to curb his authority. He hoped, by this condeſcenſion, to convince his ſubjects of his intention to return to the ancient courſe from which he had been diverted by evil counſels, and perhaps he really deſigned it, but could gain no belief. On the contrary, it was thought, that mere neceſſity obliged him to meaſures ſo oppoſite to the former. So, mutual confidence, ſo neceſſary between the king and his people, being entirely loſt, the parliament would no longer depend upon the ſincerity of a prince, whom they believed they had juſt cauſe to diſtruſt. They therefore inceſſantly laboured to ſecure the liberties of the ſubject from any future invaſion. To this end, they were not ſatisfied with obtaining the king's conſent to acts which reduced the royal power within its ancient limits, but alſo extorted his aſſent to laws, which conſiderably leſſened the juſt prerogatives of the crown. The friends of the parliament ſcrupled not to affirm, that the ſubject could never be ſecure in his property, while the king had power to return to his former courſes. Thus king Charles, who had hoped to carry the royal authority higher than any of his predeceſſors, ſaw himſelf, on the contrary, deprived of great part of his legal power. He even had the mortification to ſee himſelf forced, in May 1641, to ſign the earl of Strafford's ſentence, who had acted nothing without his orders, or at leaſt his approbation. The archbiſhop of Canterbury alſo, loſt his head on the ſcaffold in 1644.

Had the parliament contented themſelves with ſettling the government upon its ancient foundations, very probably, it would not afterwards have been eaſily ſhaken. But on ſuch occaſions it is difficult to keep a juſt medium. The leading members, willing to ſcreen themſelves from the attempts of the royal power, almoſt entirely changed the ancient conſtitution, by ſtripping the crown of the beſt part of its prerogatives. It was no longer the king and parliament which governed the nation, but the parliament alone, or rather the houſe of commons, managed all affairs. The houſe of peers had ſcarce any other power, than that of an implicit aſſent to the bills offered to them, and the king was but the ſhadow of a ſovereign. However, it was this very thing that procured him adherents, whom, doubtleſs he would never have had, if the balance had been kept even. Many thought it as ſtrange that the parliament ſhould, as I may ſay, govern without a

[a] For the 13th of November 1640. Before the peers met, he knew they would be for calling a parliament; and ſo, for his own honour, propoſed it firſt. Rapin.

Rapin

king, as that the king ſhould attempt to rule without a parliament. The conſtitution of the government ſuffered equally by both uſurpations. But that which brought the ſtrongeſt acceſſion to the king's party, was, that the parliament, to gain the Scots to their intereſt, were poſſeſſed with the project, of changing the epiſcopal government of the church, into preſbyterian, which they accompliſhed with open force. Moſt of the Engliſh, accuſtomed to ſee the church under the direction of biſhops, could not bear this change without murmuring. But as theſe were not the ſtrongeſt, becauſe the parliament had the treaſure, army, and places at their diſpoſal, their only refuge was to unite with the king. Then it was that two parties appeared in the kingdom, one for the king, and one for the parliament, with a ſort of equality, which quickly made it thought, they would not long remain quiet, and without coming to arms. The king's adherents at firſt had the name of Cavaliers, which was afterwards changed into that of Tories: and thoſe of the parliament, then called Roundheads, have received the name of Whigs. The origin of theſe two famous diſtinctions is this: at that time a ſort of Iriſh Banditti, or robbers, who kept in the mountains and iſles formed by the vaſt bogs of that country, were called Tories, and at preſent are known by the name of Rapparees. As the king's enemies accuſed him of favouring the Iriſh rebellion, which broke out about that time, they gave his adherents the name of tories. Theſe, on the other hand, to be even with their enemies, who were cloſely united with the Scots, called them Whigs, a name of reproach uſed in Scotland [b]. Hence it appears, that theſe two names are as ancient as the troubles, though they were not in vogue till many years after. I cannot preciſely fix the time, but am of opinion, that cavalier and roundhead continued till the reſtoration of Charles II, and then, by degrees, were changed into tory and whig. Theſe are the two parties which began to divide England in the time of Charles I, and which ſtill divide it to this day. The Roman catholics, called papiſts in England, joined, from the firſt, the king's party, which was more favourable to them than that of the parliament, and have always remained united with the tories.

What has been ſaid, ſufficiently ſhews, that the king's party was compoſed of two ſorts of men, of which the one had principally in view the political intereſt of the king and the crown, and the others, that of the church of England. But they were all re-united in this point, that they found their mutual advantage in the king's proſperity, without which they could not hope to ſucceed in their reſpective deſigns. For this reaſon, they were conſidered but as one party, under the ſame name of cavaliers or royaliſts. This mixture of two different views in the ſame party, ſubſiſts to this day, and is not one of the leaſt cauſes of that confuſion of ideas, which the word tory occaſions. To remove this ambiguity as much as poſſible, I ſhall call the firſt, the political, or ſtate cavaliers; and the others, the eccleſiaſtical or church cavaliers. Each of theſe two branches were again ſubdivided. For among the political cavaliers there were ſome, who following the maxims of the duke of Buckingham, archbiſhop Laud, and the earl of Strafford, wiſhed to ſee the king inveſted with abſolute power, and able to deſtroy the privileges of the parliament. Theſe may be called the rank cavaliers. Their number was ſmall, and little capable to ſupport the king in his adverſity, though, during his proſperity, they made a great noiſe. The other branch of the political cavaliers, was compoſed of men whom I ſhall call moderate. Theſe deſired indeed the reſtoration of the royal authority, but according to the ancient conſtitution. The other cavaliers, whom I call eccleſiaſtical, were alſo ſubdivided into two branches, one of which was compoſed of rigid churchmen, who were againſt the leaſt change in the diſcipline of the church of England. Thoſe who compoſed the other branch, were leſs ſcrupulous and obſtinate, and may be called the low or moderate churchmen.

In oppoſition to the cavaliers or royaliſts, the roundheads, or parliamentarians, were divided into two principal branches, namely, the political and eccleſiaſtical. The firſt had principally in view, the maintenance of the rights of the people; and the ſecond, the advancement of preſbytery. Each of theſe branches was likewiſe ſubdivided into two; one whereof was compoſed of republicans, who aimed at undermining the regal power, and erecting a commonwealth; the other, of the moderate roundheads, or parliamentarians, deſired only to reduce the king to an incapacity of abuſing his power, by leaving him the poſſeſſion of his juſt rights. This relates only to the political roundheads, or parliamentarians. As for the eccleſiaſtical, they alſo formed two branches, of which the firſt was compoſed of the rigid preſbyterians, who would be contented with nothing leſs than the deſtruction of the hierarchy; and the other, of the moderate preſbyterians, who would have been ſatisfied with much leſs, and perhaps, with bare toleration. It was abſolutely neceſſary to premiſe thus much, in order to enable the reader to underſtand the ſequel of this diſſertation. I ſhall more largely ſpeak of the views and intereſts of the different branches of the two parties, after I have finiſhed the abridgement which their riſe obliged me to interrupt.

Whilſt the king was in a deplorable ſtate, without money or friends, and reduced to bear every thing from the parliament, who had him, as I may ſay, at their mercy, he beheld a ray of hope ſhine in the riſe of the two parties I have been ſpeaking of. He thought immediately, that to foment the diviſion could not but be advantageous to him, wherein he ſucceeded. He thereby ſaw himſelf at laſt in a condition to hope to do himſelf juſtice by his arms, for the injuries of which he thought he had reaſon to complain. In this expectation he raiſed an army, and engaged in an open war againſt the parliament, who on their ſide had now taken all the neceſſary meaſures to reſiſt him.

The particulars of this war are needleſs here, ſince the ſad concluſion of it is ſtill recent. It will ſuffice to ſay, that Charles I. was vanquiſhed, and beheaded the 20th of January 1648. Thus the king himſelf, the duke of Buckingham, the earl of Strafford, and archbiſhop Laud, authors of the project to render the king abſolute, came all to a tragical end. If to theſe we add, the examples of king John, Henry III, Edward II, Richard II, and laſtly of James II, who had all the ſame deſign, and all miſcarried in the execution, it will be eaſy to ſee how difficult and dangerous it is for a king of England to attempt to ſubvert ſo well cemented a government.

Oliver Cromwell, author of Charles I's death, remained maſter of the government. He durſt not, however, aſſume the title of king; and if he had the addreſs to render himſelf abſolute, it was under the ſpecious pretence of maintaining the nation's liberty. He is the ſingle inſtance in England, of an uſurper dying a natural death in his uſurpation.

While the ſovereign authority was in Cromwell's hands, the cavaliers were extremely humbled. But they revived on the death of this formidable enemy. To give their adverſaries no advantage againſt them, they put themſelves under the conduct of thoſe of their party, who were the moſt moderate, ſo that there ſeemed to be no more rank or rigid tories. This policy was abſolutely neceſſary, at a time, when the royal prerogative and the rights of the church were not to be inſiſted on, as there were neither king nor biſhops. At laſt, by a moſt ſurprizing revolution, aſſiſted by the prudent conduct of general Monk, the Engliſh united to ſet Charles II. on the throne, ſon of the deceaſed king, and to reſtore the monarchy and the church to their former ſtate.

Charles II. reigned peaceably at firſt. He was a prince who wanted neither wit nor penetration, but was indolent, and addicted to his pleaſures. His intention was to live quietly, and avoid all diſputes with his ſubjects. He was too weary of a long exile, during which he had often wanted common neceſſaries, to be willing to hazard the being again reduced to the ſame ſtate. On the other hand, the Engliſh had had time, and frequent occaſion, to open their eyes, and diſcover, that by a pretended maintenance of their liberties, they had been drawn into ſervitude. For it may be affirmed, that England had never enjoyed leſs freedom, than under the government of the long parliament, and afterwards of Oliver Cromwell. However, Charles II. engaged himſelf by degrees, farther than he ever intended. This, doubtleſs, was owing either to his indolence, or too great condeſcenſion to his miniſters, who were all cavaliers, whom, for the future, I ſhall call tories, as I ſhall give the roundheads the name of whigs, though I do not know exactly when theſe two names were firſt uſed. The tories therefore, who alone were in the king's confidence, were inceſſantly urging him to reſtore the monarchy and church to their ancient luſtre. The court of France, for intereſts of their own, laboured to inſpire him with the ſame deſign. In a word, his miniſters took great care to hinder the whigs from inſinuating themſelves into the king's favour.

The tory party had at their head the duke of York, the king's brother, a prince naturally impetuous and violent;

[b] Rapin by miſtake ſays, they were ſo called from certain robbers in Scotland. But Burnet tells us the name is derived from the word Whiggam, uſed by the weſtern Scots in driving their horſes, from whence thoſe drivers were called whiggamors, and, by contraction, whiggs, p. 43.

who

who having embraced the Roman catholic religion in his exile, formed the project of eſtabliſhing it in England. This project could not be executed, without firſt extending the royal power beyond the bounds preſcribed by the law, that is to ſay, without reſuming and purſuing the ſame deſign, wherein his father had unhappily miſcarried. But the duke, by reaſon of his impetuous temper, was very improper to conduct ſuch an undertaking. He purſued it eagerly during his brother's reign, who had no legitimate iſſue, hoping that the work then begun, would be more eaſy to finiſh on his own acceſſion to the throne.

To ſucceed in this deſign, he had no other way than to begin it with the utter ruin of the whigs, whoſe principles were directly contrary to the duke's deſigns, both with regard to the church and the ſtate. It muſt be obſerved, that moſt of the whigs were then preſbyterians. So, in pretending only to attack preſbyterianiſm, the duke of York projected the deſtruction of thoſe who oppoſed the increaſe of the regal power, without alarming the nation. Indeed, after humbling the whigs, he might fear to meet with great obſtacles from the moderate tories, whoſe principles did not entirely agree with the arbitrary power he intended to eſtabliſh. But he deſpaired not to ſurmount, if the whigs, his more dangerous enemies, were once removed out of the way. To this end he induced his brother to perſecute the preſbyterians, wherein he was aſſiſted by all the tories, who with pleaſure beheld this firſt occaſion of being revenged on their enemies, the whigs. So preſbyterianiſm was furiouſly attacked, under pretence of reſtoring the church to the ſtate it was in before the troubles. An act was paſſed, forbidding the preſbyterian aſſemblies, which were called conventicles; and another, known by the name of the Teſt-Act, which indeed more directly concerned the Roman catholics. This act ordained, that no perſon ſhould be admitted to any public office, without producing a certificate of his having communicated in an epiſcopal church. Moreover, it was called the Conformity-Act, becauſe all who were to be admitted to any office, were obliged by this ſtatute to conform to the church of England.

The whigs ſoon perceived, that under colour of maintaining the rights of the church of England, the duke of York's deſign was to change the government of the ſtate, and ruin the proteſtant religion in England. It required ſome time to take juſt meaſures; and at laſt, with the aſſiſtance of the moderate tories, who feared the duke of York's going too far, they obliged the king to ſend him out of the kingdom. Nay, the commons prepared a bill, called the Excluſion Bill, to deprive him of the right of ſucceſſion. But the paſſing of this bill was prevented by the diſſolution of the parliament. Another was called at Oxford, in expectation of finding the members leſs violent. But the king was miſtaken, and, after a ſhort ſeſſion, was again obliged to diſſolve them, upon their endeavouring to paſs the like bill.

It will perhaps ſeem ſtrange, that the ſcene ſhould be thus changed, and the whigs, who were extremely low, ſhould ſuddenly become ſuperior. To let the reader into the reaſon of this change, it is neceſſary to remark, that the moderate tories promoted the deſigns of the court, while they believed them levelled only againſt the preſbyterians. But perceiving, by all the proceedings of the king, the duke of York, and the miniſters, that a project was formed to ruin the conſtitution of church and ſtate, and undermine the foundation of Magna Charta, they readily joined with the whigs to oppoſe the execution of this project. It was therefore this union which gave the whigs a ſuperiority, to which, otherwiſe, they could never have pretended. On the other hand, the ſtate tories and rigid churchmen, deſiring to recover the ground they had loſt, endeavoured to gain the people to their intereſt, by accuſing the whigs of a ſettled deſign to ruin the church; and theſe in their turn accuſed the others, of intending the ſubverſion of the government, and of favouring the duke of York's pernicious deſigns. Thus the enmity of the parties, which ſeemed to have been much weakened by the reſtoration, was revived. It may be truly ſaid, that the tories were in fault, who, to revenge the wrongs received from the long parliament and Cromwell's uſurpation, raſhly threw themſelves into the duke of York's party. They afterwards repented, when they ſaw to what the duke intended to make them ſubſervient.

Some time after, the minds of the people being a little calmed, the duke of York returned into England, and continued, without interruption, to foment diviſion, without which he could not hope to effect his deſigns. So this prince (by an exceſs of zeal for his religion, by a deſire of revenge, and perhaps excited by the ambition of accompliſhing a project, which had been in vain attempted by ſeveral kings of England) and Charles II, through a too great condeſcenſion to his brother, kindled a flame in England, which is not yet extinguiſhed.

Charles II. died during theſe tranſactions, and the duke of York aſcended the throne, by the name of James II, without any oppoſition. He at firſt made great promiſes to his ſubjects, that neither religion, nor the conſtitution, ſhould ſuffer any change in his reign. But he was far from performing his promiſes. Shortly after, the duke of Monmouth, natural ſon of Charles II, relying on the diſcontent of the people, left the Low-Countries, where he had lived ſome time in exile, made a deſcent in England with a handful of men, and aſſumed the title of king. But his royalty laſted but few days. His party being much weaker than he had expected, he was defeated, taken, and beheaded. The king was ſo elated by a victory, obtained with ſuch eaſe, that he ſcrupled not to diſcover his deſigns, ſo ſecure did he think himſelf of the ſucceſs. The judges, who were devoted to him, gave their opinion, that the king might diſpenſe with the laws. Their deciſion was founded upon ſome ſtatutes lodging this power in the ſovereign, with regard to certain laws, and upon examples of ſome of his predeceſſors, who had, in this reſpect, exceeded the bounds of their power. Thus theſe corrupted judges drew from particular caſes a general concluſion, and founded a permanent right upon ſome tranſient uſurpations.

This door being opened, the king, by his ſole authority, repealed the penal laws, enacted by ſeveral parliaments to prevent the deſigns of the papiſts. He next filled his army with officers of that religion, and beſtowed preferments and titles upon men, who by the laws were unqualified. He took away the charters from London, and other corporations, and reduced them to a dependence upon his pleaſure. In ſhort, by a bare proclamation, he granted a full liberty of conſcience, and permitted to each ſect the public profeſſion of their religion. This proclamation had a double view, to favour the papiſts, and to amuſe the preſbyterians. The king was perſuaded, that as the latter were ſtill liable to the penal laws enacted againſt them in the late reign, they would be glad to be freed from them, and that the fear of forfeiting the liberty granted by the proclamation would keep them in ſubmiſſion. But they were not deceived by an artifice directly tending to their ruin. I omit many other ſteps taken by the king, which were but too capable to fill all his ſubjects with terror.

Hitherto the tories in general had favoured the king's deſigns. But when they perceived, all his proceedings tended to a ſubverſion of the eſtabliſhed government, and ruin of the proteſtant religion, they began to repent of their paſt conduct. They clearly ſaw, that by the courſe they were made to take, it was intended to lead them where they deſigned not to go, and that they could not attain their end, the ruin of the whigs, without the loſs of their religion and liberty. In this danger, which could not be more imminent, they joined the whigs, and with them, reſolved to call in the prince of Orange to free them from their dangerous ſtate. From that time the king's party became extremely weak, being compoſed of only papiſts, rank tories, and ſome lords, ſlaves of the court, and their fortune. Mean while, the king appeared outwardly as powerful as ever, and near the end of his undertaking; becauſe thoſe who yet ſeemed attached to the court, did not think proper to declare before the time. The prince of Orange was landed before the king's weakneſs was viſible. His army, his fleet, the lords whom he thought moſt devoted to his perſon, forſook him at once, and he was reduced to the ſad neceſſity of trying, in a diſguiſe, to eſcape out of his kingdom. But failing even in this attempt, he had the mortification to ſee himſelf at the mercy of the prince of Orange, and, in all appearance, indebted to his generoſity, or perhaps his policy, for the indirect means which were furniſhed him, of flying into France. This example ſhews, that though the Engliſh are divided into two parties, and there is great enmity between them, their paſſion does not however cauſe them, in general at leaſt, to abandon the intereſts of religion and liberty.

William and Mary being crowned, on the flight, or, as it was called, the abdication of king James, their chief care was to ſtifle the ſeeds of diviſion ſtill ſubſiſting between the whigs and tories, though the danger had united them. In order to this, it was neceſſary to remove from the miniſtry and their confidence, the favourers of king James's deſigns, and the bigots to the minuteſt rites and ceremonies of the church of England. Without this, the whigs could never have

have enjoyed any quiet, ſince they ever conſidered the rank and rigid tories, as their irreconcileable enemies. On the other hand, it was not leſs neceſſary to remove from the council the moſt rigid whig preſbyterians, for fear of giving occaſion to think, there was a deſign to change the church-government. This fear would have been the moſt juſt, as the new king having ever profeſſed in Holland the preſbyterian religion, the leaſt ſtep in its favour, might have raiſed a ſuſpicion, of his deſigning to eſtabliſh it upon the ruins of the national church. Great addreſs was therefore to be uſed to remove all cauſe of fear and jealouſy in the tories. It was for theſe purpoſes, that during the reign of William and Mary, the offices were generally conferred on the moderate men of both parties. This maxim was purſued by king William when he reigned alone, after the queen's death. But as it was impoſſible to pleaſe both parties at once, unleſs there had been more places to give, he affected frequently to change his miniſtry, and employ the two parties alternately. This was all he could do, till time ſhould have extinguiſhed entirely the flames of diviſion.

Under ſuch circumſtances, and a king of ſuch wiſdom and foreſight, it may be almoſt affirmed, that no diſturbance would have happened to the government from the difference of the principles of the two parties, if the church-tories could have been contented with ſeeing their church remain eſtabliſhed. But they could not be ſatisfied, ſo long as they ſaw the preſbyterians enjoy an entire liberty of conſcience, publicly exerciſe their religion, and fill offices, contrary to the conformity-act of king Charles II. They were jealous that the whigs intended by degrees to undermine the church, and that the king concurred with them in that deſign. What they had ſeen during the long parliament gave them occaſion to fear the ſame attacks. The rank tories, having loſt king James their patron and defender, inſpired the epiſcopal party with theſe fears and jealouſies, to animate them againſt king William. They perceived, they were no longer able to ſupport themſelves, unleſs means were found to engage the church in their quarrel. Hence the rumours induſtriouſly ſpread among the people, of the church's being in danger. The whigs ſaw by this, that the rank tories had not relinquiſhed their projects, but would, whenever they were armed with power, make uſe of the pretence of religion to ruin them, in imitation of king James. It was thus, that animoſity was continued between the two parties, notwithſtanding king William's care and endeavours.

It ſeemed therefore, that religion was then the ſole point in queſtion between the two parties; the junctures not allowing either the rank Tories, or the republican whigs, to puſh their principles. This has given occaſion to a falſe idea of the differences between the two parties, and to an imagination, that they ſolely conſiſt in a diverſity of ſentiments concerning church-government. But this is certainly a miſtake.. When an opportunity offers, the rank Tories ſhew, that the ſafety of the church is not the ſole motive of their conduct, and probably the republican whigs would alſo remember their maxims, at a favourable juncture.

As to the papiſts, who may be conſidered as a branch of the tories, they would have had reaſon to be ſatisfied with king William's moderation, if their extreme deſire to ſee king James again on the throne, had not cauſed them to look upon the reigning king as their enemy. Some of them were even engaged in conſpiracies againſt his perſon, which only turned to their own confuſion and ruin. This immoderate deſire expreſſed by the papiſts, and even by ſome tories, for the reſtoration of king James, obliged king William to ſeek means, not only for the prevention of their ill deſigns during his life, but alſo to render their endeavours fruitleſs after his death. Accordingly, by an act of parliament, the ſucceſſion of the crown was ſettled in the illuſtrious houſe of Hanover, without any regard to the pretenſions which birth or nearneſs of blood could give to any papiſt whatſoever. William died ſhortly after, and Anne, daughter of James II, and princeſs of Denmark, mounted the throne.

This queen had been educated in the principles of the rigid tories with reſpect to religion, and, probably, in thoſe of the rank tories with regard to government. At leaſt, all who had any power over her, or were concerned in her education, were of this character. Charles II, her uncle, James II, her father, the earl of Rocheſter, her mother's brother, were all rank tories, deeming any oppoſition to the ſovereign's will, a manifeſt rebellion. Queen Anne was beſides of no great capacity, and naturally obſtinate. An accidental quarrel with her ſiſter Mary, having made her reſolve to withdraw from court, ſhe was ſo punctual to her reſolution, that ſhe would not even viſit the queen her ſiſter, when on her death-bed. The meanneſs of her genius foretold the power which her miniſtry would have in the government. On the other hand, her education made it feared, ſhe would be guided by the rank and rigid tories, of whom her uncle, the earl of Rocheſter, was conſidered as the head. This lord was equally dreaded by the whigs and moderate tories, as a dangerous man, and capable of carrying things to extremities. He was otherwiſe a perſon of great parts, but very fond of his principles. Probably, he was going to be at the helm of the government, by the acceſſion of the queen, his niece, to the throne. But it is pretended, that the fear of the moderate tories, to ſee him in ſo high a poſt, made them reſolve to join with the whigs, to prevent it. At leaſt it is certain, that ſuch an union was made, which forced the queen to throw herſelf into their arms, and truſt them with the management of affairs. I am a ſtranger to the intrigues uſed to bring the queen to theſe meaſures. The lords Godolphin, Marlborough, and ſome other leaders of the moderate tories, were among thoſe who joined the whigs, and ſtrengthened them more by their ability than their credit and numbers. From this time, the moderate tories and the whigs made but one party.

It is needleſs to relate here, with what glory to England, and to the queen in particular, theſe new miniſters directed the public affairs. This is a thing univerſally known, and the memory of it ſtill recent. But it is pretended, that by reaſon of the meanneſs of the queen's genius, they held her in a kind of ſervitude, though they outwardly affected to give her the honour of all her glorious ſucceſſes. During their adminiſtration, the rank and rigid church-tories were excluded from all civil employments, and eccleſiaſtical dignities. Had this continued to the death of the queen, theſe two branches of the tory party would doubtleſs have been conſiderably leſſened in number and credit.

Mean time, the queen ſaw herſelf, not without ſome impatience, forced, as it were, to follow the counſels of thoſe whom ſhe had a right to command, and who, if public report is to be credited, left her not free to purſue her own inclinations or judgment. The rank tories perceiving, or perhaps ſuggeſting theſe ſentiments to the queen, induſtriouſly cheriſhed her diſcontent, by the aſſiſtance of a certain lady, who was in her confidence. Such was their ſucceſs, that after they had ſatisfied her, that she was a ſlave, they brought her to a reſolution of freeing herſelf. This intrigue was conducted with ſuch art and ſecrecy, that her miniſters found themſelves ſupplanted, before any meaſures could be taken to prevent their ruin. Immediately, their places were filled with rank and furious tories. The parliament, in which the whigs had a great ſuperiority of votes, was diſſolved, and another called, to which the new miniſters took care to have members returned devoted to their party. Any perſon, ever ſo little acquainted with the affairs of England, knows what influence the court has in the elections. It may, however, be affirmed, that in reſpect of number, the party of the miniſtry was ſtill inconſiderable. But they had the queen and the parliament on their ſide. Beſides, they were very careful to ſtrengthen their party, by infuſing jealouſies on the account of religion, and perſuading the epiſcopalians, that the church had been in great danger, during the late adminiſtration, and would always be ſo, as long as the whigs had any ſhare in the government. Theſe inſinuations revived the paſſion of the church-tories, and carried them to ſuch exceſſes againſt the preſbyterians, as ſhould not be allowed in a well ordered ſtate, but which theſe miniſters affected to connive at. Indeed, their deſign was not to leſſen, but rather to increaſe the animoſity between the two parties, becauſe their own was thereby ſtrengthened.

Hitherto every thing ſucceeded to the wiſh of the new miniſtry. But they were very ſenſible, that the preſent advantages procured by theſe imaginary terrors would be of no long continuance. Beſides, though they could have kept the people always in this diſpoſition, the queen might die very ſoon, eſpecially as ſhe was very infirm. In that caſe, they had reaſon to fear, the fabric they had raiſed, would be demoliſhed, by the elector of Hanover, who was to ſucceed the queen, by virtue of the act of ſucceſſion, for which he was chiefly indebted to the whigs. They were therefore to think of preventing this danger without loſs of time. Their party was too weak to ſtruggle with the ſovereign, ſhould he happen to be againſt them, as had been often ſeen during the reign of king William, and in the firſt years of queen Anne. They therefore concluded, at leaſt, if we may judge by their proceedings, that their ſureſt way would be to ſecure the crown to the pretender, in order to have a protector when the queen ſhould fail them. It is

however ſtill uncertain, whether the earl of Oxford, that able miniſter, now in the Tower, was of this opinion. But it cannot be denied, that they believed the aſſiſtance of France to be abſolutely neceſſary for their ſupport. Accordingly, to ſecure it, they made a diſhonourable and haſty peace, to the aſtoniſhment of all Europe, and forced the allies of England to follow her example. Probably, had not the queen died ſo ſoon after the peace, the oppreſſed whigs would have been obliged to call in to their aſſiſtance, the elector of Hanover, as they had before the prince of Orange, but with far leſs hope of having the general concurrence of the people. The reaſon is, becauſe king James's deſign to ſubvert the church and ſtate, was ſo open, that it could not be doubted, whereas againſt the pretender, there was only bare preſumption.

What has lately happened ſince king George's acceſſion to the throne, ſhews, there was a formed deſign to ſecure the ſucceſſion to the pretender, had not the death of the queen happened, before the authors of it had time to take all their meaſures. It is however uncertain, whether they could have executed their deſign, or whether, if they could, the pretender's reign would have been of any long continuance. The Engliſh in general are extremely jealous of their laws and liberties, nor are they leſs ſo of their religion. This is what I think I may venture to affirm, though ſome of them ſeem indifferent as to the latter. But, thanks be to God, theſe are far from being the majority. Now it would have been very difficult for the pretender, advanced to the throne by foreign aid, and profeſſing a religion contrary to the national, and guided by rank tories, to keep himſelf within the bounds of moderation, neceſſary to gain the hearts of his ſubjects, without which a king of England can never ſit firm on his throne. However without ſtaying to gueſs what might have happened, let us only obſerve, that the rank and rigid tories have been diſappointed. Not only, the pretender is not king, but his hopes of becoming ſo were never leſs. King George is in peaceable poſſeſſion of his crown; the tories are humbled, and the whigs, lately oppreſſed, are now at the top of the wheel.

After this brief account of the riſe and progreſs of the tories and whigs, it will not perhaps be unacceptable to the reader to know more particularly the views, intereſts, ſtrength, and characters of the two parties. For this purpoſe the different branches before-mentioned, muſt be carefully diſtinguiſhed. It is therefore neceſſary to repeat here, that the two parties may be conſidered under two different relations; namely, with reſpect to the ſtate, and with regard to the church. I ſhall firſt ſpeak of the ſtate-tories and whigs, after which, I ſhall conſider them with reſpect to religion.

The ſtate-tories are, as I ſaid, divided into two branches, one of which may in French be called, rank. In England they are known by the name of high-flyers. This idea, taken from birds that by ſoaring above the common flight, loſe themſelves in the clouds, is very ſuitable to men, who cannot contain themſelves within the limits of the eſtabliſhed government. Theſe are for having the ſovereign abſolute in England, as he is in France and ſome other countries, and for erecting his will into law. They regard not what I have ſaid in the beginning of this diſſertation, that all the governments at this day in Europe were originally like that eſtabliſhed in England; and conſequently there is no reaſon why the Engliſh ſhould imitate nations who have ſuffered it to be loſt, or at leaſt very much altered. It may be imagined that in ſuch a country as England, this party cannot be very numerous, and yet they are very conſiderable for three reaſons. Firſt, becauſe the heads of this party are perſons of the higheſt rank, and commonly favourites and miniſters of ſtate, or ſuch as hold the greateſt offices at court, and the moſt eminent dignities in the Church. Theſe men, who would not willingly put themſelves under the conduct of others, being thus advantageouſly ſituated, become, generally, the leaders of all the tory party. They manage them as they pleaſe, not only for the advantage of the whole party, but chiefly for their own particular ends. Thus very often, under pretence of acting for the intereſt of their party, their proceedings tend only to their own advantage, and the tories are led by them much farther than moſt of them deſire. It is this which gives occaſion to many perſons to accuſe all the tories of being for arbitrary power, though it is certain that only the high-flyers are chargeable with this principle. But it is no great fault, it ſeems, to aſcribe to a whole party what is done by their leaders.

Secondly, This particular branch of tories is conſiderable, in that, when they are in the miniſtry, they engage the church tories ſtrenuouſly to maintain the doctrine of paſſive-obedience, which goes a great way towards gaining the people to their party. They inſinuate to the epiſcopal miniſters, that they have only in view the ruin of the preſbyterians, and under that pretence, cauſe them to preach a doctrine, the conſequence of which extends to all the ſubjects. This was experienced in the reigns of Charles II, of James II, and of queen Anne, towards the concluſion.

Laſtly, The party of the high-flyers becomes very powerful, when, as it frequently happens, they are ſupported by the king, and then it is that the liberty of the nation is in danger. Proofs of this, have been ſeen in the reigns of James II, and Charles I, Richard II, Edward II, and Henry III; for the high-flyers are more ancient than is imagined.

The ſecond branch of the ſtate-tories is compoſed of thoſe I called moderate. Theſe are for having the king enjoy all his prerogatives, but they pretend not, with the high-flyers, to ſacrifice to him the privileges of the ſubject. They are true Engliſhmen, who have the welfare of their country at heart, and are for preſerving the conſtitution tranſmitted to them by their anceſtors. They have often ſaved the ſtate, and will again ſave it, when in danger from the rank tories or republican-whigs, by oppoſing with all their power thoſe who ſhall attempt to alter the government. It would be injuſtice, to confound them with the high-flyers under the general denomination of tories.

As there are two branches of ſtate-tories, ſo there are two of ſtate-whigs, namely, republican, and moderate whigs. The republican whigs are the remains of the party of the long parliament which endeavoured to turn the government into a common-wealth. Theſe at preſent are ſo inconſiderable, that they ſerve only to ſtrengthen the other whigs, with whom they uſually join. The tories would perſuade the public, that all whigs are of this kind. And in like manner the whigs would have it believed that all tories are high-flyers. But this is only an artifice to render one another mutually odious.

The ſecond branch of the ſtate-whigs contains the moderate whigs, who are nearly allied to the moderate tories in principle, and conſequently are to be conſidered as true Engliſhmen, who deſire, the government may be maintained upon its ancient foundations. Herein they would be exactly like the moderate tories, were it not that theſe incline more to the king, and the moderate whigs to the parliament. The moderate whig is perpetually hindering the people's rights from being invaded, and ſometimes even takes precautions at the expence of the crown. By him the triennial act was procured, with ſome others, which 'tis needleſs to mention, to prevent the abuſe of the royal power. Hence it is evident that the high-flyers have no greater enemies than the moderate whig, and that theſe two branches of whigs and tories properly form the oppoſition between the ſtate-tories and ſtate-whigs. Theſe laſt laugh at paſſive-obedience when its conſequences are carried too far. Their principle is, that the royal power has its bounds, which cannot be tranſgreſſed, without injuſtice. Conſequently they believe, that whenever the ſovereign exceeds his prerogatives, he may be reſiſted by his ſubjects. Hence it is eaſy to infer, they do not think the king can diſpenſe with the laws.

What has been ſaid is ſufficient to ſhew that the moderate ſtate-whigs and tories are almoſt of the ſame ſentiments. Their being of different parties proceeds from their mutual fear that either may make their balance incline too much to the king's or the parliament's ſide. It is not therefore ſtrange, that theſe two branches of the oppoſite parties, unite in the preſſing exigencies of the ſtate. For, their views equally point to the preſervation of the government; though often they purſue their ends by different paths. Accordingly ſince the union of theſe two branches upon the death of king William, they have remained inſeparable, and the moderate whig and tory form almoſt the ſame party, under the common appellation of whig. I dare not however affirm, that there are not yet moderate tories who keep by themſelves, and are unwilling to be confounded with the whigs.

It muſt be remembered, that hitherto I have only ſpoke of the tories and whigs in relation to the government, without any regard to religion. I take care not to confound things which ought to be carefully diſtinguiſhed. It is not true that all churchmen are tories, or all preſbyterians whigs, in point of government, as is commonly imagined. Many preſbyterians are, in this reſpect, of the ſame principles with the moderate tories, and would not be leſs concerned to ſee the king ſtripped of his prerogatives, than the ſubject of his privileges. In like manner, many churchmen, even biſhops

themſelves, are whigs, very good whigs as to the government, and as conſidered in oppoſition to the high-flyers, which ſhews the neceſſity of diſtinguiſhing ſtate-tories and whigs, from church-whigs and tories, of whom we are how going to ſpeak.

I preſume the reader knows that the Church of England, when ſhe received the reformation, admitted only ſome alterations in her doctrine, but preſerved the hierarchy, with all the ceremonies in which ſhe ſaw nothing ſuperſtitious. The reformation was not properly compleated till the reign of Elizabeth. Then it was that ſeveral conſtitutions of the convocation, confirmed by acts of parliament, ſettled the public worſhip as it ſtands to this day. Mean while, many Engliſhmen, who had fled from the rage of queen Mary, returned home with favourable ſentiments of the reformation, as eſtabliſhed in France, Switzerland, Geneva, and other parts of Germany. Theſe men could not comply with the reformation in England, which, in their opinion, had not been carried far enough from the church of Rome. For this reaſon they not only abſented themſelves from the aſſemblies of the eſtabliſhed church, but alſo compoſed ſeparate aſſemblies, which were called conventicles. Theſe ſeparatiſts were likewiſe ſtiled preſbyterians, becauſe, refuſing their ſubmiſſion to the biſhops, they maintained that all prieſts or miniſters had an equal authority in the church, which ought to be governed by preſbyteries, or conſiſtories, compoſed of miniſters and lay-elders. Upon this occaſion were two parties formed, who wanting the mutual forbearance of perſons profeſſing in the main the ſame religion began to moleſt one another with diſputes in conference and writing. The church of England men were very angry, that private perſons ſhould pretend to reform what, after mature deliberation, had been eſtabliſhed by national ſynods and parliaments. On the other hand, the preſbyterians thought it no leſs ſtrange, that they ſhould be compelled to practiſe what they believed contrary to the purity of religion[a], and with what their conſciences could not comply. The preſbyterians were long oppreſſed, becauſe their adverſaries ſupported their arguments with reaſons from the authority of the queen and parliament.

The preſbyterians conceived great hopes of the acceſſion of James I. becauſe that prince had always profeſſed their religion whilſt he reigned in Scotland. But as he readily conformed to the church of England, they were not much eaſed. Mean while, this party, though oppreſſed, ſo increaſed, that in the beginning of the troubles they were become very numerous. King Charles I. was ſo attached to the church of England, that it may be affirmed, he died a martyr to it, as is evident from his hiſtory. His opinion of the purity of this church, made him hearken to William Laud, archbiſhop of Canterbury, ſuggeſting to him the reduction of the church of Scotland under the ſame government with that of England, by introducing the hierarchy. This undertaking engaged him in a war with Scotland, and the war produced the long parliament, againſt which he thought himſelf obliged to take arms. This parliament wanting the aſſiſtance of the Scots, could not obtain it but by an engagement to make the church of England preſbyterian. A quarrel was therefore ſought with the biſhops, deans, and chapters; in a word, with the whole church of England, which ſaw its hierarchy, eſtabliſhed by queen Elizabeth, entirely ſubverted, and the Scotch preſbyterian government introduced. In this diſtreſs, the epiſcopalians had no other reſource than to unite the epiſcopal party with the king's party, and as they had one common intereſt with the cavaliers, namely, the maintenance of the king's cauſe, they were confounded with them under the ſame party denomination. The preſbyterians were in like manner reckoned among the roundheads, becauſe they adhered to the parliament.

During the long parliament, and even to the death of Cromwell, the diviſion of the branches juſt mentioned, was hardly perceived. All who were known by the name of roundheads, or parliamentarians, were rigid preſbyterians and republicans. This was the party then in vogue, and the only one that could prefer ſuch as aſpired to the poſts in the gift of the parliament. In like manner the followers of the king's party appeared to be rank cavaliers, or rigid epiſcopalians, becauſe theſe were then moſt regarded at court. But on the reſtoration of Charles II, the ſeveral branches of the two parties began to be diſtinguiſhed. All being tired with the troubles which had ſo long harraſſed the kingdom, the moderate no longer feared to diſcover their ſentiments. Some of the preſbyterians teſtified a readineſs to relax, and many epiſcopalians were of opinion, that, for the ſake of peace, ſome condeſcenſion might be uſed to the preſbyterians. Theſe therefore were the men of both parties, who preſerving this moderation, formed the two branches of the moderate whigs and tories, with reſpect to religion. But ſtill the majority in both parties, firmly adhered to their principles with inconceivable obſtinacy. Amongſt the epiſcopalians there were, who, upon no account whatſoever, could be perſuaded to recede in the leaſt from the practice of their church. On the other hand, there were preſbyterians who were no leſs offended at ſeeing a miniſter officiate in a ſurplice, than at hearing him preach hereſy, and who branded with the name of idolatrous and ſuperſtitious, every ceremony retained by the church of England. This gave birth to the two branches of the rigid epiſcopalians and preſbyterians, which ſubſiſt to this day. The hierarchy is the principal point, on which they are divided. They are both compriſed under the name of whigs and tories, becauſe the rigid epiſcopalians join with the tories, and the preſbyterians with the whigs.

From what has been ſaid concerning the ſeveral branches of whig and tory, it is eaſy to gather that theſe two names are very obſcure and equivocal terms, becauſe they convey, or ought to convey, to the mind different ideas, according to the ſubject diſcourſed of. For inſtance, if I hear it ſaid, that the tories and whigs are at great enmity, this raiſes in my mind an idea comprehending all the ſeveral branches of whigs and tories in general. But if I am told, the tories are for having the king abſolute and independent, or that the whigs would be glad the regal power were aboliſhed, my idea can only extend to the high-flyers and the republican-whigs. The reſt of the whigs and tories would doubtleſs be offended at any ſuch imputations. In like manner, if I hear that the tories had rather ſee a papiſt on the throne than a proteſtant, favourable to the whigs, I ſhould injure the tories in general, by imputing ſuch a thought to them which can only be entertained by the popiſh and ſome rigid church-tories, and perhaps ſome high-flyers. Laſtly, if I hear that the whigs aim at the ruin of the church of England, I can underſtand this only of the preſbyterian-whigs, ſince the epiſcopal-whigs, amongſt whom are ſeveral biſhops, cannot with juſtice be accuſed of labouring the ruin of their own church. Thus the names of tories and whigs convey to the mind certain confuſed ideas, which few are capable of rightly diſtinguiſhing. But this difficulty ſtill increaſes, when it is conſidered that the ſame perſon may be either whig or tory, according to the ſubject in hand. A preſbyterian, for inſtance, who wiſhes the ruin of the church of England, is certainly for that reaſon in the whig-party. But if this preſbyterian oppoſes with all his power the attempts of ſome of his party, againſt the regal authority, it cannot be denied that he is in that reſpect a true tory. In like manner, when the church only is concerned, the epiſcopal party are to be conſidered as tories. But how many even of theſe are whigs with reſpect to the government? Nor have foreigners only ſuch confuſed ideas in this matter; the Engliſh themſelves are liable to them. Nothing is more frequent than to hear a whig charging all the tories in general with an intention to deſtroy the rights and liberties of the ſubject; and a tory arraigning the whigs without diſtinction, as utter enemies to the church and ſtate. Every man uſes this confuſion of ideas, occaſioned by the names of whig and tory, to accuſe his adverſaries of what is moſt odious in both parties.

Having ſhewn as diſtinctly as I could, what is to be underſtood by the tories and whigs, I am next to examine the ſeveral motives and intereſts of the two parties. Were we to rely on what is ſaid by both, nothing is more juſt, more equitable, than the motives by which they are actuated, namely, the glory of God, the honour of the king, the public good, and the welfare of the nation. For my part, if I may ſpeak my mind, it is my belief, that as they are all men, intereſt is the main ſpring of all their actions. Since the two parties were formed, each has earneſtly laboured to gain a ſuperiority over the other, becauſe this ſuperiority is attended with poſts, honours and dignities, which are conferred on their own members by the prevailing, in excluſion of thoſe of the contrary party. This made king William ſay, that, "If he had places enough to beſtow, he ſhould ſoon reconcile the two parties." There would be yet another expedient to ſupply what that prince imagined, namely, to confer all the great places upon neutral lords. But where ſhall we find a ſufficient number of ſuch, who are qualified to exerciſe the higheſt offices? Certainly there are but very few.

[a] This procured them the name of puritans.

I own

I own however there are ſome, who, by their capacity, their impartiality, their diſintereſtedneſs, would deſerve a particular diſtinction. I wiſh I knew them all, that I might inſert their names, and give them in part their due praiſe. But theſe lords, ſo worthy of being known, are little heard of in foreign parts, becauſe as they make their court to neither party, the public poſts generally fall not to their ſhare. Nevertheleſs, it ſometimes happens that miniſters are in a manner obliged to find out theſe neutral lords, and advance them to the firſt dignities in the kingdom. We know one eſpecially, who without ever courting the whig or Tory miniſters, was ſent embaſſador and plenipotentiary at the peace of Ryſwick, honoured with the order of the garter, ſucceſſively raiſed to the offices of lord privy-ſeal, lord preſident of the council, lord high-admiral of England, and lord-lieutenant of Ireland, though he never ſolicited theſe great offices. I ſpeak of the earl of Pembroke, whoſe reputation is better known to me than that of ſome other lords of the ſame character, who ought to receive no injury from my ſilence. Among all his other virtues, his integrity in the great poſts which he has filled, calls for much nobler encomiums than he can receive from a foreigner, who has neither the honour to know him perſonally, nor to be known by him. If there were in England twelve ſuch lords, advanced to the great offices, it would be an infallible means to humble both parties at once. Then the aſpirers to employments would make it a merit to eſpouſe neither party, and this impartiality would ſoon deſcend from the great men to the people. But this is a happineſs rather to be deſired than hoped. Neutrality, far from promoting perſons of diſtinguiſhed merit, is rather a ſure impediment to their riſing, becauſe the miniſters and party-leaders think only of gratifying their creatures.

Intereſt, as I ſaid, is the principal motive which actuates the two parties, and this is but too apparent. If, for inſtance, the high-flyers wiſh to ſee the ſovereign in poſſeſſion of abſolute power, I very much doubt whether this flows from a deſire of procuring the welfare of the kingdom, tho' they ſhould be perſuaded that deſpotiſm is the moſt complete form of government. If the public good was the ſole ſpring of their actions, they would not be ſo warm. The ſame may be ſaid of the other branches of the two parties. Each would have it believed, they have only the good of the kingdom in view, while in fact they are only labouring for themſelves, their family and poſterity. But when I ſay that intereſt is their principal motive, I pretend not to exclude entirely many others, which may actuate as well the heads as the members of each party. Some believe that their principles really tend to the good of the ſtate; others act from a religious motive; ſome are ſwayed by revenge, party-ſpirit, and the deſire of ſuperiority. Numberleſs other motives there are on which I think it needleſs to enlarge, that I may not be led to examine the conduct of particulars. It is certain, many may purſue the ſame ends from different motives. It will be better to ſhew the ſtrength and ſeveral intereſts of both parties. In order to this, it is neceſſary to proceed in this examination according to the different branches into which they are divided. I ſhall begin with the Tories.

It is difficult at firſt to conceive, that in a country like England, bleſſed with ſo many noble privileges, which other nations do not at preſent enjoy, there ſhall be men who wiſh to ſee the king inveſted with unlimited power. There are indeed but very few who openly profeſs themſelves to be of the party which I call high-flyers. Nevertheleſs it is but too true, that ſuch a party has always been in England, and ſtill ſubſiſts to this day, though diſowned by moſt of thoſe who are engaged in it. Can it be denied that ſuch a party exiſted under Charles I? The very judges of the kingdom, who are conſidered as the interpreters of the law, gave it as their opinion, that in caſes of neceſſity the king might impoſe taxes upon his ſubjects, and that the king himſelf is the ſole judge of ſuch caſes. This was rooting up the nobleſt prerogative of the parliament, and the principal cauſe of their frequent meetings. If the ſovereign could levy taxes upon his ſubject, without authority of parliament, it may be affirmed, that their ſeſſions would be very rare, and perhaps, in time, entirely ceaſe. But, if the parliament were once laid aſide, what would become of the privileges and immunities of the ſubject? In all likelihood, the caſe would be the ſame as in France, ſince the general aſſembly of the ſtates has been diſcontinued. Has it not alſo been ſeen under James II, that the judges aſcribed to the king a power of diſpenſing with the penal laws? And was not this making him abſolute? In ſhort, we have ſeen Charles I, Charles II, James II, taking large ſteps towards arbitrary power, which they would never have attempted, had they not expected to be ſupported by a numerous party. Let queen Anne's proceedings in the laſt years of her reign be conſidered; for inſtance, the negotiation and concluſion of the peace at Utrecht, the creation of twelve peers at once, the violences uſed in parliamentary-elections, and it cannot be denied that they were ſo many advances towards deſpotiſm, to which ſhe was excited by the party I am ſpeaking of. It is therefore certain, there is ſuch a party in the kingdom. But as they dare not openly avow their principles, they cover them with the pretence of maintaining the rights of the crown, to which they ſeem to confine themſelves, willing to have it believed that they are of the party of the moderate tories. But the principal high-flyers, being commonly favourites or miniſters of ſtate, it generally happens that they become heads of the whole party of the tories, and engage them to do more than they would. They begin with attacking the preſbyterians, and ſo engage the church-tories to follow their meaſures, without knowing whither it is intended to lead them. On pretence of having the diſſenters only in view, they cauſe the clergy to preach paſſive-obedience, which tends directly to arbitrary power. It is this which renders the high-flyers more powerful than appears at firſt ſight. The main concern of this party lies in drawing the church into their quarrel, by pretending an extreme zeal for her rights. They are thereby confounded with the church-tories, whoſe number is very conſiderable, avoid giving the alarm to the moderate tories, and keep themſelves undiſcovered till they have made the whole party ſubſervient to their particular deſigns. But for all this, notwithſtanding their care to obſerve what I have been ſaying, they have the misfortune never to arrive at the end of their career. After they have made themſelves leaders of the whole tory-party, and by ſecret paths, conducted the moderate and church-tories to a certain point, they are at laſt forced upon ſome proceedings which diſcover their deſigns. Then they loſe many of their followers, who not only deſert them, but go over to the whigs. This was the caſe of James II, who ſaw himſelf ſuddenly abandoned by all the world, juſt as he thought himſelf ſecure of his ends. If, in the laſt year of queen Anne, the high-flyers who governed in her name, had attempted to procure a repeal of the act of ſucceſſion, very probably, they would have met with the ſame mortification, and I doubt not but the ſame thing will happen upon every the like occaſion. The reaſon of what I advance ſeems to me evident, namely, that it can be advantageous but to very few Engliſhmen, to have a popiſh or abſolute king.

The party, or branch of the moderate tories much exceeds in number that of the high-flyers; whatever advantage this laſt may have from the quality of their leaders, the other is more powerful from the goodneſs of their cauſe, I mean the preſervation of the king's juſt prerogatives. This is properly the intereſt of all Engliſhmen, who cannot hope for greater happineſs under any other form of government, than under that which has been ſo long eſtabliſhed. This branch of the moderate tories becomes ſtill more conſiderable as often as any attempt is made to extend or abridge the royal prerogative. If to abridge it, they are joined by all the whigs; if to extend it, they are aſſiſted by all the reſt of the tories. Nevertheleſs, it ſometimes happens, that the junctures produce ſome change in the principles, as well as in the intereſts, of this party. When the ſovereign favours the tories in general, by conferring places and poſts upon them, nothing is capable to detach the moderate tories from his intereſt: but their affection cools whenever he inclines to the other ſide. Then, if they ſee the whigs, by a precaution common to them, make any attempt upon the prerogative royal, they are ready to join them. But herein their ſole aim is to let the king know that they deſerve his regard. This courſe was frequently taken by them in the reign of king William, who often changed ſides. In general, it is the intereſt of the moderate tories to oppoſe the attempts of the whigs againſt the authority of the ſovereign, becauſe this ſupports their credit at court and in the country. But withal, they are to take care that the high-flyers do not, under the ſpecious pretence of being of the ſame name and party, carry them farther than is neceſſary.

As to the church-tories, it may eaſily be conceived that they include almoſt the whole kingdom in their party, ſince this branch conſiſts of all the members of the church of England. Therefore when religion is in queſtion, between the whigs and tories, the former are not able to reſiſt their adverſaries. To this ſuperiority is owing the readineſs with which the church-tories ſhew their reſentment againſt the preſbyterian whigs. It is not ſo with the whigs, who even in their greateſt proſperity dare not ſo much

much as discover the least thought of attacking the church. They did it once under the long parliament, and it will never be forgot by the tories. They look upon the whig-party as an enemy always ready to undermine the foundations of their church, and, from what was once done, infer the desire of doing the like again, when a favourable opportunity presents. This makes them so readily conceive every impression which from time to time is given them of the church's being in danger, and suffer themselves to be so easily deluded on that account. Their leaders know so well how to improve this disposition, that they project nothing in relation to the state, without including the Church. This is an infallible expedient to unite the whole party, which would be very much divided, were the government only concerned. This procured Charles I. many adherents, whom assuredly he would have wanted, had the parliament not attacked the church of England. Moreover, it was this, which in the reign of Charles II, put the duke of York, though a papist, at the head of the episcopal tories, who willingly concurred with him in the destruction of their enemies. Whenever king William turned to the side of the whigs, the tories were full of imaginary fears of his labouring the ruin of their church. The same method was practised in the first years of queen Anne, because the ministry was then composed of whigs or moderate tories. The same imaginary fear threw the episcopalians, towards the conclusion of that reign, into the schemes of men who had visibly no religion at all. In short, on this very pretence, we lately saw in the reign of king George, a popish pretender called in, to screen the church of England from the pretended attempts she had to fear from the whigs. It is therefore religion which gives power to the tory party. It is certain, if the secret of interesting the church in the quarrel was not practised, the high-flyers would make a very contemptible figure, and the differences between the whigs and the moderate tories would cause none of those disturbances in the kingdom, which have so long prevailed.

It is true, that among the church-tories, there are many who are very sensible of the artifices by which the whole party is engaged in a quarrel, advantageous but to few. Of this number are those I call low-churchmen, among whom some possess the first dignities of the church. But they are not the strongest. The party of the rigid churchmen is much more numerous. This last branch consists of almost all the inferior clergy, of some bishops, of both universities, particularly that of Oxford, and these bodies draw after them great numbers of the laity. It is these that compose what is called in England, high-church, that is, a church which has no mixture of presbyterianism. These men are so attached to the least ceremony of the church of England, that they would not relax upon any thing whatsoever, and by this stiffness, they discover more of the spirit of party than of zeal for religion. I will even venture to say, that many of them would rather chuse to see England under popery than presbyterianism. Now, as the low-churchmen, though more moderate in their sentiments, look upon the hierarchy as an essential point, it is not surprizing, that the tories unite when the growth of whiggism is to be opposed, which has all the presbyterians in its party. It is, perhaps, an artifice of the state-tories, to have given, or at least to continue with so much care, the name of tories to the episcopalians, in order to confound in the same party, interests of a different nature, because this conclusion is very serviceable to them.

The papists are likewise considered as a branch of the tories, because they always remain attached to that party. As they can never hope to see popery established but by means of an absolute king, it is not strange that they rank themselves with the high-flyers. Indeed, this assistance would not be very considerable to the tories, if confined to the English papists, since enjoying neither places nor votes in elections, they cannot have much credit. But this admission of papists, engages likewise foreign powers in the tory interest, who can on certain occasions be very serviceable. Nevertheless, it cannot be denied, that by this the tories give their enemies great advantage against them, who use this pretence to render them odious.

If the leaders of the tory party aimed only at maintaining the prerogatives of the king, and the rights of the church, it may be affirmed, that party would be invincible, because that is the true interest of the kingdom. But as it sometimes happens, that these are only pretences to cover other projects, less agreeable to the good of the state, when once their designs are discovered, their friends generally draw off, a division of the tory members being a necessary consequence of such discovery. This makes me think, that it is almost impossible they should ever succeed in settling the pretender on the throne, or investing any king whatsoever with absolute power. This opinion is founded upon its not being the interest or desire of the nation in general. And hence it is, that they so firmly espouse the interests of France, because they are very sensible they want her assistance. It was seen in the last war that the ill successes of that crown were terrible mortifications to them, and therefore they endeavoured, as much as possible, to lessen them. Accordingly, when they were at the helm, their first care was to cure the wounds France had received. However, it is very difficult for France to put them in possession of their wishes. Great Britain is an island which can hardly be attacked unawares; and which, while there is a good understanding between the king and the parliament, can send out fleets which France is not in condition to oppose.

The high-flyers are therefore to be considered as a party, to which the junctures of the time are not at all favourable, and consequently it should be their interest to remain in a state of inaction, till time should produce some opportunity to exert themselves. But to be quiet is no part of their character. They cannot possibly be easy, while they see themselves excluded from all places of honour and profit, which probably are the springs of their motions. It is however certain, that the disturbances raised by them from time to time, to very little purpose, are attended with great injury to themselves, as well as to all the tories in general, who are always charged with the faults and passions of those who are looked upon as their leaders. This very consideration induces some to desert their party.

As to the three other branches of the tories, namely, the moderate, the rigid, and the low, it would be folly in the whigs to think of their ruin by violent methods. This could not be effected without over-turning the kingdom. They may indeed exclude them from public posts and employments. But should they be so imprudent as to meddle with the church of England, they would run the hazard of raising a storm, which might cost them the superiority they at present enjoy. Therefore it is the interest of the whigs to leave the church unmolested, and their conduct shews they are perfectly convinced of this truth. Though they have lately had frequent provocations, it is not seen, that now they are in power, they seek to be revenged upon the episcopal party. On the contrary, their grand aim is to divide that party, if possible, from the rest of the tories, by convincing them, that they bear no ill-will to the church. If they could succeed, their victory over the high-flyers would be certain. But these last, sensible of the prejudice which this conduct does them, endeavour to prevent its effects by always engaging the church in their quarrel, and inspiring the people with continual fears of the designs of the whigs against the church.

Having shewn the views, strength, and interest of the tory-party, I am next to speak of the four branches of the whigs. As to the republican-whigs, they are at present very inconsiderable, and their party daily diminishes. There is not the least probability of their ever finding again an opportunity like that during the troubles of Charles I's reign.

I have already observed, that the principal difference between the moderate whigs and moderate tories is, that the latter are more inclined to the king's prerogatives, and the former to the privileges of the subject. But this prevents not their union when the state is in danger. Were the moderate tories not episcopalians, and had the moderate whigs fewer presbyterians among them, it might be hoped that these two branches of whigs and tories would remain for ever united, as they seem to be since the death of king William. But when I say that the one incline more to the king, and the others to the subject, I speak the truth, and not what they say themselves. The two parties affirm, on the contrary, they have no other aim, than the preservation of the government as established many ages. So to hear them, you would think they form, and always have formed, one and the same party. It is, however, but too true, that their different inclination frequently obliges them to divide, though it is to be presumed, their intentions are equally good, and that they differ only in the means they employ. The one perhaps are too jealous of the increase of the royal prerogative, and the others fear it not enough. But it is religion which chiefly makes them to be considered as different parties, because the one is composed wholly of episcopalians, and the other has a great mixture of presbyterians. Now to separate the interests of the church from those of the state, requires abstractions of which all are not capable.

Nevertheleſs it may be affirmed, that the branch of the moderate whigs conſidered ſeparately, and in itſelf, is not leſs powerful than that of the moderate tories. But when both join together, they form a party which would be reſiſtleſs, if religion were out of the queſtion. The great buſineſs therefore of the moderate whigs is to aſſiſt the people as much as poſſible, to diſcern the intereſts of the church from thoſe of the ſtate; for which purpoſe they are to treat the epiſcopalians with great moderation. Nor ought they to be leſs careful how they liſten to the republican-whigs, for fear of alarming the moderate tories, of whom they have frequent occaſion. But on the other hand, nothing ought to be neglected by them for breaking the meaſures of the high-flyers, who are their real enemies. Such is the courſe they muſt take to preſerve their credit.

I proceed now to the church whigs, who are divided into two branches, of which the firſt is of the rigid preſbyterians, who abſolutely reject not only the hierarchy, but moreover every ceremony practiſed in the church of England. Their number is very great in England, but they are ſtill more conſiderable by having all Scotland for them. They are continually labouring the propagation of preſbyterianiſm, and, on ſome occaſions, the leading whigs, to content them, are obliged to take ſome ſteps prejudicial to the whole party. It is eaſy to conceive that the intereſt of the rigid preſbyterians requires an innovation in the eſtabliſhed religion, becauſe it can only be by ſome great revolution that their own can come to be uppermoſt. Wherefore they are conſidered as dangerous men, and very unfit to head the whig party, who in all appearance, would be ill conducted by ſuch leaders.

Laſtly, There is another branch of the church whigs, which includes the moderate preſbyterians, and to which may be added all the reſt of the non-conformiſts, as quakers, anabaptiſts, &c. who find more ſupport from the whigs than from the tories, though their junction adds no great ſtrength to the party. The moderate preſbyterians, leſs ſcrupulous, leſs paſſionate, and leſs obſtinate than the rigid, make no difficulty to join the aſſemblies of the eſtabliſhed church, and even to communicate therein, when their intereſt requires it. If it were left to their choice, preſbyterianiſm would be the reigning religion. But they do not think it prudent to labour to make it ſo by violent methods. They know, it would be an infallible means to unite all the tories againſt them; whereas it is the intereſt of all the whigs to keep them divided, by continually inſiſting upon the diſtinction between ſtate and church tories, and ſhewing that they have no ill deſigns againſt the latter. Theſe are doubtleſs, the moſt dangerous enemies of the high-flyers and rigid tories, becauſe by their moderate conduct they deprive them of the pretence to complain that the church is in danger. Theſe were aimed at by the tories in their act towards the concluſion of queen Anne's reign againſt occaſional conformity. As few are acquainted with the nature of this act, I ſhall briefly explain it.

In the reign of Charles II, an act was made called the Conformity Act, whereby any perſon admitted to any public office was to bring a certificate of his having received the ſacrament in the church of England. The intent of this act was to exclude all non-conformiſts from places of any kind. Indeed, it produced this effect with regard to the rigid preſbyterians, who could not reſolve to receive the communion from the hands of a biſhop, or a miniſter of the epiſcopal church. But the moderate preſbyterians were not ſo ſcrupulous. On their admiſſion to any poſt, they ſcrupled not to receive the communion in an epiſcopal church, and to take the proper certificates. It was not poſſible for the tories to add any explication to this act, during the reign of king James, who, on the contrary, granted an univerſal liberty of conſcience; nor in the life time of king William, or the firſt years of queen Anne. But having the power in their hands, at the concluſion of her reign, they were not contented with reviving this act, but added to it a clauſe to prevent occaſional conformity, or the communicating in the church of England on account of ſome employment. This excluded not only the rigid, but alſo the moderate preſbyterians, from all public offices: For by this act, which is ſtill in force, to communicate once in an epiſcopal church, is not a ſufficient qualification for a place, as before, but a man muſt ſhew that he is really a member of the church of England. If the whigs, who at preſent prevail, dared to meddle with this act, it would ſoon be repealed. But for reaſons before intimated, very probably it will be ſuffered to ſubſiſt, and its violation only connived at.

The ſtrength of the two parties being ſuch as we have ſeen, and the intereſt of the ſeveral branches ſo oppoſite, it ſeems to me a natural conſequence, that the placing a popiſh prince upon the throne, while the king and parliament are in union, and the rights of the church are untouched, is a thing almoſt impoſſible. The people may from time to time be deluded by imaginary fears of the church's danger. But this deluſion muſt quickly vaniſh, when it is ſeen that the church is not really attacked. Now if religion is not concerned, that is, if the epiſcopalians do not think themſelves under an abſolute neceſſity of trying all ways to ſave their church from ruin, the endeavours in favour of the pretender, will prove ineffectual. As often as it ſhall be attempted to place him on the throne, the moderate ſtate and church tories will join the whigs, and then that party will be too ſtrong for the high-flyers, though in matter of religion they ſhould be joined by all the rigid tories, which however is not very likely. For it muſt not be imagined, becauſe a few rigid tories make a great noiſe, that the whole branch wiſh to ſee a popiſh prince on the throne. They are zealous for their church, but their church is proteſtant, and this very zeal ſuffers them not to endanger their religion. It will be ſaid perhaps, that France will aſſiſt the high-flyers with all her forces. This is what I can hardly believe for reaſons I ſhall mention hereafter. But though France ſhould heartily engage in this undertaking, the execution would be difficult on account of the ſituation and naval power of England. Nothing but a ſurpriſe can produce the effect deſired by the high-flyers, papiſts, and ſome rigid tories. However, the attempt lately made, will probably induce the king and parliament to take good precautions againſt ſuch ſurpriſes for the future.

There is ſtill another everlaſting obſtacle to the eſtabliſhment of a popiſh prince, and that is, the poſſeſſion of ſome part of the lands of the monaſteries ſuppreſſed by Henry VIII. by almoſt every noted family in England. The anceſtors of the preſent poſſeſſors either received them in preſents from the king, or purchaſed them at an eaſy rate. If therefore a popiſh prince ſhould now mount the throne, there is no doubt but he would try to eſtabliſh his religion. But ſhould his attempt prove ſucceſsful, in what danger would theſe eſtates be? In all probability the preſent owners would be diſpoſſeſſed. Nay, who knows whether they would not be called to account for the profits? It is therefore manifeſt, that the tories and whigs have an equal intereſt in the prevention of this danger. If the advocates for a popiſh prince were to be ſtrictly examined, it would be found, without doubt, either they have no poſſeſſion of this kind, or believe they have particular reaſons to flatter themſelves with an exemption from the general law, or with being made amends ſome other way.

I am now to give a more diſtinct idea of the two parties of whigs and tories, by ſhewing their reſpective characters.

The tories in general are fierce and haughty. The whigs are treated by them with the utmoſt contempt, and even with rigour when they have the ſuperiority. As the tory party is compoſed of epiſcopalians, who properly make the body of the nation, they look upon themſelves as the prevailing party, and cannot bear an equality, much leſs a ſuperiority in their adverſaries. I cannot better compare the behaviour of the tories to the whigs, than to that of the Roman catholics to proteſtants in countries where the papiſts have the advantage of number, and the ſupport of the government. It is with regret that the tories allow the preſbyterians liberty of conſcience. When the power is in their hands, they ſeldom failed to prohibit their aſſemblies, and to exclude them from public employments by acts of parliament. The laſt years of queen Anne afforded flagrant inſtances of the haughtineſs of this party.

There is ſtill another character which belongs to them. They are exceeding paſſionate and precipitate in their motions. This often diſconcerts all their projects. When they have the reins in their hands, they drive with amazing rapidity. Very remarkable proofs of this were ſeen under Charles II, James II, and the late queen. Nevertheleſs it muſt be confeſſed, that this rapidity is not always the effect of an impetuous paſſion, but is ſometimes founded on policy. As the high-flyers, who are commonly at the head of the party, ſometimes project the alteration of the government, they are obliged to embrace, with great haſte, the opportunities which offer, becauſe theſe opportunities are naturally tranſient. For inſtance, under Charles II, it was neceſſary to put a ſpeedy ſtop to the progreſs of the whigs for fear the king, who was, with ſome difficulty and for other intereſts than his own, engaged in the plot, ſhould alter his mind.

Beſides,

Beſides, there was no time to loſe, becauſe it was well known that the whigs were labouring with all their power to inform the people of the true deſigns of the court. So again, when James II. aſcended the throne, the preſumptive heir to the crown was his eldeſt daughter the princeſs of Orange, who was firmly attached to the proteſtant religion. Wherefore as the king might die without ſons, all his projects would vaniſh by his death, if his work was not finiſhed during his life. It was neceſſary therefore to make haſte, becauſe the like opportunity would probably never offer again after his death. For the ſame reaſon, queen Anne being childleſs when ſhe put the miniſtry into the hands of the high-flyers, a peace was quickly to be concluded with France, and ſpeedy meaſures taken for ſecuring the crown to the pretender, leſt her death ſhould prevent the execution of their projects, as it really happened. It was undoubtedly on this account that a peace was ſo haſtily concluded with Lewis XIV. becauſe his aſſiſtance was thought neceſſary to accompliſh the work. Probably if the queen had lived a little longer, the act of ſucceſſion had been repealed. But this precipitation, which ſeems ſo neceſſary to the tories, is, on the other hand, prejudicial to them, inaſmuch as it too ſoon diſcovers the deſigns of their leaders, which require a gradual execution. In order to ſucceed, they muſt have a long and peaceable reign, a king favourable to their deſigns, and of great ability, or at leaſt ready to be guided by their counſels.

Another character of the tories is, their change of principles as their party prevails or is humbled. When they have the prince on their ſide, the doctrine of paſſive obedience is ſupported with all their power, and every ordinance of the king is to be obeyed without examination, becauſe then, they would have the whigs ſuffer themſelves to be oppreſſed without any reſiſtance. But, when the government is in the hands of the contrary party, this doctrine lies dormant or is forgotten. Thus, in all the tory-writers, who have tranſmitted the troubles of the reign of Charles I, paſſive-obedience is eſtabliſhed as a principle certain and inconteſtable. This is owing to their intention of repreſenting the meaſures of the parliament for their own defence, and in oppoſition to the deſigns of the king, as a horrible rebellion. When the preſbyterians were perſecuted in Charles II's reign, paſſive obedience was every where talked of. But it was ſtill much worſe under James II. I remember to have heard from the pulpit, the conſequences of this doctrine carried as far, and perhaps farther, than ever they were in France, under Lewis XIV. Great ſtreſs was laid upon a canon of a convocation of the church of England, which imported, that arms taken up againſt the king by the ſubject, on any pretence whatſoever, is direct rebellion: That whether the ſubject be upon the offenſive or defenſive, he is clearly condemned by St. Paul, who ſays, 'he ſhall receive to himſelf "damnation." But the convocation, in which this canon was made, was held under archbiſhop Laud, when Charles I. governed in an abſolute manner, a little before the beginning of the troubles. But when king William was on the throne, the doctrine of paſſive obedience was no longer inforced, becauſe that king was conſidered as no friend to the tories. The caſe was the ſame under queen Anne, while the miniſtry was compoſed of whigs, and moderate tories. But the doctrine revived when that princeſs delivered herſelf up to the conduct of the high-flyers. But ſince king George has filled the throne, the high-flyers and rigid tories plainly ſhew, this doctrine is only admitted by them when they have a prince of their party, but is rejected without any ſcruple when the government is not for them. For this purpoſe they have a diſtinction ready between a king, "de jure," and a king "de facto," and maintain, that only the king, "de jure" has a title to this obedience, but ſuch is every king who favours them, whether he is upon the throne, or has only pretenſions to it.

Let us now ſpeak of the character of the whigs. Thoſe of this party who are rigid preſbyterians, are a ſtubborn and obſtinate generation, who perhaps would be as hot and as paſſionate as the tories, were they in poſſeſſion of power. But as, ſince the long parliament, the party has never been under this direction, it is not upon them that we are to form the general character of the whigs, whereas that of the tories is to be taken principally from the high-flyers and rigid tories, who are their leaders and directors.

The heads of the whig party are much more moderate than the leaders of the tories. Beſides, they proceed generally upon fixed principles, from which they never ſwerve, except when they are obliged to give ſome ſatisfaction to the preſbyterians to keep them from deſponding. Far from deſiring, like the tories, to carry things with a high hand they advance gradually, without heat or violence. Their greateſt trouble is to curb the paſſion of ſome among them, who, were they unreſtrained, would quickly ruin the party. By this moderation, they try to inſinuate mildly into the people, that they have no ill deſigns againſt the church of England, in order to ſeparate the church tories, from the high-flyers. As it is the intereſt of the tories to confound all the branches of their party, and unite them into one body, to be directed by the leaders; ſo it is the buſineſs of the whigs to have theſe ſeveral branches diſtinguiſhed, that the epiſcopalians may be prevented from promoting the deſigns of the high-flyers. But they would never be able to gain this point, were they to uſe violence. Thus the gentleneſs and moderation of the whigs is no leſs founded in policy, than the haſtineſs and precipitation of the tories.

The whigs are charged with being greedy of riches and honours, and ungrateful to their adherents, which makes their friends often forſake them. I can ſay nothing to this, not being ſufficiently informed of the particular concerns of the party. Beſides, the examination of this charge would lead me to conſider the conduct of thoſe who think themſelves ill uſed, which I would avoid, as contrary to my intent of confining myſelf to general ideas. However it may be ſaid for the moderate whigs, that generally they ſupport a good cauſe, namely, the conſtitution of the government as eſtabliſhed by law. They err indeed ſometimes through too much care and diſtruſt, which throws them now and then upon proceedings contrary to their true intereſt, and their own principles, ſince on certain occaſions they maintain the privileges of the nation and parliament, at the expence of the royal authority.

As to the eccleſiaſtical whigs, who are no other than the preſbyterians, all that can be ſaid of them is, that they are extremely prejudiced againſt biſhops, and the whole hierarchy. Now the queſtion is, whether this prejudice be well grounded, or being ſo, whether it affords juſt cauſe for ſeparation. For my part, I look upon this diſpute between the epiſcopalians and preſbyterians as of little conſequence. And therefore I cannot approve of the ſtiffneſs of the preſbyterians, in a country where the reformation is eſtabliſhed according to the church of England, ſince the two churches differ in no eſſential point. I ſay the ſame thing of the epiſcopalians of Scotland, and perhaps in England itſelf, greater regard ſhould be had to the ſcruples of the preſbyterians. But this is only my private opinion, which I do not pretend to give for a rule to the one or to the other.

Before I proceed, it will be proper to obviate an objection which may naturally occur to the reader, namely, That every thing in England being done by way of parliaments, theſe unions above-mentioned, whether of the branches of the ſame party, or of the branches of the two different parties, ſeem to no purpoſe, unleſs made in the parliament itſelf between the members. But ſo far are ſuch unions from taking place in the parliament, that one of the parties generally ſo prevails there, as to render the union of the reſt of the members entirely fruitleſs.

To this I anſwer, firſt, that the parliament, conſiſting of two houſes, whereof that of the lords remains always the ſame without any conſiderable change, theſe unions may take place in that houſe, whoſe principles are not ſo variable as thoſe of the commons. Now, as the upper-houſe has power to throw out the bills ſent up by the lower, it follows that the lords, by means of ſuch unions, may break the commons meaſures. Conſequently theſe unions may produce great effects.

Secondly, Theſe unions may influence the elections of members. For inſtance, on ſuſpicion that a popiſh prince is intended to be ſet on the throne, the moderate tories and low-churchmen may join with the whigs, and cauſe ſuch repreſentatives to be choſen as are againſt what is feared, and thereby break the meaſures of the high-flyers and rigid tories.

Thirdly, Even in a houſe of commons, conſiſting moſtly of tory members, the moderate among them ſeeing ſome deſign in hand prejudicial to the nation, may join with the whigs, and hinder the execution of it. The moderate whigs might alſo unite with the tories, if they ſaw the republican party growing too ſtrong.

It muſt however be owned that party-ſpirit, the cabals of the leading men, the intrigues of the court, the intereſt of particular perſons, have but too much influence upon the debates of parliament. To ſay all in a word, the parliament is compoſed of men who are not free from paſſions. If the parliament were to anſwer the idea which thoſe conceive of it who are not thoroughly acquainted with its nature, it ſhould be compoſed of perfect men. But as this is impoſſible, it would

would be proper, at leaſt, to reform certain abuſes, for which hitherto no remedy has been found, or perhaps ſought. Though this leads me a little from my ſubject, I ſhall ſtay a moment and take the liberty to point out ſome of theſe abuſes. This may at leaſt ſerve to give a more extenſive knowledge of the Engliſh conſtitution, which, though excellent in its nature, is however liable to ſome imperfections.

The firſt abuſe lies in the two great influence of the court, in the election of members, and conſequently in the reſolutions of the parliament. This influence is viſibly owing to the diviſion between the whigs and tories, which gives the king an advantage, he would doubtleſs not have, were all the people well united. When one of the parties gets into the miniſtry, the lieutenancies of the counties and all the court places are conferred on perſons devoted to them. After which, a new parliament is called. Then, beſides the money privately diſtributed by the miniſtry, if report is to be credited, thoſe that are in authority in the towns and counties, uſe all their intereſt and ſkill to get members choſen favourable to the court, that the miniſtry may have the ſuperiority of votes in the houſe of commons. We may judge of the effect of theſe intrigues by this ſingle conſideration, that commonly there is a whig-parliament when the miniſtry is ſo, and a tory-parliament when the miniſters are tories. Nevertheleſs the thing is not ſo very certain, but that we find ſometimes moſt of the elections carried againſt the court. But this rarely happens, unleſs the nation in general is ſatisfied that the court has deſigns pernicious to the ſtate, or the liberties of the ſubject. I ſay nothing of our ſeeing, in the late reign, twelve peers created at once, with the ſole view of procuring the court a majority of votes in the houſe of lords. This is a palpable as well as very dangerous abuſe.

Another abuſe lies, in many ſmall boroughs having a right to ſend repreſentatives to parliament, whoſe votes have the ſame weight with thoſe of the members of London and Weſtminſter, notwithſtanding the great diſproportion between the electors of the one and the other. In theſe inconſiderable boroughs, by the influence of the court, members are choſen that have not a foot of land near the place. It is pretended by ſome, that theſe boroughs have a right as ancient as the parliament itſelf, having enjoyed it ever ſince the time of the Anglo-Saxons. Others think it of much later date. But however, it is at preſent a monſtrous abuſe, that villages of four or five thatched houſes ſhould be upon the level in parliament with the largeſt cities in the kingdom.

A third abuſe there is of great importance, and which ought to be reformed, ſince it is in ſome meaſure contrary to Magna Charta, on which the Engliſh found their liberties and privileges. In this charter king John promiſes in expreſs terms, for himſelf and ſucceſſors, to declare beforehand the cauſes of calling a parliament. As long as this cuſtom was obſerved, the points debated in parliament were not many, for which the members came prepared, and the ſeſſions laſted but a few days. If this was obſerved now, the boroughs and counties might give their repreſentatives inſtructions upon the affairs for which the parliament ſhould be called, or, at leaſt, might chuſe ſuch members as are of the ſame ſentiments with the electors. But at preſent ſeveral abuſes ſpring from the non-obſervance of this method.

In the firſt place, the ſeſſions hold as long as the king pleaſes, and are ended when he thinks proper. Henry IV. improved this advantage, by keeping the parliament aſſembled, till the deſired ſubſidy was granted. In the next place the electors, not knowing the buſineſs on which the parliament is to proceed, are forced to give their repreſentatives an unlimited power. Hence ariſes another abuſe, that the repreſentatives of a borough or county are often of a contrary opinion to thoſe that ſend them. It may therefore happen, nay, it has frequently happened, that the reſolves of the lower-houſe are directly oppoſite to the ſentiments of the people whom they repreſent. So it is not the people or commons of England that ſhare the legiſlative power with the king and peers, but their repreſentatives, who enjoy a privilege which belongs only to the people in general, to whom however they are not accountable for their conduct. All they can ſuffer, in caſe they have acted contrary to the ſenſe of their borough or county, is not to be choſen another time. This ſeems therefore to be lodging too great a power in bare repreſentatives. It was not ſo in France, when the ſtates of that kingdom were convened. Every province drew up, before-hand, their particular inſtructions [a], from which their deputies were not allowed to ſwerve. In like manner, in important affairs to be debated by the States-general of the United provinces, the deputies receive inſtructions from their provinces; and in the particular ſtates of each province, the magiſtrates of the towns give their orders and inſtructions to their deputies.

A fourth abuſe lies in the public canvaſſings at the time of elections, with great expence. It coſts ſome men ſeveral thouſands of pounds to be elected, and this openly in the face of all the world.

Laſtly, There is another ſort of abuſe in the houſe of commons, namely, that the members are allowed to go and come, or abſent themſelves as they pleaſe, except on certain great occaſions, ſo that of five hundred and thirteen members, (if I miſtake not) there are not preſent ſometimes above one hundred and fifty. This makes it much more eaſy for the parties to cabal, than if the houſe were full. Moreover many members, though in London, do not conſtantly attend the houſe, but keep away upon any the ſlighteſt affair of their own. This puts me in mind of a pleaſant ſtory, with which I ſhall cloſe this digreſſion. A whig member telling one of the ſame party in great anger, "That if he had been at the houſe that morning, they ſhould have carried an important point." The other calmly aſked him, "By how many they loſt it? By one ſingle vote," ſays he. The other replies, "Had I been there, we ſhould have loſt it by four, for there would have been four tories more, whom I have kept all this morning on purpoſe at a tavern."

It remains only that I briefly ſpeak of the intereſts of the neighbouring ſtates, whith regard to the whigs and tories.

Though the differences between the two parties ſeem only to reſpect England, they have a great influence on the affairs of the other ſtates. The peace of Utrecht clearly ſhews of what conſequence they are to all Europe.

Every one knows, that the States-general of the United Provinces are friends of the whigs, and very juſtly, ſince the whigs have all along ſupported their intereſt in England. The whigs obliged Charles II. to make a peace with Holland, when he was in league with Lewis XIV. againſt her. From that time, they have ever conſidered the intereſt of the Dutch as their own. Accordingly, in their turn, they have received ſignal ſervices from them, particularly in the aſſiſtance given by the States-general to the prince of Orange, to go and break king James's meaſures. This good underſtanding is ſtill cultivated, ſo that the Dutch may be ſaid to be whigs, and the whigs to be Dutch. The reaſon of this union is evident. For France, perpetual enemy of Holland, ever ſupported the tories; whence it follows, that Holland is obliged to ſtand by the whigs, ſince ſhe cannot expect aſſiſtance from England, but by their means. This is ſo clear, that it needs no farther illuſtration.

For the ſame reaſon, the emperor, as ſovereign of the Netherlands, ought to be a friend to the whigs. As he muſt look upon the king of France as a very formidable and dangerous neighbour, he can expect the aſſiſtance of the Engliſh, in caſe his dominions are invaded, and when the whigs are in power. In all appearance, the tories would not exert themſelves in the defence of the Netherlands againſt the invaſions of France. But, ſhould the emperor, through exceſſive zeal for his religion, lend his forces to the pretender to aſcend the throne of England, he would only render France ſtill more powerful, and add to the balance of Europe a weight, which would make it entirely incline to one ſide.

The intereſts of France, with regard to the whigs and tories, afford matter for many more obſervations. In general, it is doubtleſs the intereſt of that crown to cultivate a good underſtanding with England. Since the growth of the houſe of Auſtria, that is, ſince about two hundred years, England has ever had it in her power to incline the balance either on the ſide of Auſtria, or on the ſide of France, as ſhe pleaſed. But it has been her ſtanding intereſt to keep the balance even between theſe two powers. This has been the hinge, on which all the policy of the kings of England has turned, for two centuries. Henry the Eighth's varying ſometimes from this courſe, is to be aſcribed wholly to the private intereſt of cardinal Wolſey his prime miniſter, or to his own caprice. So it was ever the intereſt of France to keep fair with England. Accordingly Lewis XIV. has politicly endeavoured theſe fifty years, either to get England on his ſide, or, at leaſt, to prevent her from eſpouſing that of his enemies. But as it was not eaſy for that monarch to perſuade the Engliſh, that to incline the balance to his ſide was for their advantage, he confined his endeavours to hinder them from concerning themſelves in the affairs of Europe, to the

[a] Called in French, Les Cahiers.

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end he might proceed without any oppoſition from them. But it muſt be obſerved, that this policy reſpected only his vaſt deſigns of enſlaving all Europe. Otherwiſe, he would have had no need to trouble himſelf about the Engliſh. To ſet this matter in a clearer light, it will not be amiſs to ſhew briefly how this monarch managed with regard to England.

Lewis XIV, as every one knows, formed the project of an univerſal monarchy in Europe. As he was not ignorant that England was concerned to keep the balance of Europe even, and that the Engliſh conſidered this maxim as the chief foundation of their ſecurity, he was juſtly apprehenſive of their oppoſing the execution of his deſigns. For prevention of which, he uſed all his addreſs to gain Charles II. to his intereſt, when he had reſolved upon a war with Holland in 1672. The miniſtry being tory, he drew Charles, by their means, into a league with him. But this league was of no long continuance. It was ſo evidently againſt the intereſt of England, that the parliament obliged the king to make peace with Holland. Nay, they would have conſtrained him to declare againſt France, if the proſpect of an approaching peace between that crown and the States-general, had not hindered them from going ſo far.

The peace of Nimeguen, concluded in 1678, cauſed not the king of France to diſcontinue the proſecution of his grand deſigns. But as he was very ſenſible, king Charles would not have it in his power to follow his own inclination, he reſolved to take another method, in order to diſable England at leaſt from interpoſing in the affairs of Europe. And that was to raiſe troubles in the kingdom, and then to foment them, that the Engliſh might be employed at home. The duke of York's plots, the king his brother's eaſineſs to be guided by his counſels, the choice of paſſionate and perhaps corrupt miniſters, proceeded in all appearance, from Lewis's ſecret practices in England. This method ſucceeded to his wiſh. The conſpiracy diſcovered by Titus Oates, the pretended proteſtant plot, the perſecution of the preſbyterians, the people's murmurs, the diſcord between the king and the parliament found the Engliſh ſo much employment at home, that it was not poſſible for them to look abroad. In the mean time, Lewis XIV. was rendering himſelf formidable to all Europe, having nothing to fear from the Engliſh, who remained idle, when they ſhould have uſed their utmoſt endeavours to put a ſtop to his progreſs.

Upon the acceſſion of James II. to the throne, Lewis gave not over a method that had proved ſo ſucceſsful. On the contrary, he preſſed the new king of England to execute the projects he had formed when duke of York, in favour of popery and arbitrary power. He knew theſe two points were ſufficient to keep England long employed; however, as his aim was only to imbroil the nation, he never aſſiſted king James to any purpoſe. The too ſudden execution of that prince's deſigns was not for his intereſt. When he ſaw him on the point of being attacked by the prince of Orange he never ſtirred in his defence, but rather made uſe of the juncture to carry war into Germany. He imagined that the troubles he had raiſed in England, would long diſable that kingdom from oppoſing his ambitious deſigns. This was the ſole end of all his proceedings. Afterwards, when king William proclaimed war againſt him, he ſent king James into Ireland with ſeven thouſand men, an aid too weak to reſtore him to his throne, but ſufficient to make a diverſion, and feed the hopes of the male-contents. Thus is demonſtrated from Lewis's whole conduct, that his ſole intention was to embroil England, and that king James was the dupe of his policy. It ſeems however at firſt ſight, that king James's reſtoration would have been for Lewis's advantage. But moſt aſſuredly it was againſt his intereſt for a king of England to be at peace in his dominions. The reaſon is plain; as it is the intereſt of England to keep the balance even in Europe, Lewis, who had formed vaſt projects, would have been in danger of being oppoſed by a king of England, who having no diſtractions at home, might in the end purſue his true intereſts, or be forced to it by his parliament. And therefore Lewis XIV. has been ſatisfied to keep England embroiled, and for that purpoſe, to hold ſecret correſpondence with the leading tories, who at length have diſcovered themſelves in the laſt years of queen Anne.

It ſeems therefore to be the French king's intereſt to preſerve a good underſtanding with the tories, in order, by their means to foment the troubles in England. This is ſtrictly true, when he forms deſigns againſt the reſt of Europe. But if he aims to live in peace, and ſtand upon his defence, in caſe of invaſion, nothing can be more for his advantage than to cultivate the king of England's friendſhip according to the conſtant maxim of Lewis's predeceſſors, whether the miniſtry be whig or tory. France may now be ſaid to be invincible, as long as England declares not againſt her. But if the king of England is provoked, and enters into a new alliance with Holland and Germany, the laſt war's experience ſhews that France is very far from being invincible. It may therefore be affirmed, that if the illuſtrious prince [b] now at the helm of the French affairs, intends not to purſue the vaſt deſigns of Lewis XIV, it is not his intereſt to cheriſh the troubles of England, which, inſtead of being for his advantage, may greatly turn to his prejudice [c]. I confeſs, in the indirect aſſiſtance given to the pretender in France, the regent's proceedings ſeem to deſtroy the maxim I mean to advance. Time will unfold, perhaps, the myſtery of this policy. But in the mean while I cannot forbear thinking that he is miſinformed of the true ſtate of the two parties in England, and has given too much credit to intereſted and prejudiced perſons. Perhaps, the pretender himſelf has been deceived in the ſame manner.

I have but one obſervation more to make, with which I ſhall conclude what I have to ſay concerning the whigs and tories. In ſpeaking of their ſeveral views, intereſts and characters, I pretend not to include every particular perſon of either party, but only their leaders and managers, with ſome of the moſt active of both ſides. Though the people in general, by inclination, or intereſt, are either whigs or tories, it does not follow that every ſingle perſon acts in the views I have aſcribed to them. It is certain, moſt ſuffer themſelves to be led without knowing where it is intended to conduct them, or examining the courſe preſcribed them. Conſequently they are far from being concerned in the intrigues and cabals of their leaders. Such a one has liſted himſelf a tory, as being attached to the church of England, and afterwards, without knowing how, finds himſelf obliged to maintain the principles of the high-flyers and rigid tories, though contrary to his inclination. There are thouſands of good Engliſhmen, without doubt, who grieve to ſee their country thus rent with diviſions, and would gladly embrace all expedients to put a ſtop to them. But it is not eaſy to obſerve a juſt neutrality, becauſe it is difficult to be without ambition and avarice. Thoſe who ſtand neuter, as I ſaid, are neither preferred nor truſted, by reaſon that one of the parties are always in power, and have nothing more at heart, than the advancing their friends, or gaining ſome of their adverſaries. Conſequently there can be no poſts or offices for men, from whom the prevailing party can expect no manner of ſervice. Moreover, how can a man be neuter between two parties, each of whom repreſent their adverſaries as deſigning thoſe evils which are moſt apt to fill men with fears, I mean the deſtruction of the religion they profeſs, and the diſſolution of the government; which alone, in their opinion, can render ſubjects happy? A man muſt be very inſenſible, not to be moved with ſuch dangers, when convinced of their reality.

All Engliſhmen therefore are not to bear the blame of theſe unnatural diviſions, but only thoſe who cheriſh them for their own private intereſt. Who are they that would inveſt the king with abſolute power? Who are they that would debar free-born ſubjects of liberty of conſcience? Who are they, in a word, that labour to introduce popery? Can it be ſaid that theſe are the views of every particular tory? No, by no means. But they are the aims of the leaders, who, for their own ends, ſeduce the poor people, and make no ſcruple to involve them in the danger of a civil war.

It may be affirmed, that it is not the kingdom's intereſt for one of the parties to become ſo ſuperior as to meet with no oppoſition. Should it be the high-flyers, they would introduce arbitrary power. And if it were the moderate tories, their biaſs to the prerogative of the crown, would at length enable the ſovereign to ſhake off the galling yoke of parliaments. Were it poſſible for the papiſts to be ſuperior, England would ſoon loſe her religion and liberty. On the other hand, if the republican-whigs ſhould recover the advantage they have loſt, you would hear no more of the kingdom but the commonwealth of England as in Cromwell's days. Laſtly, were the moderate whigs to have the management, they would ſo guard againſt the encroachments of the regal power, that the ſovereign would be reduced to the condition of a doge of Venice.

[b] The duke of Orleans.

[c] It muſt be obſerved, that what Rapin ſays here of the intereſt of France with regard to the whigs and tories, was written before the concluſion of the alliance between that crown, England, and Holland, ſigned January 4, 1717, this Diſſertation being finiſhed in February 1716.

As for the two parties with regard to religion, it is certain, if the preſbyterians can ever act without controul, they will not be ſatisfied till the hierarchy of the church of England be entirely demoliſhed. But then, if the rigid epiſcopalians have nothing to balance their power, the preſbyterians muſt expect to be openly perſecuted. And who knows whether they will ſuffer them to enjoy a bare liberty of conſcience?

Aſſuredly the welfare of the kingdom conſiſts not in any of the ends propoſed by the leaders of both parties. The only way to reſtore peace and tranquility, would be to leave the government upon its ancient foot, and the church as eſtabliſhed at the reformation. It would alſo be neceſſary to grant a toleration to the preſbyterians, who are very numerous in the kingdom. If this way be not uſed, it will always be better for the ſtate that the people remain in diviſion, than if one of the parties ſhould acquire a ſuperiority, which would be more fatal to the public than the equality which cheriſhes diſcord. I do not ſee what can put an end to this ſort of civil war, but the prudence of a juſt and equitable ſovereign, moderate in his deſires and paſſions, a lover of the proteſtant religion, and that makes the good and happineſs of his ſubjects his whole care and ſtudy. This is what may with reaſon be expected from the king who now fills the throne, ſince he poſſeſſes all thoſe virtues in an eminent degree. May heaven proſper his deſigns, and may he live to ſee the happy effect of his pains and endeavours!

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APPENDIX,

A P P E N D I X,

CONTAINING,

I. The Bill for Baſtardiſing Edward IV's Children, and ſettling the Crown on Richard III, and his Deſcendants.

II. The Proceedings of the Convention of 1653.

III. A Hiſtorical Abridgement of the Treaties from the Year 1648 to the Revolution, on which are founded the Rights and Pretenſions of the ſeveral Princes and States of Europe.

I. The Bill for ſettling the Succeſſion of the Crown on Richard III, and his Deſcendants.

MR. Rapin (with moſt of our hiſtorians) has committed ſome miſtakes (particularly vol. ii. p. 10.) concerning the affair of baſtardiſing the iſſue of king Edward IV. for the correction of which, ſir Robert Cotton's tranſlation of the bill for excluding Edward's children, and ſettling the crown on Richard III, and his deſcendants, is here inſerted at large, with Prynne's Annotations. This extraordinary bill, though publiſhed near one hundred years ago, has not only not been copied, but hardly noticed by any Engliſh hiſtorian except Speed.

Anno primo RICHARDI Tertii.

In rotulo parliamenti tenti apud Weſtm. die Veneris, viceſſumo tertio die Januarii, anno regni regis Richardi Tertii primo, inter alia continentur, ut ſequitur.

Memorandum quod quædam billa exhibita fuit coram domino rege in parliamento prædicto in hæc verba.

WHEREAS late heretofore, that is to ſay, before the conſecration, coronation, and enthronization of our ſovereign lord king Richard III, a roll of parchment, containing in writing certain articles of the tenor underwritten, on the behalf, and in the name of the three eſtates of this realm of England, that is to ſay, of the lords ſpiritual and temporal, and of the commons by name, and other nobles and notable perſons of the commons in great multitude, was preſented and actually delivered unto our ſaid ſovereign lord, the intent and effect expreſſed at large in the ſame roll, to the which roll, and to the conſiderations, and inſtant petition compriſed in the ſame, our ſaid ſovereign lord, for the public weal, and tranquility of this land, benignly aſſented.

Now, foraſmuch as neither the ſaid three eſtates, neither the ſaid perſons, which in their name preſented and delivered, as it is aforeſaid, the ſaid roll unto our ſaid ſovereign lord the king, were aſſembled in "form of parliament;" by reaſon whereof divers doubts, queſtions, and ambiguities, being moved and engendered in the minds of divers perſons as it is ſaid [a].

Therefore, to the perpetual memory of the truth, and declaration of the ſame, be it ordained, provided, and eſtabliſhed in this preſent parliament, That the tenor of the ſaid roll, with all the contents of the ſame, preſented as is aboveſaid, and delivered to our aboveſaid ſovereign lord the king, in the name, and in the behalf, of the ſaid three eſtates out of parliament [b], be now by the ſaid three eſtates aſſembled in this preſent parliament, and by authority of the ſame, ratified, enrolled, recorded, approved, and authorized, to the removing of the occaſions of doubts and ambiguities, and to all other lawful effects that ſhall now thereof enſue; ſo that all things ſaid, affirmed, ſpecified, deſired, and remembered in the ſaid roll, and in the tenor of the ſame, underwritten in the name of the ſaid three eſtates, to the effect expreſſed in the ſaid roll, be of the like effect, virtue, and force, as if all the ſame things had been ſo ſaid, affirmed, ſpecified, and remembered in full parliament, and by authority of the ſame accepted and approved: the tenor of the ſaid roll of parchment, whereof above is made mention, followeth, and is ſuch.

To the high and mighty prince Richard, duke of Glouceſter.

"Pleaſeth it your noble grace to underſtand the conſiderations, election, and petition under written, of us the lords ſpiritual and temporal, and commons of this realm of England, and thereunto agreeable, to give your aſſent to the common and public weal of this land, and to the comfort and gladneſs of all the people of the ſame [c].

Firſt, we conſider, how that heretofore in time paſt, this land for many years ſtood in great proſperity, honour, and tranquility; which was cauſed for ſo much as the kings reigning uſed and followed the advice and counſel of certain lords ſpiritual and temporal, and other perſons of approved ſageneſs, prudence, policy, and experience, dreading God, and having tender zeal and affection to indifferent adminiſtration of juſtice, and to the common and public weal of the land: Then our Lord God was dreaded, loved, and honoured; then within the land was peace and tranquility, and among the neighbours concord and charity; then the malice of outward enemies was mightily reſiſted and repreſſed; and the land honourably defended with many great and glorious victories; then the intercourſe of merchants was largely uſed and exerciſed; by which things above remembered, the land was greatly enriched, ſo that as well the merchants as the artificers, and other poor people, labouring for their living in divers occupations, had competent gain, to the ſatisfaction of them and their houſholds, living without miſerable and intolerable poverty. But afterwards, when as ſuch had the rule and governance of this land, delighting in adulation and flattery, and led by ſenſuality and concupiſcence, followed the counſel of perſons inſolent, vicious, and of inordinate avarice, deſpiſing the counſel of perſons good, virtuous, and

Mr. Prynne's Notes.

[a] Things done and concluded without the three eſtates in parliament, give little or no ſatisfaction to the people, though in the name of the parliament and the three eſtates.

[b] The three eſtates muſt concur to make a parliament, elſe his title would neither be valid nor ſatisfactory, but ambiguous as before, no one or two of them being a full or real parliament, but all conjoined.

[c] The new device of this bloody uſurper, to entitle himſelf to the crown of England, and take upon him the regal government.

Liberties

prudent, ſuch as above be remembered; the proſperity of this land decreaſed daily, ſo that our felicity was turned into miſery, and our proſperity into adverſity, and the order of policy, and the laws of God and man confounded; whereby it is likely for this realm to fall into great miſery and deſolation, (which God defend) without due proviſion of convenable remedy be had in this behalf in all godly haſte.

Over this, among other things more ſpecial, we conſider how in the time of the reign of Edward IV. late deceaſed, after the ungracious pretended marriage (as all England hath cauſe to ſay) made betwixt the ſaid king Edward and Elizabeth, ſometimes wife to Sir John Gray, knight, late naming herſelf, and many years heretofore queen of England, the order of politic rule was ſubverted, the laws of God, and of God's church, &c. alſo the laws of nature, and of England, and alſo the laudable cuſtoms and liberties of the ſame, wherein every Engliſhman is inheritor, were broke, ſubverted, and contemned, againſt all reaſon and juſtice[d]; ſo that the land was ruled by ſelf-will and pleaſure, fear and dread, all manner of equity and law laid apart and deſpiſed; whereof enſued many inconveniences and miſchiefs, as murders, extortions and oppreſſions, namely of poor and impotent people; ſo that no man was ſure of his life, land, or livelihood, nor of his wife, daughter, or ſervant, every good maiden and woman ſtanding in fear to be raviſhed and deflowered. And beſides this, what diſcords, inward battles, effuſion of chriſtian men's blood, and namely, by the deſtruction of the nobles blood of this land, was had and committed within the ſame, is evident, and notorious through all this realm, unto the great ſorrow and heavineſs of all true Engliſhmen. And here alſo we conſider, how that the ſaid pretended marriage betwixt the above-named king Edward and Elizabeth Gray, was made of great preſumption, without the knowledge and aſſent of the lords of this land, and alſo by ſorcery and witchcraft committed by the ſaid Elizabeth, and her mother Jacquet, ducheſs of Bedford, as the common opinion of the people, and the public voice and fame is throughout all this land, and hereafter, if the cauſe ſhall require, ſhall be proved ſufficiently in time and place convenient. And here alſo we conſider, how that the ſaid pretended marriage was made privily and ſecretly, without edition of banns, in a private chamber, a prophane place, and not openly in the face of the church, after the laws of God's church, but contrary thereunto, and the laudable cuſtom of the church of England; and how alſo at the time of the contract of the ſame pretended marriage, and before and long time after, the ſaid king Edward was and ſtood married, and troth-plight, to one dame Eleanor Butler, daughter to the earl of Shrewſbury, with whom the ſaid king Edward had made a pre-contract of matrimony, long time before he made the ſaid pretended marriage with the ſaid Elizabeth Gray, in manner and form aforeſaid *. Which premiſſes being true, as in very truth they be true, it appeareth and followeth evidently that the ſaid king Edward during his life, and the ſaid Elizabeth, lived together ſinfully and damnably in adultery, againſt the law of God and of his church; and therefore, no marvel that the ſovereign lord and head of the land being of ſuch ungodly diſpoſition, and provoking the ire and indignation of our Lord God, ſuch heinous miſchiefs and inconveniences as are above remembered were uſed, and committed in the realm amongſt the ſubjects. Alſo it appeareth evidently, and followeth, that all the iſſue and children of the ſaid king Edward be baſtards, and unable to inherit, or claim any thing by inheritance, by the law and cuſtom of England.

Moreover, we conſider how that afterwards by the three eſtates of this realm aſſembled in parliament, holden at Weſtminſter, anno 17, of the reign of the ſaid king Edward IV, he then being in poſſeſſion of the crown and royal eſtate, by act made in the ſame parliament, George duke of Clarence, brother to the king Edward now deceaſed, was convicted, and attainted of high treaſon, as in the ſaid act is contained more at large; becauſe, and by reaſon whereof, all the iſſue of the ſaid George was, and is diſabled, and barred of all right and claim, that in any caſe they might have, or challenge by inheritance, to the crown and dignity royal of this realm, by the ancient laws and cuſtoms of this ſame realm.

Over this, we conſider, that you be the undoubted heir of Richard duke of York, very inheritor of the ſaid crown and dignity royal, and as in right king of England by way of inheritance; and that at this time the premiſſes duly conſidered, there is none other perſon living but you only that may claim the ſaid crown and dignity royal, by way of inheritance, and how that you be born within this land; by reaſon whereof, as we deem in our minds, you be more naturally inclined to the proſperity and commonweal of the ſame; and all the three eſtates of the land have, and may have more certain knowledge of your birth and filiation aforeſaid. We conſider alſo the great wit, prudence, juſtice, princely courage, and the memorable and laudable acts in divers battles, which as we by experience know you heretofore have done, for the defence and ſalvation of this realm, and alſo the great nobleneſs and excellency of your birth and blood, as of him that is deſcended of the three moſt royal houſes of Chriſtendom; that is to ſay, England, France, and Spain[e]. Wherefore theſe premiſſes duly by us conſidered, we deſiring effectually the peace, tranquillity, and weal public of this land, and the reduction of the ſame to the ancient honourable eſtate, and proſperity: and having in your great prudent juſtice, princely courage, and excellent virtue, ſingular confidence, have choſen by all that in us is, and by that our writing chuſe you high and mighty prince, our ſovereign lord[f], to whom we know of certain it appertaineth of inheritance ſo to be choſen[g]. And hereupon we humby deſire, pray, and require your moſt noble grace, that according to this election of us the three eſtates of your land, as by inheritance, you will accept and take upon you the ſaid crown and royal dignity, with all things thereunto annexed and appertaining, as to you of right belonging, as well by inheritance as by lawful election[h]; and in caſe you ſo do, we promiſe to aſſiſt and ſerve your highneſs, as true and faithful ſubjects and liegemen, and to live and die with you in this matter, and every other juſt quarrel; for certainly we be determined rather to adventure and commit us to the peril of our lives and jeopardy of death, than to live in ſuch thraldom and bondage as we have done long time heretofore; oppreſſed and injured by extortions, and new impoſitions, againſt the law of God and man, and the liberties and old policy, and laws of this land, wherein every Engliſhman is inherited[i]. Our Lord God, king of all kings, by whoſe infinite goodneſs and eternal providence all things are principally governed in this world, lighten your ſoul, and grant you grace to do as well in this matter as in all others, that which may be according to his will and pleaſure, and to the common and public weal of this land. So that after great clouds, troubles, ſtorms and tempeſts, the ſun of juſtice and of grace may ſhine upon us, to the joy and comfort of all true-hearted Engliſhmen[k].

Albeit that the right, title, and eſtate, which our ſovereign lord, king Richard III, hath to, and in the crown and royal dignity of this realm of England, with all things thereunto within the ſame realm, and without it annexed and appertaining, being juſt and lawful, as grounded upon the laws of God and nature, and alſo upon the ancient laws and laudable cuſtoms of this ſaid realm; and alſo taken and reputed as ſuch by all perſons, being learned in the aboveſaid laws and cuſtoms[l].

Yet nevertheleſs, foraſmuch as it is conſidered, that the moſt part of the people is not ſufficiently learned in the aboveſaid laws and cuſtoms, whereby the truth and right in this behalf of likelihood may be hid, and not clearly known to all the people, and thereupon put in doubt and queſtion. And over this, how that the court of parliament is of ſuch authority, and the people of this land is of ſuch a nature and diſpoſition as experience teacheth, that manifeſtation or declaration of any truth or right, made by the three eſtates of this realm aſſembled in parliament, and by the authority of the ſame, maketh before all other things, moſt faith, and certain quieting of men's minds, and removeth the occaſion of doubts, and ſeditious language[m].

[d] Liberties and laws every Engliſhman's inheritance.

* The marriage contract is by Rapin and other modern hiſtorians ſaid to be with Eleanor Lucy inſtead of Eleanor Butler. Tindal.

[e] His pretended virtues and fitneſs to reign as king; his valour in battle; his honourable and royal birth; without one word of his deſperate treaſons, regicides, murders, hypocriſy, and other vices.

[f] His election by the three eſtates and this inſtrument, to be king of England.

[g] They make his hereditary title the ground of their choice.

[h] Their petition and importunity to him to accept of the crown, though himſelf moſt eagerly thirſted after it. And his hereditary right thereto ſeconded by their election.

[i] Their promiſe to aſſiſt, ſerve, and obey him, upon his acceptance thereof, as his ſubjects, and to live and die with him. And their pretended great thraldom, bondage, oppreſſions, &c. under his predeceſſors. Ibid.

[k] Their prayer for him, and their great trouble, occaſioned partly by himſelf. Ibid.

[l] The lawyers flatter and approve his title. The common people ignorant in the laws. Prynne.

[m] The parliament's authority with the people, when true, free and real, conſiſting of the three eſtates. Its declaration quieteth all men's minds, removeth all doubts and ſeditions. Yet he that conſiders 39 Henry VI. or 1 Edward IV. will ſcarce believe this for a truth, neither proved it to in his own caſe. The three eſtates muſt all concur to make a parliament, and valid election.

They

Therefore, at the requeſt, and by the aſſent of the three eſtates of this realm, that is to ſay, the lords ſpiritual and temporal, and commons of this land, aſſembled in this preſent parliament, and by authority of the ſame, be it pronounced, decreed and declared, that our ſaid ſovereign lord the king was, and is the very undoubted king of this realm of England, with all things thereunto within the ſame realm, and without it, united, annexed, and appertaining, as well by right of conſanguinity and inheritance, as by lawful election, conſecration, and coronation [n].

And over this, that at the requeſt, and by the aſſent and authority aboveſaid, be it ordained, enacted and eſtabliſhed, that the ſaid crown, and royal dignity of this realm, and the inheritance of the ſame, and all other things thereunto within this realm, or without it, united and annexed, and now appertaining, reſt and abide in the perſon of our ſaid ſovereign lord the king, during his life, and after his deceaſe in his heirs of his body begotten, in eſpecial at the requeſt, and by aſſent, and the authority aforeſaid, be it ordained, enacted, eſtabliſhed, pronounced, decreed and declared, that the high and excellent prince Edward, ſon of our ſaid lord the king, be heir apparent of the ſame our ſovereign lord the king, to ſucceed to him in the aboveſaid crown and royal dignity, with all things (as is aforeſaid) thereunto united, annexed, and appertaining, to have them after the deceaſe of our ſaid ſovereign lord the king, to him, and to the heirs of his body lawfully begotten.

"Quæ quidem billa communibus regni Angliæ in dicto parliamento exiſtentibus tranſportata fuit, cui quidem billæ iidem communes aſſenſum ſuum præbuerunt ſub his verbis:" A ceſte bille les communs ſont aſſentes: "quibus quidem billa & aſſenſu coram domino rege in parliamento prædicto, lectis, auditis, & plene intellectis, & de aſſenſu dominorum ſpiritualium & temporalium in dicto parliamento ſimiliter exiſtentium, & communitatis prædictæ; nec non authoritate ejuſdem parliamenti pronunciatum, decretum, & declaratum exiſti, Omnia, & ſingula in billa prædicta contenta fore vera & indubita; ac idem dominus rex, de aſſenſu dictorum trium ſtatuum regni, & authoritate prædicta, omnia & ſingula præmiſſa in billa prædicta contenta concedit, & ea pro vero & indubio pronunciat, decernit, & declarat [o]."

It is obſerved by the authors of the Parliamentary Hiſtory, Vol. II. that this parliament is not introduced in the abridgment of the records, or in the parliament roll, with that formality as moſt of or all the reſt are. There are no writs of ſummons, nor names of peers; no ſpeech from the throne or from the lord chancellor, declaring the cauſe of the meeting, nor any ſpeaker to the commons mentioned in it: Neither is there any notice taken of a tax or ſubſidy; though the tax is ſaid by hiſtorians to have been very grievous to the people [p]. There is no wonder that the act of attainder againſt the earl of Richmond and his followers, is not to be found on record. Conqueſt, and ſucceſſion to the crown ſoon after, gave him power enough not only to abrogate that act, but even to eraſe it from the records. And the reaſon the roll is yet extant may be aſſigned to the policy of the conqueror, ſince it conveyed a blot on the houſe of York, by baſtardizing Edward's children.

II. Concerning the Convention of 1653.

CROMWELL, on the 20th of April 1653, diſſolved the long parliament, which had rendered themſelves ſo famous at home and abroad; and, in conjunction with his council of officers, reſolved to ſummon a ſelect number of perſons in England, Scotland, and Ireland, to whom the ſupreme authority ſhould be delegated by an inſtrument ſigned and ſealed by himſelf and the officers, obliging themſelves to be obedient to their orders. Purſuant to this reſolution, about 140 perſons (five of whom were for Scotland, and ſix for Ireland) were ſummoned in the general's name only *, to meet at Whitehall the 4th of July 1653. Being aſſembled on the day appointed, Cromwell made a long ſpeech to them, ſhewing the cauſe of their ſummons, and that "they had a clear call to take upon them the ſupreme authority of the common-wealth." Then he produced an inſtrument under his own hand and ſeal, whereby he did, with the advice of his officers, devolve and intruſt the ſupreme authority and government of the common-wealth into their hands, any forty of whom were to be deemed the ſupreme authority; but not to ſit longer than the 3d of November 1654; and, three months before their diſſolution, they were to chuſe their ſucceſſors, who were to ſit but one year, and ſo on.

This extraordinary convention having choſen Francis Rouſe for their ſpeaker, by calling him to the chair, and Mr. Scobel for their clerk, they voted themſelves to be the parliament of the common-wealth of England, and publiſhed a declaration, "That as they were ſummoned and required to take upon them the ſupreme government of England, Scotland, and Ireland, they had judged it meet, for the peace and ſafety of theſe nations, to undergo that great burden—That they ſhould endeavour to demean themſelves in all things as becomes thoſe who are ſet by God for the good of all, and to be as tender of the lives, eſtates, liberties, juſt rights, and properties of all others, as they were of themſelves and their poſterities, whom they expected ſtill to be governed by ſucceſſive parliaments."

This done, they appointed ſeveral committees, and amongſt theſe were, 1. For correcting the grievances of the law. 2. For the buſineſs of tythes. 3. For trade and corporations. 4. For regulating the commiſſions of the peace. 5. For priſons and priſoners. 6. For advancement of learning, and receiving all propoſitions tending thereto [q].

Having voted that all petitions ſhould be preſented by ſome member, they ordered Mr. Scobel, their clerk, to publiſh a liſt of their names, that it might be known who were the repreſentatives of the nation, which, by the private manner of their ſummons, did not appear.

The LIST was as follows.

BEDFORDSHIRE.
Nathaniel Taylor,
Edward Cater.

BERKSHIRE.
Samuel Dunch,
Vincent Goddard,
Thomas Wood.

BUCKINGHAMSHIRE.
George Fleetwood,
George Baldwin.

CAMBRIDGESHIRE.
John Sadler,
Thomas French,
Robert Caſtle,
Samuel Warner.

CHESHIRE.
Col. Robert Duckenfield,
Henry Berkhead.

CORNWALL.
Col. Robert Bennet,
Francis Langden,
Anthony Rous,
John Bawden.

CUMBERLAND.
Col. Robert Fenwick.

DERBYSHIRE.
Jervaſe Bennet,
Col. Nathaniel Barton.

DEVONSHIRE.
George Moncke, one of the generals at ſea.
John Carew,
Major Thomas Saunders,
Chriſtopher Martin,
James Eriſey,
Francis Rouſe, Speaker [r],
Richard Sweet.

DORSETSHIRE.
Col. William Sydenham,
Col. John Bingham.

DURHAM.
Henry Daviſon.

ESSEX.
Col. Joachim Matthews,
Henry Barrington,
John Brewſter,
Chriſtopher Earl,
Dudley Templer.

GLOUCESTERSHIRE.
John Crofts,
William Neaſt,
Robert Holmes.

[n] They decree and declare him the undoubted king of this realm, by inheritance and their lawful election coupled together.

[o] Here he creates and ratifies his own title.

[p] So far was this parliament from laying any burthenſome tax, that among many wholeſome laws which ſtand unrepealed to this day, one was, "That whereas the ſubjects of this realm had of late been burthened with a new impoſition, called, A Benevolence, the ſame ſhould not thenceforth be exacted." It was likewiſe enacted, "That every juſtice of peace ſhall have power to admit a priſoner, arreſted for felony, to bail; and that no officer ſhall ſeize the goods of a priſoner, arreſted for felony, till he be attainted." Another act was, "That no perſon ſhall be impanneled upon juries, but who hath 20 ſhillings freehold, or 26 ſhillings and 8 pence copyhold at the leaſt."

* See the ſummons, Vol. II. p. 819, note [t].

[q] This ſeems to vindicate them from the aſperſion of being enemies to learning, and deſpiſers thereof.

[r] Provoſt of Eaton College, and member for Truro in the late parliament. He publiſhed a tranſlation of the Pſalms.

HEREFORDSHIRE.

Wroth Rogers,
John Herring.

HERTFORDSHIRE.

Col. Henry Laurence,
William Reeve.

HUNTINGDONSHIRE.

Col. Edward Montagu,
Stephen Pheaſant.

KENT.

Lord viſcount Liſle,
Col. Thomas Blount,
Col. William Kenrick,
William Cullen,
Andrew Broughton.

LANCASHIRE.

Col. William Weſt,
John Sawrey,
Robert Cunliffe.

LEICESTERSHIRE.

Col. Henry Danvers,
Edward Smith,
John Pratt.

LINCOLNSHIRE.

Sir William Brownlow,
Richard Cuſt,
Barnaby Bowtell,
Humphry Walcot,
William Thompſon.

MIDDLESEX.

Sir William Roberts,
Auguſtine Wingfield,
Arthur Squibb.

London.

Ald. Robert Tichburne,
Ald. John Ireton,
Samuel Moyer,
John Langley,
Capt. John Stone,
Henry Barton,
Praiſe-God Barebone.

MONMOUTHSHIRE.

Col. Philip Jones.

NORFOLK.

Robert Jermy,
Tobias Frere,
Ralph Wolmer,
Henry King,
William Burton.

NORTHAMPTONSHIRE.

Sir Gilbert Pickering, Bt.
Thomas Brooke.

NORTHUMBERLAND.

Henry Ogle.

NOTTINGHAMSHIRE.

John Odinſels,
Edward Cludd.

OXFORDSHIRE.

Sir Charles Wolſeſey,
William Draper,
Dr. Jonathan Goddard.

RUTLANDSHIRE.

Major Edward Horſeman.

SHROPSHIRE.

William Bottrell,
Thomas Baker.

SOMERSETSHIRE.

Robert Blake, one of the generals at ſea.
Col. John Pine,
Dennis Holliſter,
Henry Henley.

SOUTHAMPTONSHIRE.

Col. Richard Norton,
Richard Major,
John Hildeſley.

STAFFORDSHIRE.

George Bellot,
John Chetwood.

SUFFOLK.

Jacob Caley,
Francis Brewſter,
Robert Dunkon,
Col. John Clark,
Edward Plumſtead.

SURRY.

Samuel Highland,
Lawrence March.

SUSSEX.

Anthony Stapeley,
William Spence,
Nathaniel Studeley.

WARWICKSHIRE.

John St. Nicholas,
Richard Lucy.

WESTMORELAND.

Col. Charles Howard.

WILTSHIRE.

Sir Anthony Aſhley Cooper,
Nicholas Green,
Thomas Eyre.

WORCESTERSHIRE.

Major Richard Salway,
Col. John James.

YORKSHIRE.

George lord Eure,
Walter Strickland,
Francis Laſcelles,
John Anlaby,
Thomas Dickenſon,
Thomas St. Nicholas,
Roger Coats,
Edward Gill.

WALES.

Buſſy Manſell,
James Philips,
John Williams,
Hugh Courteney,
Richard Price,
John Brown.

SCOTLAND.

Sir John Hope, of Hopton,
Alexander Brodie,
John Swinton,
William Lockhart,
Alexander Jeffrys.

IRELAND.

Sir Robert King,
Col. John Hewſon,
Col. Henry Cromwell,
Col. John Clark,
Col. Daniel Hutchinſon,
Vincent Gookin.

The characters of theſe perſons are variouſly repreſented by the hiſtorians of thoſe times. By the lord Clarendon, and other cotemporaries, and by our modern hiſtorians, who implicitly copy their invectives and miſtakes, they are ſtyled (except a few gentlemen) illiterate, fooliſh, low mechanics, fanatics, the dregs of the human ſpecies, enthuſiaſts, and are ſaid to be enemies to the clergy, and to look upon the function itſelf as Anti-chriſtian, and the payment of tythes as abſolute Judaiſm; to deem learning unneceſſary and heatheniſh; and to intend to abrogate the law and eſtabliſh the Moſaical inſtitution. And as to their proceedings, they are paſſed over with the utmoſt neglect. It is ſaid, that they never entered upon any grave and ſerious debate that might tend to any ſettlement; and Rapin himſelf, with the other moderns, falls into the ſame error, affirming, 'that this ridiculous aſſembly, in above a five-months ſeſſion, did nothing remarkable." Nor have hiſtorians mentioned ſcarce any thing more than their meeting and diſſolution.

On the contrary, Whitelock ſays, that many of this aſſembly were perſons of fortune and knowledge. And Ludlow remarks, "that this aſſembly being compoſed, for the moſt part, of honeſt and well-meaning perſons, who thought themſelves in full poſſeſſion of the power and authority of the nation, and therefore proceeded to the making of laws relating to the public."

Theſe are the different characters and repreſentations of this convention: and as by the laws they made, and the bills they were employed about at the time of their diſſolution, it will beſt appear whether they do or do not deſerve all that ignominy which hath been thrown upon them, an account of ſome of their proceedings ſhall be laid before the reader, as taken from their journals (which are printed with the ſame exactneſs as any of the preceding legal parliaments) and from other authorities of the times [s].

Upon a petition from inſolvent debtors within the ſeveral tyrannical dens of cruelty (the priſons and goals) an act was paſſed for the relief of creditors, and poor debtors, worthy of the beſt of times [t].

[s] The journals were publiſhed to prevent falſe or imperfect accounts being obtruded upon the public. Beſides theſe, was publiſhed 'An exact relation of the proceedings and tranſactions of the parliament which began July 4, 1653, by a member thereof." See the Parliamentary Hiſtory, vol. xx.

[t] An abſtract of the moſt important clauſes of this act:

Seventeen commiſſioners were appointed to act as judges in the caſe of priſoners in the Upper Bench Priſon, the Fleet, the Gatehouſe in Weſtminſter, the Counter in Surry, or priſon in White-chapel; with power to examine, and determine in a ſummary way, concerning the cauſes of ſuch perſons impriſonment, their eſcapes and their eſtates; and to act as commiſſioners of bankrupts, who were to be allowed two pence in the pound out of the money ariſing by the ſale of ſuch priſoners eſtates, for the charges of them and their clerks. A certain number of perſons were alſo appointed to act in the ſame capacity for each county in England and Wales, with an allowance of ſixpence in the pound.

Priſoners not paying their debts in ſix months to be deemed bankrupts; and in caſe of ſettlement of any part of a priſoner's eſtate in truſt for himſelf or any other perſon, after the debt contracted or judgment obtained, theſe commiſſioners were empowered to ſell the eſtate, and to fine any other perſon aiding or aſſiſting in ſuch fraud; and perſons not able to pay ſuch fine were to be adjudged to the pillory or workhouſe.

Priſoners able to pay their debts, and refuſing ſo to do, were, if theſe commiſſioners thought fit, to be ordered to cloſe impriſonment: the eſtates of any perſon for whoſe debts another ſhould be impriſoned, were to be ſold as fully as the eſtate of the priſoner himſelf; and where a priſoner made an eſcape, his eſtate not being ſufficient to diſcharge his debts, the goaler and his ſecurity were to make good the deficiency: but in caſe of priſoners againſt whom there had not been any declaration filed, theſe commiſſioners were to diſcharge them, and to give them damages for ſuch vexatious impriſonment.

In order to prevent priſoners, unable to pay their debts or fines, from periſhing in priſon, through the cruelty or obſtinacy of any obdurate creditor, theſe commiſſioners were impowered to diſcharge, abate, or give reſpite of time to any ſuch priſoner, according as the circumſtances of the caſe might require; and to remove to the workhouſe or houſe of correction, any obſtinate priſoner, who ſhould be found to lie in priſon through his own wilful default; or to have run in debt by a vicious courſe of life. They were

Having taken into conſideration the ſtate of the high court of chancery, it was reſolved, after a two days debate, " That the court of chancery ſhould be taken away, and that the committee of law ſhould conſider how the cauſes now depending in chancery might be determined, and likewiſe a proviſion made for the deciding matters of equity for the future within the juriſdiction of that court [a].

Not content with this, they took into conſideration the ſtate of the law in general, and reſolved that the committee ſhould conſider of a new body of the law; and every Friday was ſet apart for this affair, which occaſioned great debates [b].

Upon receiving petitions for and againſt the abolition of tythes, the committee was ordered to ſit twice a week, and conſider of the property of incumbents in tythes, as alſo the caſe of proprietors of impropriated tythes, and report the ſame to the houſe. Soon after, a bill was ordered to be brought in for taking away the power of patrons to preſent to benefices. This was followed by the report of the committee of tythes, conſiſting of three articles. The ſubſtance of the two firſt was, " That commiſſioners ſhould be ſent into all the counties, divided into ſix circuits, three in each county to join with four or ſix of every county, and ſhould have power to eject all miniſters who were not of good behaviour or unable to teach.———And to ſettle able perſons in their room, and unite two or three pariſhes together that were not above three miles from the place of public meeting. ———Then followed the names of 21 commiſſioners, conſiſting of ten clergymen and eleven laymen."

By the third article, " All perſons approved on as public preachers of the goſpel in the public meeting places, were to enjoy the maintenance already ſettled by law, and ſuch other encouragement as the parliament has already appointed, or hereafter ſhould appoint: and that where any ſcrupled payment of tythes, the three next juſtices of peace, or two of them, ſhould, upon complaint, call the parties concerned before them; and, by the oaths of lawful witneſſes, ſhould duly apportion the value of the ſaid tythes to be paid either in money or land, by them to be ſet out according to the ſaid value, to be held and enjoyed by him that was to have the ſaid tythes; and in caſe ſuch apportioned value was not duly paid or enjoyed, according to the order of the ſaid juſtices, the tythes ſhould be paid in kind, and ſhould be recovered in any court of record.

" Laſtly, that upon hearing and conſidering what had been offered to the committee touching property in tythes, of incumbents, rectors, poſſeſſors of donatives or impropriate tythes, it was the opinion of the committee, that the ſaid perſons have a legal property in tythes [c]."

One of their moſt remarkable tranſactions, was, the act

were alſo authorized to examine into the caſe of perſons who had fraudulently got out of goal by means of former acts for the relief of inſolvent debtors, and to recommit them. They were to inquire inte the abuſe of charities given to priſoners, and to puniſh the ſame; to make orders for ſelling wholeſome proviſions to the priſoners at a reaſonable price; and to cauſe a table of moderate fees to be hung up in every priſon, and any perſon taking more, was to forfeit fourfold to the party injured, and to be ſet on the pillory: and in caſe of the death of a priſoner before his debts were paid, they were impowered to ſell his eſtate for payment thereof: and tho' priſoners enlarged by this act were not liable to be arreſted for debts due before, yet their eſtates were to remain ſubject to their creditors ſatisfaction.

Laſtly, Theſe commiſſioners were not to be reſponſible for their conduct but to parliament; and in caſe of any difficulty, wherein they might apprehend they had not ſufficient power for the relief of juſt creditors or poor priſoners, they were to certify the ſame to the houſe, with their opinion what further proviſion was neceſſary to be made,"

[a] The arguments on this ſubject, omitted by Whitelock and others, are thus given by the anonymous author of the Exact Relation abovementioned. He ſays, " That in the courſe of the debate, the court of chancery was called, by ſome members, the greateſt grievance in the nation: others ſaid, That for dilatorineſs, chargeableneſs, and a faculty of bleeding the people in the purſe-vein, even to their utter periſhing aad undoing, that court might compare with, if not ſurpaſs, any court in the world: that it was confidently affirmed by knowing gentlemen of worth, that there were depending in that court twenty-three thouſand cauſes, ſome of which had been there depending five, ſome ten, ſome twenty, ſome thirty years, and more: That there had been ſpent therein many thouſands of pounds, to the ruin, nay utter undoing of many thouſands of families: that no ſhip almoſt that ſailed in the ſea of the law, but firſt or laſt put into that port; and, if they made any conſiderable ſtay there, they ſuffered ſo much loſs, that the remedy was as bad as the diſeaſe: that what was ordered one day was contradicted the next, ſo as in ſome cauſes there had been five hundred orders and more. That when the purſes of the clients began to be empty, and their ſpirits were a little cooled, then by a reference to ſome gentlemen in the country, the cauſe ſo long depending, at ſo great a charge, came to be ended; ſo that ſome members did not ſtick to term the chancery a myſtery of wickedneſs, and a ſtanding cheat. And that, in ſhort ſo many horrible things were affirmed of it, that thoſe who were, or had a mind to be, advocates for it, had little to ſay on the behalf of it; and ſo at the end of one day's debate, the queſtion being put, it was voted down."

[b] The anonymous author (who was preſent) gives the following account of the debates:

" The clerk of the houſe, in drawing up the queſtion, put the word 'Body' inſtead of 'Model,' which ſome members, friends to this vote, deſired to have altered; but others lovers of the law as it now ſtood, oppoſed the alteration of the word, being very angry at the vote; and ſo it went as it was, with ſome ſeeming diſadvantage, by means of the word 'Body,' which ſome of theſe aforeſaid angry gentlemen would needs fancy, and accordingly reported, as if it were intended to deſtroy and take away the laws we had been fighting for all this while as our birth-right and inheritance; and ſuch a noiſe was made about it, that made many believe that the houſe was made up of monſters, rather than men of reaſon and judgment; but there were ſome very ſober and moderate gentlemen, in the account of all men, that concurred heartily in this vote.

" Some of the reaſons that were alledged in the debate producing this vote, was the intricacy, uncertainty, and incongruity in many things, with the word of God and right reaſon, in the laws as they now are.

" Firſt, That whereas the laws ought to be eaſy, plain, and ſhort, ſo that they who were to be ſubject to them, and have benefit by them, might be able to know and underſtand them in ſome good meaſure; they are now ſo voluminous, and thereby intricate and uncertain, dark and concealed, as few are able to come to the knowledge of them. Thoſe of the profeſſion of the law differ, in very many caſes, what the law is, and are of ſeveral opinions about this thing and the other; and then how ſhould others, though highly concerned, be able to underſtand them, and their intereſt therein continued; there being ſo many law-books of great bulk, ſo many old muſty records, reports and book-cases, as that, after the time ſpent in ſchool-learning, the reſt of the time of the flower of a man's years would be little enough to read them over and peruſe them.

" That, beſides, thoſe records and book-caſes are very ill guides or lights to go by, for who knoweth the circumſtances that did attend them, which often alter the whole caſe? Who knoweth whether, in thoſe caſes, bribery did not make the judgment, or the powerfulneſs of ſome great men, or the love or hatred of the judge, or the negligence or corruption of the advocate? And, beſides, in thoſe law caſes, ſome precedents are directly contrary to others; and an advocate or council alledgeth one caſe or report, and another another; and then the judge followeth which he pleaſeth: how arbitrary is the law in this caſe: and at what uncertainty are the great intereſts and properties of men?

" Beſides, how various are the cuſtoms, which, notwithſtanding, paſs for laws? uſually unknown but to ſome old men of the place; which, though it be ever ſo unrighteous and unreaſonable, 'Time out of mind' carries it. How bulky and voluminous are the ſtatute books? and of ſo great a price that few are able to buy them; and ſo large that few can ſpare time to read them, to know their right, and how they are concerned in them; and yet they muſt be judged, and ſtand or fall by them. And many times ſome muſty ſtatute, of an hundred years old and more imprinted, is found and made uſe of by ſome crafty lawyer, to the undoing of an honeſt man that meant no hurt, nor knew any thing at all of the danger.

" Upon ſomething held forth to this effect, the vote was firſt carried for a new body or model of the law; and a committee choſen to that end, who met often, and had the help of ſome gentlemen of worth, that had deſerved well of their country, being true patriots; who liked well the thing, as very uſeful and deſirable, it being not a deſtroying of the law, or putting it down, as ſome ſcandalouſly reported, but a reducing the wholeſome, juſt, and good laws into a body, from them that are uſeleſs and out of date; ſuch as concerned the biſhops and holy church, ſo called, and were made in favour of kings, and the luſts of great men, of which there are very many. If the law of God be eyed, and right reaſon looked into in all, there be ſome laws that are contrary to both, as the putting men to death for theft, the ſparing the lives of men for murder, under the notion and name of man-ſlaughter; a term and diſtinction not found in the righteous law of God: and that unreaſonable law, that if a waggon or cart, &c. driven by the owner, or ſome other, with never ſo much care, fall and kill any perſon, the owner, though it were his own ſon or ſervant that could no way help it, ſhall loſe his horſe and waggon, by the profane and ſuperſtitious name of Deodand; and the owners of the goods ſhall loſe them alſo upon the ſame account, though they were as innocent as Abel. Other inſtances might alſo be given.

" The way the committee took in order to their work, which muſt needs be elaborate, was by reducing the ſeveral laws to their proper heads to which they did belong, and ſo modelizing or embodying of them; taking knowledge of the nature of them, and what the law of God ſaid in the caſe, and how agreeable to right reaſon they were; likewiſe how proportionable the puniſhment was to the offence or crime; and wherein there ſeemed any thing either deficient or exceſſive, to offer a ſupply and remedy, in order to rectifying the whole. The committee began with criminals; treaſon being the higheſt, they conſidered the kinds thereof; what was meet to be adjudged treaſon in a free common-wealth, and what was meet to be the puniſhment of grand and petty treaſon. Then they proceeded to murder, the kinds of it, and what was to be ſo adjudged, and the puniſhment thereof. The like they intended concerning theft, and after to have aſcertained and ſecured property; as alſo the executive part of the law; ſo as a perſon ſhould not need to part with one property to ſecure and keep another, as now it is; perſons being forced to loſe the property of their cow, to keep the property of their horſe; or one parcel of land to preſerve and keep another. This body of law, when modelized, was to be reported to the houſe to be conſidered of, and paſſed by them as they ſhould ſee cauſe: A work in itſelf great, and of high eſteem with many, for the good fruit and benefit that would ariſe from it: By which means the huge volumes of the law would come to be reduced into the bigneſs of a pocket-book, as it is, proportionably, in New-England and elſewhere. A thing of ſo great worth and benefit as England is not yet worthy of, nor likely in a ſhort time to be ſo bleſſed as to enjoy. And that was the true end and endeavour of thoſe members that laboured in that committee, although it was moſt falſly and wickedly reported that their endeavours tended to deſtroying the whole laws, and pulling them up by the roots."

[c] The authors of the parliamentary hiſtory take notice of a very high charge brought againſt this convention by the lord Clarendon (which has been copied by others.) His lordſhip ſays it was propoſed, " That all lands belonging to the univerſities, and colleges in thoſe univerſities might be ſold; and that the money ariſing thereby ſhould be diſpoſed of for the public ſervice, and to eaſe the people from payment of taxes and contributions.—But, upon a ſtrict review of the journals it does not appear that any ſuch motion or propoſal, relating to the univerſities, was ever made in the houſe. What might be intended by ſome zealots, we pretend not to determine:

concerning marriages, births and burials: by this extraordinary act, marriages were entirely taken out of the hands of the clergy, and put into thoſe of the juſtices of the peace [d].

Beſides theſe tranſactions, there were ſeveral bills in agitation when the convention was diſſolved: "A bill for incorporating Scotland into one common-wealth with England.—For making thoſe perſons incapable of places who ſhould ſollicit for them.——For regulating the great exorbitance of fees in law or elſewhere, and for the better election of jurors.—— For making proviſion for the diſpatch of the cauſes depending in chancery, and determining ſuits of equity for the future in a ſummary way, ſo as the expence ſhould not, in general, exceed 30 or 40 ſhillings." It was alſo reſolved to reduce the number of officers in the exciſe and other duties, and lower the ſalaries, in order to a ſaving of the public charge.

But all theſe great matters were left unfiniſhed, by reaſon of their ſudden diſſolution.

It is obſerved by ſome of our lateſt hiſtorians, that it was uſual in thoſe days for the ſaints to change their names from Peter, John, Henry, &c. into the Old-Teſtament names of Hezekiah, Habbakuk, Obadiah, &c. and ſometimes into godly ſentences [e].

It is very remarkable, that even this mark of folly and enthuſiaſm (though ſaid to be ſo very common) cannot be fixed upon the members of this convention, among whom, as appears by the liſt, there is but one ſingle inſtance of the laſt ſort of names; which ſerved, however, to give them all the contemptuous name of Praiſe-God Barebone's parliament.

The diſſolution of this aſſembly was as remarkable as the ſummons: The journals, as well as Whitelock, only take notice of the ſuddenneſs of it; but Ludlow, in the Memoirs, is more full in this matter, as appears from the following extract.

"The perfidious Cromwell having forgot his moſt ſolemn profeſſions and former vows, as well as the blood and treaſure that had been ſpent in this conteſt, thought it high time to take off the maſk; and reſolved to ſacrifice all our victories and deliverances to his pride and ambition, under colour of taking upon him the office, as it were, of a high conſtable, in order to keep the peace of the nation, and to reſtrain men from cutting one another's throats. One difficulty yet remained to obſtruct his deſign, and that was the convention which he had aſſembled, and inveſted with power, as well as earneſtly ſolicited to reform the law, and reduce the clergy to a more evangelical conſtitution. And having ſufficiently alarmed thoſe intereſts, and ſhewn them their danger from this convention, he informed them farther, that they could not be ignorant of the confuſion that all things were brought into by the immoderate zeal of thoſe in authority, and to what extremities matters might be reduced, if permitted to go on; poſſibly, ſaid he, to the utter extirpation of law and goſpel; and therefore adviſed that they would join their intereſts to his, in order to prevent this inundation. His propoſition was readily embraced by the corrupt part of the lawyers and clergy, and ſo he became their protector, and they the humble ſupporters of his tyranny. But that this uſurpation might ſeem leſs horrid, he ſo contrived it by his inſtruments, that ſome of the conventioners muſt openly manifeſt their diſapprobation of their own proceedings; and, under divers ſpecious pretences, put a period to their ſitting.

"To this end it was agreed by Mr. Rouſe, chairman to that aſſembly, and the reſt of Cromwell's junto, to meet earlier in the houſe than uſual, which was done accordingly on the 12th of December 1653, hoping, by ſurprize, to obtain a vote for their diſſolution: being met, Col. Sydenham, ſir Charles Wolſeley, and others, according to their inſtructions, bitterly inveyed againſt the tranſactions of the convention; and particularly charged them with a deſign to deſtroy the army, by not making a ſufficient and timely pro-

mine: But the only attempt that carried any tendency that way, was the ſcheme for aboliſhing of tythes: And this project, as we are aſſured by a member of this convention, was ſo far from being intended to the prejudice of the parochial clergy, that the deſign was only to take away the manner of maintenance by tythes, as unequal, burthenſome, and being the occaſion of litigious law-ſuits; and that a bill was offered, on the day of the parliament's reſignation, for rendering the revenues of the clergy more certain and equal, by reducing benefices of 200l. a year, and upwards, and advancing thoſe of a ſmaller income; and alſo for making a proviſion for the widows and children of miniſters; but that this equitable propoſal was refuſed a reading, and that therefore the charge againſt one part of the houſe, of an intent to deſtroy the miniſtry, was a groundleſs reproach, caſt upon thoſe who endeavoured only to take off oppreſſions and grievances.——— The truth of this gentleman's aſſertion ſeems the leſs liable to be controverted, becauſe it is an inconteſtable fact, though generally paſſed over by the hiſtorians of thoſe times, "That the long parliament, when they aboliſhed epiſcopacy, and ſold the temporal revenues of the biſhops, deans and chapters, &c. made an expreſs reſerve of all their impropriations, which were to be applied to the increaſe of the revenues of the parochial clergy, and heads of colleges; and the ſame reſerve of impropriations was made in the act paſſed by this convention, for enabling delinquents to compound for their eſtates, The journals alſo abound with inſtances, wherein theſe gentlemen, who had the misfortune to be under ſequeſtration for their loyalty to the king, were obliged to endow the reſpective vicarages of which they were impropriators, with a portion of the tythe, and the value of ſuch portion, upon the calculation of years, was allowed in part of payment of their compoſitions?"

[d] This act well deſerves notice, of which the moſt material clauſes were theſe:

"That all perſons in England or Ireland, intending to be married, ſhould, twenty-one days at leaſt before, deliver in writing to the regiſter appointed by this act for the pariſh where each party to be married live, with their names, ſirnames, additions, and places of abode; and of their parents, guardians, or overſeers: all which the ſaid regiſter ſhall publiſh three ſeveral lord's days then next following, at the cloſe of the morning exerciſe, in the church or chapel; or, if the parties to be married deſired it, in the market place next adjoining thereto, on three market days, in three ſeveral weeks next following, between the hours of eleven and two; which being done, the regiſter ſhall, upon requeſt of the parties concerned, make a certificate of the due performance thereof, without which ſuch marriage ſhall not proceed: And if any exception be made thereto, the regiſter ſhall inſert the ſame, with the name of the perſon making ſuch exception, and their place of abode, in the certificate of publication.

All perſons intending to be married, ſhall come before ſome juſtice of the peace of the ſame county, city, or town corporate, where publication hath been made, and bring a certificate thereof, with proof of the conſent of their parents or guardians, if either of the parties be under the age of twenty-one years: And the juſtice ſhall examine, upon oath concerning the truth of the certificate, and due performance of all the premiſſes, and of any exception ariſing; and, if there be no reaſonable cauſe to the contrary, the marriage ſhall proceed, in this manner:

The man taking the woman by the hand ſhall diſtinctly pronounce theſe words, "I A. B. do here in the preſence of God, the ſearcher of all hearts, take thee C. D, for my wedded wife; and do alſo in the preſence of God, and before theſe witneſſes, promiſe to be unto thee a loving and faithful huſband."

And then the woman, taking the man by the hand, ſhall alſo diſtinctly pronounce theſe words, "I C. D. do here in the preſence of God, the ſearcher of all hearts, take thee A. B. for my wedded huſband; and do alſo in the preſence of God, and before theſe witneſſes, promiſe to be unto thee a loving, faithful, and obedient wife."

The man and woman having made ſufficient proof of the conſent of their parents or guardians, and expreſſed their conſent to marriage, in the manner and words aforeſaid, before ſuch juſtice of peace, in the preſence of two or more credible witneſſes, he ſhall declare them to be from henceforward huſband and wife; and, after ſuch conſent ſo expreſſed, and ſuch declaration made, the ſame ſhall be good and effectual in law; and no other form or marriage ſhall be accounted valid according to the laws of England: But the juſtice of peace, in caſe of dumb perſons, may diſpenſe with pronouncing the words aforeſaid; and with joining hands, in caſe of perſons that have no hands.

A book of vellum or parchment ſhall be provided for the regiſtering of all ſuch marriages and of all births of children, and burials of all ſorts of people, within every pariſh; for the ſame keeping of which, the inhabitants and houſholders chargeable to the poor, ſhall make choice of ſome able and honeſt perſon, to be approved by one juſtice of the peace of the county, and ſo ſignified under his hand in the ſaid regiſter-book, to have the keeping thereof, who ſhall therein enter all ſuch publications, marriages, births of children, and burials of all ſorts of perſons, and the names of every of them, and the days of the month and year thereof, and the parents, guardians, or overſeers names: And for ſuch publication and certificate, the regiſter ſhall be paid 1s. alſo 1s. for the entry of every marriage; for every birth of a child 4d. and for every death 4d. But for publications, marriages, births, or burials, of poor people who live upon alms, nothing ſhall be taken. And the juſtice of peace, if deſired, ſhall give a certificate on parchment under his hand and ſeal, of ſuch marriage, and of the day of the ſolemnization thereof, and of two or more of the witneſſes then preſent, for which his clerk to receive 1s. And if ſuch certificate ſhall be produced to the clerk of the peace for that county, and requeſt made to him to make an entry thereof, he ſhall enter the ſame in a book of parchment to be provided for that purpoſe, and kept amongſt the records of the ſaid ſeſſions, for which he may receive 4d.

If any perſon ſhall, by violence or fraud, ſteal or take away any one, under the age of 21 years, or cauſe ſo to be done, with intent of marriage, he ſhall forfeit his whole eſtate, real and perſonal; one half to the common-wealth, and the other to the party ſo taken away; and further ſuffer cloſe impriſonment, and be kept to hard labour in ſome houſe of correction during life; and every perſon convicted of aiding or abetting any ſuch violence or fraud, ſhall be impriſoned and kept to hard labour for the ſpace of ſeven years: and any pretended marriage obtained by ſuch violence and fraud, ſhall be null and void.

Where any guardian ſhall betray his truſt touching any child, or ſeducing, ſelling, or otherwiſe wilfully putting ſuch child into the hands or power of any perſon to marry ſuch child, without his or her free conſent, ſuch guardian ſhall forfeit double the value of ſuch child's portion, one moiety thereof to the common-wealth, and the other to the child ſo married.

The age of a man to conſent unto marriage ſhall be 16 years, and the age of a woman 14.

Controverſies touching contracts and marriages to be determined at the general quarter ſeſſions of the peace."

The following remarkable clauſe was propoſed but rejected, "That if any perſon then married, or to be married according to this act, ſhould make proof by one or more credible witneſs upon oath, that either the huſband or wife had committed the deteſtable ſin of adultery during ſuch marriage, then the ſaid parties might be divorced by the ſentence of three juſtices of the peace."

[e] Such as Faint-not, Kill-ſin, God-reward, &c. Mr. Hume, in his late hiſtory, has inſerted a whole jury of the like names, vol. ii. p. 51.

viſion

viſion for their pay. They alledged, that though they had voted them a ſum of money, yet having reſolved to raiſe it by way of a pound rate, it would take up ſo much time to bring it in, that the army muſt either ſtarve by want, or oppreſs the country by free-quarter. A ſecond ground of their invectives was taken from a motion made, that the great officers of the army ſhould ſerve without pay for one year. They accuſed them alſo of endeavouring to deſtroy the clergy, the law, and the property of the ſubject; inſtancing in their denying a right of preſentation to the patrons of eccleſiaſtical benefices: and, in general, that they had not a frame of ſpirit to do juſtice, which they would have made out by their not relieving ſir John Stawell, when he made his application to them. Thus they endeavoured to cajole the clergy, lawyers, cavaliers, and all intereſts, except that which they ſhould have had moſt regard to.

They thought to have prevented any debate about their deſign, by meeting ſo early in the morning; but they were deceived, and enough found in the houſe to anſwer their objections. To that concerning the army it was ſaid, That the pound-rate was found to be the more equal way of raiſing money, and therefore reſolved upon by them; not at all doubting, that it would come in ſoon enough for the ſoldiers ſupply: that they thought it reaſonable and juſt, that the great officers of the army, who were poſſeſſed of plentiful eſtates, and had received all their arrears, ſhould abate ſomewhat of their ſuperfluities, and ſerve for a little time freely, as well as thoſe who were employed in civil affairs, whoſe labour and hazard was as great, and both equally concerned in the public good; eſpecially conſidering how much this conduct would contribute to the eaſe and ſatisfaction of the people, who could not be ignorant that there were now no preſſing occaſions of charge or danger, the enemy being every where entirely ſubdued. To what had been done in order to a reformation of the law and clergy, it was anſwered, That as they conceived there was great need of it, ſo they had been told that they were called together principally for that end; and that if they had done any thing too much therein, the gentlemen who blamed them for it were very unfit ſo to do, having themſelves been the men that preſſed them continually to go much farther than they had done. To the objection concerning preſentations, they ſaid, that the method uſed therein ſeemed to them too unreaſonable to be continued; it being, in effect, to give a power to the greateſt of the pariſh, who were not always the beſt, to preſcribe what religion they pleaſed to the pariſhioners, by preſenting a perſon, howſoever unfit for that office, to be their miniſter. Laſtly, in anſwer to the charge of denying relief to ſir John Stawell, it was anſwered, that the conſideration of that matter was before them, and that they would not have failed to act as his caſe deſerved."

To this account, the authors of the Parliamentary Hiſtory add the following particulars, collected from three different members, who are ſaid to be preſent at the diſſolution.

As ſoon as the ſpeaker had taken the chair, a member ſtood up, and ſpoke to this effect: "That he muſt diſburden himſelf of ſome things that had a long time laid upon his heart: that he was now to ſpeak to the Eſſe, or Being, rather than the Bene Eſſe, or well-being, of the common-wealth; which was ready to ſink, through the ill-management of the authority intruſted to that aſſembly; and that, for his own part, he muſt reſign his power from whence he had it; foreſeeing clearly, that their waitings and expectations of ever coming on to things of public good, were more and more diſappointed: [He then inſtanced the particulars touching the army, the clergy, the law, &c. as before recited.] And that for theſe conſiderations, he could not ſatisfy himſelf to ſit any longer in the houſe, and ſo be guilty of bringing confuſion and deſolation upon the nation: but if any would yet be ſo hardy as to continue there, he would ſay unto them in the words of the prophet, 'Ephraim hath joined himſelf to idols; let him alone.'

"This motion being ſeconded by two more, with ſome bitter invectives, another member ſtood up; (and declaring himſelf to ſpeak with much diſadvantage, in that he had not as the other gentlemen, any premeditated thing to ſay) told the ſpeaker, 'He had in his hand an expedient in reference to the things comprehended in the vote of the 10th of December, concerning tythes, which he hoped would ſatisfy all; and that the committee for regulating the law had ready to be offered to the houſe, ſeveral bills of very great concernment to the good and eaſe of the people; proteſting before God, angels, and men, his diſſatisfaction to the propoſed reſignation, as being deſtructive to the common-wealth.' Some gentlemen ſtanding up to ſecond him, were not ſuffered to ſpeak. Others continued to preſs the former motion, inſiſting, 'That it was not now a time to debate; whereupon the ſpeaker, though earneſtly called on to keep the chair, left it; and the ſerjeant, as if he had been of his council, took up the mace, and carried it before him, though much urged to the contrary. Theſe were inſtantly joined by the chief clerk, and followed by about 80 members, who went directly to Whitehall, and there ſubſcribed a reſignation of their power to the lord-general. Thirty odd ſtaid in the houſe till colonel Goffe and major White came in, and entreated them earneſtly to go out. To which it was as earneſtly replied, That at their perſonal requeſt they could not, nor would not, withdraw unleſs compelled by force. Whereupon the officers calling in a file of muſqueteers, the members withdrew; and ſome of theſe went three or four days after, and ſubſcribed the the inſtrument of reſignation.

When this inſtrument, ſo ſigned, was brought to Cromwell, he lifted up his eyes with aſtoniſhment; and, with no leſs ſeeming modeſty, refuſed to receive it; but, at length, through the importunity of major general Lambert and others, repreſenting to him that the welfare of the nation abſolutely required the acceptance of the parliament's reſignation, he thought fit to comply with their requeſt—Though it is the concurrent opinion of all contemporary writers, that Cromwell's refuſal to accept of this offer of the legiſlative power was meer hypocriſy, and that this formal ſurrender of it was a contrivance of his own, in order to pave the way to the protectorate; yet in a ſpeech made to the enſuing parliament, Sept. 12, 1654, he poſitively affirms, in the moſt ſolemn manner, "That he was ſo far from having any hand in this project, that he was an abſolute ſtranger to the deſign, till the ſpeaker, with the major part of the houſe, came to him with the inſtrument of their reſignation."

That Cromwell might not know of the reſignation, may poſſibly be true, but that he had reſolved the diſſolution of this aſſembly is very certain, from his producing, four days after, a plan of government, the forming of which muſt have taken up a much longer time.

After this account of the convention of 1653, the reader will be enabled to judge of the prejudice and partiality of the hiſtorians in their characters of the members, and their omiſſions of the more material proceedings.

Cromwell having accepted the reſignation of the ſupreme authority, it was reſolved in a council of the officers that he ſhould be choſen lord protector of the three nations. Accordingly, on the 16th of December, four days after the diſſolution, his inauguration was performed with great ſolemnity, during which, the following plan of government was read and ſworn to by him.

The GOVERNMENT of the COMMON-WEALTH of England Scotland, and Ireland, and the dominions thereunto belonging.

I. THAT the ſupreme legiſlative authority of the common-wealth of England, Scotland, and the dominions thereunto belonging, ſhall be and reſide in one perſon, and the people aſſembled in parliament; the ſtyle of which perſon ſhall be, "The Lord Protector of the Common-wealth of England, Scotland, and Ireland."

II. That the exerciſe of the chief magiſtracy, and the adminiſtration of the government over the ſaid countries and dominions, and the people thereof, ſhall be in the lord protector, aſſiſted with a council, the number whereof ſhall not exceed 21, nor be leſs than 13.

III. That all writs, proceſs, commiſſions, patents, grants, and other things, which now run in the name and ſtyle of "The Keepers of the liberty of England by Authority of Parliament," ſhall run in the name and ſtyle of "The Lord Protector;" from whom for the future, ſhall be derived all honours and magiſtracy in theſe three nations; and have the power of pardons (except in caſe of murders and treaſon) and benefit of all forfeitures for the public uſe; and ſhall govern the ſaid countries and dominions in all things by the advice of the council, and according to theſe preſents and the laws.

IV. That the lord protector, the parliament ſitting, ſhall diſpoſe and order the militia and forces, both by ſea and land, for the peace and good of the three nations, by conſent of parliament, and that the lord protector, with the advice and conſent of the major part of the council, ſhall diſpoſe and order the militia for the ends aforeſaid in the intervals of parliament.

V. That the lord protector, by the advice aforeſaid, ſhall direct in all things concerning the keeping and holding of a

good correſpondency with foreign kings, princes, and ſtates; and alſo, with the conſent of the major part of the council, have the power of peace and war.

VI. That the laws ſhall not be altered, ſuſpended, abrogated, or repealed, nor any new law made, nor any tax, charge, or impoſition laid upon the people, but by common conſent in parliament, ſave only as is expreſſed in the 30th article.

VII. That there ſhall be a parliament ſummoned to meet at Weſtminſter upon the third day of September, 1654, and that ſucceſſively a parliament ſhall be ſummoned once in every third year, to be accounted from the diſſolution of the preſent parliament.

VIII. That neither the parliament to be next ſummoned, nor any ſucceſſive parliaments, ſhall, during the time of five months, to be accounted from the day of their firſt meeting, be adjourned, prorogued, or diſſolved, without their own conſent.

IX. That as well the next as all other ſucceſſive parliaments, ſhall be ſummoned and elected in manner hereafter expreſſed; that is to ſay, the perſons to be choſen within England, Wales, the iſles of Jerſey, Guernſey, and the town of Berwick upon Tweed, to ſit and ſerve in parliament, ſhall be, and not exceed, the number of 400. The perſons to be choſen within Scotland, to ſit and ſerve in parliament, ſhall be and not exceed, the number of 30: And the perſons to be choſen to ſit in parliament for Ireland, ſhall be, and not exceed the number of 30.

X. That the perſons to be elected, to ſit in parliament from time to time, for the ſeveral counties of England, Wales, the iſles of Jerſey and Guernſey, and the towns of Berwick upon Tweed, and all places within the ſame reſpectively, ſhall be according to the proportions and numbers hereafter expreſſed: That is to ſay,

Bedfordſhire —	5	Malden —	1	Northamptonſhire	6	Suſſex — —	9
Bedford town —	1	Colcheſter —	2	Peterborough —	1	Chicheſter — —	1
Berkſhire ———	5	Gloucestershire	5	Northampton —	1	Lewes — —	1
Abingdon ———	1	Glouceſter —	2	Nottinghamſhire	4	Eaſt-Grinſtead —	1
Reading ———	1	Tewkeſbury —	1	Nottingham —	2	Arundel — —	1
Buckinghamſhire —	5	Cirenceſter —	1	Northumberland	3	Rye — —	1
Buckingham town —	1	Herefordſhire —	4	Newcaſtle upon Tyne	1	Weſtmoreland —	2
Ayleſbury ———	1	Hereford — —	1	Berwick —	1	Warwickſhire —	4
Wycomb ———	4	Leominſter —	1	Oxfordſhire —	5	Coventry — —	1
Cambridgeſhire —	4	Hertfordſhire —	5	Oxford city —	1	Warwick — —	1
Cambridge town —	1	St. Alban's —	1	Oxford univerſity —	1	Wiltſhire —	10
Cambridge univerſity	1	Hertford —	1	Woodſtock —	1	New Sarum —	4
Iſle of Ely ———	2	Huntingdonſhire —	1	Rutlandſhire —	2	Marlborough —	1
Cheſhire ———	4	Huntingdon —	3	Shropſhire —	4	Devizes — —	1
Cheſter ———	1	Kent — —	11	Shrewſbury —	2	Worceſterſhire —	5
Cornwall ———	8	Canterbury —	2	Bridgnorth —	1	Worceſter —	2
Launceſton ———	1	Rocheſter — —	1	Ludlow —	1	Yorkſhire.	
Truro ———	1	Maidſtone — —	1	Staffordſhire —	3	Weſt-Riding —	6
Penryn ———	1	Dover — —	1	Litchfield —	1	Eaſt-Riding —	4
Eaſtlow and Weſtlow	1	Sandwich — —	1	Stafford —	1	North-Riding —	4
Cumberland ———	2	Queenborough —	1	Newcaſtle under Line	1	City of York —	2
Carliſle ———	1	Lancaſhire —	4	Somerſetſhire —	11	Kingſton upon Hull —	1
Derbyſhire —	4	Preſton — —	1	Briſtol —	2	Beverley — —	1
Derby town ———	1	Lancaſter — —	1	Taunton —	2	Scarborough — —	1
Devonſhire —	11	Liverpool —	1	Bath — —	1	Richmore — —	1
Exeter ———	2	Manchester —	1	Wells — —	1	Leeds — —	1
Plymouth ———	2	Leiceſterſhire —	4	Bridgwater —	1	Hallifax — —	1
Clifton, Dartmouth, Hardneſs —	1	Leiceſter —	2	Southamptonſhire	8		
Totneſs ———	1	Lincolnſhire —	10	Wincheſter —	1	WALES.	
Barnſtable ———	1	Lincoln —	2	Southampton —	1		
Tiverton ———	1	Boſton —	1	Portſmouth —	1	Angleſey —	2
Honiton ———	1	Grantham —	1	Iſle of Wight —	2	Brecknockſhire —	2
Dorſetſhire —	6	Stamford —	1	Andover —	1	Cardiganſhire —	2
Dorcheſter ———	1	Great Grimſby —	1	Suffolk —	10	Carmarthenſhire —	2
Weymouth and Melcomb-Regis —	1	Middleſex —	4	Ipſwich — —	2	Carnarvonſhire —	2
Lyme-Regis —	1	London —	6	Bury St. Edmund's —	2	Denbiſhire —	2
Pool ———	1	Weſtminſter —	2	Dunwich —	1	Flintſhire —	2
Durham ———	2	Monmouthſhire —	3	Sudbury —	1	Glamorganſhire —	2
City of Durham —	1	Norfolk —	10	Surry —	6	Cardiffe — —	1
Eſſex ———	13	Norwich —	2	Southwark —	2	Merionethſhire —	1
		Lynn-Regis —	2	Guildford —	1	Montgomeryſhire —	2
		Great-Yarmouth —	2	Ryegate —	1	Pembrokeſhire —	2
						Haverford-Weſt —	1
						Radnorſhire —	2

The diſtribution of the perſons to be choſen for Scotland and Ireland, and the ſeveral counties, cities, and places therein, ſhall be according to ſuch proportions and number as ſhall be agreed upon and declared by the lord protector and the major part of the council, before the ſending forth writs of ſummons for the next parliament.

XI. That the ſummons to parliament ſhall be by writ under the great ſeal of England, directed to the ſheriffs of the ſeveral and reſpective counties, with ſuch alteration as may ſuit with the preſent government, to be made by the lord protector and his council, which the chancellor, keeper, or commiſſioners of the great ſeal, ſhall ſeal, iſſue, and ſend abroad by warrant from the lord protector. If the lord protector ſhall not give warrant for iſſuing of writs of ſummons for the next parliament, before the firſt of June, 1654, or for the triennial parliaments, before the firſt day of Auguſt in every third year, to be accounted as aforeſaid; that then the chancellor, keeper, or commiſſioners of the great ſeal for the time being, ſhall, without any warrant or direction, within ſeven days after the firſt day of June, 1654, ſeal, iſſue, and ſend abroad, writs of ſummons (changing therein what is to be changed as aforeſaid) to the ſeveral and reſpective ſheriffs of England, Scotland, and Ireland, for ſummoning the parliament to meet at Weſtminſter, the third day of September next; and ſhall likewiſe, within ſeven days after the ſaid firſt day of Auguſt, in every third year, to be accounted from the diſſolution of the precedent parliament, ſeal, iſſue, and ſend abroad, ſeveral writs of ſummons (changing therein what is to be changed) as aforeſaid, for ſummoning the parliament to meet at Weſtminſter the ſixth of November, in that third year. That the ſaid ſeveral and reſpective ſheriffs ſhall, within ten days after the receipt of ſuch writ as aforeſaid, cauſe the ſame to be proclaimed and publiſhed in every market town within his county, upon the market days thereof, between twelve and three of the clock; and ſhall then alſo publiſh and declare the certain day of the week and month, for chuſing members to ſerve in parliament for the body of the ſaid county, according to the tenor of the ſaid writ, which ſhall be upon Wedneſday five weeks after the date of the writ; and ſhall likewiſe declare the place where the election ſhall be made: for which purpoſe, he ſhall appoint the moſt convenient place for the whole county to meet in, and ſhall ſend precepts for elections to be made in all and every city, town, borough, or place within his county, where elections are to be made by virtue of theſe preſents, to the mayor, ſheriff, or other head officer of ſuch city, town, borough, or place, within three days after the receipt of ſuch writ and writs; which the ſaid mayors, ſheriffs, and officers reſpectively

reſpectively are to make publication of, and of the certain day for ſuch elections to be made in the ſaid city, town or place aforeſaid, and to cauſe elections to be made accordingly.

XII. That at the day and place of elections, the ſheriff of each county, and the ſaid mayors, ſheriffs, bailiffs, and other head officers within their cities, towns, boroughs, and places reſpectively, ſhall take view of the ſaid elections, and ſhall make return into the chancery within twenty days after the ſaid elections, of the perſons elected by the greateſt number of electors, under their hands and ſeals, between him on the one part, and the electors on the other part; wherein ſhall be contained, That the perſons elected ſhall not have power to alter the government as it is hereby ſettled in one ſingle perſon and a parliament.

XIII. That the ſheriff, who ſhall wittingly and willingly make any falſe return, or neglect his duty, ſhall incur the penalty of 2000 marks, of lawful Engliſh money; the one moiety to the lord protector, and the other moiety to ſuch perſon as will ſue for the ſame.

XIV. That all and every perſon and perſons, who have aided, adviſed, aſſiſted, or abetted in any war againſt the parliament, ſince the firſt day of January, 1641, (unleſs they have been ſince in the ſervice of the parliament, and given ſignal teſtimony of their good affection thereunto) ſhall be diſabled and incapable to be elected, or to give any vote in the election of any members to ſerve in the next parliament, or in the three ſucceeding triennial parliaments.

XV. That all ſuch, who have adviſed, aſſiſted, or abetted the rebellion of Ireland, ſhall be diſabled and incapable for ever to be elected, or give any vote in the election of any member to ſerve in parliament; as alſo all ſuch who do or ſhall profeſs the Roman catholic religion.

XVI. That all votes and elections given or made contrary, or not according to, theſe qualifications, ſhall be null and void: and if any perſon, who is hereby made incapable, ſhall give his vote for election of members to ſerve in parliament, ſuch perſon ſhall loſe and forfeit one full year's value of his real eſtate, and one full third part of his perſonal eſtate; one moiety thereof to the lord protector, and the other moiety to him or them who ſhall ſue for the ſame.

XVII. That the perſons who ſhall be elected to ſerve in parliament, ſhall be ſuch (and no other than ſuch) as are perſons of known integrity, fearing God, and of good converſation, and being of the age of twenty-one years.

XVIII. That all and every perſon and perſons ſeized or poſſeſſed to his own uſe, of any real eſtate or perſonal, to the value of 200l. and not within the aforeſaid exceptions, ſhall be capable to elect members to ſerve in parliament for counties.

XIX. That the chancellor, keeper, or commiſſioners of the great ſeal, ſhall be ſworn before they enter into their offices, truly and faithfully to iſſue forth and ſend abroad, writs of ſummons to parliament, at the times and in the manner before expreſſed: and in caſe of neglect or failure to iſſue and ſend abroad writs accordingly, he or they ſhall for every ſuch offence, be guilty of high treaſon, and ſhall ſuffer the pains and penalties thereof.

XX. That in caſe writs be not iſſued out, as is before expreſſed, but that there be a neglect therein, fifteen days after the time wherein the ſame ought to be iſſued out by the chancellor, keeper, or commiſſioners of the great ſeal, that then the parliament ſhall, as often as ſuch failure ſhall happen, aſſemble and be held at Weſtminſter, in the uſual place, at the times prefixed, in manner and by the means hereafter expreſſed; that is to ſay, That the ſheriffs of the ſeveral and reſpective counties, ſheriffdoms, cities, boroughs, and places aforeſaid, within England, Wales, Scotland, and Ireland, the chancellor, maſters, and ſcholars of the univerſities of Oxford and Cambridge, and the mayor and bailiffs of the borough of Berwick upon Tweed, and other the places aforeſaid reſpectively, ſhall, at the ſeveral courts and places to be appointed as aforeſaid, within thirty days after the ſaid fifteen days, cauſe ſuch members to be choſen for their ſaid ſeveral and reſpective counties, ſheriffdoms, univerſities, cities, boroughs, and places aforeſaid, by ſuch perſons, and in ſuch manner, as if ſeveral and reſpective writs of ſummons to parliament under the great ſeal had iſſued and been awarded according to the tenor aforeſaid: that if the ſheriff, or other perſons authoriſed, ſhall neglect his or their duty herein, that all and every ſuch ſheriff and perſon authoriſed as aforeſaid, ſo neglecting his or their duty, ſhall, for every ſuch offence, be guilty of high-treaſon, and ſhall ſuffer the pains and penalties thereof.

XXI. That the clerk, called the clerk of the commonwealth in chancery for the time being, and all others, who ſhall afterwards execute that office, to whom the returns ſhall be made, ſhall for the next parliament, and the two ſucceeding triennial parliaments, the next day after ſuch return, certify the names of the ſeveral perſons ſo returned, and of the places for which he and they were choſen reſpectively, unto the council; who ſhall peruſe the ſaid returns, and examine whether the perſons ſo elected and returned be ſuch as is agreeable to the qualifications, and not diſabled to be elected: and that every perſon and perſons being ſo duly elected, and being approved of by the major part of the council, to be perſons not diſabled, but qualified as aforeſaid, ſhall be eſteemed a member of parliament, and be admitted to ſit in parliament, and not otherwiſe.

XXII. That the perſons ſo choſen and aſſembled in manner aforeſaid, or any ſixty of them, ſhall be, and be deemed the parliament of England, Scotland, and Ireland; and the ſupreme legiſlative power to be and reſide in the lord protector and ſuch parliament, in manner herein expreſſed.

XXIII. That the lord protector, with the advice of the major part of the council, ſhall at any other time than is before expreſſed, when the neceſſities of the ſtate ſhall require it, ſummon parliaments in manner before expreſſed, which ſhall not be adjourned, prorogued, or diſſolved without their own conſent, during the firſt three months of their ſitting. And in caſe of future war with any foreign ſtate, a parliament ſhall be forthwith ſummoned for their advice concerning the ſame.

XXIV. That all bills agreed unto by the parliament, ſhall be preſented to the lord protector for his conſent; and in caſe he ſhall not give his conſent thereto, within twenty days after they ſhall be preſented to him, or give ſatisfaction to the parliament within the time limited; that then, upon declaration of the parliament that the lord protector hath not conſented, nor given ſatisfaction, ſuch bills ſhall paſs into, and become laws, although he ſhall not give his conſent thereunto; provided ſuch bills contain nothing in them contrary to the matters contained in theſe preſents.

XXV. That Henry Lawrence, eſq. &c. [whoſe names are before-mentioned p. 1052.] or any ſeven of them, ſhall be a council for the purpoſes expreſſed in this writing; and upon the death or other removal of any of them, the parliament ſhall nominate ſix perſons of ability, integrity, and fearing God, for every one that is dead or removed; out of which the major part of the council ſhall elect two, and preſent them to the lord protector, of which he ſhall elect one: and, in caſe the parliament ſhall not nominate within twenty days after notice given unto them thereof, the major part of the council ſhall nominate three as aforeſaid to the lord protector, who out of them ſhall ſupply the vacancy; and until this choice be made, the remaining part of the council ſhall execute as fully in all things, as if their number were full. And in caſe of corruption, or other miſcarriage in any of the council in their truſt, the parliament ſhall appoint ſeven of their number, and the council ſix, who, together with the lord chancellor, lord keeper, or commiſſioners of the great ſeal for the time being, ſhall have power to hear and determine ſuch corruption and miſcarriage, and to award and inflict puniſhment, as the nature of the offence ſhall deſerve; which puniſhment ſhall not be pardoned or remitted by the lord protector: and, in the interval of parliaments, the major part of the council, with the conſent of the lord protector, may, for corruption, or other miſcarriage as aforeſaid, ſuſpend any of their number from the exerciſe of their truſt, if they ſhall find it juſt, until the matter ſhall be heard and examined as aforeſaid.

XXVI. That the lord protector, and the major part of the council aforeſaid, may, at any time before the meeting of the next parliament, add to the council ſuch perſons as they ſhall think fit; provided the number of the council be not made thereby to exceed twenty-one, and the quorum to be proportioned accordingly by the lord protector and the major part of the council.

XXVII. That a conſtant yearly revenue ſhall be raiſed, ſettled, and eſtabliſhed for maintaining of 10,000 horſe and dragoons, and 20,000 foot, in England, Scotland, and Ireland, for the defence and ſecurity thereof, and alſo for a convenient number of ſhips for guarding the ſeas, beſides 200,000l. per ann. for defraying the other neceſſary charges of adminiſtration of juſtice, and other expences of the government; which revenue ſhall be raiſed by the cuſtoms, and ſuch other ways and means as ſhall be agreed upon by the lord protector and his council, and ſhall not be taken away or diminiſhed, nor the way agreed upon for raiſing the ſame altered, but by the conſent of the lord protector, and the parliament.

XXVIII. That

XXVIII. That the ſaid yearly revenue ſhall be paid into the public treaſury, and ſhall be iſſued out for the uſes aforeſaid.

XXIX That in caſe there ſhall not be cauſe hereafter to keep up ſo great a defence both at land or ſea, but that there be an abatement made thereof, the money which will be ſaved thereby, ſhall remain in bank for the public ſervice, and not be employed to any other uſe but by conſent of parliament, by the lord protector, and major part of the council.

XXX. That the raiſing of money for defraying the charge of the preſent extraordinary forces, both at ſea and land, in reſpect to the preſent wars, ſhall be by conſent of parliament, and not otherwiſe: ſave only that the lord protector, with the conſent of the major part of the council, for preventing the diſorders and dangers which might otherwiſe fall out both by ſea or land, ſhall have power, until the meeting of the firſt parliament, to raiſe money for the purpoſes aforeſaid; and alſo to make laws and ordinances for the peace and welfare of theſe nations, where it ſhall be neceſſary; which ſhall be binding and in force, until order ſhall be taken in parliament concerning the ſame.

XXXI. That the lands, tenements, rents, royalties, juriſdictions and hereditaments, which remain yet unſold, or undiſpoſed of, by act or ordinance of parliament, belonging to the common-wealth, (except the foreſts and chaſes, and the honours and manors belonging to the ſame; the lands of the rebels in Ireland, lying in the four counties of Dublin, Cork, Kildare, and Catherlaugh, in the late wars; and alſo the lands of papiſts and delinquents in England, who have not yet compounded) ſhall be veſted in the lord protector, to hold, to him and his ſucceſſor, lords protectors of theſe nations, and ſhall not be alienated but by conſent in parliament. And all debts, fines, iſſues, amerciaments, penalties and profits, certain and caſual, due to the keepers of the liberties of England by authority of parliament, ſhall be due to the lord protector, and be payable into his public receipt, and ſhall be recovered and proſecuted in his name.

XXXII. That the office of lord protector over theſe nations ſhall be elective and not hereditary; and upon the death of the lord protector, another fit perſon ſhall be forthwith elected to ſucceed him in the government; which election ſhall be by the council, who, immediately upon the death of the lord protector, ſhall aſſemble in the chamber where they uſually ſit in council; and having given notice to all their members of the cauſe of their aſſembling, ſhall, being thirteen at leaſt preſent, proceed to the election; and, before they depart the ſaid chamber, ſhall elect a fit perſon to ſucceed in the government, and forthwith cauſe proclamation thereof to be made in all the three nations as ſhall be requiſite: and the perſon that they, or the major part of them, ſhall elect as aforeſaid, ſhall be, and ſhall be taken to be, lord protector over theſe nations of England, Scotland, and Ireland, and the dominions thereto belonging. Provided that none of the children of the late king, nor any of his line or family, be elected to be lord protector or chief magiſtrate over theſe nations, or any the dominions thereto belonging. And until the aforeſaid election be paſt, the council ſhall take care of the government, and adminiſter in all things as fully as the lord protector, or the lord protector and council are enabled to do.

XXXIII. That Oliver Cromwell, captain-general of the forces of England, Scotland, and Ireland, ſhall be, and is hereby declared to be, lord protector of the common-wealth of England, Scotland, and Ireland, and the dominions thereto belonging, for his life.

XXXIV. That the chancellor, keeper, or commiſſioners of the great ſeal, the treaſurer, admiral, chief governors of Ireland and Scotland, and the chief-juſtices of both the benches, ſhall be choſen by the approbation of parliament; and, in the intervals of parliament, by the approbation of the major part of the council, to be afterwards approved by the parliament.

XXXV. That the chriſtian religion, as contained in the Scriptures, be held forth and recommended as the public profeſſion of theſe nations; and that, as ſoon as may be, a proviſion, leſs ſubject to ſcruple and contention, and more certain than the preſent, be made for the encouragement and maintenance of able and painful teachers, for inſtructing the people, and for diſcovery and confutation of error, hereſy, and whatever is contrary to ſound doctrine: and that until ſuch proviſion be made, the preſent maintenance ſhall not be taken away nor impeached.

XXXVI. That to the public profeſſion held forth none ſhall be compelled by penalties or otherwiſe; but that endeavours be uſed to win them by ſound doctrine, and the example of a good converſation.

XXXVII. That ſuch as profeſs faith in God by Jeſus Chriſt, (though differing in judgment from the doctrine, worſhip, or diſcipline publicly held forth) ſhall not be reſtrained from, but ſhall be protected in, the profeſſion of the faith, and exerciſe of their religion; ſo as they abuſe not this liberty to the civil injury of others, and to the actual diſturbance of the public peace on their parts: provided this liberty be not extended to popery nor prelacy, nor to ſuch as, under the profeſſion of Chriſt, hold forth and practiſe licentiouſneſs.

XXXVIII. That all laws, ſtatutes, and ordinances, and clauſes in any law, ſtatute, or ordinance to the contrary of the aforeſaid liberty, ſhall be eſteemed as null and void.

XXXIX. That the acts and ordinances of parliament, made for the ſale or other diſpoſition of the lands, rents, and hereditaments of the late king, queen, and prince, of archbiſhops and biſhops, &c. deans and chapters, the lands of delinquents, and foreſt lands, or any of them, or of any other lands, tenements, rents, and hereditaments belonging to the common-wealth, ſhall nowiſe be impeached or made invalid, but ſhall remain good and firm; and that the ſecurities given by act and ordinance of parliament for any ſum or ſums of money, by any of the ſaid lands, the exciſe, or by any other public revenue; and alſo the ſecurities given by the public faith of the nation, and the engagement of the public faith for ſatisfaction of debts and damages, ſhall remain firm and good, and not be made void and invalid upon any pretence whatſoever.

XL. That the articles given to, or made with, the enemy, and afterwards confirmed by parliament, ſhall be performed and made good to the perſons concerned therein: and that ſuch appeals as were depending in the laſt parliament, for relief concerning bills of ſale of delinquents eſtates, may be heard and determined the next parliament, any thing in this writing, or otherwiſe, to the contrary notwithſtanding.

XLI. That every ſucceſſive lord protector over theſe nations, ſhall take and ſubſcribe a ſolemn oath, in the preſence of the council, and ſuch others as they ſhall call to them, that he will ſeek the peace, quiet, and welfare of theſe nations, cauſe law and juſtice to be equally adminiſtered; and that he will not violate or infringe the matters and things contained in this writing; and, in all other things, will, to his power, and to the beſt of his underſtanding, govern theſe nations, according to the laws, ſtatutes, and cuſtoms thereof.

XLII. That each perſon of the council ſhall, before they enter upon their truſt, take and ſubſcribe an oath, that they will be true and faithful in their truſt, according to the beſt of their knowledge; and that in the election of every ſucceſſive lord protector, they ſhall proceed therein impartially, and do nothing therein for any promiſe, fear, favour, or reward.

The oath was in theſe words:

"WHEREAS the major part of the laſt parliament (judging that their ſitting any longer, as then conſtituted, would not be for the good of the common-wealth) did diſſolve the ſame; and, by a writing under their hands, dated the 12th day of this inſtant December, reſigned unto me their powers and authorities; and whereas it was neceſſary thereupon, that ſome ſpeedy courſe ſhould be taken for the ſettlement of theſe nations upon ſuch a baſis and foundation as, by the bleſſing of God, might be laſting, ſecure property, and anſwer thoſe great ends of religion and liberty, ſo long contended for; And, upon full and mature conſideration had of the form of government hereunto annexed, being ſatisfied that the ſame, through the divine aſſiſtance, may anſwer the ends aforementioned; and having alſo been deſired, and adviſed, as well by ſeveral perſons of intereſt and fidelity in this common-wealth, as the officers of the army, to take upon me the protection and government of theſe nations in the manner expreſſed in the ſaid form of government, I have accepted thereof, and do hereby declare my acceptance accordingly; and I do promiſe, in the preſence of God, that I will not violate or infringe the matters and things contained therein; but, to my power, obſerve the ſame, and cauſe them to be obſerved; and ſhall, in all other things,

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to the beſt of my underſtanding, govern theſe nations according to the laws, ſtatutes, and cuſtoms thereof: ſeeking their peace, and cauſing juſtice and law to be equally adminiſtered."

O. CROMWELL.

To this oath was ſubjoined the following memorandum:

"Oliver Cromwell, captain-general of all the forces of this common-wealth, and now declared lord protector thereof, did, this 16th day of December, 1653, ſign this writing, and ſolemnly promiſe, as is therein contained, in preſence of the lords commiſſioners of the great ſeal of England, who adminiſtered the ſame oath, and of the lord mayor and aldermen of the city of London, divers of the judges of the land, the officers of ſtate and army, and many other perſons of quality."

It is obſervable that when Cromwell's firſt parliament was ſummoned upon this new model, inſtead of 30, there were (as appears by the liſt) but 21 members choſen for Scotland. Of the other nine, only five are accounted for by Whitelock, who ſays, that five ſheriffdoms returned, "that not one fit to be a parliament-man was to be found within their liberties."

All the thirty were returned for Ireland.

Great alterations were made in this plan by Cromwell's ſecond parliament, in an inſtrument which was paſſed under the title of The HUMBLE PETITION AND ADVICE, which the reader may ſee in Whitelock's Memorials.

THE

PUBLIC LAW OF EUROPE:

OR,

An Hiſtorical Abridgment of the Treaties on which are founded the Rights and Pretenſions of the ſeveral Princes and States in EUROPE.

PART I.

From the Treaty of MUNSTER in 1648, to the Peace of RYSWICK, 1697.

CHAP. I.

The TREATIES of WESTPHALIA [a] and the PYRENNES [b].

WHEN the doctrines of Luther had prevailed in Germany, it was eaſy to foreſee that the intolerant zeal of the catholics, and their cruel uſage of the proteſtants, would diſturb the peace of the empire. The proteſtants, tired with making fruitleſs complaints, as ſoon as they could form an army, entered into a confederacy called, from the place of congreſs, the League of Smalcald; but their arms were not crowned with ſucceſs [c]. The battle of Mulberg, (in 1547) and the captivity of John Frederic, elector of Saxony, and of the landgrave of Heſſe-Caſſel, would have entirely demoliſhed the proteſtants, if the bravery of prince Maurice of Saxony (couſin to the elector) had not revived their hopes, and France raiſed up enemies to the houſe of Auſtria, whoſe ruin ſhe ſought. The calamities that were felt, and the dread of thoſe that were approaching, made both parties relax. The PUBLIC PEACE, or treaty of Paſſau was ſigned the 2d of Auguſt 1552, and, three years after, the PEACE of RELIGION was concluded at Auſburg. By theſe treaties the Lutheran religion, and liberty of conſcience, were eſtabliſhed in Germany. The catholics believed they had loſt too much, and the proteſtants imagined they had not gained enough, or at leaſt did not think their rights ſufficiently eſtabliſhed. Suſpicions bred animoſities, and in this ſtate of things, it was hardly poſſible that the conventions of Paſſau and Auſburg ſhould be regarded, eſpecially as the houſe of Auſtria, catholic both by policy and principle, blew up the coals of the civil diſſentions. Charles V. formed the ambitious project of enſlaving the empire, and to that end endeavoured to weaken the princes of the Germanic body (whoſe forces were formidable to him) by arming them one againſt another. His ſucceſſors, after his example, always conſidered the troubles of Germany as favourable to their views, but, leſs able to practice the ſame policy, they did not draw from thence the ſame advantages.

Ferdinand II. ſaw Bohemia in arms againſt him, and the proteſtants of the empire, by ſupporting the revolt of that kingdom, put the catholics upon taking up arms in defence of the emperor. Ferdinand, aided by the moſt conſiderable forces of the Germanic body, utterly demoliſhed the party of Frederic V, elector Palatine, whom the Bohemians had placed on their throne. The triumph of religion was not the principal, or at leaſt the ſole, object of Ferdinand, and in his proſperity he did not forget the intereſts of his crown. He artfully availed himſelf of the indiſcreet zeal of the catholics, who thought all things lawful either to deſtroy the proteſtants or to retain their ſpoils, and by means of the animoſities which divided the empire, he began to exerciſe an arbitrary power.

Germany was ready to ſink, and the loſs of her liberty would have made it eaſy for the houſe of Auſtria to accompliſh their projects; when Guſtavus Adolphus, who had lately concluded a ſix years truce with Poland, perceived at once how much it behoved him to gain an eſtabliſhment in the empire, in order to be more reſpected in Europe, and how favourable to him the preſent circumſtances were. This prince, born with the qualities, ſeldom united, of a great king and a hero, had an army worthy of him. Cardinal Richlieu, who looked upon him as a fit inſtrument to humble the houſe of Auſtria, promiſed him ſubſidies, and enflamed his hopes by flattering his ambition [d]. The proteſtant princes of Germany at the ſame time addreſſed to him their complaints: The yoke they were under, began to be too heavy to be thrown off without a foreign aid, and in their invitation they promiſed to join their forces with his. Guſtavus therefore entered the territories of the empire, declaring himſelf the protector of Germany, and the avenger of its laws. He landed the 24th of June, 1630, in the iſle of Rugen, where he began the firſt hoſtilities, and five days after he paſſed into the iſland of Uſedom.

This war is one of the moſt famous in Europe, more particularly for the number of illuſtrious generals, Guſtavus, Weimart, Horn, Bannier, Tortenſon, Maximillian of Bavaria, Tilly, Walſtein; Piccolomini, Merci, Guebriant, Condé, Turenne, &c. But what made it ſtill more memorable, was, that almoſt all Europe took part in it; that it ſet bounds, at leaſt for a time, to the power of the Auſtrian princes; and that the peace which ended it, altered the intereſts of all Chriſtendom, and has ſerved for foundation to all the ſubſequent treaties [e].

Cardinal Richlieu perhaps would have prevented a general war, if, inſtead of only paying ſubſidies to Sweden, he had declared war againſt Ferdinand, when Guſtavus was ſpread-

[a] In the treaty of Weſtphalia, the proteſtant plenipotentaries aſſembled at Oſnabrug, and the catholic at Munſter, (both which places are in Weſtphalia) and therefore it is commonly called, The treaty of Munſter and Oſnabrug.

[b] The Pyrenean treaty is joined with thoſe of Munſter and Oſnabrug, as it may deemed part thereof. The kings of France and Spain were as yet too much incenſed againſt each other to ſubmit the deciſion of their quarrel to the Weſtphalian negotiations, and therefore continued the war twelve years longer. The king of France excluded the duke of Lorrain from the treaty of Munſter, as the king of Spain did Portugal, which laſt was deſerted by France at the treaty of the Pyrenees, contrary to the moſt ſolemn promiſes, and the duke of Lorrain was admitted upon hard terms, as will be ſeen in the articles relating to his dominions. This treaty likewiſe diſcovers the future deſigns of France, and the end that court has invariably purſued to this day.

[c] Smalcald is a city of Franconia, in the county of Hennenberg, under the landgrave of Heſſe-Caſſel. The emperor Charles V, reſolving to extinguiſh the Lutherans, aſſembled a diet at Spire, and, by a decree, dated the 13th of October, 1529, directed that they ſhould be proceeded againſt. Whereupon the Lutheran princes proteſted in favour of their religion, and ſo gained the name of proteſtants, and their religion was ſtiled the proteſtant faith. The next year they aſſembled at Smalcald, and entered into a defenſive league, which was concluded in 1530, and renewed in 1535 for ten years.

[d] Cardinal Richlieu, by his penſioners in the court of Sweden, gave Guſtavus Adolphus the firſt hint of taking advantage of the troubles of Germany, to enter there on pretence of religion. But Guſtavus would not come into the views of France, and attack the houſe of Auſtria alone, which France wanted to humble.

[e] It may be added, that by the ceſſion to France of three biſhopries and Alſatia, it began to deſtroy the balance of power in Europe.

Norlingen

ing terror in in the heart of Germany; or at leaſt if he had not deferred it, till the battle of Norlingen had ruined the affairs of the Swedes[f]. By this conduct, he would have preſcribed terms to the Spaniſh court, and the emperor been obliged to receive law from the conqueror: whereas Ferdinand, from the brink of ruin, having recovered a ſort of ſuperiority, it was become more difficult to force him to ſue for peace, and renounce the vaſt projects of his houſe.

The war continued with vigour, and for ſeveral years the contending powers were too much incenſed againſt each other to perceive how dearly they purchaſed the glory of conquering, or of ſhewing their fortitude in adverſity. It was in ſome meaſure againſt their wills that they ſigned at Hamburgh, the 25th of December, 1641, the preliminary articles of the peace. The conferences were to begin the 25th of March of the next year, but were put off to the 10th of July, 1644, and the peace, after five years negotiation, was not concluded till 1648.

The catholics held their aſſemblies at Munſter, and the proteſtants at Oſnabrug. Matters at firſt were treated with great ſlowneſs. The plenipotentiaries ſounded one another; and each feared that his adverſary would take advantage of his advances, and even of his readineſs to liſten to the firſt propoſitions. Hence aroſe numberleſs difficulties objected to the plaineſt overtures. However, the length of the Weſtphalian treaty muſt not be aſcribed to that cauſe alone. There was an immenſe chaos of oppoſite intereſts to be adjuſted; whole provinces were to be torn from the houſe of Auſtria; the laws and liberties of the oppreſſed empire were to be reſtored; and the proteſtants to be enriched with the ſpoils of the catholic eccleſiaſtics, in order to eſtabliſh a ſort of an equilibrium between them.

As long as the war left the court of Vienna the leaſt proſpect of ſucceſs, the neceſſary conditions for confirming the public tranquility, ſeemed impracticable. Nay, the peace itſelf was no longer the prime object of the negotiators. The imperial miniſters thought only to diſunite France, Sweden, and the Germanic body. Spain, after their example, uſed all her endeavours to draw off the United Provinces from the alliance of France. Nothing was forgot of what the moſt refined politics could ſuggeſt, to breed ſuſpicions and fears. In ſhort, a general peace could not be expected. It is true, France and Sweden adhered faithfully to their engagments. Each of theſe powers perceived that the advantage of a ſeparate peace would be but tranſitory. What further contributed to their union, was, that the princes of the catholic league, ſenſible of the emperor's weakneſs, were withdrawing themſelves from him by degrees, in order to put themſelves under the ſecure protection of his enemies. But the United provinces, purſuant to their intereſt, took a contrary courſe; they detached themſelves from France, and ſigned a ſeparate peace with Spain the 30th of January, 1648. From thenceforward Spain thought herſelf ſo ſure of humbling France, that ſhe would not conſent to the ceſſions required of her.

The conduct of the United Provinces was complained of on all ſides: but their gratitude to France, on which the French miniſters too far relied, was not able to counterbalance their intereſts: the Spaniards granted all their demands; they had nothing to hope from the continuation of the war, and, after all, an unlucky turn might deprive them of the advantage they had gained. Beſides, France was now become formidable to the States-general. They dreaded her ſucceſſes and neighbourhood, and began to perceive that Spain was no longer that power which had made all around her tremble under the reigns of Charles V, and his ſon.

The peace of the empire with France and Sweden was ſigned the 28th of October, 1648, and in conſequence of the convention of Nuremberg, the 30th of July, 1650, Octavius Piccolomini, and Charles Guſtavus, prince Palatine, generals of the imperial armies, were charged with ſeeing all the articles punctually executed.

It was to be feared that the war, which was going to continue with greater warmth than ever, between France and Spain, would deſtroy the fruits of a five years negotiation, and kindle a ſecond flame over all Europe. To prevent this misfortune, the French plenipotentiaries required that the emperor and empire ſhould not interfere in the war with the king of Spain, though that prince, by virtue of the circle of Burgundy, was a member of the Germanic body, nor take up arms to adjuſt the diſputes concerning Lorrain. France omitted nothing to ſecure the execution of theſe important articles: ſhe procured by treaties of league and alliance (which were often renewed after the peace of the Pyrenees) the guaranty of the moſt powerful princes of the empire.

The inteſtine diviſions which began in 1648 to diſturb the minority of Lewis XIV, did not hinder the French from keeping the aſcendant they had gained over the Spaniards after the battle of Rocroy. If the court of Madrid ſaw their hopes vaniſh, which had made them ſo haughty at Munſter, France was no leſs weary of her triumphs[g]. A ſuſpenſion of arms was agreed upon, and ſigned at Paris the 7th of May, 1659. Cardinal Mazarin's haſte to put an end to hoſtilities on bare preliminaries, did not eſcape cenſure. Since the beginning of the war, the ſucceſſes of France had not yet been ſo great, and it was thought the concluſion of the peace would render them fruitleſs. Some, ignorant doubtleſs of the danger in driving an enemy to deſpair, were for cruſhing the Spaniards; others, more wiſe, wiſhed only that the peace had been treated ſword in hand, to render the negotiations more eaſy and ſhort. But the ſituation of affairs, and diſpoſition of the parties, did not require the ſame conduct as was uſed during the congreſs of Weſtphalia. Cardinal Mazarin and Don Lewis de Haro came to the frontiers of the two kingdoms, and, after twenty-four conferences, the peace was concluded the 7th of November, 1659, in the iſle of pheaſants in the river Bidaſſoa.

Mazarin has left in his letters a curious and circumſtantial account of this negotiation. Don Lewis de Haro had but little knowledge of the affairs of Europe, naturally weak, timorous, and irreſolute; he had no fixed and certain principle to guide him in his proceedings. Mazarin, on the contrary, had all the qualifications that can be deſired in a negotiation. With a thorough inſight into the affairs of Europe, he was perfectly acquainted with every thing relating to the reſpective intereſts of his maſter and the king of Spain. Theſe talents were needleſs in the Pyrenean conferences: he had ſcarce other difficulties to ſurmount but Don Lewis's irreſolution and vanity, both which he eaſily managed. Indeed, he could not prevail to have Portugal included in the treaty, nor Condé to be left out; but for theſe compliances, ample amends were made by other conceſſions.

FRANCE.

"The emperor and empire reſign to the king of France to be incorporated in his crown for ever, all their rights upon the cities and biſhopries of Metz, Toul, and Verdun, and their dependencies, particularly Moyenvic, ſaving the right of metropolitan, which belongs to the archbiſhop of Treves."

"The emperor for himſelf and the houſe of Auſtria and the empire, reſign to France the city of Briſac, and the villages of Hoolſtat, Niederrimſing, Harten, and Acharren, which depend thereon, to be held in full ſovereignty, in the ſame manner as the Upper and Lower Alſatia, Suntgau, and the provincial prefecture of the ten imperial cities, namely, Haguenau, Calmer, Scletſtadt, Weiſemberg, Landau, Oberenheim, Roſheim, Munſter in the vale of St. Gregory, Keyſerberg, and Turingham, with their dependencies. All and every of theſe ſhall be incorporated for ever in the crown of France. But the moſt Chriſtian king ſhall be obliged in all thoſe places to maintain the catholic religion, and to baniſh thence all innovation brought in during the war. The emperor, empire, and archduke of Inſpruck, Ferdinand Charles, to diſcharge the ſubjects of thoſe places from all engagements and oaths of fidelity; and derogate and make void all decrees, conſtitutions, and particularly the article of the imperial capitulation, by which the alienation of the rights and poſſeſſions of the empire is prohibited[h]. In the next diet theſe alienations ſhall be raiſed anew, and if any pro-

[f] Norlingen is an imperial city in Swabia, famous for nothing but the defeat of the Swedes in 1644, and the victory of the Swedes and French over the Bavarians in 1645.

[g] One inducement to Spain to make peace with France, was, that Cromwell, after having been courted by both crowns, thought fit to make a treaty with the French againſt the Spaniards, having had an eye for ſome time on ſome conqueſt in America.

[h] As the emperors had endeavoured to encroach upon the rights and privileges of the electors, it was reſolved, upon the death of Maximilian, that before his grandſon Charles V. was admitted to the imperial dignity, certain articles of government, ſtiled "The imperial capitulation," ſhould be drawn up and ſworn to. This method has ever ſince been conſtantly followed. When the emperor is choſen, the electors lead him to the church, and place him upon the great altar, where the archbiſhop of Mentz gives him the capitulation to ſign, with a promiſe to confirm immediately after his coronation, all the liberties and privileges which the electors, and other princes and ſtates of the empire, before enjoy. Some of the principal articles of theſe capitulations are, the obſervance of the golden-bull: of the agreement at Auſburg in 1655; of the treaties of Munſter and Oſnabrug; and of ſeveral other articles, making in all 47, which run upon changing nothing

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poſal be made hereafter in a diet, for the recovery of lands or rights of the empire, the preſent alienations ſhall not be included therein.

" All the fortifications of Benfield, Rhinau, Saverne, Hohenbar, and Neuburg on the Rhine, ſhall be demoliſhed, and no garriſon kept there. Saverne ſhall keep an exact neutrality, and give the king's troops a free paſſage as often as required."

It may be obſerved that, by the expreſſions uſed in this article, the empire meant only to ſooth the magiſtrates and inhabitants of Saverne, in the ceſſion of their city to France.

" The king of France ſhall have a perpetual right to garriſon Philipſburg, and ſhall have free paſſage for his troops thither through the empire. But the ſaid king ſhall only have the protection of the place; the property, profits, &c. remaining to the biſhop and chapter of Spire.

" The emperor and empire reſign to France all the rights of ſovereignty that do or may belong to them over Pignerol.

" France ſhall remain poſſeſſed of all Artois, except only the towns, bailiwics, and chaſtellanies of Ayre and St. Omer, with their dependencies: in Flanders, of Graveling, the forts Philip Sluice, Hannain-Bourburg, and St. Vinant in the county of Hainault, of Landrecy, Queſnoy: In the duchy of Lunenburg, of Thionville, Montmedy, Danvilliers, Ivoy, Chavancy, Chaſteau, and Marville, with all their appurtenances.

" La Baſſee and Berg St. Vinox, and the royal fort of Berg, which his moſt chriſtian majeſty has declared he will never conſent to part with, ſhall be exchanged for Marienberg and Philipville, and their dependencies: Avennes, with its appurtenances, ſhall be given to France, and the prince of Chimay ſhall be indemnified for his pretenſions by his catholic majeſty, who alſo engages to build no new fortreſs that may cut off or diſturb the communication of theſe places with France.

" The king of France ſhall remain poſſeſſed of all the countries on this ſide the Pyrences, and the king of Spain of thoſe on the other ſide of the mountains, which ſhall divide the two kingdoms.

" Spain renounces all right and pretenſions to whatever was yielded to France by the treaty of Munſter, and to the county of Terreſe."

This county was not reſigned to France till the 16th of December 1660, by a treaty concluded at Paris between Lewis XIV. and Ferdinand Charles, archduke of Inſpruck, and confirmed the 4th of June, 1663, by Sigiſmund Francis, archduke of Inſpruck.

" The king of France proteſts againſt all preſcription and lapſe of time, with regard to the kingdom of Navarre, and reſerves to himſelf a power to proſecute his right to the ſaid kingdom by an amicable way, and not by arms, as alſo all his other rights, which he conceives to belong to him or his predeceſſors.

All authors, who have writ of the law of nations, agree, that preſcription authoriſes rights the moſt doubtful in their origin; and what proves the wiſdom of this maxim, is, that it concerns every nation to adopt it. The difficulty is, to know how preſcription is acquired: It ſeems to be ſolely eſtabliſhed by the ſilence of the party aggrieved, when he has treated with the prince who poſſeſſes his property, or when his adverſary ſells, reſigns, or alienates it in any other manner. Silence in theſe caſes is equivalent to conſent. Had authors, who have treated of the rights and pretenſions of the powers of Europe, ſet out upon this maxim, they would not have endeavoured to realize the chimeras which the ſtates themſelves, in favour of whom they write, durſt not avow. To what purpoſe to talk now of the pretenſions of the empire on the eccleſiaſtical ſtate? of the rights of England on the crown of France? or thoſe of France on the provinces enjoyed by Charles the Great? Without inflaming the ambition and jealouſy of princes, there will be ſubjects of quarrels enough, and the public tranquility too often diſturbed. From this maxim of preſcription, it muſt be concluded that each prince rightfully poſſeſſes what has not by any act of proteſtation being claimed ſince the treaties of Weſtphalia.

" If any ſtate or prince whatſoever attacks the king of France, or the king of Spain, in what either now poſſeſſes or ſhall poſſeſs by virtue of this treaty, the other ſhall not any way aſſiſt the ſaid ſtate or prince, though otherwiſe his ally."

This is a wiſe and regular article, if the courts of Paris and Madrid meant only to tie up their hands for the future, that is to ſay, debar themſelves of the liberty of making any engagements reſpectively hurtful to them. But if, as ſome pretend, cardinal Mazarin and Don Lewis de Haro intended that this clauſe ſhould have a retroſpect to the treaties preceding the Pyrenean, nothing would be more irregular or contrary to the principles of ſincerity. For France and Spain would put themſelves under a neceſſity of breaking their preſent convention, or their former engagements with other powers. There are politicians who applaud this manner of treating, as leaving a ſtate free to take, on occaſion, the part moſt favourable to its intereſts. But, is it true that ſo pernicious an advantage may be drawn from thence? A prince who has entered into contrary engagements, is bound to fulfil the prior, becauſe the others are null and ought not to have been made. If the later conventions annul the more ancient, in vain do nations negotiate together. The faith of treaties vaniſhes, all is uncertain, and the law of nations are words without any meaning. The ſame inconveniences are alſo incurred, and all the bands of ſociety are broke, if a prince may renounce his engagements without the conſent of the party with whom he has made them.

" If any breach ſhould happen between the allies of the two kings of France and Spain, neither ſhall engage in the quarrel till endeavours have been uſed for an accommodation, which not ſucceeding, each king ſhall be free to ſupport his ally, without any breach of this treaty."

It is lawful without doubt to act in a hoſtile manner againſt ſtates who aſſiſt our enemies. This principle has in all times been carried into practice, and yet there has prevailed in Europe, ſince the beginning of this century, a new way of thinking on this ſubject. It is pretended, in ſome writings, that it is unlawful to attack a power, who, to perform his engagements, ſends aid to our enemies. It has been obſerved with aſtoniſhment, that ſtates, waging war againſt one another with warmth, have believed, or feigned to believe, that they were ſtill friends, becauſe they were only auxiliaries, and no formal declaration had preceded their hoſtility.

It would be eaſy to diſcover the cauſe of ſuch a change in the principles of the law of nations; but it ſhall only at preſent be examined, whether it is advantageous to ſocieties to agree that the aſſiſtance, they give their allies, ſhall not alter the friendſhip and good correſpondence which ought to reign among them.

The plenipotentiaries who firſt deviſed this clauſe, had doubtleſs no other end than to ſtrengthen the peace, and prevent the war between two ſtates from ſpreading its ravages and becoming general; but it may be affirmed, that they were miſtaken in their views. In the firſt place, peace is not thereby more firmly eſtabliſhed; for it is not declarations but hoſtilities that create a ſtate of war between two nations. In the next place, ſo far are the calamities of war from being the leſs extended by it, that, on the contrary, they are rather increaſed. A prince who would not venture to concern himſelf in the quarrels of his neighbours, will take part in the war, when he can do it without making an enemy. The aid he ſhall give will increaſe the flame, which otherwiſe might poſſibly be more eaſily extinguiſhed.

'Twill be to no purpoſe to agree by treaties, that the allies of the two contending powers ſhall not be deemed enemies; a prince will always behold with an evil eye, a nation that contributes to his damage, and will ſeize the firſt opportunity to be revenged. It is next to impoſſible for the paſſions, when put in a fermentation, not to proceed at laſt to an open rupture.

SWEDEN.

" The emperor and empire reſign to Sweden, as perpetual and immediate fiefs of the empire, the higher Pomerania, (commonly called Vor-Pomeren) with the iſland of Rugen, and in the farther Pomerania the towns of Stetin, Garts, Dam, Golnau, and the iſle of Vollin, with the ſovereignty of the river Oder, and the arm of the ſea called Friſchaft; alſo the three mouths of the Peine, the Swine, and the Diewenou, with the lands on both ſides, from the bounds of the royal territory to the Baltic ſea.

" The elector of Brandenburg ſhall poſſeſs the farther Pomerania and biſhopric of Camin."

There were ſome diſputes afterwards between the courts of Sweden and Berlin concerning the limits. But all difficulties

in matters of religion; and hinder him from aboliſhing laws, declaring war, impoſing taxes, making peace or alliances, building fortreſſes, or doing any thing that relates to the good of the empire, without the conſent of the ſtates of the empire, and advice of the electors and other princes thereof. Theſe capitulations are like our " Petition of Right, and Coronation-Oaths."

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were removed by the treaty of Stetin, in May 1663. By virtue of that treaty the king of Sweden ſhared with the elector the revenue of the tolls payable in all the ports and harbours in Farther Pomerania. It would be needleſs to ſay any thing more of the treaty of Stetin, the diſpoſitions of it were altered by that of St. Germain-en-Laye and Stockholm, as will be ſeen hereafter in the peace of Nimeguen.

" The titles and arms of Pomerania ſhall be common to the kings of Sweden and electors of Brandenburg. In caſe of failure of heirs male in the houſe of Brandenburg, the Farther Pomerania and biſhopric of Camin ſhall devolve to the king of Sweden.

" With the conſent of the empire, the emperor gives to Sweden the town and port of Wiſmar, with the fort of Walfich, the bailiwics of Poel, (except ſome villages belonging to the hoſpital of the Holy Ghoſt in Lubec) of Newencloſter, and of Wilſhuſen; the archbiſhopric of Bremen, and biſhopric of Verden, ſaving to the city of Bremen its immunities, which ſhall be left in its preſent ſtate in eccleſiaſtical and political matters[b]."

" Queen Chriſtina and her ſucceſſors, kings of Sweden, in conſideration of theſe fiefs, ſhall be deemed princes of the empire, and have their place and vote in the diets as dukes of Bremen, Verden, and Pomerania, princes of Rugen, and lords of Wiſmar. They ſhall hold theſe fiefs of the empire, and receive the inveſtitures, taking the uſual oath.

" The crown of Sweden ſhall enjoy the privilege of not appealing, provided there be eſtabliſhed in theſe fiefs, in ſome commodious place in Germany, a tribunal where juſtice may be adminiſtered according to the laws and conſtitutions of the empire."

The electors only have in their dominions tribunals of juſtice to judge without appeal. The ſubjects of the other princes appeal from the ſentence of their judges to the imperial chamber at Wetzler, or the Aulic Council of the empire[c]. The electors of Treves in their territories permit appeals to the imperial chamber; it is not clear, however, whether by the golden bull, a ſubject of that archbiſhop can be compelled to appear before a foreign judge, the privilege of not appearing being granted not ſolely to the electors but alſo to their ſubjects.

" All the ſtates of the empire ſhall contribute towards paying to Sweden, in three payments, the ſum of five millions of rix-dollars.

The CATHOLICS, the PROTESTANTS, the REFORMED.

" For the redreſs of the religious grievances which have partly occaſioned the war, it is agreed, that the tranſaction of Paſſau in 1552, and the peace of religion which enſued in 1555, ſhall be inviolably obſerved as it was confirmed to Auſburg in 1556, and ſhall ſerve for foundation to the 5th article of the treaty of Oſnabrug. There ſhall be an exact equality between the electors, princes, and ſtates of both religions according to the conſtitutions of the empire, all violence and force between the two parties being for ever prohibited[d].

" The cities of Auſburg, Dunckelſpiel, Biberach, and Ravenſburg, ſhall retain the exerciſe of religion as on the 1ſt of January 1624. The magiſtracies and public offices ſhall be held by an equal number of catholics and proteſtants. If the number be unequal, each religion ſhall have alternately an additional magiſtrate of the ſame confeſſion. As to offices held by a ſingle perſon, they ſhall be filled by turns by catholics and proteſtants. The city of Auſburg having a council of ſeven ſenators, two of which having the title of preſident, and the other five of counſellors, the catholics ſhall always have one preſident and three counſellors of their religion; but if the catholics abuſe the plurality of the ſuffrages to the prejudice of the proteſtants, it ſhall be lawful for thoſe laſt to have recourſe to the alternative of a fifth counſellor.

" The inhabitants of Oppenheim who profeſs the Auſburg confeſſion, ſhall be put in poſſeſſion of their churches and eccleſiaſtical eſtates as they were in the year 1624; and all other proteſtants ſhall have the free exerciſe of their religion.

" The nobility who hold immediately of the empire ſhall enjoy the ſame rights in matters of religion with the electors, princes, and ſtates of the Germanic body.

" The counts, barons, nobles, towns, monaſteries, commendams, communities, who are ſubjects of the ſtates holding immediately of the empire, eccleſiaſtical or ſecular, catholic or proteſtant, ſhall retain the free exerciſe of the religion they profeſſed the 1ſt of January 1624. Thoſe who are not of the religion of their ſovereign, and who at that time did not enjoy the public or private exerciſe of their religion, ſhall be free to attend their devotions in their own houſes, and even to be preſent at the public ſervice, performed in their neighbourhood. They ſhall enjoy, moreover, all the civil privileges granted to thoſe of the eſtabliſhed religion.

" In caſe that thoſe who had not on the 1ſt of January 1624, the public or private exerciſe of their religion, or who ſhall change their religion, have a mind, or are ordered to remove, they ſhall be at liberty to ſell or keep their effects, to have them adminiſtered, and to viſit them freely without a paſſport. The firſt ſhall have five years allowed to remove, the other, three, reckoning from the day of notice from their territorial lord.

" The eccleſiaſtical benefices enjoyed by catholics in 1624, ſhall remain in their hands for ever, and thoſe poſſeſſed in the ſame year by proteſtants, ſhall remain with them in like manner. If any eccleſiaſtic ſhall for the future change his religion, he ſhall forfeit his benefice, but without reſtoring the revenues he ſhall have conſumed.

" In the places of the Auſburg profeſſion, where the emperor enjoys the right of firſt prayers, he ſhall always name a proteſtant[e]. In the ſame places, the pope ſhall have no right of annates, pall, confirmation, &c. and whoever ſhall demand ſuch rights in his name, ſhall not be ſupported by the ſecular arm. Such as are choſen or ſtand for archbiſhopric, biſhopric, or prelacies of the confeſſion of Auſburg, ſhall receive inveſtiture of the emperor, after having within the year paid homage and taken the uſual oaths of fidelity. In the places where both religions are admitted, the pope ſhall preſerve his right with regard to catholic benefices. The emperor ſhall not exerciſe his right of firſt prayers in favour of a catholic but on the benefices of thoſe who are of the Romiſh religion.

[b] Great alterations have happened ſince this treaty in the ceſſions made to the Swedes. For by the treaty of Stockholm in 1720, the queen of Sweden reſigned in perpetuity to the houſe of Brandenburgh, the city of Stetin, the diſtrict between the Oder and the Pohne, with the iſles of Wollin and Uſedon, which had been given to Sweden by the 10th article of the treaty of Oſnabrug. By the 3d and 19th articles of the ſaid treaty of Stockholm, Sweden alſo yields up the towns of Dam and Holnau. By an explanation of another treaty concluded at Stockholm the 20th of November, 1719. Sweden reſigns to the electorate of Hanover the duchies of Bremen and Verden.

[c] For the better and more impartial adminiſtration of juſtice, which had been greatly interrupted, the emperor Maximilian, at the ſolicitation of the ſtates, erected a court under the title of " The Imperial Chamber," at Worms in 1495. This court was removed to Spire, 1633, and, after the French had barbarouſly ruined the Palatinate, to Wetzler in 1696, where it ſtill remains. The members of this great court of juſtice were a judge of the chamber, 4 preſidents, and 50 aſſeſſors; but in 1719 this number was leſſened by one half, and theſe to be part proteſtants and part papiſts.

The emperors had been averſe to ſuch a tribunal, becauſe they ſtill hoped to bring, as in old time, all cauſes in the laſt reſort before a tribunal of their own appointing, whereas the emperor names only the judge and preſidents of the imperial chamber. What former emperors had in vain endeavoured by authority, Maximilian obtained by policy. He foreſaw, the large expence of the imperial chamber, which fell entirely on the ſtates, would make them unattentive to their new tribunal, which accordingly happened. They knew the importance of it, and ſtruggled to obtain it, but neglected its ſupport, by which means it was often ſhut up.

The politic emperor took advantage of this, and revived his Aulic Council; and, to ſhew his moderation, deſired the ſtates to add to the number of aſſeſſors eight, though the ſalaries of all are paid by the emperor. By this means he drew all the cauſes to his own tribunal, by keeping it ever open. The princes and ſtates ſaw their error, but could not correct it. For, after all their diſputes, theſe two ſupreme courts ſubſiſt, and almoſt with equal authority, for which firſt poſſeſſes a cauſe, thereby retains it; and both receive appeals from inferior juriſdictions, and decide dubious titles. The ſentences of both, in caſe of injuſtice, may be complained of to the general diet. The Aulic Council conſiſts of a preſident, and ſeventeen aſſeſſors, of whom ſix are proteſtants. The vice chancellor of the empire has alſo a right to a ſeat, and all the decrees paſs through his hands, and are directed by him to thoſe who are to execute them. There is one circumſtance wherein theſe tribunals differ, the imperial chamber ſubſiſts during a vacancy of the throne, when juſtice is adminiſtered in the name of the vicars of the empire; but the Aulic Council is diſſolved by the death of the emperor; and a new one cannot be choſen till an emperor is elected.

The papiſts, and eſpecially the proteſtants, both complain of the too great authority of this tribunal; but hitherto they have not been able to reſtrain its power and reſtore to the imperial chamber its original and legal juriſdiction.

There are aulic-councils or tribunals of juſtice in the ſtates of the ſovereign princes, either with or without appeals to the imperial chamber or aulic-council of the empire.

[d] This article has been ſo often violated, that it may be ſaid to exiſt only in idea. The intolerant ſpirit of the Romiſh clergy breaks through all obſtacles, and the 4th ſeparate article of the treaty of Ryſwic has given a mortal blow to liberty of conſcience.

[e] The right of Primæ Preces or firſt prayers, is the right of filling, for once only, a vacant ſeat in every chapter of the empire; and it anſwers to the privilege of our archbiſhop of Canterbury called an Option.

" The electors, princes, &c. of the confeſſion of Auſburg, ſhall poſſeſs all the eccleſiaſtical benefices they enjoyed, in 1624, and the catholics, of what condition ſoever, ſhall be reſtored to what they held in the ſame year in the ſtates of the Lutheran princes.

" If any elector, prince, lord of territory, &c. change his religion, or acquires, by inheritance or otherwiſe, any ſtate profeſſing a different religion from his, he ſhall be allowed to have in his court and about his perſon, miniſters of his religion; but ſo, as to be no expence to his ſubjects or prejudice to their religion. If any community embrace the doctrine of their prince or lord, and deſire leave to have at their coſt the ſame exerciſe of religion, the prince or lord ſhall grant them that favour, which it ſhall not be in the power of his ſucceſſors to reverſe.

" In the ordinary aſſemblies, as well as in the general diets, the number of the deputies of both religions ſhall be equal. When an affair requires extraordinary commiſſaries, they ſhall be taken among the proteſtants, if the point in queſtion concerns the Lutherans. If the diſpute relates to the catholics, the commiſſaries ſhall be ſo: if it ariſes between catholics and proteſtants, there ſhall be an equal number of commiſſaries of both religions.

" The tribunal of the imperial chamber ſhall be compoſed of a catholic judge, four preſidents named by the emperor, of whom two ſhall be of the Auſburg profeſſion; of twenty-ſix catholic aſſeſſors and twenty-four proteſtants. The judges of the Aulic council ſhall conſiſt of an equal number of both religions. If all the catholics ſhall be of one opinion and all the proteſtants of another, the affair to be decided ſhall be referred to the general diet of the empire.

" The dukes of Brieg, Lignitz, Munſter, Berg, and d'Oels, and the city of Breſlau, ſhall be maintained in the privileges they enjoyed before the troubles of Bohemia, and in the free exerciſe of their religion. The Lutheran counts, barons, nobles, &c. in the dutchy of Sileſia, who depend on the royal chamber, ſhall be allowed to aſſiſt at the public ſervice of their religion in their neighbourhood, and to build three churches at their own coſt near the cities of Sweidnitz, Jant, and Glogau.

" The ſame liberty that is granted to catholics and Lutherans, ſhall alſo be allowed to thoſe who call themſelves the reformed. Except theſe three religions, no other ſhall be received or tolerated in the empire."

This article ſeems to regard any ſubjects, ſince, on account of the fiefs he enjoys in the empire, it was not objected againſt the duke of Holſtein preſumptive heir of the crown of Ruſſia, when he embraced the Greek religion.

ELECTORS, PRINCES, and STATES of the EMPIRE[f].

" For preventing any diſputes that may ariſe for the future in the political ſtate, the electors, princes, and ſtates of the Roman empire ought to be confirmed by virtue of this treaty in their ancient rights, prerogatives, privileges in the free encreaſe of territorial right, in matters eccleſiaſtical and political in their dominions, in their rights of the regale, that no perſon may have it in his power or choice to give them moleſtation on any pretence whatſoever. They ſhall enjoy the right of ſuffrage in all deliberations concerning the affairs of the empire; particularly when laws are to be made or interpoſed; war to be declared; contributions to be impoſed; levies of troops to be made, and their quarters regulated; new fortreſſes to be raiſed in the name of the public in the territories of the ſtates, or garriſons to be placed in the old, and alſo when any treaties or alliances are to be concluded; none of theſe and other things of the like kind ſhall be undertaken or permitted without the ſuffrages of all the ſtates of the empire aſſembled in the diet. They ſhall have perpetual right of making alliances among themſelves and with foreigners, provided ſuch alliances are not directed againſt the emperor and empire, againſt the public peace, or the preſent treaty in particular.

" The free cities, both in the general and particular diets, ſhall have deciſive votes, and enjoy all their ancient rights, cuſtoms and privileges."

The Ban of the empire is one of the moſt important points of the Germanic law. The Golden Bull ſays nothing of its form; it is ſurprizing that the plenipotentiaries of Weſtphalia ſhould be ſatisfied with referring the manner and order to be obſerved in putting it in execution to the next diet, which was to meet within ſix months after the concluſion of the treaty. In this diet it was ſettled, that the emperor ſhould not put any prince or ſtate under the ban without the conſent of the electors. The colleges of the princes and imperial cities juſtly complained, and notwithſtanding the numberleſs papers publiſhed on that occaſion, they could not obtain the ſatisfaction they required, till the acceſſion of Charles VI. to the imperial throne. The electors inſerted in his capitulation, that he ſhould not pronounce the ban without the knowledge and conſent of the electors, princes, and ſtates of the empire[g]. This emperor expreſſes himſelf thus, concerning the forms to which he ſubmitted himſelf on theſe occaſions: " When the proceſs is about to end, the acts of it ſhall be laid before the general diet, to be taken into conſideration, and examined by deputies of the three colleges of the empire, half catholics and half proteſtants, who ſhall be expreſly ſworn for that purpoſe. Their opinion ſhall be reported to the electors, princes, and ſtates aſſembled, who ſhall pronounce thereon the final concluſion. The ſentence, after confirmation by us or our commiſſaries, ſhall be publiſhed in our name, and the execution ſhall no otherwiſe be accompliſhed than by the tenor of the regulations of execution, and by the ſame circle to which the proſcribed perſon belonged, or where he inhabited. We will detain nothing of what ſhall be forfeited, either for ourſelves or our houſe, but the whole ſhall be incorporated in the empire; and, before all things, the injured party ſhall receive ſatisfaction."

This clauſe was inſerted in the capitulation of the emperor Charles VII. and ought to be conſidered as part of the treaties of Munſter and Oſnabrug; the plenipotentiaries having beforehand guarantied what ſhould be decided in the affair by the princes of the empire.

HOUSE of AUSTRIA.

" France ſhall pay, in three equal payments, the ſum of three millions of livres Tournois to Ferdinand-Charles, archduke of Inſpruck, after Spain ſhall have conſented to the alienation of Alſatia and the other ſeſſions by the treaty of Munſter."

This prince being dead, the three millions were paid to his brother Sigiſmund-Francis in 1663, 1664, and 1665.

HOUSES of BAVARIA, PALATINE, and BRANDENBURG.

" The houſe of Bavaria ſhall remain poſſeſſed of the elec-

[f] After the extinction of the family of Charles the Great, who conquered Germany and Lombardy, the empire became elective, and great diviſions and diſſentions aroſe, which at laſt were ſettled in the reign of Charles IV. by the Golden-Bull, or Magna Charta of Germany.

This edict or law was made in the year 1356, in a diet of the ſtates at Nuremburgh. It is called Golden, becauſe it has a gold ſeal in the form of a pope's bull. It contains thirty chapters, concerning the form and ceremonies of the election of the emperors: the number, rights, and functions of the electors, and all that belongs to the government of the empire in general. The electors were thus ſettled: The archbiſhop of Mentz, as great chancellor of Germany; the archbiſhop of Cologn, as great chancellor in Italy; the archbiſhop of Treves, as great chancellor in Gaul and Arles; the king of Bohemia, as cup-bearer; the count Palatine, as high-ſteward; the duke of Saxony, as grand marſhal; and the margrave of Brandenburg, as grand chamberlain, were the ſeven electors. To theſe have ſince been added, the duke of Bavaria, and duke of Brunſwick, as arch-treaſurer.

The general diet of the empire conſiſts of the electors, princes, ſtates, prelates, counts, barons, and free cities. The elector of Mentz, as high chancellor, is the director or ſpeaker. The members of the diet are divided into three colleges: I. The electoral college. II. The college of princes, in which ſit not only the ſpiritual and temporal princes of Germany, but the prelates who are not conſidered as princes, and the counts of the empire. The temporal and ſpiritual princes have each ſingly a vote; but the prelates and counts vote by benches, each bench having one vote. III. The college of the free or imperial cities. Theſe cities, in the times of confuſion, confederated for the benefit of trade, and for mutual defence againſt the princes, and at length became ſo powerful as to make the third eſtate or college of the empire. Bremen is ſaid to begin the aſſociation in the year 1164. There are now about ſixty imperial cities, or hanſe-towns in Germany.

The empire was divided by Maximilian, about the year 1500, firſt into ſix, and, twelve years after, into ten circles; namely, Franconia, Bavaria, Suabia, the Upper Rhine, Weſtphalia, Lower Saxony, Auſtria, Burgundy, the Lower Rhine, and Upper Saxony. In each of theſe circles there is a director for the management of civil, and a chief for regulating military affairs. The directors are fixed, but the chiefs or generals are choſen by the circles; each circle appointing the general to command the forces it is obliged to find in defence of the empire. To the directors the imperial chamber commit the execution of their decrees. The circles having many things to manage, hold frequent diets, in which they take meaſures for their ſafety, and upon occaſion, they negotiate with the diets of other circles; and when this is done with a view to ſome certain point, they are called Confederate Circles.

[g] Though this was inſerted in the capitulation of the emperor Joſeph, yet he, by his own authority, put under the ban of the empire the electors of Cologn and Bavaria.

When

toral dignity, the Upper Palatinate, and the county of Cham, formerly belonging to the electors Palatine. In virtue of this ceſſion, the elector of Bavaria ſhall renounce all the debt of thirteen millions, and all his pretenſions to the Upper Auſtria."

The duke of Bavaria, though he was omitted at the time when the number of electors was ſettled by the golden bull, had formerly enjoyed the electoral dignity alternately with the counts Palatine. The elector Maximilian-Emmanuel, in his manifeſto againſt the emperor Leopold, in the beginning of the year 1701, expreſſes himſelf thus:

"The electoral dignity is very ancient in my houſe, by the concordat of Pavia, between the emperor Lewis of Bavaria, (from whom I am deſcended) and Adolphus, ſon of Rodolphus of Bavaria, brother to the emperor Lewis, and author of the Rodolphin branch. The dignity which belonged to the houſe of Bavaria, was to be enjoyed alternately by the chiefs of the two branches of which that houſe was then compoſed. Some time after the Pavian concordat, the emperor Charles IV, declared enemy of the princes of my branch, publiſhed the golden bull, wherein he appointed that the eldeſt ſons of the electors ſhould always ſucceed their fathers. A prince of the Rodolphin branch enjoyed the electorate of my houſe when that bull was publiſhed. His ſon, by virtue of this golden bull, kept poſſeſſion of the electorate, which by the Pavian concordat was to come to the eldeſt of my branch. His uſurpation was continued by his deſcendants, notwithſtanding the proteſtations of my anceſtors ſo often repeated and renewed in full diet by duke William of Bavaria, my great grand-father.

"An eighth electorate ſhall be created in favour of the count Palatine, his heirs and ſucceſſors of the Rodolphin branch, together with all the Lower Palatinate, and in caſe the Willelmine branch ſhould happen to be extinct, and the Rodolphin ſurvive, then the Upper Palatinate and county of Cham ſhall return to the Palatine, and the eighth electorate ſhall be ſuppreſſed."

The treaties of Weſtphalia have ſettled nothing about the vicariate of the empire [h]. At the death of Ferdinand III. the elector of Bavaria claimed that dignity as annexed to his electorate, or rather to the Upper Palatinate, of which he was poſſeſſed. The elector Palatine maintained, on the contrary, that the vicariate belonged to him as count of the Lower Palatinate; and the golden bull ſeems to favour his pretenſions, where it is ſaid, "whenever the empire ſhall become vacant, the illuſtrious count Palatine of the Rhine, high-ſteward of the holy Roman empire, ſhall be vicar of the empire." 1. It is not natural that it ſhould be forgot to give the title of elector to the count Palatine, if the vicariate had been annexed to his electorate. 2. The golden bull calls him count Palatine of the Rhine, from whence it might be inferred that he was vicar of the empire by virtue of the Lower and not of the Upper Palatinate. This queſtion divided the whole empire, and in vain did arbitrators offer to decide it. Theſe two princes, in May 1724, came to an agreement, that for the future they ſhould exerciſe the office of vicar in common in ſome neutral place appointed for that purpoſe. Accordingly the vicariate was ſo adminiſtered in the vacancy of the empire, after the death of Charles VI. Several princes proteſted againſt this agreement, which, to have the force of a law, ought to have had the conſent of the emperor and the diet. At the death of the emperor Charles VII, the elector of Bavaria, his ſon, came a new agreement, whereby the vicariate was to be exerciſed alternately.

Purſuant to the 48th article of the treaty of Munſter, and the 4th of Oſnabrug, wherein it was agreed that the ſucceſſion of Juliers (undecided ſince the year 1609) ſhould be ſettled without delay, Frederic William, elector of Brandenburg, and prince William, Palatine of the Rhine, duke of Neuburg, ſigned at Cleves the 9th of September, 1666, a treaty which was afterwards confirmed by the emperor Leopold.

"The duke of Neuburg and his heirs ſhall keep the duchies of Juliers and Bergs, and the lordſhips of Winnendaal and Breſques. The elector of Brandenburg, and his heirs ſhall poſſeſs the duchy of Cleves and the counties of La Marc and Ravenſburg."

The county of Ravenſtein, about which the parties did not agree in 1666, has ſince been ceded to the Palatine houſe.

"The countries of the ſucceſſion of Juliers ſhall remain inviolably allied. The contracting parties ſhall uſe the titles in common, and mutually guaranty the poſſeſſion."

"The treaty of Cleves ſhall in no way be detrimental to the pretenſions, any princes may form, to the ſucceſſion of Juliers."

This clauſe of reſerving the rights of Saxony and Deux-Ponts, ſeems to make this treaty of Cleves only a proviſional agreement. But how can ſuch a clauſe be reconciled with the mutual guaranty between Brandenburg and Newburg? Theſe kinds of contrarieties are too often to be found in treaties. This of Cleves, where the Palatine branch of Newburg is only mentioned, might have met with objections at the death of the laſt elector Palatine: they were removed by the treaty, the prince of Saltzbach concluded with the king of Pruſſia, by which the partition, and other diſpoſitions of 1666, are confirmed.

"As an equivalent for reſigning the Hither Pomerania to the Swedes, the elector of Brandenburg and his ſucceſſors, princes of his houſe, ſhall hold as immediate fiefs of the empire, the archbiſhopric of Magdeburg, excepting the four bailliwicks of Querfurt, Guterbok, Dam, and Borck, given to the elector of Saxony; the biſhoprics of Halberſtadt, Minden, and Camin. The city of Magdeburg ſhall enjoy all its ancient and other privileges; the bailliwic of Eglen, which belonged to the chapter, ſhall be given to Brandenburg, with a fourth part of the canonicates. The chapter of Halberſtadt ſhall have no right in the government of the biſhopric, and a fourth part of the canonicates ſhall be extinguiſhed: Minden ſhall preſerve all its prebends, and thoſe of Camin ſhall be ſuppreſſed and united to the Farther Pomerania *."

HOUSES of MECKLENBURG, BRUNSWIC-LUNENBURG, HESSE, and BADEN.

"In conſideration of the duke of Mecklenburg's reſigning the town and port of Wiſmar to the Swedes, he ſhall have, as a perpetual and immediate fief, the biſhoprics of Swerin and Ratzburg, with the power of ſuppreſſing the canonicates of the two chapters, and alſo a ſeat in the aſſemblies of the empire, and of the circle of Lower Saxony, with the double title and voice of a prince. For farther ſatisfaction to the ſaid duke, there ſhall be given to him the two commendams of Mirow and Nimerau belonging to the order of Malta."

In 1667, Chriſtian Lewis, duke of Mecklenburg, put himſelf and dominions under the ſpecial protection of France, upon a promiſe of defence againſt all his enemies. The duke engaged, on his part, to aid the French with all his forces, to receive them into his ſtates, to ſuffer them to raiſe recruits, whenever the diſpoſitions of the peace of Weſtphalia were to be maintained.

"The houſe of Brunſwick-Lunenburg ſhall have the alternate ſucceſſion of the biſhopric of Olnabrug, with the catholics, for reſigning the coadjutorſhips of Magdeburg, Bremen, Halberſtadt, and Ratzburg; and alſo the provoſtſhip of Walkenreid and monaſtery of Groeningen. The debt contracted by duke Ulric with the king of Denmark, and granted by the ſaid king to the emperor, who gave it to count Tilly, ſhall be annulled.

"The houſe of Heſſe-Caſſel ſhall retain the abbey of Hirsfield with all its dependencies, as the provoſtſhip of Gelingen, ſaving however the rights of the houſe of Saxony to what it poſſeſſes time immemorial.

"The landgrave of Heſſe and his ſucceſſors ſhall enjoy the bailiwics of Schaemburg, Ruckenburg, Saxenhagen, and

[h] When there is no king of the Romans, (that is no perſon choſen in the emperor's life time as his preſumptive heir, who upon the emperor's deceaſe immediately fills the throne upon his coronation, without a ſecond election) the golden bull has provided for the adminiſtration of the government, by the electors Palatine and of Saxony, who have the title of Vicars of the empire. Each of theſe has his diſtrict, and they have likewiſe an Aulic Council, called the Tribunal of the Vicariate. Their acts are valid and binding; and, for the greater ſecurity, care is taken to inſert an article in the new emperor's capitulation, by which he promiſes to ratify in the fulleſt manner whatever the vicars of the empire have done during the vacancy.

There are vicars of the emperor, as well as of the empire, but theſe offices widely differ. For, by virtue of his imperial power, the emperor may delegate his power to any prince in the empire, when he is not in a condition to execute it himſelf. But then this vicar is accountable to the emperor, who may annul all his acts, or even reſume his office whenever he pleaſes.

There is alſo a vicariate of the empire in Italy, which has generally been executed by the dukes of Savoy.

Hence it appears, that unleſs the emperor is deſirous of having a ſucceſſor appointed in his life-time, there can be no ſolid reaſon aſſigned for the electors giving him an aſſociate, under the title of king of the Romans, ſince the emperor may devolve any part of his authority upon any prince he thinks proper, with the character of Vicar.

* See art. Sweden above.

From

Stettenhagen, which belonged to the biſhopric of Minden. The right of primogeniture, introduced into the houſes of Heſſe-Caſſel and Heſſe-Darmſtadt, ſhall be inviolably obſerved."

By the right of primogeniture is meant in the empire the indiviſibility of the dominions. "We will (ſays Charles IV, in the golden bull) that for the future and for ever, the great and magnificent principalities, ſuch as the kingdom of Bohemia, the county Palatine of the Rhine, the dukedom of Saxony, and the marquiſate of Brandenburg, their lands, juriſdictions, homages, and vaſſalages, with their appurtenances and dependencies, ſhall not be ſhared, divided, or diſmembered in any manner whatſoever; but ſhall remain united for ever whole and entire. The eldeſt ſon ſhall ſucceed, and the whole domain and right ſhall belong to him alone." For a long time none but the electoral territories enjoyed this privilege.

"The precedency in the aſſemblies of Swabia, and in other general or particular diets of the empire, ſhall be alternative in the two branches of the houſe of Baden."

SPAIN.

"All the articles of the treaty of Vervins, concluded in the year 1568, which are not derogated by the treaty of the Pyrenees, are again approved and confirmed.

"Spain proteſts againſt all preſcription, and reſerves to itſelf the proſecution of all rights in an amicable way, and not otherwiſe, which have not been expreſly renounced, and which are claimed upon France."

Theſe reſerves, the work of ambition, were only proper to inflame it. Obſolete rights are almoſt null, in ſpite of proteſtations: that is, they are commonly looked upon as neglected pretenſions, and a prince who ſhould think of purſuing them by force of arms, would be accuſed of injuſtice and breaking the peace. In the treaty of Ryſwick in 1697, the French and Dutch renounced all their reſpective pretenſions. Well would it be if this example was followed. The circumſtances of the courts of Paris and Madrid, at the time of the treaty of Vervins, required the before-mentioned reſerves. The French and Spaniards had againſt each other the ſtrongeſt motives of enmity. They had not yet weakened one another ſufficiently to be ſincerely reconciled. The peace of Vervins was therefore really conſidered by Heny IV. and Philip II. only as a truce convenient for their affairs, and of which they meant only to avail themſelves, to attack one another with more vigour. In theſe diſpoſitions it was natural that neither party ſhould recede from what could be refuſed, or what might be made the ground of ſome pretenſion, and even of a rupture. Affairs had taken a new turn, when the Pyrenean treaty was concluded. The two crowns, tired with a revenge, of which they were the victims, could make a ſolid peace, becauſe they had felt all the inconveniencies of a war. Perhaps cardinal Mazarin would have renounced the reſerves made at Vervins, if he had not feared that his vigilant enemies would have charged him with relinquiſhing ſomething real, and betraying the intereſts of his country.

When the king of Spain ſaid, he reſerved all the rights which he had not expreſly renounced, his ſincerity ought not to be ſuſpected. It is the ſame thing as if he had ſaid ſimply, that he reſerved the rights he had not renounced. This is never ſet down in ſo many words in a treaty, nor is inſerted at all. There may indeed be in treaties, as in all other contracts, articles underſtood and preſumed; but the politicians ſeem to have juſtly made it a rule to have no regard to them. The more ſacred the faith of treaties is, the more care ſhould be taken not to give it the leaſt blemiſh. Should treaties be ſo framed as to become the object of the ſubtleties and ſophiſms of ambition and intereſt? There would be nothing ſacred among nations, if tacit conditions are admitted in their conventions; for it is but too well proved by woful experience, that men's paſſions blind them in their cleareſt and moſt evident engagements [a].

Every one remembers that in the year 1733 the court of France ſent ſome battalions to the aſſiſtance of Dantzick, where Staniſlaus, king of Poland, was beſieged by the Ruſſians. This weak body of troops was obliged to capitulate, and the commanding officer was contented with the ſtipulation of tranſporting them to a port in the Baltic Sea. The preſumed intention of the French was to be free, and they certainly underſtood that they ſhould be tranſported to a neutral port; and yet count Munick ſent them to Peterſburg, where they were treated as priſoners of war. If the condition preſumed and underſtood, of a treaty or capitulation, had any force, France and her allies would not have failed to complain to the Ruſſian court of the treachery of their general. Nothing was ſaid, only the French officer was blamed for his ignorance, and count Munick was ſaid to know how to avail himſelf of all his advantages.

This remark ſerves to juſtify negotiators in the eyes of the world, who ſeeking in their treaties a certain conciſeneſs which would be a great fault, complain of finding there circumſtances which to them ſeem ſuperfluous. All the particular caſes and parts of an engagement cannot be too carefully expreſſed and ſeparated. Plenipotentiaries make this a law, unleſs it be in the reduction of an article, by which they have not obtained what was deſired. Then they uſe vague and equivocal turns and expreſſions which may give occaſion for ſome explication. In the letters of cardinal Mazarin it appears, how much pleaſed he is to give ſuch a turn to ſome paſſages of the Pyrenean treaty, as France might take advantage of them in certain conjunctures [b].

"The infanta Maria-Tereſa, eldeſt daughter of Philip the IVth, ſhall eſpouſe Lewis XIV; and as the public welfare and ſafety of the crowns of France and Spain require that, being ſo great and powerful, they may not be united in one, and that from henceforth the occaſions of ſuch a junction be prevented, their moſt chriſtian and catholic majeſties agree that the infanta Maria-Tereſa, and her children, male or female, and their deſcendants, ſhall not ſucceed to any of of the dominions which now do or ſhall hereafter belong to the Spaniſh monarchy. The moſt ſerene infanta ſhall make, before her marriage, a formal renunciation to all her rights, and ſhall make another jointly with the moſt chriſtian king, as ſoon as ſhe ſhall be married." Theſe words are prefixed to the contract of marriage of the infanta with Lewis XIV, which is part of the Pyrenean treaty.

HOUSES of SAVOY, MANTUA and MODENA.

"To prevent diſputes reviving between the dukes of Savoy and Mantua concerning Montſerrat, it is agreed that the treaty of Queraſque, concluded the 6th of April, 1631, between Lewis XIII, and the emperor Ferdinand II, ſhall remain in full force. The duke of Savoy ſhall be maintained in the poſſeſſion of that part of Montſerrat which has been reſigned to him. And the ſaid duke renounces all his pretenſions to the dukedoms of Mantua and Montſerrat, and as a compenſation ſhall poſſeſs the city of Trin, with a territory ſufficient to produce fifteen thouſand and fifty crowns of gold."

"Pignerol ſhall be excepted out of the treaty of Queraſque, which the duke of Savoy has reſigned to France, by particular treaties; namely, the treaty of St. Germain-en-laye, May 5, 1632, and of Turin, July 5, 1632."

It is needleſs to obſerve that France, on the 31ſt of May, 1631, concluded a private treaty with the duke of Savoy, by which the poſſeſſion of Pignerol was ſecured.

"In execution of the firſt article of the treaty of St. Germain-en-laye, the king of France ſhall pay to the duke of Mantua the ſum of four hundred ninety-four thouſand crowns, and his debtor the duke of Savoy ſhall be diſcharged from the ſame.

"The caſtles of Reggiolo and Luzzara, with their territories, ſhall be compriſed in the inveſtiture of the duchy of Mantua. The duke of Guaſtalla ſhall be obliged to reſtore the ſaid caſtles, reſerving the annual penſion of ſix thouſand crowns, which he claims as his due.

"Spain conſents to keep garriſon no more in Correggio, and promiſes to engage the emperor to the inveſtiture of it to the duke of Modena in the ſame manner as he gave it to the princes of Correggio."

[a] From this very juſt reflection, it may be inferred, that nothing is more unreaſonable than the alliance of France with Bavaria in 1741, and the war that enſued in contempt of the guaranty ſtipulated in the 10th article of the definitive treaty of 1738, to which the ambition and intereſt of France gave the ſubtle interpretation of ſaving the rights of a third, which is the motive of her enterpriſes againſt the houſe of Auſtria.

[b] Of this there is a remarkable inſtance in the cardinal's treaty with Oliver Cromwell by which Cromwell was to have the harbours of Flanders. In the tenth article, inſtead of promiſing to put him in poſſeſſion of the ſaid harbours, the cardinal only promiſes to leave the lord Protector in the quiet poſſeſſion, ſovereignty, &c. of the ſaid places.—Accordingly the cardinal, after the taking of Dunkirk, ordered marſhal Turenne to take poſſeſſion of it and keep it. Had this been done, both the reaſon and reſult of the treaty had been very different. But Cromwell, by a timely diſcovery of the cardinal's deſign, prevented it, and got poſſeſſion of Dunkirk.

HOUSE

HOUSE of LORRAIN.

" The moſt Chriſtian king conſents to reſtore the duke of Lorrain to his dominions, except the imperial city of Moyenvie, united to France by the treaty of Munſter: the duchy of Bar, the county of Clermont, the towns of Stenai, Dun, Jametz, and their territory, which ſhall remain for ever incorporated in the crown of France. The fortification of Nantz ſhall be demoliſhed. The dukes of Lorrain ſhall diſband their forces, and be obliged to give free paſſage to the troops France ſhall have occaſion to ſend into Alſatia, Briſac, or Philipſburg. In caſe the duke of Lorrain refuſes to ratify theſe conditions, the king of France ſhall remain in poſſeſſion of Lorrain."

Theſe conditions left hardly any thing to the duke of Lorrain but an empty title. It was reſolved to pnniſh him for his infidelities, and prevent the dangers to be feared from his inconſtancy. Preſſed however by the moſt earneſt ſollicitations, cardinal Mazarin agreed by the treaties of Vincennes, of the 28th of February, 1661, to reſtore to the duke of Lorrain, Dun, and the dutchy of Bar, on condition that France ſhould remain poſſeſſed of Sirk, with its thirty dependent villages; hold in full ſovereignty Cauſinan, Saarburg, Phalſburg, with the dependencies of Malville belonging to Bar, and alſo enjoy the rights over the caſtle of Montclair, which the dukes of Lorrain held jointly with the elector of Treves. It would be tedious to name all the places which were reſigned to France by the duke, and which formed a paſſage for the French troops from Metz into Alſatia, without touching the duke's dominions. This road was half a league wide, and thirty in length.

In conſequence of his rights in Montclair, the king of France at Fontainbleau, the 12th of October, 1661, concluded a treaty with the elector of Treves. It was agreed that the caſtle of Montclair ſhould be demoliſhed for ever.

The duke of Lorrain had no ſooner agreed to the articles of the treaty of Vincennes, than he repented of it, and was extremely uneaſy at his ſituation. He entered upon a negotiation which ended in a moſt extraordinary treaty, and which is univerſally known, the treaty of Montmartre, the 6th of February 1662. The duchies of Lorrain and Bar were to be united to the kingdom of France, after the death of Charles IV, on condition that all the princes of his houſe ſhould be ingrafted into the royal family, and ſucceed to the crown according to their rank of primogeniture, after the princes of the houſe of Bourbon. Till this union was compleated, the king of France was to begin with garriſoning Marſal.

This treaty did not take place, and to end all differences concerning Lorrain, a new agreement was ſigned at Metz the 31ſt of Auguſt 1663. The king was to be put in poſſeſſion of Marſal, with a clauſe to reſtore it within a year to the duke of Lorrain, with the fortifications blown up, or to keep it, giving an equivalent. The treaty of Vincennes was confirmed in all its articles, except only that the duke might incloſe Nantz with a bare wall.

The UNITED PROVINCES.

" Philip IV. king of Spain, acknowledges the freedom, independence, and ſovereignty of the United Provinces, renounces all his rights thereto, and conſents to treat with the States-general."

It may be aſked, whether the States-general, by virtue of this treaty, acquired the rights and pretenſions the kings of Spain had formed upon ſome of their neighbours, as dukes of Guelders, counts of Holland, &c. The ſolution of this queſtion has been given in what was ſaid of the tacit and preſumed conditions of a treaty. The States-general of the United provinces, and the particular ſtates of each province, having neglected to ſtipulate that they ſtood in the place and ſtead of the kings of Spain, acquired only the right of governing themſelves: all beyond that remained to the kings of Spain and their ſucceſſors in the ſovereignty of the Netherlands.

" Beſides the United Provinces, the States-general ſhall hold and enjoy the town and mayoralty of Bois-le-duc, the towns of Bergen-op-zoom, Breda, Maeſtricht, with their juriſdiction; the county of Vroonhoff, Grave, the country of Kuik, Hulſt and its Bailliwick; Hulſter Ambacht, Axele Ambacht. As to the three quarters of Outremeuſe, namely, Delem, Fauquermont, and Roleduc, they ſhall remain in their preſent ſtate, and in caſe of diſpute, it ſhall be amicably decided."

A diſpute did ariſe between Spain and the United Provinces concerning theſe three quarters. An agreement was made the 25th of February and the 27th of May 1658, by which they were to be equally divided between Spain and the States-general. The next year, December the 13th, another treaty, by way of interim, was alſo ſigned by theſe two powers. The affair was not finally ſettled till the 26th of December 1661, when it was agreed by a treaty, that the king of Spain ſhould poſſeſs the country of Fauquemont and Dalem, and the town and caſtle of Roleduc. The towns and caſtles of Fauquemont and Dalem, and the country of Roleduc, were to remain to the United Provinces.

" Neither the Spaniards nor States-general ſhall build any new forts in the Low-countries, or cut canals that may be prejudicial to either of the parties. The catholic king ſhall demoliſh the forts of St. Job, St. Donas, the Star, St. Tereſa, St. Frederic, St. Iſabella, St. Paul, and the redoubt called Pape-mutz. The States-general ſhall demoliſh the two forts in the iſle of Caſant, called Orange and Frederic, the two forts of Pas, and all thoſe on the eaſt ſide of the Scheld, except Lillo and Kildrecht, called Spinola.

" The king of Spain renounces all his rights to Graves, the country of Kierk and their dependencies, which the prince of Orange held formerly by mortgage, and of which the States-general gave him the property in the year 1611. He alſo renounces all his pretenſions to the cities and lordſhips of Lingen, Bevergern, and Kloppenburg, which ſhall remain to the prince of Orange and his heirs.

" The ſubjects on both ſides are declared capable of inheriting one another, either by will or without, according to the cuſtom of the places.

" Both parties ſhall remain in poſſeſſion of the countries and commerce which they hold in the Eaſt and Weſt Indies. The Spaniards ſhall enjoy the privileges they now poſſeſs in the Eaſt Indies, without extending them farther, and the ſubjects of the States-general ſhall not frequent the places where the Caſtilians are ſettled.

" The Spaniards, and ſubjects of the United Provinces, ſhall not ſail to or trade in the harbours, ports, forts, lodgments, or caſtles, or any other places belonging to the other party in the Eaſt Indies."

BASIL, SWISS CANTONS, and ſome HANSE-TOWNS.

" The city of Baſil and the Swiſs Cantons are in no way ſubject to the tribunals and courts of the empire.

" The free cities which are included in the dominions poſſeſſed by the Swedes in Germany ſhall preſerve the ſame liberty of navigation which they have hitherto enjoyed, as well with regard to the empire as to foreign kingdoms, republics and ſtates."

NAMES of the PRINCES, &c. Parties and Guarantees of the TREATIES of WESTPHALIA.

The emperor and houſe of Auſtria, France, Sweden; the electors of Mentz, Bavaria, Saxony, Brandenburg; the biſhops of Bamberg and Wirzburg, the princes of Saxe Altenburg, Brandenburg-Culmbach, Brunſwick-Lunenburg, Zell, Grubenhagen, Wolffenbuttle, Calemberg, Mecklenburg, Wirtemberg, Heſſe-Caſſel, Heſſe-Darmſtadt, Baden, Saxe-Lavenburg; the counts and barons of the Bench of Weterania and of Franconia; the cities of Straſburg, Ratiſbon, Lubeck, Nuremberg, Ulm, &c.

" All theſe parties ſhall be obliged to defend and maintain all and every of the conditions of the peace of Weſtphalia without diſtinction of perſons or religion. In caſe any difference ariſes, endeavours ſhall be uſed to decide it in an amicable manner; if that method fails, the injured party ſhall be aided with all the forces of the others."

PROTESTATIONS.

The pope's nuntio at Munſter proteſted againſt the peace of Weſtphalia on the 14th and 28th of October, 1648. A month after, pope Innocent himſelf made his proteſtation. The 20th of January 1649, Charles II. duke of Mantua proteſted againſt the ſtipulations concerning his diſputes with the duke of Savoy.

After this account of the Weſtphalian and Pyrenean treaties, and of thoſe relating thereto, it will not be improper to add a few remarks before we come to the peace of Oliva.

Perſons deſigned for negotiation cannot ſufficiently ſtudy the treaties of Munſter and Oſnabrug. They are perfect patterns in their kind, for order, preciſion, and clearneſs. The ſuperior genius of the miniſters who framed them is conſpicuous throughout. Beholding at once an affair in all its different views and lights; perfectly informed of the intereſts on which they were treating, their near or diſtant relations; they diſcarded whatever was foreign to the point, and rejected all vague and ſuperfluous expreſſions, which throw no light upon the ſubject.

It is not ſo eaſy as may be imagined, to give a good form to a treaty. How many plenipotentiaries who deſerve the reputation they have gained, have ſplit upon this rock? Some can hardly be followed; no order in the ideas, no connexion in the matters; and the reader who wants inſtruction is to begin with unravelling a chaos. Others there are who ſeek to inſert in their treaties the fineſſes they uſed in the courſe of their negotiation; they are dark, confuſed, indiſtinct; their meaning muſt be gueſſed. Theſe cannot finiſh an article without ſlipping in ſomething ſuperfluous; they ſwell minute things, and love to conſider them as important objects, thinking their negotiation will thereby acquire the more dignity.

If ſuch conſiderable defects are often found in treaties penned by men of rare talents in buſineſs, what a ſubject for criticiſm muſt the acts of thoſe be, who are little verſed in affairs, of a narrow genius, and owe ſolely to favour the honour of being charged with the intereſt of their country and of wording its treaties?

Another remark may be added for the ſake of thoſe readers who have no knowledge of this ſubject; that, beſides the conventions which form the public law, there are, in all the treaties, articles of another kind. Theſe concern only the moment wherein the treaty is concluded, and, as conſequently they cannot have any influence for the future, need not to be enlarged upon; ſuch are the ſtipulations for the reſtitution of a province, a place, a caſtle to a ſtate from which it had been taken: or for reſtoring things to their former ſituation without creating any new title. In ſpeaking of the houſe of Heſſe-Caſſel, was there any occaſion to ſay, that the plenipotentiaries of Munſter and Oſnabrug agreed that there ſhould be paid to the ſaid houſe one hundred thouſand rixdollars within the ſpace of nine months, and at the expence of the archbiſhops of Mentz and Cologn, the biſhops of Paderborn and Munſter, and the abbot of Fuld? It ſhould, however, have been mentioned, if Heſſe had made ſo great a figure in the war as Sweden.

There are alſo another ſort of articles, which are omitted becauſe they are mere matters of form, and common to all treaties of peace. They never fail to begin with ſaying "There ſhall be a true and perpetual peace between the parties: hoſtilities ſhall ceaſe: there ſhall be a general amneſty on both ſides: all the priſoners ſhall be releaſed without ranſom: the ſubjects of the two powers may reſort to and ſettle in each other's territories, &c." The whole concludes with a promiſe of faithfully performing engagements, and ratifying them within ſuch a time.

It may not be amiſs to examine an important queſtion concerning the ratification of treaties, which ſome conſider as an act neceſſary to their validity, whilſt others think it only a form authorized by cuſtom which gives authenticity to the engagements but adds nothing to their force.

Grotius is of this laſt opinion. "We may (ſays he) be bound by another man's act, if it appears that we have deputed and empowered him to act for us, either as our agent in that particular buſineſs, or under a general qualification. And it may likewiſe happen that where the commiſſion is general, he that is ſo commiſſioned may bind us by acting contrary to his private inſtructions: for here are two diſtinct acts of the will, the one whereby we bind ourſelves to confirm and ratify whatever our agent ſhall do in ſuch an affair; the other, whereby we bind our agent, that he ſhall not act beyond our ſecret inſtructions. This we obſerve on account of thoſe things which embaſſadors promiſe for their maſters, by virtue of their inſtructions, but exceeding their private orders."

"A ſovereign (adds the ſame author) is bound by the act of his miniſter, in caſe he tranſgreſs not the bounds of his public office, though he act contrary to his private inſtructions. If a miniſter tranſgreſs his commiſſion, and promiſe more than he can perform, he himſelf ſhall be bound to the full value, unleſs ſome law ſufficiently known ſhall prevent it. If there ſhall be found any fraud in the caſe, that is, if he ſhall pretend to have more power than was really given him, he ſhall then be obliged to ſatisfy for the damage thereby ſuſtained; and if through his crime great injury be done to the adverſe party, he ſhall be bound to ſuffer puniſhments anſwerable to his crime. In the firſt caſe his goods ſhall make ſatisfaction, and if theſe fail, his corporal liberty: in the latter caſe, his perſon or his goods, or both, according to the greatneſs of his crime."

The author who publiſhed, ſome years ſince, an eſſay upon the principles of law and morality, ſeems to have juſter notions of this matter than Grotius. After having eſtabliſhed his principles concerning the engagements contracted by an agent, he adds, "the inconveniency from the unfaithfulneſs of embaſſadors, is remedied by the reciprocal ſtipulation of the exchange of the ratifications, which is as much as to ſay, that the time agreed for ſending the ratifications is allowed to the ſovereigns to ſee whether their private inſtructions have been executed; and in caſe they have not been followed, to retract the promiſes made by their embaſſadors."

Indeed a treaty is not in full force till ratified by the powers that made it. To adopt this principle is certainly the intereſt of every prince, in order to avoid the danger of being a victim to the preſumption, infidelity, or corruption of a miniſter, whom he charges with the care of diſcuſſing and ſettling his right and pretenſions. If the force of the expreſſions uſed in drawing up an embaſſador's full powers be only attended to, there is no doubt that the ratification of the treaties is to be conſidered as a ſuperfluous formality. But here we muſt be on our guard; we muſt not reaſon upon the particular ideas raiſed by the expreſſions, ſo much as upon a general idea of a full power. Now how extenſive ſoever the full powers of a plenipotentiary may be, we know how to give the ſtyle its due value; and an embaſſador himſelf ſcruples not to own a hundred times in the courſe of a negotiation, that his hands are tied up, that he waits for farther inſtructions, &c. Since the authority of a miniſter is actually limited, though by his full power it ſeems to be without bounds, it may from thence be inferred, that a treaty has not all its force till ratified by the prince, nor till then becomes obligatory. It would therefore be imprudent to ſtipulate that the conventions ſhould be executed at the time of ſigning: this is what has not been duly attended to by ſome embaſſadors.

CHAP. II.

PACIFICATION OF THE NORTH, PEACE OF OLIVA, OF COPENHAGEN, &c.

MARGARET of Waldemar, called by the hiſtorians the Semiramis of the north, about the year 1387, united the three kingdoms of Sweden, Denmark, and Norway, and having formed the grand deſign of making, in ſome meaſure, all her ſubjects but one nation, ſhe aſſembled at Calmar, in 1392, the States-general of the three kingdoms, who very readily conſented to the union. It was ſettled by a ſolemn treaty, that the Danes, Swedes, and Norwegians, ſhould preſerve their reſpective laws, cuſtoms, and privileges, though united under one head, and that the king elected by turns by each nation, ſhould reſide among thoſe by whom he was choſen.

Eric

Eric, her nephew, ſucceeded Margaret; but being depoſed by his ſubjects for his ill conduct, Chriſtopher of Bavaria was placed on the throne in his room. Though this election was managed ſolely by the Danes, it was confirmed by the Swedes, whoſe turn it was to chuſe. They had not afterwards the ſame complaiſance, for the ſtates of Denmark having choſen Chriſtiern of Oldenburgh to ſucceed Chriſtopher of Bavaria, the Swedes conferred their crown on Charles Canutſon, of the race of their ancient kings *.

The treaty of Calmar from hence began to be productive of calamities in the north, inſtead of the advantages intended by Margaret. The union being diſſolved, could not but create animoſities between the three kingdoms, as it had confounded their intereſts, and given them rights and pretenſions upon one another. The kings of Denmark looked upon the election of Canutſon, as an encroachment upon their authority. They imagined Sweden was to be one of their provinces; and indeed that kingdom muſt have ſubmitted to the Daniſh yoke, if Guſtavus Vaſa had not found in the foreſts of Dalecarlia, avengers of their country.

The cruel war between Sweden and Denmark was not yet at an end, when a new ſource of diſcord was formed in the north during the war which the Muſcovites carried into Livonia about the middle of the ſixteenth century. Gothart Kettler, grand maſter of the Teutonic order, and as ſuch, ſovereign of Livonia, was not in condition to oppoſe the irruption of his enemies. Revel, deſpairing of relief, ſought the protection of Sweden, and ſubmitted to that crown in 1560, whoſe example was quickly followed by all Eſtonia, of which that city is the capital.

The Swedes believing they could not preſerve their new acquiſition but by the deſtruction of the Teutonic order, refuſed all aſſiſtance to Kettler. He, out of revenge, and to ſave at leaſt ſome part of his dominions, reſigned to the Poles all his right to Livonia, reſerving only Courland, for which he conſented to do homage. When the Muſcovites were repulſed, the Poles aſſerted their claim to the ceſſion of Kettler, and demanded of Sweden, Revel and Eſtonia, which had not been able to throw off the yoke of their lawful ſovereign for the ſake of a new one. The Swedes knew perhaps, that a nation abandoned by their prince, is no longer ſubject to him, and therefore only anſwered the Poles by taking up arms.

It was hoped, that the bloody wars kindled by this diſpute were going to end, when the Poles were ſeen to give their crown to Sigiſmund, eldeſt ſon of John king of Sweden and Catherine Jagellon, a princeſs whoſe name was dear to them, and whoſe anceſtors had governed the republic with glory. The calm, however, was ſhort and tranſient, John died in 1592; his ſon went immediately into Sweden to be crowned, but he made too much haſte to return to his Poliſh dominions before he had eſtabliſhed his authority over the Swedes; and, committing a ſecond error worſe than the firſt, he reſigned to the republic of Poland his rights, as king of Sweden, to Livonia.

This imprudent conduct the more eaſily raiſed diſcontents, as Charles of Sudermania, brother of the late king, had been endeavouring to gain a party. This able and ambitious prince rouſed the pride of the Swedes, by repreſenting to them, that their ſtruggles to avoid the tyranny of the Danes were become fruitleſs, if they did not take courage and prevent their country from being a province of Poland. He deſcribed the Poles as greedy and ſevere republicans, who were going to be inveſted with all the high offices of Sweden in order to cruſh her, and whoſe violences were much more to be dreaded than thoſe of the Danes; ſince the religion of the kingdom could not be ſafe under a prince whoſe court ſwarmed with prieſts of the Romiſh religion.

Sigiſmund, informed of what was contriving againſt him, thought his preſence might reclaim or awe the Swedes; but it was too late. Charles of Sudermania, who had ſecured to his intereſts all the orders of the ſtate, prevented his entrance into the kingdom, and defeating the troops which attended him, cauſed himſelf to be proclaimed king [a]. This war ſometimes interrupted or waged with leſs vigour, by reaſon of the old quarrels between Sweden and Denmark, took up the whole reign of Charles IX, and employed his ſon, the great Guſtavus Adolphus, till upon his expedition into Germany to aſſiſt the proteſtants, he concluded with Poland the truce of ſix years, mentioned in the foregoing chapter.

Peace at length prevailed in the north. In 1613 the Danes had ſolemnly renounced all their rights to Sweden: they had the triſling conſolation left them, of bearing the arms of that kingdom, and Norway was not conteſted. It is true, the truce between the Swedes and the Poles was only for a ſhort ſpace, but it was very eaſy to dry up the fountain of all their diſputes. It was the intereſt of Poland to ſeek peace, as being almoſt exhauſted, whilſt Sweden had viſibly gained an aſcendant in the north. The making a ſecond truce in 1635, inſtead of a treaty, was done on purpoſe to manage the Poles, and by leaving them in ſome hopes of recovering their loſt provinces, to render more eaſy an accommodation, oppoſed by the emperor's emiſſaries, and neceſſary to promote the progreſs of the Swedes in Germany.

Caſimir, attacked by the Muſcovites, and diſturbed by the revolt of the Coſſacks, began in 1654 a negotiation, of which the truce of 1635 was to be the baſis, peace was juſt going to be ſettled, when his miniſter at Stockholm, proteſted againſt the coronation of Charles Guſtavus, two days after the abdication of queen Chriſtina.

This ſpark rekindled a flame which ſpread over the north. The Swedes thinking themſelves abuſed, demanded war, and the new king, had his troops and finances been proportioned to his grand deſigns, would have inſtantly gratified his ſubjects. He ſpent the reſt of the year 1654 in making preparations, exerciſing and augmenting his forces, amaſſing money, and forming a ſtrict alliance with the the elector of Brandenburg, duke of Pruſſia, and in the beginning of the next year he entered Poland at the head of his army.

Never was progreſs more rapid; all gave way to Charles's furious attacks, terror flew before him and diſarmed his enemies; was it as eaſy to keep as to make great conqueſts, Caſimir would never have recovered his crown. Charles reſolved to demoliſh him, and his obſtinacy proved the ſafety of his enemy. The Poles, who had trembled for fear, were fired with reſentment; their ſhame for behaving ſo cowardly, rendered their courage the more impetuous, and they formed an army, which was a more honourable aſylum for Caſimir than Sileſia, where he had been forced to conceal himſelf.

The Muſcovites, who were at war with the Poles, began to look with a jealous eye upon the power of the Swedes, and made a diverſion in Livonia. On the other hand, the princes of the ſouth, and weſt of Europe, would no longer be indifferent ſpectators of the quarrels in the north. The emperor Ferdinand III. ſeized the opportunity of revenging the injury done him by the peace of Weſtphalia, and ſeeing Caſimir's affairs begin to be reſtored, ſent him ſuccours, and engaged Lenmark to make a diverſion in favour of the Poles. The cham of Tartary marched at the ſame time to their aid a hundred thouſand men, which rendered ineffectual the alliance Sweden had juſt made with Ragotzki, prince of Tranſilvania.

In turning his principal forces againſt the Danes, Charles Guſtavus ſaw himſelf obliged to ſtand upon the defenſive in Poland; and from that time the elector of Brandenburg, thinking it his intereſt to renounce his alliance, concluded with Caſimir, the 17th of September 1657, the famous treaty of Velau. Denmark had the ſame fate as Poland had endured, that kingdom was almoſt entirely conquered, and Frederic III. quickly concluded a ſeparate peace.

The peace of Roſtchild, ſigned the 8th of March 1658, and managed by France and England, would have paved the way to the pacification of the north, had it taken effect. But Frederic, encouraged by his allies, was aſhamed of his fearfulneſs. The arms of Sweden were repreſented to him as an irreſiſtible torrent, but which flows away and diſappears ſo much the more ſuddenly, as its waters are carried with the greater violence. The aſſiſtance of the United Provinces, and their declaration of war againſt Charles, determined the court of Denmark to fall off from the terms they had accepted [b].

All Europe would at length have taken part in the quarrel of the north, if France and England, by a treaty of the 21ſt of May 1659, had not agreed with the United Provinces to take the ſpeedieſt and moſt effectual meaſures for reſtoring tranquility. The States-general withdrew their ſuccours from the Danes; the Engliſh promiſed to give none to Sweden, and the firſt fruits of this negotiation was a peace ſigned at Elſenor the 9th of December 1659, between Charles Guſtavus and the United Provinces.

* The ſame with Charles VIII.

[a] In 1604 about 147 years after the death of Charles VIII.

[b] It muſt be obſerved, that it was not from the treaty of Roſtchild that Frederic fell off, but from the preliminary treaty of Toſtrup, concluded the 18th of February by the mediation of England. This he refuſed to ratify, as thinking it too diſadvantageous. The king of Sweden, who had paſſed into Zealand over the ice, continued his march to Roſtchild, and beſieged Copenhagen; but at the repeated inſtances of the French and Engliſh miniſters, the peace was concluded the 8th of March following. The treaty of Toſtrup was the baſis of that of Roſtchild, which was executed after having been duly ratified by his Swediſh majeſty at Gottenburgh the 24th of March, and by the Dane at Copenhagen the 29th.

At

Fortune who had laviſhed her favours upon the Swedes, began to forſake them and incline to their enemy, but nothing haſtened more the ſucceſs which the mediators, aſſembled at Oliva and Copenhagen, flattered themſelves with, than the death of Charles Guſtavus. This prince, worthy of the great Adolphus's throne, and one of the moſt illuſtrious perſons of his age, died the 23d of February 1660. His courage could not brook making a peace in circumſtances, wherein his enemies had leſs occaſion for it than he. His ſon ſigned the treaty of Oliva the 3d of May 1660, with Poland, the emperor Leopold, and the elector of Brandenburg. The treaty of Copenhagen was concluded the 6th of June the ſame year, between Sweden and Denmark.

The peace however was not general in the north. Muſcovy continued the war with Sweden and Poland. The treaty of Pleyſſemond diſarmed the Swedes the 1ſt of July 1661; but the Poles and the Ruſſians were not finally agreed till the 25th of April 1686, when theſe powers leagued together in a war againſt the Turks. Hoſtilities had however ceaſed from the 30th of January 1667, by a truce of 13 years, which was renewed or prolonged by treaties ſigned the 17th of March 1670, the 9th of April 1672, and the 7th of Auguſt 1678.

TREATY of OLIVA.

SWEDEN.

"John Caſimir king of Poland, renounces all right to the kingdom of Sweden and principality of Finland. He reſerves the power of bearing the arms and titles of that kingdom, except when he writes to the king of Sweden. His ſucceſſors ſhall not uſe the ſame titles, nor form any pretenſion to Sweden."

This laſt clauſe could only regard thoſe of his ſucceſſors who ſhould be of his family, the republic of Poland having no claim to the throne of Sweden. The eldeſt branch of the houſe of Vaſa ended in the perſon of king Caſimir, who after his abdication, retired into France, and died a mitred abbot, which ſuited him better than a crown. Guſtavus Adolphus was the laſt male heir of the younger branch.

"The king and republic of Poland ſurrender to Sweden all Livonia beyond the Dwina, except the towns of Dunenburgh, Roſſiden, Ludſen, Marienhuſen, and other places poſſeſſed by the Poles during the truces of 1629 and 1635."

All Livonia was then in the hands of the Muſcovites, which they did not evacuate till the next year, when the Swedes, by virtue of the 2d and 3d articles of the treaty of Pleyſſemond, took poſſeſſion, except the ſouthern part, which was reſtored to Poland in 1667, purſuant to the 6th article of the truce concluded that year between the Poles and the Muſcovites.

"Sweden ſhall alſo poſſeſs the iſle of Ruynen, and all the territory on the left of the Dwina, which the Swedes held during the truces of 1629 and 1635.

"The kings of Poland and Sweden and their ſucceſſors ſhall equally uſe the ſtile and arms of Livonia, with the title of dukes."

The 18th article of the treaty of Oliva deſerves notice for its ſingularity. It ſays, "that the dead bodies of the general and ſubaltern officers, if demanded, ſhall be reſtored to the Swedes. And as for thoſe that are buried at Elbing, Marienburg, or in any other place of Pruſſia or Poland, they ſhall lie inviolated."

"Denmark renounces all pretenſions to Sweden.

"Sweden ſhall poſſeſs in full ſovereignty Jemptia, and all that part of Heredalia which is ſeparated from Norway by the mountains of Oſtrafiel. The king of Denmark gives alſo to Sweden the iſles of Oeſel and Gotland.

"The provinces of Halland, Schonen, and Blecking, are reſigned to Sweden, to be enjoyed in full ſovereignty."

The king of Sweden had been in poſſeſſion of Halland ſince 1645, by virtue of the 25th article of the treaty of Brom-Sebro. Chriſtiern IV. had yielded it to Chriſtina for 30 years, as a pledge for the freedom of the Swedes in the Straits of the Sound and the Belt. The thirty years expired. Denmark could not retake poſſeſſion of that province without giving Sweden an equivalent ſecurity, ſuch as ſhould be approved of. So frivolous a convention teaches negotiators at once how extremely nice princes ſometimes are, and yet eaſy to be ſatisfied [c].

"Sweden ſhall poſſeſs in full ſovereignty the iſland of Bornholm."

This iſland was alſo given to Sweden by a particular act, which is generally annexed to the treaty of Copenhagen.

"The king of Denmark reſigns to Sweden the fiefs of Bahns, with all their dependencies, and likewiſe all his juriſdictions, both eccleſiaſtical and civil, on the iſle of Rugen.

"The ſhips of the king of Sweden and of his ſubjects, of what province ſoever, ſhall not be liable to any toll, ſearch, viſit, detention or charge, in paſſing the Sound and the Belt. All the effects belonging to the Swedes, or to other ſubjects of Sweden, ſhall enjoy the ſame privilege, though freighted on board foreign ſhips."

DENMARK.

"The kings of Denmark ſhall bear the arms of Sweden, provided no right or pretenſion to that crown is inferred from thence.

"The king of Sweden renounces, in favour of the king of Denmark and the duke of Holſtein Gottorp, all his rights, as duke of Bremen, to the counties of Delmenhorſt and Ditmaſen, and to the effects of certain nobles of Holſtein."

By the 15th article of the treaty of Copenhagen, the king of Sweden renounces all his rights acquired by conqueſt to the provinces which he reſtores to Denmark. In reading this article, one would think it concerned two barbarous nations, who acknowledge no other right but that of the longeſt ſword, and believe the ſeizing of a country a ſufficient title to the ſovereignty of it. There is no wonder ſuch a notion ſhould ſubſiſt in 1660, ſince, at this very time, it has not fallen into that contempt it deſerves and creates. A prince no doubt may very juſtly conquer a province that belongs to him, and refuſe to reſtore it. He may even extend his conqueſts beyond the country he claims for a puniſhment of his enemy's injuſtice, and for a ſatisfaction of the expences of a war, he was forced into. But arms of themſelves give no title to poſſeſſion, they ſuppoſe a prior, and it is only to fix this conteſted and equivocal right that a war is made. If it was otherwiſe, a prince diſpoſſeſſed by his enemy would have no longer any right to the dominions taken from him, and conſequently it would be ridiculous for the conqueror to require of him a ceſſion by a treaty of peace. To this may be added one plain argument, if conqueſts by their nature form a right of poſſeſſion for the conqueror, it matters not whether the war be founded upon juſt or unjuſt motives. But who is ſo bold as to advance ſuch a propoſition? For no reaſonable man can deny that a prince who takes up arms without a juſt cauſe, ought to indemnify his enemy for all his loſſes occaſioned by the war.

SWEDEN. DENMARK.

"The kings of Sweden and Denmark renounce all alliances which have been made to the prejudice of one another. They ſhall form no ſuch hereafter, and each party ſhall refuſe an aid, directly or indirectly, to the enemy of the other.

"Theſe two princes ſhall keep up in their territory, each at his own expence, the ſea-marks for navigation between Schagen and Salſterbo. The Swede conſents never to exact any toll in the Sound: but Denmark ſhall pay him every year, by two equal payments, the ſum of 3500 rix-dollars.

"Every Swediſh ſhip paſſing the Sound ſhall ſalute the caſtle of Cronenburg; which ſhall be returned. Every Daniſh ſhip in the Sound ſhall ſalute the caſtle of Elſenburg, which ſhall be returned. The Swediſh and Daniſh ſhips, when they happen to meet, ſhall not lower their top-ſails.

"When one of the two kings ſhall ſend into or out of the Baltic above five men of war, or more than 1200 ſoldiers, he ſhall give notice of it to the other three weeks before."

POLAND. BRANDENBURG.

"The inhabitans of Weiſmar and Pomerania ſhall be reſtored to all the rights, privileges, and cuſtoms, granted them by the treaty of Odenſee."

[c] At preſent, when ſome crowns have made it a rule to obſerve treaties no farther than it ſuits their conveniency, it would not be amiſs to introduce the cuſtom of giving pledges for the performance of articles. If when the emperor Charles VI. concluded the treaty of 1738, with the king of France, in which he paid him before-hand for the guaranty of his Pragmatic Sanction, he had required that Alſatia or Burgundy ſhould be ſurrendered him for 36 years, on condition that it ſhould remain to the houſe of Auſtria if the guaranty was not obſerved; if this had been done, ſhould we have ſeen the fatal war of 1741, and would France ever have been allied with the elector of Bavaria? In the late peace between England and France, the Engliſh were obliged to give hoſtages for the ſurrender of Cape Breton.

This

When the treaty of Brom Sebrô was concluded the 17th of Auguſt 1645, Sweden was in poſſeſſion of Weiſmar and all Pomerania. The inhabitants of the Swediſh conqueſts, preſerved by the treaty of Oſnabrug, enjoy in the paſſage of the Sound and Belt, all the privileges granted to the Swedes themſelves. Therefore the 34th article of the treaty of Brom Sebrô concerns only the Pomeranians of the Farther Pomerania, ſubjects to Brandenburg. By virtue of the treaty of Odenſee, concluded the 23d of July 1560, their ſhips were to be treated in the Straits of the Sound and Belt as thoſe of the moſt favoured nation. It muſt be obſerved, that from 1660 to 1720, when Denmark promiſes to treat any ſtate as the moſt favoured nation, Sweden muſt always be excepted, which during that ſpace enjoyed particular privileges which were forced to be renounced after the death of Charles XII. In the ſequel of this work will be ſeen the alterations in the north ſince the beginning of the preſent century, and that the treaties of Stockholm and Neuſtadt have derogated from ſeveral articles of the treaties here mentioned.

" The king of Sweden and elector of Brandenburg renounce the treaties made between them the 17th of January 1656, at Koninſberg, the 25th of June 1656, at Marinburg, the 20th of November 1656, at Labiavic. They declare them null, and proteſt that they will never from thence claim any right againſt Poland."

By theſe treaties the elector Frederic William acknowledged the dukedom of Pruſſia to be a fief of the crown of Sweden; Charles Guſtavus diſcharged him from all vaſſalage, and gave him in full ſovereignty the province of Warmia in Royal Pruſſia, and ſome palatinates in Poland.

" Ducal Pruſſia is declared independent; but on failure of heirs male in the family of Frederic William, elector of Brandenburg, that province with all its rights, ſhall return to the republic of Poland.

" Inſtead of the ancient dues of vaſſalage from Pruſſia to Poland, there ſhall be a perpetual alliance between the two powers. Frederic William and his deſcendants, dukes of Pruſſia, ſhall never make alliance with the enemies of Poland, furniſh them with warlike ſtores and proviſions, or grant them a paſſage through their territories. In all the defenſive wars the king of Poland ſhall be obliged to wage, the duke of Pruſſia ſhall lend him 15000 foot and 500 horſe, to be paid by the Poles as ſoon as they have entered their dominions.

" The king of Poland, on his part, engages to defend Ducal Pruſſia againſt all attacks. The Poliſh troops ſhall at all times have free paſſage, and the Pruſſians ſhall freely march through the Poliſh territories."

In an article of the alliance of Velau, Poland had engaged to pay the elector of Brandenburg three hundred thouſand rixdollars, and to leave him Elbing till the whole ſum was paid. By a courſe of extraordinary events, it happened that this laſt clauſe was not executed, and conſequently Poland may be thought not to be too forward in performing it. The elector of Brandenburg, ever watchful of his intereſts, renewed his demands a thouſand times, and tired with receiving no ſatisfactory anſwer, he reſolved at laſt to do himſelf juſtice. He ordered ſome troops to march towards Elbing, and the town, without making the leaſt reſiſtance opened the gates on the 11th of November 1698.

Auguſtus II, king of Poland, complained of this as an enormous breach of the law of nations. He ſought to intimidate the elector, but not ſucceeding, and unwilling to make himſelf a dangerous enemy, at a time when he was filling the north with his intrigues, and meditating a rupture with Sweden, he liſtened to an accommodation, which was ſigned at Warſaw the 12th of December 1699. In this treaty are renewed all the articles of the perpetual alliance of Velau.

" The elector of Brandenburgh engages to reſign to the Poles, the 1ſt of February 1700, the town of Elbing, on condition, that they pay him three hundred thouſand rixdollars, three months after the meeting of the next diet, and that on the eve of the evacuation of Elbing, the crown jewels be put into his hands by way of pledge. In caſe the Poles break their engagement, the elector ſhall re-enter Elbing, and receive the income of its territory till the whole ſum is paid[c].

EMPEROR and SWEDEN.

" The emperor and king of Sweden ſhall reſpectively keep to the diſpoſition of the treaty of Oſnabrug."

HOUSE of HOLSTEIN.

" The king of Denmark ſhall ſatisfy the duke of Reſwic-Holſtein-Gottorp."

Accordingly Frederic III, king of Denmark, and the duke of Holſtein, ſigned at Copenhagen, the 22d of May 1658, a treaty, by which the king reſigned to the duke, for himſelf and his heirs male, the duchy of Sleſwic and the iſle Fehmeren, in full ſovereignty; transferred to him the chapter of Sleſwic, except four prebends, and gave him the bailiwic of Schwabſtadt. The ancient unions of 1533 and 1623 were alſo renewed; that is the community of government was confirmed, which gives an equal power to the two parties over the duchy of Holſtein, both alike receiving the homage and oath of fealty of the ſubjects, who are to obey only the orders which ſhall proceed from the common regency of the two ſovereigns.

A more faulty government can hardly be conceived. If it had been intended that peace ſhould ſubſiſt between the kings of Denmark and the dukes of Holſtein, the dominions, and not the authority, ſhould have been ſhared[d]. This treaty was accompanied with two diplomas of Frederic III, ratified by the Daniſh ſenate.

" The tranſactions paſſed at Copenhagen the 22d of May 1658, between the king of Denmark and the duke of Sleſwic Holſtein Gottorp, ſhall be exactly obſerved."

COURLAND.

" The duke of Courland, who ſhall be reſtored to his dominions, promiſes that no offence or repriſal ſhall be committed againſt Sweden, ſaving all allegiance to Poland.

" The kings of Sweden, as dukes of Livonia, ſhall not exact for the future any ſervice from the dukes of Courland."

POLAND. RUSSIA.

" The duchies of Smolenſko, Severia, Czernigove, and the city of Kiow, and the territory of a mile from its walls, ſhall remain to the czar. The Boriſthenes, from Kiow to Tartaro, ſhall ſerve for a boundary to the two powers.

" The preceding truces ſhall be maintained in their full force, except the articles from which it ſhall be derogated.

" The czar ſhall not take under his protection the Coſſacks, on the right of the Boriſthenes. Nor ſhall Poland protect thoſe on the left of the ſame river.

" The parties ſhall inform the Nogais Tartars of their amity. If theſe people make any irruption into their territories, both powers ſhall repulſe them.

" If they are ſupported by the Turks, war ſhall be declared againſt them."

" The Muſcovites ſhall admit no ſubjects of Poland into their troops, nor the Poles any Muſcovites into theirs."

RELIGION.

" The catholics of Ducal Pruſſia ſhall have the free exerciſe of their religion, and ſhall fill all ſorts of civil employments.

" The catholics of the iſle of Ruynen ſhall not be diſturbed for their faith, but ſhall perform divine ſervice in their own houſes only. The Livonians ſhall enjoy the ſame privileges.

" All the ſubjects of Sweden and Ruſſia trading with one another, ſhall freely profeſs their religion. They ſhall be allowed to aſſemble in their own houſes, but ſhall not build churches. The Ruſſians ſhall keep their church at Revel.

" In the places yielded by Ruſſia to Poland, and by Poland to Ruſſia, there ſhall be liberty of conſcience, but without the public exerciſe of the religion which ſhall not be the ſame as that of the prince. The Roman catholics however in the ſuburbs of Kiow and Smolenſko may have churches."

NAMES of the PRINCES, Parties, and Guarantees of the Peace of the North.

" The emperor Leopold, as head of the houſe of Auſtria, Charles XI, king of Sweden, John Caſimir king of Poland, and Frederic William elector of Brandenburg, do

[c] This knotty affair ſtill remains in ſtatu quo, and will long remain ſo, if ſome expedient is not found againſt the fatal conſequences of unanimity in the votes of the diets.

[d] Accordingly this union or community of authority has cauſed a perpetual diſſention, of which the king of Denmark has availed himſelf, to deprive the duke of part of his dominions, with whom he ought to have governed there in common.

agree to guarantee the treaty of Oliva. If any one of them ſhall be attacked or moleſted, contrary to the diſpoſition of this treaty, good offices ſhall firſt be uſed; but if the injuries are done by arms, the injured party ſhall be aſſiſted with forces within two months after requiring it, and till peace ſhall be firmly eſtabliſhed.

" The ſame princes guaranty in the ſame manner all the articles of the treaty of Copenhagen between Sweden and Denmark; and the treaty concluded there ſhall be deemed part of that of Oliva.

" The king of France guaranties all the articles of the treaties of Oliva and Copenhagen.

" England and the United Provinces are alſo guarantees of the treaty of Copenhagen, and promiſe, whenever required, to avenge the breaches of the ſame."

When theſe treaties were concluded, guarantees or ſureties had not been long uſed in Europe. Some other thing was to ſupply their place; for princes never relied much upon reciprocal promiſes. For a good while the obſervance of treaties was ſworn upon the moſt noted relicks, upon a piece of the real croſs, upon the evangeliſts, and upon the Hoſt, or body of Chriſt. It was promiſed not to procure abſolution from the oath, and in caſe of infraction, to ſubmit to the eccleſiaſtical cenſures. In the famous treaty of Cambray, concluded the 3d of Auguſt 1529, between Francis I, and Charles V, in explanation of the treaty of Madrid, we find a ſtriking inſtance. Theſe princes, " in caſe of contravention, ſubmit themſelves to the eccleſiaſtical juriſdictions, coercions, and cenſures, even to the calling in of the ſecular arm, and do appoint their procurators, in forma cameræ apoſtolicæ, to appear in their names at the court of Rome, before our holy father the pope, or the auditors of the Rota, and voluntarily to undergo the condemnation and fulmination of the ſaid cenſures."

Theſe precautions were not thought ſufficient, the princes never made a treaty without naming conſervators, who were to ſee to the execution of the articles. Theſe were ſometimes only miniſters, whoſe duty it was to confer together from time to time at a place appointed, to repair amicably the breaches of the treaties, to puniſh the tranſgreſſors, and to clear difficulties unforeſeen or ariſing from ambiguous expreſſions. The cuſtom of conſervators, ſtill practiſed at this day between the Ottoman Port and the neighbouring princes, was a wiſe regulation, eſpecially at a time when the princes had no ordinary embaſſadors at each others courts. Sometimes, but more rarely, the conſervation of the peace in their governments, was in a ſpecial manner committed to the provincial governors. They judged ſovereignly of all complaints brought to them on this ſubject, puniſhed the tranſgreſſors, and repaired the injuries.

There was a third kind of conſervators, who (to uſe the antique expreſſion) gave their ſeal to the treaties, and engaged by a particular act, to declare even againſt their ſovereign, in caſe of ſome violation on his part, and to eſpouſe the intereſts of his enemy. Not only the ſeal of the greateſt lords of a ſtate, but moreover the ſeal of the principal cities was required. Thus in the treaty of Senlis, the 23d of May 1493, the cities of Paris, Roan, Lyons, Poitiers, Tours, Angers, Orleans, Amiens, and Tournay, are named for Charles VIII; and the cities of Louvain, Bruſſels, Antwerp, Douay, Bois-le-Duc, Gant, Bruges, Lille, Arras, St. Omers, Mons, Valenciennes, Utrecht, Middleburg, and Namur, for the emperor Maximilian and the archduke Philip his ſon.

The lord of Bevres, one of the conſervators of the peace of Senlis, thus expreſſes himſelf in his ſeal: " Be it known that we, deſiring with all our power to obey my ſaid lords (Maximilian and his ſon) conſidering the great benefits which, from the ſaid peace and obſervance thereof, ſhall accrue to my ſaid lords the king of the Romans and archduke, have promiſed and ſworn, and do promiſe and ſwear by theſe preſents, to keep and cauſe to be kept the ſaid treaty in all and every of its points and articles. And that if it is tranſgreſſed by my ſaid lords the king of the Romans and the archduke his ſon, or by any other for them, (which God of his goodneſs forbid) and reſtitution or reparation for the tranſgreſſion be not made within ſix weeks after, we in that caſe ſhall be obliged to abandon my ſaid lords, king of the Romans and archduke, and each of them, and ſhall give in that caſe favour, aid, and aſſiſtance, to the moſt chriſtian king,"

It is in the treaty of Blois, the 12th of October 1505, that foreign princes are firſt named for conſervators. It is ſaid there, that Lewis XII, king of France, and Ferdinand king of Arragon, ſhall pray the king of England to be conſervator of their treaty [e], This example was followed in the treaty which was concluded three months after at Cambray, between Lewis XII. and the emperor Maximilian. " It is agreed (ſay theſe princes) that the pope, the kings of England and Arragon, and the princes of the empire, ſhall be conſervators of this treaty, that they ſhall ſee all the articles executed, and in caſe of contravention, they ſhall aſſiſt the injured party with all their forces [f]."

The treaties of Blois and Cambray are to be looked upon as the firſt model of the guarantees ſo common now-a-days. This method gained ground the more eaſily, as the princes had found by experience, that the moſt ſacred, the moſt ſolemn oaths, were but weak fences againſt intereſt, which had always broke through them without ſcruple. Beſides, by ſubmitting themſelves, in caſe of infraction, to excommunication and the cenſures of the church (as Charles VII. of France, and Philip the Good, duke of Burgundy, ſay in the famous treaty of Arras) they degraded themſelves, and furniſhed pretences to the eccleſiaſtical power, to intermeddle in the temporal concerns of the kings, and to confound rights which, for the welfare of nations, cannot be ſeparated by bounds too ſettled or fixed.

The cuſtom of conſervators would have produced many diſorders, if it had been any thing but a matter of form. The lords and burghers of cities would have been judges of war and peace, and, under the pretence of fulfilling their engagements, might have got the habit of never obeying their prince. All theſe cuſtoms diſappeared according as the kings aggrandized their authority over their ſubjects, and policy tied them together with a ſtricter band [g].

CHAP. III.

Particular Treaties concluded between the ſeveral Powers of Europe, from the Treaty of Munſter to the Year 1701.

THE treaties collected under this head are all thoſe which have no relation to the grand pacifications, and are not conſiderable enough to deſerve ſingly a chapter apart.

The SWISS [h]. Their ALLIES.

The article that will be enlarged upon moſt, concerns the Helvetic Body. As the peace of Baden is to be ſpoken of,

[e] Rogabunt dicti Chriſtianiſſimus et Catholicus reges ſereniſſimum Angliæ regem, quod hujus pacis, fraternitatis et ligæ conſervator exiſtat.

[f] Conventum eſt quod ſanctiſſimus dominus noſter, ſereniſſimique regis Angliæ et Arragoniæ ac etiam ſacri Romani imperii principes ſint hujus pacis, unionis et concordiæ et ſingulorum in eis contentorum, conſervatores et fide-juſſores et totis viribus aſſiſtent ei qui prædicta obſervaverit contra alium non obſervaturum.

[g] It may rather be ſaid, that, according as the kings aggrandized their power over their ſubjects, and policy bound them together with a ſtricter band, they forfeited honour and conſcience; becauſe they perceived themſelves out of the reach of reproaches for the violation of a treaty or breach of their words. Often ſuch a reproach has been the motive alledged for a declaration of war. In fine, things are come to that paſs, that treaties are no longer to be relied on, than whilſt circumſtances remain in the ſame ſtate as when they were concluded. Neither oaths on the higher altar, nor dread of the juſt vengeance of heaven, nor the point of honour, have ſeldom any influence on royal conſciences. Conveniency has uſurped the place of honour and honeſty. Recourſe had been had to powerful guarantees; but to no purpoſe. The guarantee is a treaty, ſo is violated with the ſame eaſe as the treaty: it ought to eſtabliſh Good-Faith, but is the firſt to deſtroy it. This is one of the pernicious effects which ambition has ſpread through the world, and which has encreaſed in proportion as conſcience has loſt its power. The worſt is, it is an evil which at preſent ſeems incurable.

[h] Or Switzers, ſo called from the canton of Switz, which does not give name

which ended the 7th of May 1656, the war between the cantons of Zurich and Bern, and thoſe of Lucern, Ury, Schwitz, Underwald, and Zug, it will be proper to give an account of the peace of Arau, the wiſe regulations whereof are capable of giving its full force to the antient union of the Swiſs.

There would have been no mention of their particular wars, nor of the treaties of peace by which they were ended, if the thirteen cantons by their union formed but one common-wealth, or if each, by virtue of the Helvetic conſtitutions and laws, was ſubject to a general diet, as the princes of the Germanic body are to the diet of the empire. But it is well known that the Helveric body ought rather to be called the League than the Republic of the Swiſs, and that the thirteen cantons form ſo many independent common-wealths. They are governed by very different principles; each has all the rights of Sovereignty, and treats at pleaſure with foreign ſtates[i]; their general diet has no power to make regulations, or impoſe laws[k].

"So far (ſays the author of the ſtate of Switzerland) are the thirteen cantons from making one body, that there are but the three moſt ancient cantons that are directly allied with each of the other twelve. Indeed there is ſuch a connexion eſtabliſhed among them, that if one canton was attacked, the other twelve would be obliged to march to its aſſiſtance; but it would be by the relation that two cantons may have with a third, and not by a direct alliance which each of the thirteen cantons has with all the reſt. For example, among the eight ancient cantons, Lucern can call only five to its aſſiſtance, in caſe of an attack; but then ſome of the five have a right to call in others with which they are allied, though Lucern be not; ſo that, in fine, they are all obliged to march by virtue of their particular alliances, and not by virtue of a general alliance between all the cantons."

Till the beginning of the thirteenth century, nothing was capable of breaking the union of the Switzers. Zuinglius in 1516 preached his new doctrines; they prevailed; and what could not be effected by ambition, jealouſy, difference of intereſts, or a government founded on impolitic principles, was brought about by religious diſputes. Animoſity, mixing with theſe diſputes, kindled a war, carried on with warmth, ſupported by obſtinacy, and which ended not till 1531, leaving to each canton liberty to profeſs what religion they pleaſed.

"Before the change of religion (ſays the forementioned author) which happened in Switzerland about the ſame time as in Germany, there were none but general diets, and the common intereſt of their country was managed with great zeal and unanimity. But ſince ſome of the cantons have embraced the proteſtant, and the reſt adhered to the catholic religion, their ſtate has been divided as well as their church. From that time their mutual confidence was loſt; the zeal of each party for their religion bred enmity, they became jealous of one another's deſigns, and the reformation may be ſaid to ſplit in two the Helvetic body. For as the intereſt of religion enters more or leſs into all their public actions, the general diets aſſemble now only to ſettle the affairs of their common bailiwicks, and to preſerve the external appearances of an union which no longer exiſts: whereas in effect all the public affairs of any importance are tranſacted in the particular diets of the two religions, the proteſtant diets meeting at Arau, and the catholic at Lucern. This canton being the moſt powerful among them, acts at the head of the catholics, as Zurich does of the proteſtants."

About the end of the year 1655, ſome inhabitants of the canton of Schwitz having embraced the proteſtant faith, had a mind to retire with their effects into the canton of Zurich. They were ſeized, and notwithſtanding the remonſtrances of the proteſtants, and the protection they granted theſe fugitives, they were condemned and executed as anabaptiſts. This was ſufficient to kindle a war. The cantons of Zurich and Bern reſolved to be revenged of the canton of Schwitz, which was ſupported by thoſe of Lucern, Ury, Underwald, and Zug. France and the cantons of Baſil, Friburg, Soleure, and Schafhauſen, interpoſed their mediation; an accommodation was made and ſigned at Baden the 7th or 8th of March 1656.

It was agreed that each canton ſhould enjoy its religion, independence, and rights of ſovereignty; that the deciſion of all diſputes, which ſhould ariſe about any matter whatever, between the members of the Helvetic League, ſhould be referred to arbitration. That there ſhould be liberty of conſcience in the provinces ſubject to the thirteen cantons; and as for what relates to the change of religion, and the liberty of going with their effects from one canton to another, each country ſhould conform to its ancient uſages and cuſtoms.

This was only to be a patched-up peace, ſince nothing in particular was ſettled concerning the cauſe of the diſputes by which the union was broke. However, ſtipulations ſo indeterminate and improper to cure the troubles wherewith the Helvetic body was threatened, ſerved to maintain the peace till 1712, when the cantons of Zurich and Bern took up arms in favour of the Toggenburgers.

The abbot of St. Gall, relying on the cantons of Lucern, Ury, Schwitz, Underwald, and Zug, who warmly eſpouſed his intereſts, had oppreſſed for ſome time the county of Toggenburg. This prelate daily formed new pretenſions on ſubjects who thought themſelves almoſt independent. He proceeded at laſt to moleſt them in the exerciſe of their religion, and, in a moment, the wiſdom and moderation for which the Helvetic body was ſo famous in Europe, was ſeen to vaniſh. All Switzerland was in arms; the forces aſſembled and marched; the catholics were defeated at Bremgarten, and the firſt treaty of Arau was concluded the 18th of July 1712.

The public tranquillity would from thence forward have been reſtored, if one defeat had been capable to diſcourage the Switzers. The cantons of Underwald, Schwitz, and Zug, refuſed to ratify the late peace. The war continued, and a ſecond battle was fought at Wilmergue the 25th of July. The catholics, entirely routed, had no other reſource but to ſign, the 9th of Auguſt, 1712, the ſecond treaty of Arau, by which the firſt was confirmed, and the conquerors gained ſtill more advantageous terms. But it was not till the 15th of June 1718, that the differences between the abbot of St. Gall and the count of Toggenburg were finally decided by the treaty of Baden.

Before the articles of this pacification are related, which is as famous in the Helvetic League, as the treaty of Munſter is in Germany, it muſt be remarked, that the Switzers, unwilling to ſacrifice their liberty to a deſire of aggrandizing themſelves, never interpoſe in the conteſts which ariſe between foreign powers. They obſerve an exact neutrality; are never guarantees of a treaty, and take no other advantage of the wars, by which Europe is often laid waſte, than to lend indifferently ſoldiers to their allies, and to the princes who apply for them. The Switzers deſire no more than the preſervation of their laws. They inhabit a country which cannot raiſe the ambition of any of their neighbours; and it may be ſaid, that they are ſtrong enough to defend it againſt the joint forces of all Europe. Invincible when they are united, and when they are only defending the entrance into their country, the nature of their government will not allow them to make any progreſs abroad. Why then ſhould they concern themſelves with the quarrels of their neighbours? If they are tied by treaties of friendſhip with the Griſons, the Valais, Neufchatel, St. Gall, Geneva, Mulhauſen, &c. and conſequently obliged to protect and defend them againſt the attacks of their enemies; it is becauſe theſe ſmall ſtates cannot draw them into any troubles; becauſe they have no ambition, becauſe they reſpect their neighbours; and forming for the moſt part a barrier to cover them, it would be the intereſt of the Helvetic body to aſſiſt them, though they were not bound to it by treaties.

The Swiſs have alliances with the pope, the empire, the court of Turin, the houſe of Auſtria, the grand duke of Tuſcany, &c. But theſe alliances are only for a certain term, and generally they are to laſt no longer than the reign of a prince, and the four or five firſt years of his ſucceſſor. They are confined to capitulations about the levy of troops in the cantons, about their pay, their diſcipline, their privileges, and in general contain nothing intereſting enough to find a place in this collection. It is not the ſame with the treaty of Bern, concluded in 1712 with the United Provinces, nor with the engagements entered into by Lewis XIV, the laſt year of his reign, with the catholic cantons, and the republic of Valais; and therefore they ſhall be mentioned after the treaties of Arau.

name to the reſt by way of eminence, but becauſe it was the firſt that aſſerted its liberty. The names of the thirteen cantons are, Zurich, Bern, Baſil, Schauf hauſen, (proteſtants) Ury, Schwitz, Underwald, Lucern, Zug, Friberg, Soleure or Solothurn, (catholics) Glars, and Appenzel, (proteſtants and catholics).

[i] Herein they differ from the United Provinces; but agree exactly with the princes and ſtates of the empire, according to the fourth article of the capitulation of the preſent emperor, and the 6th of that of the emperor Charles VI.

[k] Nor have the States-general of the United Provinces any ſuch power, becauſe each province preſerves its rights of ſovereignty.

The

PEACE of ARAU.

" The cantons of Zurich and Bern ſhall poſſeſs the county of Baden, with its dependencies, including the city of Bremgarten."

Hitherto that county had belonged to the eight ancient cantons who conquered it in 1415, upon the houſe of Auſtria.

" All that part of the free bailiwic, commonly called Frey-Amter, which extends in a ſtrait line from Lunckhoſen to Farwangen, ſhall be reſigned to the ſaid two cantons, ſaving however to Glaris all its rights, as not taking part in the late quarrel. The other part of the free bailiwics ſhall remain with their old maſters. The canton of Bern ſhall be aſſociated to the co-ſovereignty of the ſeven ancient cantons, and its turn of regency ſhall be next to that of Zurich."

Frey-Amter had been conquered by the ſeven ancient cantons upon the houſe of Auſtria, at the ſame time with the county of Baden.

" Zurich and Bern ſhall poſſeſs the city of Rappenſuil, with its dependencies. Bern ſhall be admitted to the co-ſovereignty over Turgovia, Rheintal, and the county of Sargans, and ſhall exerciſe its regency next after Zurich."

Turgovia and Rheintal had been conquered by the ſeven ancient cantons upon the houſe of Auſtria. Appenzel, when made a canton, was admitted into the co-ſovereignty of Rheintal. The ſeven cantons had purchaſed the county of Sargans of the laſt count of that name.

" Stein ſhall no longer be included in the ſovereignty of Turgovia. The regency of that city ſhall belong to the Burghers, ſaving however the rights of the cantons of Bern, Friburg, and Soleure.

" The treaty of peace of 1531 is annulled, as if it had never been. The treaty of Arau ſhall for the future be a law to the cantons.

" The cantons of Zurich and Bern promiſe to leave entire liberty of conſcience to the inhabitants of the countries reſigned to them; to nominate to the eccleſiaſtical dignities ſubjects taken by turns in the catholic cantons who ſhare the ſovereignty, and to impoſe no new taxes. Thoſe who ſhall remove into ſome other part of Switzerland, or into a foreign country, ſhall pay no duty of exportation or importation for two years.

" In the provinces ſubject to cantons of different religions, the proteſtants ſhall enjoy the ſame privileges as the catholics; there ſhall be a perfect equality between them. Secret accuſations and informations ſhall be aboliſhed. Orphans ſhall have guardians of their own religion. One ſhall be called the catholic, and the other the evangelical religion; and it is equally forbid to the profeſſors to uſe any injurious or ludicrous terms, when ſpeaking of their reſpective religions. A malefactor condemned to die, ſhall be aſſiſted by a miniſter of the religion he requires.

" The catholics and proteſtants ſhall have their ſeparate baptiſmal fonts and burying-grounds in the places where the church is common to both religions; the firſt who ſhall officiate, ſhall be obliged to leave the church at eight o'clock in the morning during the ſpring and the ſummer, and in the other ſeaſons at nine, unleſs it be otherwiſe agreed. If either party deſire to build a church for their uſe, they may do it at their expence. From that time they ſhall loſe their right to the church they have left; it is allowed however to treat about the renunciation; that is to ſay the proteſtants, who, for example, intend to build a church, may impart their deſign to the catholics, and ſee what the others are willing to contribute towards it, that they may have a church to themſelves.

" The offices and magiſtracies ſhall be ſhared between perſons of both religions. The greffier of Turgovia ſhall be catholic, and the poſt of land-ammon in the ſame country ſhall be poſſeſſed by an evangelic. The firſt magiſtracy of Rheintal and Sargans ſhall be held by a catholic, and the ſecond by a proteſtant. The other officers, civil and military, as bailiffs, judges, ſummoners, procurators, advocates, &c. ſhall be half of one and half of the other religion. All affairs concerning the regale and general ordinances of the government, of the police and military, ſhall be brought to the general aſſembly of the cantons, who ſhall appoint an equal number of commiſſaries of both religions to give a definitive ſentence. In the general diets, there ſhall be two ſecretaries, one a catholic, the other a proteſtant; their regiſters ſhall be read in full aſſembly, and ſhall be rendered alike.

" No fortreſs ſhall be raiſed in the common lordſhips; and if the cantons come to wage war between them, neither of the contending parties ſhall ſolicit or compel the common ſubjects to take up arms in their favour."

PEACE of BADEN. ABBY of St. GALL. COUNTY of TOGGENBURG.

" The county of Toggenburg ſhall be ſubject to the abby of St. Gall, but ſhall preſerve all its ancient privileges. The council of Toggenburg ſhall conſiſt of thirty catholics and thirty proteſtants, choſen by the inhabitants themſelves. They ſhall take care of the rights and intereſts of the county. In caſe the abby and chapter of St. Gall ſhall refuſe them juſtice, they ſhall be allowed to apply to their allies, and demand their protection. The Toggenburgers ſhall freely profeſs the catholic or reformed religion, as they pleaſe. Each of the religions ſhall have an equal number of magiſtrates of their communion. The annual revenues of the county ſhall be divided in two parts, of which one ſhall belong to St. Gall, the other to the county."

CANTON of LUCERN. PRINCIPALITY of NEUFCHATEL.

" The canton of Lucern receives into its co-citizenſhip the duke of Longueville, count of Neufchatel and valengin, and alſo the country and inhabitants of theſe two counties, and promiſes to defend them againſt all violence whatſoever [a].

CANTON of BERN. UNITED-PROVINCES.

" The States-general of the United Provinces, and the canton of Bern, mutually promiſe a ſtrict and perpetual friendſhip.

" The republic of Bern ſhall defend the United Provinces, when their territories, or the barrier aſſigned them by the peace, ſhall be attacked. The States-general ſhall be allowed to employ the troops of this canton that they have in their pay, for the defence of all the Britiſh dominions in Europe.

" The canton of Bern ſhall leave to the States-general the twenty-four companies which are in their ſervice; but if any foreign power attacks the ſaid canton directly or indirectly, they may be recalled. If Bern is in war with ſome other canton, the States-general ſhall not be obliged to ſend back the ſaid companies, but ſhall pay in that caſe a ſubſidy equivalent to the pay of thoſe troops. They ſhall alſo pay the ſame ſubſidy, if Bern, when engaged in a foreign war, does not recall the twenty-four companies. In caſe they are recalled, the canton of Bern promiſes to ſend them back as ſoon as it ſhall be convenient. During peace, the United Provinces may reduce each company to 150 men.

" Whenever the United Provinces ſhall maintain a defenſive war, the republic of Bern ſhall promiſe to levy four thouſand men, and furniſh recruits to keep them compleat, unleſs the canton is at war itſelf, or have juſt cauſe to dread hoſtilities from ſome of its neighbours.

" The States-general engage to defend the canton of Bern, the city of Geneva, the counties of Neufchatel and Valengin, Bienne and Munſterthal, whenever they ſhall be attacked by any foreign power [b].

" The twenty-four companies in pay of the States-general ſhall be given only to the burghers of the city of Bern, or the ſubjects of that canton. When the States-general ſhall make new levies in Bern, the canton ſhall name the captains.

" Theſe companies ſhall not be employed in prejudice to the treaties between the Helvetic Body and France and Auſtria. But as theſe treaties are purely defenſive, Bern will not permit France or the houſe of Auſtria to uſe its ſubjects beyond the terms preſcribed, or to employ them againſt the United Provinces or their barrier.

[a] The general articles propoſed by the ſtates of Neufchatel and Valengin to the king of Pruſſia, when, after the death of the ducheſs of Nemours, his majeſty took poſſeſſion of that ſtate, and which his majeſty accepted and ratified the 10th of Auguſt 1707, made not the leaſt mention of this citizenſhip. Rouſſet.

[b] That is to ſay, in the ſaid ſtates, for it cannot be ſuppoſed that the king of Pruſſia, for example, attacked in Cleves, can, as count of Neufchatel, demand the aſſiſtance of the States-general.

The

" Theſe troops in the pay of the States-general ſhall ſerve only by land. They ſhall not be tranſported beyond ſea, except to Great-Britain when that kingdom is attacked."

This laſt article belongs to the convention of the 5th of January 1714, ſigned at the Hague by the States-general and the canton of Bern. The reſt of the articles concerning the diſcipline of the Swiſs are not worth mentioning.

GRISONS[c]. UNITED PROVINCES.

" There ſhall be for ever a defenſive league of friendſhip between the United Provinces and the Griſons.

" The Grey Leagues engage to defend the poſſeſſions and barrier of the States-general, and agree that the Griſons in their pay ſhall be employed in defence of all the dominions of Great Britain in Europe.

" The States-general ſhall always keep in their ſervice ſix companies of Griſons, whoſe officers ſhall be permitted to raiſe the neceſſary recruits to complete them in the territories of the Grey Leagues. If the Griſons are obliged to maintain a defenſive war, the United Provinces ſhall pay them a ſubſidy equivalent to the pay of the ſix companies. In this caſe, the Leagues may recall two thirds of the officers, if the States-general are in peace, and one third if in war. The ſix companies ſhall not be recalled at any time nor on any account.

" If the States-general are attacked, they ſhall raiſe two thouſand men and recruits in the territories of the Griſons, unleſs they themſelves are in war, or have reaſon to fear being attacked.

" The States-general promiſe to defend, on all occaſions, the three Griſon Leagues, their country and their ſovereignty. They accede to the treaty which the Leagues made with England the 13th of March 1707, and engage to uſe their good offices for the entire execution thereof."

The treaty mentioned here was concluded at Coir by the emperor Joſeph and queen Anne, with the Griſons. The Leagues had granted the imperial troops free paſſage through their lands, on certain conditions which the courts of Vienna and London were not very forward to perform.

" The ſix companies of Griſons in the pay of the United Provinces, ſhall be conferred on ſubjects of the Leagues, and the States-general, in time of peace, may reduce them to 150 men each."

CATHOLIC CANTONS. REPUBLIC of the VALAIS. FRANCE.

" All the treaties of alliance concluded between France and the Helvetic Body ſhall be faithfully obſerved."

The treaty of Soleure, of which this is the firſt article, was concluded by Lewis XIV. with the catholic cantons and the republic of Valais, the 9th of March 1715.

" The alliance of Soleure is contracted in the name of all the kings of France, ſucceſſors of Lewis XIV. They ſhall ratify it at their acceſſion to the crown, and promiſe punctually to perform all the articles. The catholic cantons and republic of the Valais, ſhall at the ſame time renew their promiſes. Then thoſe things ſhall be provided for which ſhall not have been foreſeen in this treaty; and the abuſes redreſſed which the difference of times and circumſtances may have produced in the obſervation of any article.

" If the kingdom of France is attacked at home or from abroad, the catholic cantons ſhall promiſe, ſix days after notice, to make a levy not exceeding ſixteen thouſand men. It ſhall be made at the expence of the moſt Chriſtian king, who ſhall appoint the officers. Theſe troops ſhall be employed only at land. As ſoon as the war ſhall be ended, France ſhall ſend them back, paying them to the day of their arrival at their own homes.

" If the Helvetic Body, or any particular canton, is attacked by a foreign power, his moſt Chriſtian majeſty ſhall ſend proper ſuccours. If troubled with inteſtine diſturbances, he ſhall uſe his good offices to bring the parties to a juſt accommodation. But in caſe that method does not ſucceed, he ſhall employ all his forces without any ſubſidy, to compel the aggreſſor to obſerve the regulations preſcribed by the alliances which the cantons have made.

" The king of France ſhall not permit his ſubjects to ſerve any power whatever againſt the Helvetic Body. On their part, the cantons or their ſubjects ſhall never act hoſtilely againſt the king of France, either by attacking his armies or invading his dominions.

" If a ſucceſſor of Lewis XIV. ſhall endeavour to retake the lands and demeans ſpecified in the alliance concluded by Francis I. in 1521 with the Helvetic Body, the cantons ſhall refuſe all aſſiſtance."

The demeans mentioned here are the ſtates of Italy, to which the kings of France had pretenſions, and which they have in vain tried to conquer by obſtinate wars. Theſe wars employed the reigns of Charles VIII, and his ſucceſſors, to Henry II. Lewis XIV, after the example of his predeceſſors who have treated with the Swiſs, ſtiles himſelf, in the alliance of Soleure, duke of Milan, count of Aſté, lord of Genoa, &c. The ſame titles had been aſſumed by him in the renewal of the alliance of the 1ſt of June 1658, and the 4th of September 1663.

It may be aſked whether the cuſtom of aſſuming the titles of certain provinces which a prince does not poſſeſs, but to which he has pretenſions, be equivalent to a proteſtation, and ſufficient to hinder preſcription. To this it may be anſwered; if a prince, who continues to take the title of a province of which he has been deprived, does nothing from whence it may be inferred that he authoriſes the uſurpation of his enemy, there is no doubt that his title anſwers to a continual proteſtation. But if he contradicts himſelf by his conduct, the titles he aſſumes, can be of no force, and are conſidered as the effect of his vanity. Theſe titles ſignify nothing at preſent in Europe. It is ſaid, Charles II. had a mind to ſell his title of " King of France" to Lewis XIV. but the French miniſter, to whom the offer was made, jocoſely replied, the king his maſter had alſo the title of " King of Navarre," which he would ſell a good bargain. It is cuſtomary in a treaty where one of the parties bears a title which the other cannot acknowledge, to inſert a particular clauſe, by which it is agreed, that the titles aſſumed by one party ſhall not prejudice the other.

" If the Swiſs league with France to make war againſt a common enemy, the parties ſhall agree upon the military operations, and conclude in concert, treaties of truce, ceſſation of arms, and of peace.

" Neither of the parties ſhall ſuffer the enemies of the other to remain in his dominions, or grant them paſſage or aid.

" If France ſhall attack the holy ſee, the empire, the houſe of Auſtria, the lordſhip of Florence, or any other ally of the Helvetic Body, the cantons and republic of the Valais ſhall not be obliged to aſſiſt. But in caſe the moſt Chriſtian king is attacked by any of theſe powers, they ſhall furniſh him with ſuccours.

" Both ſides are obliged to give free paſſage to the troops that ſhall march for the defence of one of the parties, or for the aſſiſtance of any of their allies. Exact diſcipline ſhall be obſerved on the road, and the ſoldiers ſhall pay ready money for what they ſhall want.

" The alliance of the kings of France, as the moſt ancient of the Helvetic Body, ſhall be preferred to that of all other ſtates."

PEACE of the HAGUE.

PORTUGAL, UNITED PROVINCES.

" The United Provinces renounce all their pretenſions to the Braſils, on condition, they ſhall be allowed to carry on there all ſorts of commerce, except of Braſil wood, and to navigate and trade in all the ports, roads, harbours and places which belong to the Portugueſe on the coaſt of Africa.

" The parties ſhall remain in poſſeſſion of the towns, places, caſtles, &c. which they hold in the Eaſt Indies or elſewhere, when the peace ſhall be publiſhed, each party renouncing all his pretenſions."

This treaty of alliance between Portugal and the United Provinces, was concluded at the Hague, the 6th of Auguſt 1661.

The United Provinces had made the themſelves maſters of Braſil and the Eaſt Indies whilſt Portugal was under the dominion of Spain. After the Portugueſe had recovered their independence, they ſought the friendſhip of the Dutch, who, in ſpite of treaties, continued the war underhand. The Portugueſe ſeriouſly thought of a defence, and by their

[c] The Griſons juſt entered into a league with one another in 1471, and with the Switzers in 1491. They are divided into three Leagues: 1. The Grey-League. 2. The League of the Houſe of God. 3. The League of the Ten Juriſdictions. Their name is derived from their wearing Grey Scarfs when they firſt leagued together.

wiſe conduct entirely drove the Dutch out of their ſettlements in Braſil in 1657. The States-general then declared war againſt Portugal, and refuſed the mediation of France and of Cromwell in 1658. This war was ended by the abovementioned treaty, which will be ſpoken of more largely in the chapter of commerce. In the mean time, it muſt be obſerved, that it is ſaid in the fourth article of this treaty "that if the king of Portugal breaks any of the conditions of the peace, the United Provinces ſhall be poſſeſſed again of all the rights they renounce. Thoſe of his Portugueſe majeſty ſhall alſo revive in caſe the States-general ſhall infringe any article of the treaty.

PEACE of BREDA.

England, United Provinces, France, Denmark, Biſhop of Munster.

Nothing very conſiderable paſſed in the war which was ended at Breda the 31ſt of July, 1667, between England on one part, and France, Denmark, and the United Provinces on the other. The hoſtilities had commenced two years before, on account of ſome forts which the Engliſh had taken on the coaſt of Guinea, and from which they were driven by the Dutch. The United Provinces, faintly ſupported by allies, who had unwillingly engaged in their quarrel, and eſpecially by the king of France who wiſhed to ſee an end of the war, very readily conſented to an accommodation. This peace altered not the ſituation of the parties. All was reſtored that they had taken from each other during the war, and after the uſual articles in all the treaties of peace, or ſuch which relate only to the circumſtances of the times, there were hardly any ſtipulations but what concerned commerce.

After the death of Charles I. Cromwell, who, under the title of Protector, was become abſolute king of England, never failed to inſert in all his treaties with foreign ſtates, that they ſhould not harbour within their dominions any rebel or public enemy of his government. At his acceſſion to his father's throne, Charles II. followed Cromwell's example, and in a treaty of Breda, the States-general engaged not to receive into their dominions any ſuch perſons as ſhould be declared his enemies.

"All ſhips and veſſels of the United Provinces, as well men of war as merchant ſhips, ſhall ſtrike the flag and lower the ſail when they meet any Engliſh men of war in the Britiſh ſeas".

Thirteen years before, Cromwell had obliged the Dutch to this ſalute by the treaty of Weſtminſter of the 15th of April 1654.

The accommodation concluded between Charles II. and Frederic III. king of Denmark, contains two important articles. In the firſt, "it is agreed, that the debt of 120,000 rixdollars contracted by the Daniſh king with the Engliſh company of merchants at Hamburgh, ſhall be remitted." By the other "Frederic preſerves his claims to the Orcades and the iſle of Hitland, which the kings of Norway had formerly mortgaged to Scotland, on condition of redeeming them at pleaſure." Theſe articles are in the act ſigned by the embaſſadors of Sweden and France at the congreſs of Breda.

The biſhop of Munſter took part in the quarrel between England and Holland. The prelate who then held that biſhopric, was the famous Van-Galen, ſo noted for his military genius and qualities. Ever reſtleſs, always in action, peace was to him an unnatural ſtate, and he was by turns enemy or ally of all the powers he could attack, or who enabled him to make war.

This biſhop, to whom Charles II. had promiſed conſiderable ſubſidies, invaded the province of Over-Yſſel, and, as if the very name of the United Provinces had been to be extirpated, he began hoſtilities with ravages worthy of an Attila. He had made ſeveral conqueſts, when the Dutch took from him Lokon. This check, the ſlowneſs of England to ſend him ſuccours, and the good offices of France, determined him to hearken to an agremeent. His treaty of peace with Holland was concluded at Cleves the 18th of April, 1666. The emperor, Lewis XIV. the electors of Mentz, Cologne, and Brandenburg, the dukes of Newburg, Brunſwic and Lunenburg, and the biſhop of Paderborn, were guarantees.

"Saving all the rights of the empire, the biſhop of Munſter renounces all pretenſion of ſuperiority over the city and caſtle of Borculoe."

PEACE of LISBON.

Spain, Portugal.

This treaty ended the war between theſe two powers, which began in 1640, at the time of the famous revolution in Portugal, the hiſtory of which is univerſally known. The Spaniards ceaſed not to treat the Portugueſe as rebels, till they deſpaired of reducing them. France had in vain laboured a reconciliation between them at the congreſs of Munſter and the Pyrenees.

"Spain reſigns to the houſe of Bragança, the kingdom of Portugal, acknowledges it independent, and reſerves only the town of Ceuta."

The treaty, of which this is the ſecond article, was ſigned at Liſbon, the 13th of February, 1668.

PEACE of AIX-LA-CHAPELLE.

France, Spain.

At the death of Philip IV. king of Spain, the 17th of September, 1665, Lewis XIV. pretended that his queen had a right to Brabant, the Cambreſis, the duchies of Luxemburg, Namur, &c. by virtue of the laws in theſe countries with regard to ſucceſſions. The king of France ſent his demands to his catholic majeſty, who rejected them with diſdain. During the year and half that he refuſed to liſten to a negociation, he imprudently neglected to put the Netherlands in a ſtate of defence. Lewis XIV. invaded them about the end of May 1667. His conqueſts were rapid; Tournay and Oudenarde held out but two days, Douay three, Liſle nine. Holland was alarmed, and, with England and Sweden, concluded, the 23d of January 1668, an alliance, commonly called the Triple League. They offered their mediation, and, "in caſe the king of France ſhall refuſe to accept of the peace concerted by this treaty, England and Holland ſhall be obliged to make war againſt France till things be reduced to the condition they were in at the Pyrenean treaty."

As the Triple League did not anſwer the intended purpoſe, the reſult of it was another treaty, concluded at Aix-la-Chapelle the 2d of May following, which, inſtead of retrieving what was loſt, confirmed Lewis in the greateſt part of his conqueſts.

"Spain yields to France the cities and places of Binck, Charleroy, Aeth, Douay, fort Scarpe, Tournay, Oudenarde, Liſle, Armentiers, Courtray, Bergues, and Furnes, with all their dependencies.

PEACE of VERSAILLES.

France, Genoa.

The republic of Genoa, about the end of the year 1683, incurred the diſpleaſure of France. The Genoeſe were accuſed of hurting ſeveral branches of the French trade in Italy, of declaring indecently and on all occaſions in favour of the Spaniards, and of plotting with them to burn the gallies and ſhips in the ports of Marſeilles and Toulon. The marquis of Seignelay, charged with requiring ſatisfaction for theſe grievances, appeared before Genoa the 17th of May, 1684, with a large ſquadron. He offered peace to the Genoeſe, and threatened to bombard them in caſe of refuſal. The ſenate was obſtinate, and endured a ſevere bombardment. The ducal palace was burnt, with many other of the nobleſt in the city. They would not have attempted to reſiſt France, had not the large poſſeſſions of their nobles in the kingdom of Naples induced them to keep fair with Spain. The peace was concluded between France and Genoa at Verſailles, the 12th of February 1685, the doge and four ſenators having been obliged to come to the French court and make their ſubmiſſion.

"The lordſhip of Genoa renounces the treaties of league and aſſociation made ſince the beginning of 1683, and ſhall diſarm their gallies."

It is needleſs to mention what relates to the houſe of Fieſque; but the ſecond article of this treaty muſt not be paſſed over in ſilence. It is of importance, as it derogates from the fundamental laws of the republic of Genoa.

"The doge and the four ſenators which ſhall repair to the court of France, ſhall be reſtored at their return to Genoa to the exerciſe of their poſts and dignities, and none ſhall be put into their places during their abſence or after their return, unleſs the uſual time of their office be expired."

In

In 1672, there arose some differences between Genoa and the duke of Savoy, about their respective limits. The mediation of the king of France suspended the first hostilities, and the peace was signed at Turin the 8th of March 1675. Nothing more is said of this treaty, as it caused no alteration in the affairs of the parties.

ACCOMMODATION of PISA.

HOLY SEE, FRANCE, House of FARNESE, MODENA, CORSICA.

"The Corsicans shall be declared incapable to serve in Rome, and in all the ecclesiastical state.

The treaty of Pisa, signed the 17th of February 1664, ended the quarrels between the court of France and the pope, on account of an insult on the duke de Crequy by the Corsican guard [d].

When this unhappy affair fell out, the two powers incensed against one another had not forgot their disputes about the immunities. France required a satisfaction the more authentic, as the pope seemed to countenance the insult of the guard, and to submit rather through fear than through justice. The 13th article of the treaty of Pisa, concerns the famous pyramid which Lewis XIV. suffered to be demolished in 1667, under the pontificate of Clement IX.

"The pope shall revoke the incameration of the duchies of Castro and Ronciglione. The duke of Parma shall take possession of them, paying to the apostolical chamber the sum he owes it, of a million three hundred twenty-nine thousand seven hundred and fifty crowns. This sum shall be delivered by two equal payments, and within the space of eight years. On the first payment the duke of Parma shall take possession of one half of these states [e].

This article was never executed. The court of Rome having been reconciled to France, constantly refused to resign these duchies, and the house of Farnese, too weak to compel the pope to perform his engagements, was satisfied with protesting against the injustice done them. This affair might have had a different issue, had not don Carlos, who inherited all the rights of the house of Farnese, given up by the treaty of Vicara in 1738, the duchy of Parma to the emperor Charles VI, who engaged not to prosecute the disincameration of Castro and Ronciglione.

"The pope shall indemnify the duke of Modena for his pretensions to the place and the vallies of Comachio.

This convention has been no better executed than the foregoing; but the rights of the house of Este have not been weakened by any after-act.

RENUNCIATIONS.

HOUSE of ORLEANS. HOUSE of SAVOY.

In the contract of marriage of Anne of Orleans with Victor Amadeus duke of Savoy, is the following article:

"Anne of Orleans, daughter of Philip of France, duke of Orleans, and of Henrietta of England, renounces all rights which may belong or fall to her on her father's side.

HOUSE of SAVOY. HOUSE of BAVARIA.

In the contract of marriage of Adelaid of Savoy with Ferninand elector of Bavaria, the 4th of December 1650, is this article:

"Adelaid of Savoy, marrying Ferdinand of Bavaria, renounces all her rights, saving a portion of two hundred thousand gold crowns; but if the posterity of her brother Charles-Emanuel II, duke of Savoy, comes to fail, this renunciation shall be null, and Adelaid or her descendants shall be restored to all her rights."

HOUSE of BAVARIA. FRANCE.

In the contract of marriage of the princess of Bavaria with the Dauphin of France, signed at Munich the 30th of December 1679, is the following renunciation:

"Maria-Anna-Christina, electoral princess of Bavaria, and wife of Lewis Dauphin of France, son of Lewis XIV. makes a full and general renunciation in favour of the princes of her house, of all rights that may belong to her by her birth."

ACQUISITIONS. CONCESSIONS.

FRANCE. HOUSE of BOUILLON.

In a contract passed at Paris the 20th of March 1651, is the following article:

"In exchange of the sovereignties of Sedan, Rancourt, and part of the duchy of Bouillon, which the duke of that name possesses, the king of France gives him the duchies of Albert and Chateau-Thierry, the counties of Auvergne and Evreux, &c.".

UNITED-PROVINCES. TEUTONIC-ORDER.

In the treaty of the Hague the 14th of June 1662, between the archduke Leopold, as grand master of the Teutonic order, and the States-general, is this article:

"The States-general of the United Provinces resign to the Teutonic Order the sovereignty of the place and territory of Gemert, for forty thousand Florins, and on condition that the civil jurisdiction of that place shall remain to the city of Bois-le-Duc."

FRANCE. ENGLAND.

By a treaty concluded at London the 27th of October 1662, it was agreed:

"The town of Dunkirk, with all its fortifications and dependencies, the fort of Mardyke, the wooden fort, and the great and small fort between Dunkirk and Berg St. Vinox shall be delivered to the most Christian king, upon his paying five millions of livres Tournois to Charles II. king of England."

Cardinal Mazarin having formed the project of conquering the Spanish Netherlands, made a treaty with Cromwell, by an article of which Dunkirk was to remain in the hands of the English, when taken from the Spaniards. The cardinal's politics were greatly blamed, and very justly. It is visible, how detrimental it was to the French for England to be possessed, on their frontiers, of a place of such importance. Mazarin alledged in his justification, that Cromwell was to be gained, which nothing could effect but the cession of Dunkirk. Possibly he was in the wrong; it was the protector's interest to declare against Spain; if he seemed not to know it, 'twas only an artifice to sell the dearer his alliance and succours to the enemies of the court of Madrid. The cardinal was here over-reached, who was always inclined to believe what he feared [f].

SWEDEN. UNITED-PROVINCES.

"The king of Sweden and the Swedish African company renounce all their pretensions to Cabo-Corso, and tranfer to the Dutch East-India company all their rights to that place, and to their other establishments on the coast of Guinea."

[d] The French in foreign countries relying on the power of their monarch are often very insolent: This occasioned the insult of the Corsicans on the servants of the duke and duchess of Crequy, Aug. 20, 1622. As it is known that don Mario Chigi, brother of pope Alexander VII. and general of the ecclesiastical state, had exasperated the Corsicans by threatning to break those who suffered themselves to be insulted by any Frenchman; it is not doubted that his holiness was concerned in the affair, and as the duke of Crequy could not obtain satisfaction, he left Rome with all the great men adherents to France. The king, who was before displeased with the pope, who had refused to agree with the dukes of Parma and Modena, took Avignon, and declared war against the pope, whom he treated much in the same manner as he afterwards did the Genoese in 1684; for his holiness was obliged to send his nephew with the character of Legate into France, where he pronounced, at the foot of the throne, a speech the most submissive and mortifying, such as the pride of that monarch had dictated, and which may be seen in the treaty itself in Part III. Tom. VI. of the diplomatic body p. 2. Of the 15 Articles, only those directly relating to his most Christian majesty were performed.

[e] The history of this incameration or re-union to the ecclesiastical state of which these duchies were fiefs, is very curious, but too long to be inserted here. The ambition of the Barberinis, nephews of Urban VIII. was the rise of it in 1626, and the incameration was made in 1646, under Innocent X. on pretence that duke Ranuco, son and successor of Odoardo, who had these disputes with the Barberinis, had not paid to the mounts of piety that sum which his father and he owed them.

[f] If the cardinal was condemned for giving up Dunkirk to the English, what must we say of king Charles II, who wantonly sold so important a place to the French for a little ready money?

It

This treaty was concluded at the Hague the 28th of July 1667, to put a ſtop to the hoſtilities which the trading companies of Sweden and Holland began to commit againſt one another. The Swedes demanded ſome arrears of ſubſidies, which they pretended were due from the United Provinces. The Dutch, on their ſide, complained that Sweden had not furniſhed all the ſuccours agreed upon by former treaties.

HOUSE of BRANDENBURG. UNITED-PROVINCES.

'Frederic-William, elector of Brandenburg, reſigns in full property to the States-general the fort of Schenk [b].'

This is the ſecond article of the treaty between theſe two powers, concluded at Cologne on the Spree the 8th of March 1678.

FRANCE. STRASBURG.

'The pretor, conſuls and magiſtrates of Straſburg, and the city, acknowledge the king of France for their ſovereign lord and protector.'

This act of 1681, between Lewis XIV. and the magiſtrates of Straſburg, of itſelf invalid, has ſince been ratified at the peace of Ryſwic by the general diet of the empire.

FRANCE. SPAIN.

'The ſubjects of France and Spain ſhall freely navigate and fiſh in the river Bidaſſon and in the road of Figuier. The French ſhall be allowed to come near Fontarabia, and the Spaniards near Andaye, provided they are not armed or have obtained leave to be ſo of the governors of theſe places.'

This convention was ſigned at Madrid the 19th of October 1683.

HOUSE of SAVOY. UNITED-PROVINCES.

'Victor-Amadeus, duke of Savoy, re-eſtabliſhes the Vaudois, of the pretended reformed religion, in the poſſeſſion of all their goods, and grants them the free exerciſe of their worſhip, and alſo to all other his ſubjects who ſhall retire and ſettle in the valleys of the Vaudois.'

By this treaty made at the Hague the 20th of October 1690, the duke of Savoy acceded to the treaty which was concluded at Vienna the 12th of May 1689, between the emperor and the United Provinces, and which was afterwards called the Grand Alliance, becauſe all the enemies of France came into it.

ALLIANCES. GUARANTEES. POLAND. DENMARK.

'The kings of Denmark and Poland form a perpetual alliance, and promiſe to aſſiſt each other with all their forces, when either ſhall be attacked by Sweden. They promiſe, when they have once taken up arms, not to make a ſeparate peace.'

In conſequence of this treaty of Aſtmen, the 28th of July 1657, Denmark aſſiſted Poland during the war with Guſtavus-Adolphus, which was ended by the peace of Oliva.

Some politicians blame theſe kinds of alliances which are made for no limited time. They juſtly obſerve that from thence, there ariſes an engagement which may be detrimental to one of the parties when his circumſtances are altered, or hinder him often from taking advantages which the ever fluctuating courſe of affairs offer him [c]. If the great ſtates ſhould not make perpetual alliances, it is not the ſame with leſſer ſtates, whoſe true intereſt it is to conſult their own preſervation, by putting themſelves under the protection of a powerful neighbour.

The clauſe by which two allies promiſe not to make peace but in concert, has its limitations. 'It would not be juſt (ſays the author upon the principles of law and morality) that the tranquillity of all the confederate ſtates ſhould abſolutely depend upon a ſingle ally who ſhould obſtinately refuſe reaſonable overtures of peace. Let us try to fix theſe limitations as the law of nations requires.'

'A prince who is willing to negociate a peace, ought not to conclude any thing with the common enemy, without the knowledge of his allies, and without having himſelf declared that he will not leave them, unleſs they reject propoſals reaſonable on the whole. He ought to act ſincerely according to this declaration; ſo that as long as his allies do not perverſely reject ſuch propoſitions, the execution whereof ought to be conſidered as a juſt reſult of the war, he ſhould not make his ſeparate peace.'

Theſe reflections are very juſt, and ought to regulate the conduct of princes, who, joining in a league, are not agreed on the objects they propoſe by the war. But when they covenant not to lay down their arms till ſuch or ſuch ſatisfaction is obtained; the theſis is changed, and the articles agreed on being then conſidered as the juſt reſult of the war, ought to be performed before any of the allies can make his ſeparate peace; unleſs he is certain that his confederates will be beforehand with him, or is threatened with ruin by continuing the war. Every confederate prince, who, except in theſe two caſes, liſtens to any ſeparate agreement, his contract is invalid [d]. He may conſequently break his engagements, provided he returns to the ſame ſituation he was in when his contract was made. To conclude, every ally that treats ſeparately, ſhould have the prudence to ſtipulate that his private conventions ſhould be included in the final treaties of the general peace.

FRANCE. NEUFCHATEL.

'There ſhall be perpetual alliance and friendſhip between the crown of France and the ſovereignty of Neufchatel and Valengin [e]. The moſt Chriſtian king ſhall at pleaſure raiſe levies of men in thoſe two countries, after notice given to the ſovereign. All thoſe that are willing to enter into the ſervice of France, ſhall be free to do it. Their prince ſhall not recal them till he is attacked; and in that caſe his ſubjects ſhall not withdraw without leave, which ſhall always be granted. They ſhall have the ſame pay as the Swiſs; and throughout the kingdom they ſhall enjoy the privileges granted, or to be granted, to the cantons of the Helvetic body.

'The inhabitants of Neufchatel and Valengin ſhall not ſerve directly or indirectly againſt the king of France. Their courts ſhall refuſe paſſage to his enemies, and grant it to all the troops in the pay of France. Two companies of the Swiſs guards of the moſt Chriſtian king ſhall be commanded by officers natives of theſe two counties or derived from thence.'

This treaty was concluded at Paris the 12th of December 1657, between Lewis XIV. and the duke of Longueville, prince and ſovereign of Neufchatel and Valengin.

ENGLAND. UNITED PROVINCES.

"If any prince or ſtate whatever ſhall invade the dominions of the king of Great Britain, or commit any hoſti-

[b] It ſhould have been added, 'with the ſovereignty of the territory where the fort was built in 1586, at the time when the dukes of Gueldres and Cleves were diſputing about the bounds of their dominions, of which the territory where Schenk was built, was part."

[c] This reaſoning, extremely juſt in itſelf, held good in thoſe happy times when ſincerity was not yet baniſhed, when the French diſtinction of the ſpirit and letter of a treaty was unknown, or when the diabolical political theſis was not yet maintained, that "a prince is a fool who keeps his word when it is no longer his intereſt:" And that "he ought to break the treaty when the circumſtances which occaſioned it are changed."

[d] This is what may juſtly be ſaid of queen Anne's ſeparate peace with Lewis XIV. in 1712. Since the end of the war, which was not to leave Spain and the Indies in the houſe of Bourbon, was not accompliſhed. The emperor Charles VI, ſaid the miniſters who made the peace, would be too powerful if he poſſeſſed all the dominions of the houſe of Auſtria with the empire. They might be in the right; but was there no medium? could not the crown of Spain be placed on the head of a prince who could give no umbrage to the two houſes, as the prince of Bavaria? The ſame may be ſaid of the ſeparate peace which Charles VI. made with the Turks at Belgrade, without including the Ruſſians, who were forced to renounce the advantages they could reap from the great conqueſts they had made to the mouth of the Boriſthenes, and from thence beyond the Nieſter into Moldavia. But the king of France, who had kindled the war to weaken both the emperor and the Ruſſians, omitted nothing to engage the emperor to make his peace when fortune had turned againſt him, before the rapid progreſs of count Munich had drawn him out of his ill ſituation, ſo that he purchaſed peace with the ceſſion of Belgrade and the kingdom of Servia. Rouſſet.

[e] Rouſſet obſerves this alliance was not perpetual, and remarks, that theſe ſovereignties have their ſtates like Holland, Languedoc, Bretagne, and that there is a difference between contracting with theſe ſovereignties or with their ſovereign.

This

lities againſt him, the States-general ſhall aſſiſt him, within ſix months after they are demanded, with forty men of war, fourteen of them to carry from 60 to 80 guns and 400 men each; fourteen more from 50 to 60 guns and at leaſt 300 men each; and none of the remaining twelve leſs than 36 guns and 150 men; and, beſides, with 6000 foot and 400 horſe.

"Three years after the expiration of the war, during which the States-general ſhall furniſh theſe aids, the charges ſhall be refunded by England. To prevent diſputes on this head, the charges of the firſt fourteen ſhips are fixed at 18,866l. ſterling; the other fourteen at 14,000l. ſterling; and the reſt are valued at 6000l. The charge of the 6000 foot ſhall be 7500l. and of the 400 horſe, 1040l. for every month; but for the firſt month there ſhall be 6000l. paid over and above, for the foot, that being neceſſary for their levying and arming.

"The king obliges himſelf in the ſame manner and in the ſame proportions, to aſſiſt the Dutch againſt any enemy.

"The auxiliary troops and ſhips on either ſide ſhall be under the command of the party attacked or injured."

This treaty made at the Hague the 23d of January 1668, deſerved mention, though it was never executed, and was even ſuperſeded by the alliance between Charles II. and the States-general, concluded the 3d of March 1678, of which an account will be given in the next chapter.

It is cuſtomary to agree in the treaties of alliance, that one of the parties ſhall aſſiſt the other when attacked in any of his dominions. Many condemn this manner of ſtipulation, and think it wrong, in that it may engage a ſtate in an unjuſt quarrel, and change a defenſive into an offenſive league; for it daily happens, that a prince who is attacked the firſt by way of arms, is however the aggreſſor; either becauſe he has refuſed a reaſonable ſatisfaction for ſome injury, or becauſe he will not reſign what he unjuſtly detains.

It is eaſy to anſwer theſe objections. So far is a prince from being bound to aſſiſt an ally who has made himſelf enemies by his ill conduct, that he is not to ſide with him. Hence it is plain, the other objection falls of itſelf, and it is not to be feared that a defenſive alliance will be changed into an offenſive. Indeed, in doubtful caſes, where both parties ſeem to have right on their ſide, the intereſts of an ally are to be defended; and it muſt be confeſſed, morality cannot diſapprove of ſuch a conduct.

It appears reaſonable to ſtipulate as is uſually done; for when a defenſive league is formed, the queſtion being to ſet forth preciſely and clearly the caſe of the alliance, a fixed, certain, and indiſputable point muſt be determined. And what other point can be choſen but an act of hoſtility? Any other grievance whatſoever, that ſhall be taken for the caſe of the alliance, may form an inexhauſtible fountain of complaints, diſputes, and contentions. Treaties of defenſive alliance, which are ſo advantageous to nations, would become uſeleſs, becauſe their force would be eaſily eluded.

In following the uſual method of treating, the public tranquility is ſecured. A prince who knows that the beginning hoſtilities will draw upon him the forces of the allies of his enemy, will not be ſo apt to come to an open rupture. He curbs his paſſions, tries all amicable ways, and forgets nothing to ſhew the juſtice of his own, and the injuſtice of his adverſary's cauſe. Any cuſtom proper to enlarge the empire of reaſon and good-faith among men, ought to be readily adopted, though in certain caſes it may be liable to ſome inconveniencies.

Formerly they were very careful to covenant in defenſive alliances, that the promiſed aid ſhould not be given till two, three, or even four months after its being demanded; and this interval was to be employed in reconciling the contending parties. Our modern plenipotentiaries have neglected theſe important clauſes; there is ſcarce any mention of the interpoſition of good offices and mediation, which muſt be prejudicial to the tranquility of Europe.

ENGLAND. DENMARK.

"There ſhall be perpetual alliance and friendſhip between the kings of England and Denmark, and each king promiſes not to ſupply the enemies of the other with military ſtores, &c. If the king of Denmark's dominions are invaded, the king of England will aſſiſt him with all his forces."

In this treaty of Weſtminſter 1669, between England and Denmark, it is not ſaid that Denmark ſhall aſſiſt England in caſe of an invaſion.

DENMARK. UNITED PROVINCES.

"If any power attacks the dominions of his Daniſh majeſty in Europe, the United Provinces ſhall ſend him, at their expence, and within two months after demand, ſuch ſuccours as ſhall be judged neceſſary for his defence. If the firſt aid be not ſufficient, the United Provinces ſhall act with all their forces and declare war againſt the aggreſſor, without requiring any thing of the king of Denmark for the charge of the war.

"If the States-general are in the ſame caſe, the king of Denmark ſhall ſend them, within two months after demand, an aid of forty ſhips of war, and ten thouſand land forces.

"The United provinces ſhall pay a ſubſidy of 600,000 rix-dollars for equipping and maintaining the ſhips; 100,000 rixdollars for the levy of the land forces, and 40,245 rix-dollars every month for their ſubſiſtence. If they ſhall want any farther aſſiſtance, the king of Denmark ſhall provide twenty thouſand land forces, and the States-general ſhall double their ſubſidies. In fine, the king of Denmark ſhall be obliged, if circumſtances require it, to act with all his forces and declare war.

"The operations of the war ſhall be concerted by the generals of both parties, and neither of them ſhall be free to enter into treaty, to conclude truce or peace without the conſent of the other."

This treaty of alliance between Chriſtian V. and the United Provinces, was concluded at Copenhagen the 20th of May 1673[f].

FRANCE. SWEDEN.

"There ſhall be a perpetual[g] alliance between the kings of France and Sweden, for the maintenance of the treaties of Weſtphalia. If one of the parties is attacked contrary to the regulations of that peace, the other ſhall aſſiſt with all his forces."

This treaty of Verſailles the 25th of April 1675, between Lewis XIV. and Charles XI. is but a ſequel of that of 1672, concluded, in appearance, for the maintenance of the treaties of Weſtphalia, but in reality the king of France had ſollicited it only to engage the king of Sweden to renounce his alliance with the king of Spain, for whoſe ſervice his Swediſh majeſty was to hold in readineſs an army, in caſe France attacked any of the Spaniſh dominions. Beſides that, the chief aim of the king of France was to draw the king of Sweden to his ſide in the war he was then meditating to chaſtiſe the Hollanders for being unwilling to have him for a neighbour. And therefore to the defenſive treaty of 1672, were added thirteen ſeparate articles, which run upon the meaſures to be taken againſt the United Provinces. This treaty of Verſailles was concluded by meſſieurs Pompone and Spar, to confirm the ſeparate articles of that of 1672, in order to engage the king of Sweden to ſend an army into the empire againſt the princes who had declared in favour of the Dutch, particularly againſt the elector of Brandenburg. The Swediſh arms were unſucceſsful, and Charles XI. loſt all his German dominions; but Lewis XIV. was ſo generous to ſacrifice the greateſt part of his conqueſts, to recover, for his ally, at Nimeguen, the provinces which his ſubjects could not defend. Theſe treaties of 1672 and 1675 are the foundation of the friendſhip and good intelligence that has ſince ſubſiſted between the two crowns.

POLAND. HOUSE of AUSTRIA.

"Of what nature ſoever may be the differences that ſhall ariſe between the houſe of Auſtria and the republic of Poland, they ſhall always be amicably decided. Each of the parties ſhall be allowed to raiſe levies of men in the other's dominions, upon previous notice, if the other is not in war."

This treaty was made at Vienna the 24th of April 1677,

[f] This treaty was made when the United Provinces were invaded by France, and it was ſtipulated in the 12th article, that his Daniſh majeſty ſhould not interpoſe in that war. In 1674 the king of Denmark made another defenſive alliance with the emperor Leopold, the king of Spain, and the States-general, which took the place of this, and which, purſuant to a ſeparate article, was to laſt 14 years. It is in the ſame ſtyle with this of 1673.

[g] It is perpetual only in what concerns the peace of Weſtphalia, in the other articles not."

between Leopold as head of the houſe of Auſtria, and John III. king of Poland.

The grand ſeignor making preparations which threatened Chriſtendom, the ſame princes ſigned at Warſaw, the 31ſt of March 1683, a treaty of perpetual alliance, offenſive and defenſive, againſt the Turk. They defired the guarantee of the Holy See, and promiſed to ſwear, by the cardinals Pio and Barberini, before the pope, the full obſervance of all the articles therein agreed on.

"The emperor Leopold renounces whatever is due to him from the king of Poland for the money lent to Charles-Guſtavus during the war. In a word, the two parties annul all pretenſions which they may have upon one another by virtue of any former compact or agreement."

HOUSE of AUSTRIA. STATES of TRANSYLVANIA.

The emperor Leopold, and the ſtates of the principality of Tranſylvania, concluded at Vienna, the 28th of June 1686, a treaty which deſerves notice, and which, four months after, on the 27th of October, in the ſame year, was confirmed by another act paſſed in the imperial camp near Balasfalva. In theſe two treaties are the following articles:

"Leopold engages to defend Tranſylvania and the territories of Hungary thereunto annexed, whenever he ſhall be required. The prince of Tranſylvania ſhall command in chief the ſuccours that ſhall be ſent from the court of Vienna.

"The emperor declares that he pretends to no right to Tranſylvania nor its territories, that he will never take the titles or marks of honour, or concern himſelf in any manner with its civil or eccleſiaſtical government.

"The ſtates of Tranſylvania ſhall enjoy the liberty of electing a ſovereign, according to their ancient cuſtoms and privileges. Their prince ſhall at his pleaſure make alliances and form leagues, provided they no way prejudice the treaty of Vienna, which is to be perpetual.

"The princes of Tranſylvania ſhall not harbour the enemies of the houſe of Auſtria, nor ſhall the houſe of Auſtria give an aſylum to the enemies of the princes and ſtates of Tranſylvania."

CHAP. IV.

The Peace of Nimeguen, with the Treaties relating thereto.

BEFORE we proceed to the treaty of Nimeguen, it will not be improper briefly to take a view of the ſituation of the moſt conſiderable powers from the peace of Munſter in 1648 to the war of 1672, and to ſhew what were their political principles before and after that famous war.

Never was France more powerful than from the treaty of Weſtphalia to the war with Holland. Her forces were ſuperior to thoſe of any of her neighbours, and circumſtances did not ſuffer them to unite againſt her. By the reſtoration of the ancient laws of the empire, Ferdinand III. had been deprived of great part of his authority. The diets were free; the German princes had thrown off the yoke; and conceiving a balance of power between the head and members of the Germanic body, was the baſis of their liberty, they contracted alliances with the neighbouring princes, who could aſſiſt them with forces, and make them reſpected by the emperor.

The liberty of the empire was a rampart for France; and Ferdinand, bound by all the treaties which preceded the concluſion of the league of the Rhine, durſt not give any aſſiſtance to the Spaniard in his war with France, after the peace of Weſtphalia. Every thing declared the weakneſs of the Spaniſh monarch; he had been obliged to acknowledge the independency of the United Provinces; his fruitleſs attempts to ſubdue Portugal, plainly ſhewed he would, in the end, be forced to relinquiſh that kingdom to the houſe of Bragança, and with it loſe all its poſſeſſions in the Indies and America. Whether the ancient reputation of Spain prevented its decay from being ſeen, or whether there remained in mens minds the impreſſion of the dangers wherewith the houſe of Auſtria had threatened their neighbours, Philip IV. found no ally, and Europe beheld, without emotion, the advantages of the French.

The United Provinces, ſince ſo juſtly alarmed about the fate of the Netherlands, thought then of little elſe but improving the advantages of peace, by enlarging their commerce. The magiſtrates had not yet reſolved on their courſe with reſpect to the neighbouring powers. Some adhered to the famous treaty of Paris, the 8th of February 1635, which left them all the Low Countries, except Flanders, Artois, Luxemburg, Namur, and Hainault, which France was to enjoy; and they beheld with concern the Spaniards ſo near them. Others were ſatisfied with condemning the ſeparate peace at Munſter, and believed that, after their deſerting of France, there was no protection to be expected from thence. Theſe dreaded the French, and were for entering into leagues and confederacies againſt them. The others exhorted the United Provinces to keep within themſelves and defend their poſſeſſions. Amidſt this diverſity of ſentiments ſo uſual to commonwealths and new ſtates, it was next to impoſſible that a deciſive reſolution ſhould be taken.

On the other hand the Engliſh, who ſince the reign of queen Elizabeth had not concerned themſelves with the affairs of Europe, began, it is true, to look abroad after the death of Charles I. but in ſuch a manner, as gave the French no uneaſineſs. Cromwell, who in ſome meaſure effaced, by the prudence of his government, the infamy of his uſurpation, knew not the political maxims afterwards eſpouſed by king William and his ſucceſſors. He did not care which was the moſt powerful, France or the houſe of Auſtria. He only ſought to enrich the nation he had enſlaved. He looked with an ill eye upon the Dutch, whoſe trade was then very flouriſhing; and, far from aſſiſting the Spaniards, he could not but take advantage of their diſtreſs to extend the commerce of England. Purſuant to theſe views, Cromwell made it his buſineſs to diſturb the States-general, and, without loving France, declared againſt the Spaniards, and took from them Jamaica and Dunkirk.

It was ſo much the more difficult that any other leagues ſhould be be formed, as the war, kindled in the north in 1655, divided the attention of all Europe. The treaties of Oliva and Copenhagen, by which it was ended, gained Sweden the ſame reputation as France acquired after the peace of the Pyrenees. Ruſſia acted no part. Poland, which may be compared to a giant in chains, was not yet ruled by a Sobieſki, who, in ſpite of the faults in the conſtitution, could perform great things. The Danes, in a ſtate of humiliation, had a quick ſenſe of their loſſes; they had rouſed their old antipathy to Sweden, but without reſource at home, and without alliance abroad, they were forced to conceal their reſentment. In a word, the emperor having tried in vain to avenge himſelf of the treaty of Oſnabrug, had the vexation and ſhame to ſee all its regulations confirmed by the treaty of Oliva.

The king of France reſolved to avail himſelf of the happy circumſtances his kingdom was in, to revenge the injuries done him by the Spaniards, and the evils cauſed by their intrigues ever ſince the reign of Charles V. Lewis XIV. carried his arms into the Netherlands in 1667, on pretence of aſſerting the rights of his queen after the death of Philip IV. The ſucceſs of his arms was rapid; Charleroi, Bergues, Furnes, Aeth, Tournay, Douai, fort Scarpe, Oudenard, and Liſle, ſurrendered without reſiſtance. The United Provinces were in the utmoſt conſternation, and the Triple Alliance between England, Sweden, and the Dutch, was ſigned the 28th of January 1668. Theſe three powers mutually promiſed to unite their forces to compel France to make peace.

Lewis was diſcouraged by this riſing ſtorm, and a peace was ſoon concluded at Aix-la-Chapelle. But it is a queſtion worthy the diſcuſſion of the politicians, whether Lewis, in ſpite of the Triple League, ſhould not have continued the war. He would probably have conquered the Netherlands before the allies could take the field. The United Provinces were in no better a ſituation than they were a few years after in 1672. The Dutch, as Sir William Temple obſerves, had totally neglected the military part of their government, nay, had

had degraded it, in breaking, by a miſtaken policy, the veteran troops to whom they were indebted for their fortune. Their land forces were then in a ſtate ſo much the worſe, as during their war with England, which was juſt concluded at Breda, they had given their whole attention to their fleets.

England, it is true, was a more formidable enemy; but Cromwell no longer ruled there. Charles II. had mounted the throne of his anceſtors; with many valuable qualities, this prince had none of a great king. Fond of pleaſure and quiet, he was induced to ſign the Triple Alliance, from a perſuaſion that it would give law to France; and probably he did not conſent to it, but from the ſame motive of indolence which would have hindered him from performing the conditions, if it had not produced the deſired effect. King Charles was neither a good friend nor a dangerous enemy, and conſequently was hardly worth courting. He was always ſure to be gained by means of ſome intriguing miniſter, or greedy miſtreſs, or ambitious favourite. Beſides, the Engliſh and Dutch were but juſt reconciled; and inſtead of thinking themſelves mutually neceſſary, they ſtill entertained againſt one another the hatred of rivals. Their commerce was alike flouriſhing; the Engliſh would not ſuffer equals in the empire of the ſea, and the Dutch refuſed to acknowledge a ſuperior.

As to the Swedes, it is ſtill more difficult to think that their alliance with England and Holland was ſincere. What intereſt could they have in arming againſt France? They are too diſtant to fear her grandeur, and her friendſhip is too advantageous for them to think of weakening her power. After all, it was eaſy to render abortive their ill intentions, by ſtirring up Denmark and the princes of Lower Saxony againſt them; for though the French and Swedes ſhared the honour of being protectors of the Germanic body, they were looked upon in the empire in a very different light. The French, who had always behaved with moderation during the war, and in the courſe of the Weſtphalian negotiations, by which it was ended, inſpired the princes of the Rhine with no ſuſpicions. Their hatred of the Spaniards, their views of increaſing their dominions turned towards the Netherlands, policy which prompted them not to multiply enemies, all warranted their friendſhip to them. The empire, and eſpecially the princes of the Lower Saxony, thought otherwiſe of Sweden. It was remembered that the Swedes had treated Germany like a conquered province. Having taken from Poland and Denmark what ſuited their convenience, it was only by aggrandizing themſelves on the ſide of Pomerania, that they could eſtabliſh their credit in the north.

In fine, the league which Lewis XIV. made ſome years after with Charles II. to declare war againſt Holland, and the eaſe wherewith he engaged the Swedes to make a diverſion in the dominions of Brandenburg, prove that the bands of the Triple Alliance were not ſo hard to be untied. Though the three allies had guarantied to the king of Spain the treaty of Aix-la-Chapelle, there was no ſincere union between them. In ſpite of the treaty of Breda, the Dutch ſtill affected to diſpute the ſovereignty of the ſea with the Engliſh, and, on account of their trade, were more attached to the Danes, maſters of the Sound, than to the Swedes.

The war of 1667, and the peace of Aix-la-Chapelle, introduced no change in the political ſituation of Europe. If ſome ſtates entered into alliances, they were of no value, as not proceeding from neceſſity. The whole ſcene was changed, when the French, in conjunction with the king of England, the elector of Cologn and biſhop of Munſter, declared war againſt the United Provinces. The rapid progreſs of Lewis XIV. during the campaign of 1672, raiſe a dread of the entire deſtruction of Holland. The Engliſh thought themſelves ſtruck with the blow that threatened the Dutch, and, ceaſing to be jealous of their commerce, became the protectors of it, in order to hinder its falling into the hands of the French. The nation was unanimous, murmurings, complaints heard all over England: and Charles II, who was not yet come to the point of venturing to lay aſide parliaments, and govern without them, diſpatched the duke of Buckingham and the earl of Arlington to the Hague to encourage the States-general, who were ready to ſubmit to the conqueror. This is perhaps the firſt time that a prince was ſeen to make an excuſe to his enemies for the progreſs of his arms, and to exhort them to a defence; and none but a king of England, led by his own private intereſt, and obliged to comply with the deſires of his nation, can be guilty of ſuch contrariety in his conduct [h].

During theſe tranſactions, the famous John de Wit was, with his brother, torn in pieces by the populace, who conſidered them as the authors of all the calamities with which the republic was threatened. John de Wit was one of the greateſt politicians of his time, and had been penſioner of Holland eighteen years. He was always averſe to the office of ſtadtholder, and a great oppoſer of the houſe of Orange. His fall therefore was the riſe of the young prince of Orange; all eyes were turned upon him; the merit of his anceſtors, and John de Wit's efforts to keep him at a diſtance from affairs, ſpoke in his behalf. In a word, he was appointed without oppoſition admiral and captain general of Holland. This prince, who was ſoon to be the ſoul of Europe, and to manage it as he pleaſed, began to employ his rare talents in rendering himſelf maſter of the United provinces. To inſpire them with his courage, it ſufficed to repreſent England as ready to abandon the alliance of France, whilſt the emperor and the king of Spain offered their aid and protection to the States general.

The peril of the United Provinces threw them into a ſtrict alliance with the branches of the houſe of Auſtria. The ambition of France began now to be talked of as more dangerous to Europe than that of the ſucceſſion of Charles V. Theſe inſinuations, which have ſince proved too true, were ſpread by the prince of Orange and his friends, and ſupported by the courts of Vienna and Madrid. As France had humbled them, by repreſenting them as aiming at univerſal monarchy, they hoped by the ſame method to regain their former ſuperiority.

The peace of Nimeguen is generally conſidered as the period of the aſcendant France has aſſumed over her neighbours; but ſome, on the contrary, think that ſhe began then to be leſs powerful. Leagues were formed againſt her, and her acquiſitions diminiſhed her ſtrength, as it increaſed her enemies, and bred ſuſpicions and fears in her allies.

It ſeems that the miniſtry of France ſhould, out of policy, have tempered the luſtre of a glory which raiſed jealouſies; ſhould have laboured to remove the fears of her neighbours; renewed her alliances, and countermined the politics of the prince of Orange, who dreading her ambition, was exciting all Europe againſt her. Inſtead of theſe ſalutary meaſures, re-unions were thought of; and it muſt be owned, nothing could be more favourable to the deſigns of the prince of Orange and the houſe of Auſtria, than the well known decrees of the parliament of Beſançon and the royal chambers of Metz and Briſac. The capitulation of Straſburg gave the finiſhing ſtroke, and put the empire in arms againſt France. The German princes ſaw they thought them wholly employed againſt the Spaniards and Dutch. They believed themſelves injured, and the preſent danger made them forget the peril they had been in from the emperors of the houſe of Auſtria. The ſyſtem eſtabliſhed in the empire by the treaties of Weſtphalia was deſtroyed. The princes recurred to the protection of Leopold; their fear gave that emperor more power than Ferdinand III. had loſt, and from that time the empire was enemy of France.

Theſe ſentiments appeared by the league ſigned at Auſburg the 9th of July 1686, between the emperor, the king of Spain, as duke of Burgundy, the king of Sweden, for the fiefs he poſſeſſed in the empire, the elector of Bavaria, the circles of Bavaria and Franconia, and the duke of Saxony; and to which the princes and ſtates of the Upper Rhine and Weſterwald, the duke of Holſtein-Gottorp, and the elector Palatine, acceded ſoon after.

The ſole point now was to ſet bounds to the power of France; England, her old enemy, thought the ſame; but James II. ruled there, and his perſonal intereſt attached him to France. He had no other ally to depend on to promote his deſigns. He would very probably have been ſupported, if he had not protected with more warmth than prudence the religion he profeſſed. His zeal carried him too far, aud he ſunk in the attempt. The prince of Orange landed in England in 1688, and upon king James's abdication, was crowned king by the name of William III.

This prince brought to London the ſame ſentiments as he had at the Hague. He had long ſince publicly declared, that the ſafety of his country was his only care, and that the liberty of his allies was in danger, if the French

[h] The king was the ſole cauſe of it, becauſe he ſuffered himſelf to be led by the ducheſs of Portſmouth his miſtreſs, who was ſent to him by Lewis, and who had the ſame influence over him as madam Monteſpan had over the French monarch. But Charles II. ſhould have known the difference between the two governments, and that a king of England ought not and cannot have other intereſt than that of the nation.

monarchy

monarchy was not firſt reduced, and afterwards kept within the bounds preſcribed by the Pyrenean treaty. Theſe declarations gave birth to the ſyſtem of a Balance of Power between the houſes of Auſtria and Bourbon; and the foundations of it were laid in the treaty concluded at Vienna the 12th of May 1689, between the emperor and the States-general. This alliance, called afterwards the Grand Alliance, becauſe all the enemies of France came into it, ran, that after the concluſion of a general peace, the parties ſhould remain united for ever. They promiſed to aid one another with all their forces by ſea and land, in caſe either was attacked by the common enemy; and engaged to liſten to no accommodation till entire ſatisfaction was received. It was ſtipulated, that if Charles II. king of Spain died without iſſue, endeavours ſhould be uſed to place the emperor or his heirs on that throne, and prevent the ſucceſſion from coming to the dauphin. The allies alſo agreed to engage the electors to give the empire to Joſeph king of Hungary, the emperor's ſon. Theſe are the principles which were conſtantly purſued in Europe till the treaty of Utrecht, when the ſcene was entirely changed, and very different principles were eſpouſed.

There is no occaſion to relate the events of the war of 1672. It ſuffices to remark, that it was ended by fourteen treaties. England firſt agreed with the United Provinces the 19th of February, 1674. This peace, concluded at London, was owing to the diſcontents of the Engliſh; to their hatred of France; to their fear of loſing their trade in the Mediterranean, in caſe of a Spaniſh war; to the weakneſs of Charles II. to his deſire of money which he laviſhed away; and to the liberality of the United Provinces. The biſhop of Munſter made his peace the 22d of April, 1674; and the elector of Cologne the 11th of May the ſame year.

The aſſemblies for a general peace did not begin at Nimeguen till the middle of the year 1676; and it was viſible by the firſt conferences, that the negotiation would go on very ſlowly. By the bold demands of the Spaniards, one would have thought they had been in condition to give law to France. Perſuaded as they were, that it was the intereſt of England and Holland not to ſuffer the French to enlarge their power in the Netherlands, they even required the reſtitution of the places they had reſigned by the treaty of Aix-la-Chapelle. The emperors miniſters were more reaſonable; they made no demands, becauſe his arms had not been ſucceſsful; but they ſought to keep the allies united, and to prolong the war. The Swedes ſincerely wiſhed for peace; nay, would have conſented to purchaſe it, if Denmark and Brandenburg had been willing to ſell it, on any other condition but the taking from them their dominions in Germany.

Lewis XIV. was too wiſe to hope to eſcape with ſucceſs out of the labyrinth into which the reconciliation of ſo many oppoſite intereſts had thrown him. Whilſt he carried on the war with vigour, he projected to deſtroy the league of his enemies by corrupting ſome of their allies. He caſt his eyes on the United Provinces. By a ſeries of events known to all the world, from principals the Dutch were become but auxiliaries in the war. The French armies had abandoned the center of their provinces, to march into the Spaniſh Netherlands. The States-general had ſeen themſelves too near a total deſtruction, to be much concerned at the progreſs of the French in the Netherlands. They could propoſe to themſelves nothing more than the reſtitution of Namur, which Lewis could not keep. In a word, ingratitude to their allies, in leaving them, ſhould not have appeared to them ſo hateful as a war, which both required immenſe ſums, and drained the ſource of their riches by the ruin of their trade.

The French plenipotentiaries opened their negotiation with a wrong ſtep; as if they knew not how much the intereſts of the prince of Orange differed from thoſe of the republic, or had a compenſation ready to offer him for what he ſhould loſe by the peace, they attempted to gain him. Marſhal d'Eſtrades was quickly ſenſible of his error; and, perceiving that all the miniſters at Nimeguen were devoted to the party of the ſtadtholder, he entered into a ſecret correſpondence with ſome of the principal members of the ſtates-general. Nothing was tranſacted in the congreſs but trifling formalities; all the affairs of France and Holland were managed at the Hague; but the negotiation proceeded very ſlowly, becauſe it was ſubordinate to the operations of London, where it was not known what reſolution to take; and becauſe the Dutch, courageous or fearful, according as they hoped or deſpaired to induce England to declare againſt France, remained in a perpetual ſtate of uncertainty.

Matters were otherwiſe managed at London. The moſt refined court arts and intrigues were uſed by the French to keep Charles II. in a ſtate of inaction, and by their enemies to draw him to their ſide. The United Provinces were at length weary of hoping; and though Charles II. had entered into the ſtrongeſt engagements with them, the 29th of July, 1678, yet a fortnight after they ſigned a ſeparate peace with France. This conduct ſeemed ſtrange, but was wiſe. Could the States-general confide much in the treaties of an irreſolute, indolent prince, who was managed by his miniſters according to their particular views? Beſides, it was well known, that the affairs of England were then at a criſis. The animoſity of the ſeveral parties was at the higheſt degree; and if a foreign war was not capable to allay their heats, and ſtifle the ſeeds of diſcord, what advantages could the States-general expect from the alliance of Charles II?

The Spaniards made their peace with France the 17th of September, 1678. They did not treat with the Swedes. Theſe two powers, who had no affairs to decide, only publiſhed a declaration, by which, agreeing that they were tacitly included in the treaty of the 17th, they reſtored liberty of commerce between their reſpective ſubjects, and forbad them to commit any hoſtilities at ſea againſt one another.

The emperor, unable to continue the war, agreed with France and Sweden the 5th of February, 1679. The engaging the king of Denmark and the elector of Brandenburg to lay down their arms, was no longer in queſtion. Thoſe princes, elated at their ſucceſs over the Swedes, refuſed to make the treaties of Oſnabrug and Copenhagen the foundation of their agreement. They were however forced to conſent to it. The emperor had promiſed his good offices to induce them to a peace; and, in caſe of refuſal on their part, to give a free paſſage to the troops of France to penetrate into their dominions [a]. On the other hand, the dukes of Brunſwic-Lunenburg, Zell, and Wolfenbuttle, had ſigned at Zell their accommodation, the ſame day the emperor had ſigned his at Nimeguen; and the biſhop of Munſter, who, after having left the alliance of France, had leagued with her enemies, agreed by two treaties of the 29th of March, to recall his troops who had joined the enemies of Sweden.

Frederic-William, elector of Brandenburg, had no other reſource, but to haſten his agreement, in order to obtain the more advantageous terms. It was ſigned at St. Germain-en Laye, the 29th of June, 1679; and this treaty was afterwards approved and confirmed by all the contracting parties at the congreſs of Ryſwic. Chriſtian V. king of Denmark, ſaw himſelf then forced to ſeek peace. His miniſters concluded it at Fontainebleau, the 2d of September, 1679; and at London the 20th of the ſame month.

FRANCE. LORRAIN.

"The articles of the treaties of the Pyrenees and Aix-la-Chapelle, from which the treaty of Nimeguen between France and Spain ſhall not derogate, ſhall remain in full force.

"France and the emperor agree on the ſame condition, with reſpect to the treaty of Munſter.

"Lewis XIV. and his ſucceſſors ſhall remain poſſeſſed of Burgundy, commonly called Franche-Comté, including Beſançon."

By an act paſſed at Vienna, the 5th of May, 1651, the emperor and empire had transferred to Philip IV. of Spain all the imperial rights to this city.

"Spain reſigns to France the cities and places of Valenciennes, Bouchain, Cambray, Aire, St. Omer, Ypres, Warwich, Warneton, Poperinghen, Bailleul, Caſſel, Bavay, Maubeuge, with their bailiwics, dependencies, &c. The kings of France ſhall enjoy them in full ſovereignty; and, in yielding Aeth to Spain, they ſhall retain la Verge de Menin and Condé, which belong to its caſtellany.

"The king of Spain promiſes to engage the biſhop and chapter of Liege to reſign Dinant to the French, and to obtain the conſent of the emperor and empire to confirm this ceſſion. If the negotiation does not ſucceed, Charlemont ſhall be given to France."

The ceſſion of Dinant did not take place, and Lewis XIV. had poſſeſſion of Charlemont.

"The emperor gives to France the city of Friburg, with

[a] See the 26th article of the treaty of Nimeguen between the emperor and France; and the 5th between the emperor and Sweden.

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the villages of Lehen, Metzhauſen, and Kirchzart, in full ſovereignty, and with liberty to ſend thither garriſons, and all warlike ſtores and proviſions, without moleſtation, or paying any toll in paſſing through the territories of the empire.

" The city of Nantz, with its juriſdiction, ſhall be united to the crown of France. Four roads ſhall be made from that city to St. Diſier, to Alſatia, to Metz, and to Franche-Comté. They ſhall be half a league wide, and ſhall belong in full ſovereignty to the king of France.

" France ſhall poſſeſs in full ſovereignty the city and provoſtſhip of Longwic. In exchange, France ſhall give the city of Toul, with its juriſdiction, to the duke of Lorraine, who ſhall enjoy there all the rights belonging to the crown of France.

The Imperial and French miniſters agreed by ſeparate writings, which are joined to the treaty they had ſigned, that, if the duke of Lorraine refuſe to ſubſcribe to the articles that were agreed for him, he ſhould be free to demand other terms, and France to grant them; and the emperor ſhould not deem theſe alterations a breach of the preſent treaty. The miniſters of Vienna promiſed likewiſe, that their maſter ſhould not take up arms in proſecution of the duke of Lorraine's pretenſions, or under pretext of ending his differences. The ſame clauſe had been formerly inſerted in the treaties of Munſter and the Pyrenees. So far was the duke of Lorraine from ratifying the terms that were ſtipulated for him, that his miniſters proteſted againſt them, the 21ſt of April, 1679; and the duke did not get again his dominions.

HOUSE of AUSTRIA.

" France ſhall reſign to Spain Charleroy, Binch, Aeth, Oudenard, and Courtray, with her bailiwics, dependencies, &c.

Theſe places had been given to France by the treaty of Aix-la-Chapelle.

" It is agreed, that the eaſtern and weſtern ſluices of Newport, and the forts built there, do not belong to the caſtellany of Furnes, and ſhall for the future be inſeparably joined to Newport.

" The king of France reſigns to the emperor all the rights of Philipſburg given him by the treaty of Munſter."

ENGLAND. UNITED PROVINCES.

" The exerciſe of the catholic religion ſhall be reſtored and maintained in the city of Maeſtricht, and its dependencies, according to the capitulation of this place in 1632.

" The treaty of Breda, and all the former alliances between England and the United Provinces, ſhall be maintained in their full force.

" In all the ſeas between Cape Finiſterre and Vandaſten in Norway, the ſhips of war or merchantmen of the United Provinces, whether alone or in ſquadrons, ſhall ſtrike the flag, and lower the top-ſail, to every ſhip bearing the Engliſh colours, called the Jack."

The following articles are taken from the two treaties of Weſtminſter, between the Engliſh and Dutch; the firſt ſigned the 3d of March, 1678; and the ſecond the 24th of Auguſt, 1689.

" There ſhall be perpetual friendſhip, both by ſea and land, as well in as out of Europe, between England and Holland. This confederacy ſhall have for its principal object the maintenance of the parties in the poſſeſſion of the rights and liberties they enjoy in Europe only, and which they have acquired by former conventions, or ſhall acquire hereafter."

The ſecond treaty of Weſtminſter is in ſome meaſure only a copy of the firſt, as are alſo the treaties of peace and commerce ſigned at Breda and London in 1674.

" The parties ſhall mutually guaranty the poſſeſſion of all countries, cities, places, ports, &c. they hold in Europe, and the full and exact obſervance of all the treaties they have made or ſhall make in concert with any other power whatſoever.

" If either is diſturbed in the poſſeſſion of their countries, lands, rights, privileges, and liberties of trade and navigation, the other ſhall firſt interpoſe his good offices; but, if an open rupture enſues, ſhall forthwith ſend aſſiſtance. In this caſe England ſhall furniſh 10,000 men to Holland, and the Dutch 6000 men and 20 ſhips of war to England. Theſe ſuccours ſhall be maintained at the charge of the party that furniſhes them, and ſhall be entirely ſubject to the orders of the party they are ſent to. If the ſituation of affairs require a larger aid, the parties ſhall ſettle it. The party injured in his rights ſhall require his ally to declare himſelf openly within two months after information, and ſhall be obliged to act with all his forces by ſea and land.

" In this laſt caſe, neither of the parties ſhall make a ſeparate peace with the common enemy, nor even begin, unknown to the other, any negotiation of truce or ſuſpenſion of arms.

" Either of the allies which ſhall be attacked, may make levies of ſoldiers within the territories of the other, provided the ſame be done according to ſuch regulations as the parties ſhall agree upon."

It is ſtrange that negotiators of credit, and who cannot be charged with being ignorant of their buſineſs, ſhould clog treaties with ſuch uſeleſs conditions. It would have been better barely to ſay, that the Engliſh and the Dutch may treat in time of war for permiſſion to raiſe levies in each other's dominions. Who can doubt their having this liberty? It was not worth while to agree upon it. Every article of a treaty ſhould confer or take away a right: form an engagement: decide an equivocal queſtion: or name arbiters to determine it within a certain time. Perſons a little verſed in the knowledge of negotiations will perceive this to be no needleſs remark. But to ſay ſomething more: in the treaties of alliance, ſuch as the foregoing, and thoſe by which two powers promiſe mutual aſſiſtance, the expreſſions cannot be too preciſe, or the nature of the engagements too decifively fixed. Whatever is vague and indeterminate may leave room for conteſts and difficulties, and conſequently render the alliance uſeleſs when the engagements come to be performed. How often has it happened that two allies have waſted, in fruitleſs diſputes, the time that ſhould have been employed in action? Of this hiſtories afford us numberleſs inſtances.

SWEDEN. HOUSE of BRANDENBURG. HOUSE of BRUNSWIC.

" The treaties of Weſtphalia ſhall be the baſis of the accommodation between Sweden and the emperor, the electors of Brandenburg, the houſe of Brunſwic, and the biſhops of Munſter and Paderborn. All the articles that ſhall not be derogated from by this pacification ſhall remain in force." See T. Nim. Emp. Swed. Art. 3. T. Zell. Art. 4. T. Nim. Swed. Mun. Art. 3. T. St. Germain-en-Laye, Art. 4.

" The treaties of Roſchild, Copenhagen, and Weſtphalia, ſhall be executed in all their articles; and alſo, the acts that are annexed to, and make part of them." T. Fontainebleau, Art. 4. T. Lunden, Art. 4.

" Except Dam, Golnau, and their dependencies, Sweden gives, to the elector of Brandenburg, all his poſſeſſions on the right ſide of the Oder. However Golnau and its territory ſhall be left as a pledge in the hands of the elector, who ſhall be obliged to reſtore them upon the payment of 50 thouſand crowns. The elector, derogating from the treaty of Stetin in 1653, renounces his ſhare of the rights of toll, which Brandenburg levies in the ports and harbours of the further Pomerania.

" Sweden ſhall continue to enjoy all the rights of ſovereignty upon the river Oder, and the elector of Brandenburg ſhall not erect any fortreſs, or fortify any place within the territories that are reſigned to him.

" The houſe of Brunſwic to whom France is bound to pay 300 thouſand crowns, ſhall be put in poſſeſſion of the provoſtſhip of Dorwern, and the portion of land between the Weſer, the Alier, and his ancient demeans; but no fortreſs ſhall be built there, nor any new tolls eſtabliſhed. Sweden reſigns alſo to the ſaid houſe the bailiwic of Tedinghauſen, with all its dependencies, and guarantees the peaceable poſſeſſion of all theſe new acquiſitions."

ARCHBISHOPRIC of COLOGNE. BISHOPRIC of MUNSTER.

" The United Provinces renounce all pretenſions to Rhinberg and its territory, which ſhall be reſtored to the elector of Cologne, biſhop of Liege.

" In reſtoring the city and fortreſs of Weerth to count Waldeck, the biſhop of Munſter reſerves the aſſerting, in an amicable way, his rights to that place.

" France ſhall pay him 100 thouſand crowns, and the king of Sweden ſhall leave him in poſſeſſion of the bailiwic of Wildhauſen, till he pays him two thouſand rixdollars."

HOUSE of SAVOY.

The conditions ſtipulated in the treaty of Munſter, concerning the duke of Savoy, are ſpecified and renewed in the treaty of Nimeguen between France and the emperor.

HOUSE of BOUILLON.

" The duke of Bouillon ſhall remain in poſſeſſion of the caſtle and that part of the duchy of Bouillon he now holds. His differences on this ſubject with the biſhop of Liege ſhall be amicably decided."

The biſhop and chapter of Liege proteſted the 28th of February, 1679, againſt this article. They renewed their complaints and proteſtations the 31ſt of October, 1697, againſt the artiele of the peace of Ryſwic which confirms the treaty of Nimeguen.

DENMARK. HOUSE of HOLSTEIN-GOTTORP.

" The king of Denmark having pretenſions and a mortgage upon Cruyſand, it is agreed that the king of Sweden ſhall pay at Hamburg the principal and intereſt according to the cuſtom of Germany; and that his Daniſh majeſty ſhall remain in poſſeſſion till full payment. Then he ſhall reſtore Cruyſand to Sweden without any farther pretenſions; and in the mean time the king of Denmark ſhall not build any fort."

" The emperor ſhall grant his protection to the duke of Sleſwic-Holſtein-Gottorp, to ſecure to him the enjoyment of all his rights in the empire.

" The duke ſhall be reſtored to all poſſeſſions, privileges, and liberties, he ought to enjoy by the treaties of Roſchild and Copenhagen."

It was neceſſary to ſtipulate in the ſtrongeſt manner in favour of the duke of Holſtein-Gottorp. The king of Denmark, declaring in 1675 againſt Sweden, had ſeized the greateſt part of that prince's demeans, and compelled him in the caſtle of Renſburg, where he was kept priſoner, to give up, by a treaty, the rights he had acquired at Roſchild and Copenhagen. It was very difficult to deſtroy the ſeeds of diſſenſion between theſe two princes, who were always ready to arm againſt each other; treaties were but a weak fence between them; accordingly the duke of Holſtein did not long enjoy in peace the fortune he owed to the protection of Sweden.

The firſt differences that aroſe between them after the pacification of Nimeguen were decided the 20th of June, 1689, at Altena, by the mediation and under the guarantee of the emperor Leopold, and the electors of Saxony and Brandenburg. This treaty maintained in full force thoſe of Roſchild, Copenhagen, Fontainebleau, and Lunden.

" The king of Denmark renounces the mortgage and rights he pretends to have in the bailiwic of Trittau. Prince George, whom the mediators take upon them to indemnify without any charge to Denmark, renounces alſo all his pretenſions to the iſle of Fehmeren, and the bailiwics of Trembſbuttel and Heinhorſt.' T. of Altena, Art. 2. 3. 5. and Act of Prince George of Denmark, at Hampton-Court, the 19th of July, 1689.

If attention be given to what has been ſaid of the ſtrange government of the duchies of Sleſwic and Holſtein, the ſovereignty of which is held in common by the king of Denmark and the duke that bears this name, it will be thought no wonder that the moſt ſolemn engagements could not bind them to peace. How clear ſoever was the treaty of Altena, each party explained it in his own ſenſe, and both took up arms. Charles XII, king of Sweden, came to the aſſiſtance of his brother-in-law the duke of Holſtein, and invaded Zeland. This hero, at the gates of Copenhagen, forced the Danes to a peace, which was concluded at Travendal the 18th of Auguſt, 1700.

Though theſe differences made in ſome meaſure part of the famous war which in this century has altered the ſtate and intereſts of the north, the treaty of Travendal ſeems rather to belong to the pacification of Nimeguen, than to thoſe of Stockholm and Newſtadt, the principles whereof are very different.

" The treaties of Roſchild, Copenhagen, Fontainebleau, Lunden, and Altena, ſhall be punctually executed according to their tenor.

" The kings of Denmark, as dukes-regents of the duchies of Sleſwic and Holſtein, ſhall not appropriate to themſelves any right, prerogative, or pre-eminence, over the dukes of Holſtein-Gottorp, as dukes-regents of the ſame duchies. There ſhall be a perfect equality between them. All orders given, all regulations made, without the unanimous and mutual conſent of the two regents, ſhall be void and of no effect. Each of them, however, ſhall exerciſe at his pleaſure the rights of ſovereignty in the cities and bailiwics which belong to him as his own.

" In caſe Sleſwic and Holſtein are attacked or threatened by any foreign power, the two princes ſhall be obliged to join their forces. But, under pretence of defending, one ſhall not be bound to meddle in affairs which do not concern him, or wherein the other ſhall be engaged without his conſent, or againſt his advice. The duke of Holſtein-Gottorp and his ſucceſſors ſhall have the full and free right of arms, armaments, fortreſſes, and alliances. He ſhall not however be allowed to erect fortreſſes nearer than two leagues from thoſe that belong to the king of Denmark, and than one league from his territory, and from the road leading from Flemſburg to Renſburg, and from thence to Itochoe, Glukſtad, and Hamburg. The king of Denmark is bound in the ſame engagements with regard to the duke of Holſtein. Neither ſhall keep in the common duchies above 6000 ſoldiers without a viſible neceſſity. The duke of Holſtein ſhall make uſe of foreign troops, provided he hires them of different princes, and not above 3300 of the ſame prince.

" The ſubjects of the duke of Holſtein and the merchandizes that ſhall be brought from any ſea-port in the bailiwic of Tundiren, or ſhall go out of that territory for embarkation, ſhall pay no toll at the Cuſtom-houſe at Lyſt.

" The agreement made at Glukſtad in 1657, between the king of Denmark and the duke of Holſtein, about the biſhopric of Lubec, ſhall remain in full force."

By that agreement the king of Denmark renounces his pretenſion to the alternate poſſeſſion of the biſhopric of Lubec with the houſe of Holſtein.

PROTESTATIONS.

The nuncio Bevilaqua, patriarch of Alexandria, proteſted, in the name of Innocent XI, againſt the treaties of Nimeguen, as founded upon the treaties of Weſtphalia, the 7th of February, 1679. This is the laſt time the court of Rome proteſted in form againſt the peace of Weſtphalia. It would have been expoſing his authority to try to weaken treaties which, in the empire, ſtand upon an equal foot with the golden bull itſelf.

CHAP. V.

PACIFICATION of RYSWIC.

BY the remarks prefixed to the laſt chapter may be ſeen what was the conduct of the French miniſtry after the peace of Nimeguen, and what were the diſpoſitions of their neighbours. Lewis XIV. was acquainted with their motions, their intrigues, and the leage at Auſburg, which was the reſult. He knew his enemies were preparing to attack him on every ſide; and knew the neceſſity of preventing them, in order to diſconcert their projects, or at leaſt not to fear them. The ſtorm that threatened France was of a nature not to be allayed by negotiation. Theſe were the true cauſes of the war of 1688 [b]. The right of the ducheſs of Orleans to the ſucceſſion of her brother by the elector Palatine, and

[b] It is true, the confederacy againſt him was the motive of the French king's beginning the war; but the cauſe of this motive was the haughty and unjuſt conduct of the French miniſtry, who had agreed to the peace of Nimeguen, with a view only to recover themſelves a little, and fall the more powerfully upon the Netherlands and the United Provinces, as well as upon the emperor and empire. The diſcovery of theſe ſchemes induced the elector Palatine to labour ſo ſtrenuouſly the league of Auſburg, not to attack the king of France, but to oppoſe his ambitious deſigns of attacking others.

The

thoſe of the cardinal of Furſtenburg to the archbiſhopric of Cologne, were only pretences: How important ſoever theſe affairs were, they ceaſed to appear ſo, as ſoon as the war was kindled. At the peace, it was only ſettled, that there ſhould be a general amneſty for the cardinal of Furſtenburg, for his relations and adherents: and that they ſhould be reſtored to the rights, effects, fœdal and allodial, benefices, honours, ranks, and prerogatives, of which they had been deprived during the war. As to the conteſts between the ducheſs of Orleans and the houſe of Neuburg, nothing was decided. The empire and France agreed only, by a ſeparate article of their treaty, that arbitrators ſhould be appointed, within a certain time, to judge of the ducheſs's demands, and, if they could not agree, the affair was to be brought before the pope to be finally decided.

The war had now continued ſome years with great warmth on both ſides. The ſucceſs of the French arms, which on any other occaſion would have induced the allies to ſeek peace, ſerved only to exaſperate them in a war, which a jealouſy of the ambitious deſigns of Lewis XIV. had kindled, and by which they propoſed to humble that monarch.

Notwithſtanding his ſucceſſes, Lewis ſhewed a ſtrong inclination to treat. He preſſed the king of Sweden to offer his mediation to his enemies, and even declared upon what terms he was willing to make peace. But unhappily Europe had been uſed both to fear and ſuſpect him; ſo that the more moderate he appeared, the leſs he was believed.

Various were the conjectures about theſe pacific advances; ſome thought Lewis wanted to take breath, and therefore inferred the neceſſity the allies were under to exert their utmoſt efforts. Others believed, that in ſeeming to deſire peace, he only ſought to engage the neutral powers to his ſide, and render his enemies odious. They were perſuaded, in affecting a falſe generoſity, his aim was to corrupt ſome of the confederates, and afterwards to take advantage of the weakneſs of the allies, and to cruſh them by pretending to be offended at their ſlighting his advances.

The moſt reaſonable imagined, that Lewis, having an eye to the Spaniſh ſucceſſion, thought only of breaking the alliance againſt Spain. They believed he wanted only to repair his finances, and have time to prepare for war. This belief ſeemed the more probable, as the king of France, in departing, in favour of the houſe of Bavaria, from his pretenſions to the Netherlands, reſerved his right to the ſucceſſion of Charles II, in caſe he died without iſſue. And yet theſe ſame perſons ſaw ſomething inconceivable in Lewis's advantageous offers. They did not think the breach of the alliance was equivalent to them. The confederates had already ſettled the affair of the Spaniſh ſucceſſion; they were uſed to treat and aſſiſt one another; and the fight of the leaſt danger would unite them again, their intereſt being always the ſame. Beſides, though this diſſolution of the grand alliance ſhould have been more beneficial to Lewis, ought he to purchaſe it ſo dearly? For the allies, on their part, in order not to be exhauſted at the death of the king of Spain, would have accepted, on leſs advantageous terms, a peace which they conſidered only as a truce neceſſary for their affairs.

According to the memoirs lately publiſhed under the name of the marquis de Torcy, juſtice was not done to the views of Lewis XIV. It is there ſaid, Lewis deſired peace, becauſe he was touched with the calamities of the war, and, in renouncing the advantages gained by his arms, he had no other aim but to ſecure the peace, and remove the fears and ſuſpicions of Europe. It is added, the king of Spain of his own accord, and without the knowledge of France, called the duke of Anjou to this ſucceſſion; and, inſtead of expending immenſe ſums in bribing the Spaniſh miniſter, it was debated in council at Paris, whether the will of Charles II. ſhould be rejected, and the Partition-treaty adhered to.

In ſupport of this account, it is alledged, that it would have been moſt ſtrange to negotiate at the Hague, and at London, a partition, at the ſame time that it was hoped the duke of Anjou would be called to the ſucceſſion of the whole monarchy. What would have been the fruit of ſo fraudulent a conduct? To weaken at once the will of Charles II. and the Partition-treaty, to incenſe the enemies of France, and increaſe the obſtacles to the advancement of the duke of Anjou. It is farther obſerved, that the faint manner in which Lewis undertook the war of 1701 clearly proves that he did not conclude the peace of Ryſwic, with deſign to prepare for the conqueſt of Spain.

Be theſe things as they will, the advantageous offers of Lewis XIV. in 1693 were ineffectual. The war was carried on with vigour, and it was ſeen that France was not exhauſted; but the peace ſigned at Turin the 29th of Auguſt, 1696, between Savoy and France, and confirmed afterwards by all the parties of Ryſwic, was in ſome ſort a ſignal of the general peace[c]. Purſuant to the firſt article of the treaty, the duke of Savoy forced the allies, whom he abandoned, to conſent to a ceſſation of arms in Italy. Whereupon the French joined all their forces upon the Rhine and in the Netherlands, which was a conſiderable advantage; the conqueſts they made there were not uſeleſs, like thoſe of Italy, which the French could not keep, and which therefore were capable to oblige the enemies to ſpeak peace.

The negotiations of Ryſwic were not difficult. The 20th of September, 1697, the French plenipotentiaries ſigned the peace with Spain, England, and Holland; and the 30th of the next month with the emperor and empire.

FRANCE. LORRAINE.

"The treaties of Weſtphalia and Nimeguen are to be the foundation and baſis of the treaty of Ryſwic between France on one part, and the emperor and empire on the other. All the articles that ſhall not be derogated from, ſhall remain in force.

"The treaties of the Pyrenees, Aix-la-Chapelle, and that of Nimeguen, between France and Spain, are confirmed in all the articles which are not altered by the treaty of Ryſwic.

"The emperor and empire give to the king of France Landau and its territory, conſiſting of the villages of Nuſdorf, Arnheim, and Quiecheim. They likewiſe reſign to him Shaſburg, and what belongs to it on the left ſide of the Rhine, with all the juriſdiction, property, and rights of ſovereignty, which they have over that imperial city."

Lewis XIV. had been poſſeſſed of this place ſince the 30th of September, 1681, by virtue of two acts: the firſt was the treaty between him and the pretor and conſuls of Straſburg, who acknowledged him for ſovereign lord and protector*. The ſecond was the truce concluded at Ratiſbon the 16th of Auguſt, 1684, between France and the empire. The firſt of theſe acts was null of itſelf, no law obliging an imperial city to ſeparate itſelf from the Germanic body, without their conſent. The ſecond gave the right of ſovereignty to France but for twenty years. The right of ſovereignty granted by the treaty of Munſter over Alſatia, and its ten free cities, met with ſome objections in the congreſs of Nimeguen from the miniſters of the emperor Leopold. The affair was deciſively ſettled by the 4th article of the treaty of Ryſwic, between France and the emperor and empire. It is there ſaid, that all the places and rights, which were ſeized by his moſt chriſtian majeſty out of Alſatia, as well during the war and by way of fact, as under the name of unions or re-unions, ſhall be reſtored to the emperor, empire, and to the ſtates and members thereof. The re-unions, which relate to Alſatia, are therefore valid. It was by the decrees of the 22d of March and the 9th of Auguſt, 1680, that the royal chamber of Briſac put the king of France in poſſeſſion of the rights of ſovereignty over Lower and Upper Alſatia.

The duke of Lorraine ſhall be reſtored to the free and full poſſeſſion of all the places and properties which his uncle duke Charles in 1670 (when they were ſeized by France) did enjoy, except only ſuch alterations as are explained in the treaty.

"The ramparts and baſtions of the new town of Nancy, and the outworks of the old, ſhall be demoliſhed, with the fortifications of Kirſch and Homburg, and ſhall never be rebuilt. The duke may incloſe the new town with a plain wall, without any angles. France ſhall enjoy, in full ſovereignty, the fort of Saar Lewis, with half a league of ground round it, and the city and provoſtſhip of Longwic; giving in exchange to the duke of Lorraine another of the ſame extent and value in one of the three biſhoprics. The troops of the French king ſhall have free paſſage through the duke's territories, upon timely notice, and pay ready money for what they ſhall take. So the roads reſerved to France by the treaty of Nimeguen ſhall return to the duke's obedience."

[c] The peace was made at the expence of the honour and reputation of that prince, which he ſacrificed to the ambition of ſetting one of his daughters on the throne of France. His ſon and ſucceſſor had ſentiments more worthy of a king, and never could the intrigues and promiſes of France induce him to take the leaſt ſtep againſt his own engagements.

* See Chap. III.

EMPIRE,

EMPIRE.

" Reſtitution ſhall be made to the emperor and empire, by the king of France, of all the places out of Alſatia, that have been ſeized by force of arms, or by virtue of the decrees of the parliament of Beſançon, and the chambers of Metz and Briſac; but the catholic religion ſhall continue in the ſame ſtate it is at preſent, in the places to be reſtored."

This laſt clauſe, contrary to the regulations of the treaties of Weſtphalia, has cauſed in the empire quarrels capable to diſturb the public peace. In the juſt and preciſe ſenſe of the words, the clauſe only ordained, that the churches built by the king of France ſhould not be demoliſhed; and that the catholics ſhould continue their aſſemblies therein. The elector Palatine, the archbiſhop of Mentz, and ſome other princes, extended the meaning of the words, and by forced reaſonings pretended to infer, that the proteſtants could not have the free exerciſe of their religion in the places where the catholics had churches. Nay, they diligently ſought after places, towns, villages, and hamlets, where maſs had occaſionally been ſaid once or twice, and there erected chapels.

It may eaſily be conceived with what warmth the proteſtant princes of Germany oppoſed theſe pretenſions, ſince, in concert with the king of Sweden, who had been mediator of the peace, they refuſed to ſign the treaty of Ryſwic. Their complaints and remonſtrances began in 1714, during the congreſs of Baden. They demanded the repeal of the clauſe of Ryſwic; and though they were ſupported by their allies, the maritime powers, and favoured by France, they could obtain no ſatisfaction.

This quarrel ceaſed at length, but it revived in 1735, when the queſtion was to ſettle the preliminaries of the peace concluded at Vienna ſome years after. The king of France declared on that occaſion, that he left the deciſion of the affair to the emperor and the diet of the empire; that, by the clauſe of the 4th article of Ryſwic, he did by no means pretend to weaken the rights, which the proteſtants of Germany enjoyed by virtue of the peace of Weſtphalia; and that he deſired nothing more than that the churches, built by Lewis XIV. in favour of the catholics, ſhould remain. The princes and ſtates of the Augſburg confeſſion were not heard.

Probably they will relinquiſh the proſecution of this affair. They have failed in two attempts; and the ſucceſs would be the more difficult now, that a ſort of proſcription muſt be exerciſed upon the catholics, in depriving them of what they poſſeſs. Beſides, the princes of the Romiſh communion have by degrees drawn, from the clauſe of Ryſwic, all the advantages they could expect; and it is reaſonable to think, that for the future, their moderation will make the proteſtants forget the injury done them by the peace of Ryſwic.

" The king of France ſhall reſtore to the emperor and empire the fort of Kehl built by him, and ſhall demoliſh, at his expence, the fort of Pille, and the other fortifications, in the iſle of the Rhine, except fort Lewis. The fortifications of this fort, and of Huningen, ſhall be deſtroyed, with their bridges of communication. The fortifications added, after the peace of Nimeguen, to the caſtles of Traerbach, Kirn, and Eberenberg, ſhall have the ſame fate; as alſo the fort of the Montroyal on the Moſelle. None of theſe fortifications ſhall ever be rebuilt. The navigation of the Rhine ſhall be free to both powers; the courſe of the river ſhall not be changed, nor new tolls eſtabliſhed, or old ones increaſed."

" The king of France reſigns to the emperor and the houſe of Auſtria the city and caſtle of Friburg, the fort St. Peter, the Star-fort, with all the works newly erected in the Black Foreſt, and the reſt of the Briſgau, the villages of Lehen, Metzhauſen, Kirchzart, the city of Briſac, with its dependencies, on the right ſide of the Rhine. The fort le Mortier ſhall remain to France; but that part of Briſac, on the left ſide of the Rhine, and commonly called the New City, ſhall be demoliſhed, with its bridge and the works, in the iſle of the Rhine. They ſhall never be rebuilt."

" The treaty of St. Germain-en-Laye, of the 29th of June, 1679, between France and the elector of Brandenburg, ſhall remain in full force."

" The grand maſter of the Teutonic order ſhall enjoy all his ancient privileges and eſtates that are in the French dominions; and ſo ſhall likewiſe the biſhop of Worms."

" The county of Montbeliard ſhall preſerve its immediate dependence on the empire, without having any regard to the faith and homage paid to the crown of France in 1681. The territory of Baldenheim, with its dependencies, ſhall be held of the county of Montbeliard."

SPAIN.

" France ſhall reſtore to Spain the city and duchy of Luxemburg, the county of Chinoy, with their dependencies."

The French had remained in poſſeſſion of that country, by virtue of the truce of twenty-four years, concluded at Ratiſbon, the 16th of Auguſt, 1684, between France and Spain. It is well known, that, the king of Spain ſeeking to elude, by affected delays, the execution of the articles ſtipulated at Nimeguen, the French began ſome hoſtilities, to which the truce of Ratiſbon put a ſtop. Lewis XIV. could hardly find a fairer opportunity to attack the houſe of Auſtria; as the emperor was then involved in a war with the Turks in the kingdom of Hungary.

" By the peace of Nimeguen, the king of France, reſigning Aeth to the Spaniard, had reſerved la Verge de Menin and Condé. He alſo retained, by the peace of Ryſwic, the town of St. Antony, Vaux, Guarrain, Ramecroix, Bethune, Conſtantin, Paradis, Kain, Havines, Meles, Mourcourt, le Mont de St. Audebert, called de la Trinité, Fontenoy, Maubray, Hernies, Calvelle, and Viers, which are dependencies of Aeth. The generality of the provinces of Flanders, Hainault, and Brabant, ſhall belong to the king of Spain, but without prejudice to what has been reſigned to France by the foregoing treaties."

" All the places, cities, towns, villages, and hamlets, of which the king of France had made re-unions to his crown, ſince the peace of Nimeguen, in the provinces of Namur and Luxemburg, in Flanders, Brabant, and Hainault, ſhall be reſtored to Spain, except 82 towns, villages, or hamlets, which the king of France conſiders as dependencies of Charlemont, Maubuege, and ſome other places reſigned to France by the treaties of Aix-la-Chapelle and Nimeguen."

It is needleſs to mention the names of all the places reſigned and reſtored; they are without number. The reader, if he pleaſes, may conſult the treaty of Liſle, concluded the 3d of December, 1629, between France and Spain, in execution of the treaty of Ryſwic. He may alſo have recourſe to a writing, intitled, " Liſle, and a declaration of the re-unions made by his moſt chriſtian majeſty in the provinces of his catholic majeſty in the Netherlands, ſince the treaty of Nimeguen."

" As to the rents laid upon the generality of ſome provinces in the Netherlands, of which part is poſſeſſed by France, and part by Spain, it is agreed, that each ſhall pay his quota; and commiſſioners ſhall be named to ſettle the proportion each ought to pay. As to the rents due upon ſuch or ſuch a particular place, they ſhall be paid to the creditors of what nation ſoever they be."

ENGLAND.

" France acknowledges king William, and promiſes not to diſturb him in the free poſſeſſion of his three kingdoms, nor afford any aſſiſtance, directly or indirectly, to his enemies."

James II. had foreſeen that his intereſts would be ſacrificed to the peace, and therefore proteſted, fourteen days before the ſigning, againſt all ſtipulations to his prejudice.

" The king of England promiſes to pay punctually to queen Mary of Eſte, wife of James II, an annual penſion of fifty thouſand pounds ſterling, or ſuch other ſum as ſhall be ſettled by parliament, under the great ſeal of England."

This article is in a declaration of the Engliſh embaſſadors made to thoſe of France, and inſerted in the protocol of the miniſter mediator. It was here to be obſerved, that ſuch ſort of acts, which run upon points not to be inſerted in a treaty, have however the ſame validity.

UNITED-PROVINCES.

" France, and the republic of the United-Provinces, renounce all pretenſions whatſoever that they may have upon each other."

HOUSE of SAVOY.

" The articles of the treaties of Queruſque, Munſter, the Pyrenees, and Nimeguen, concerning the houſe of Savoy, are maintained in full force.

" The king of France reſigns to the duke of Savoy, in full ſovereignty, the lands and demeſnes included in the government of Pignerol. All the fortifications ſhall be demoliſhed; the duke of Savoy engages never to rebuild them, and promiſes to erect no new ones in the reſtored country. The city of Pignerol ſhall only have a plain wall about it.

" France ſhall ſtill remain charged with paying to the duke of Mantua, on account of the houſe of Savoy, the ſum of 494,000 gold crowns, purſuant to the treaty of St. Germain-en-Laye."

The

The reader may look back to the chapter of the treaty of Weſtphalia, at the article of the houſe of Savoy.

" The embaſſadors and envoys of Savoy ſhall be treated at the court of France as thoſe of crowned heads; and the embaſſadors of France, at Rome and Vienna, ſhall treat the embaſſadors of Savoy as they do thoſe of kings.

" The duke of Savoy engages not to ſuffer the ſubjects of the king of France to ſettle, on any pretence whatſoever, in the valleys of Lucern, or of the Vaudois. He alſo promiſes not to permit the exerciſe of the reformed religion in the government of Pignerol.

" Maria Adelaid of Savoy renounces, in favour of the princes of her houſe,-in the direct or collateral line, all the rights ſhe may have by her birth. The king of France, the dauphin, and the duke of Burgundy, approve and confirm this renunciation."

This is the third article of the marriage-contract of the princeſs of Savoy with Lewis duke of Burgundy.

HOUSE of FARNESE.

" The king of Spain ſhall put the iſland of Ponza in the Mediterranean into the power and poſſeſſion of the duke of Parma."

PROTESTATIONS.

By an act paſſed at Ryſwic, the 7th of October, 1697, the houſe of Egmont proteſts againſt whatever was ſtipulated in the congreſs of Ryſwic, in prejudice to his rights upon the duchy of Guelders, the counties of Egmont, Zutphen, Meurs, Hornes, &c. and the lordſhip of Mechlin, poſſeſſed by the king of Spain, the States-general, or the biſhop of Liege. The ſtates of Guelders and Zutphen anſwered this act by a counter-proteſtation of the 30th of January, 1698, dated at the Hague.

The town of Embden was included by the States-general in the treaty of Ryſwic with France. The prince of Eaſt-Frizeland proteſted at the Hague, the 4th of November, 1627, againſt this incluſion; pretending very juſtly, that ſuch an honour can belong only to a ſovereign power. Embden, ſupported by the protection of the United Provinces, has always affected an entire independence. The diſputes with the prince of Eaſt Frizeland are too well known to be mentioned here. The States-general conſented to withdraw their garriſon, as ſoon as the king of Pruſſia came to be poſſeſſed of the principality of Eaſt Frizeland, by the death of the late ſovereign, whoſe heir he was by right of reverſion.

At the Hague, the 8th of November, 1697; proteſtation of Maria d'Orleans, ducheſs of Nemours, for the preſervation of her rights to the principality and marquiſate of Rotthelin.

Ryſwic, the 28th of September, 1697; proteſtation of the houſe of Tremouille, on account of its rights to the kingdom of Naples.

Ryſwic, the 7th of October, 1697; proteſtation of the houſe of Montmorency Luxemburg, for the preſervation of its rights to the duchy of that name.

The 4th of November, 1697, the duke of Mantua notified to the miniſters aſſembled at Ryſwic an act, whereby he proteſted againſt whatever was done, in the treaties of peace, contrary to his rights and intereſts.

The ſame day the houſe of Brunſwic Wolfenbuttle proteſted at the Hague, for the preſervation of its rights to two prebends in the cathedral of Straſburg. They had been given to him by the treaty of Oſnabrug, and were taken from him by a decree of the chamber of Briſac, and by the 4th article of the treaty of Ryſwic, between France, the emperor, and empire.

The act has been mentioned, whereby James II. of England proteſted, the 6th of September, 1697, againſt whatever ſhould be ſtipulated to his diſadvantage in the treaty of Ryſwic.

The 13th of December, 1697, the miniſters plenipotentiaries of France, at the congreſs of Ryſwic, made a general proteſtation againſt all thoſe that had been preſented to the congreſs.

CHAP. VI.

TREATIES of TRADE and NAVIGATION between the PRINCIPAL POWERS of EUROPE.

WE live in an age which does not want to be told, that a nation cannot be happy and flouriſhing without commerce. It was very late before this truth was known to Europe. The barbarians, who eſtabliſhed themſelves upon the ruins of the Roman empire, were fit only for war, and the nature of their government rendered it neceſſary for ſeveral centuries. Whilſt the moſt powerful nations were trying their ſtrength againſt one another, or were a prey to inteſtine diviſions, ſome republics in Italy built ſmall veſſels, and tranſported from port to port ſuch commodities as they hoped to diſpoſe of. Theſe beginnings were proſperous, and helped to eſtabliſh a rich trade, which the ancients had carried on by the way of Alexandria, and the ports of Syria. From theſe places the Venetians and Genoeſe imported the merchandizes of the Eaſt Indies, which they ſold again at an immenſe profit.

After their example, ſome cities, ſtanding on the Baltic ſea, ſettled a correſpondence between the northern kingdoms and Germany, of which they themſelves were the channel. All the trade of theſe provinces was in their hands: they entered into a confederacy, to render themſelves more conſiderable; their riches enabled them to make themſelves reſpected by their neighbours, and the moſt potent princes ſought their alliance.

Commerce was no longer a ſtranger to Europe: all the cities on the ſea or large rivers, took advantage of their ſituation; they became ſo many ſtaples, where the neighbouring princes brought the overplus of their merchandizes, and provided themſelves with what they wanted. Manufactures were formed on all ſides; and the pilots, by conſtant practice, carried at length navigation to the higheſt perfection. In the fifteenth century, Italy was already very famous for ſilk-ſtuffs, and the Netherlands for woollen manufactures. About the ſame time France had the good fortune to enjoy a Jaques-Cœur, the greateſt merchant perhaps Europe has ever ſeen; and the Portugueſe, by coaſting along the weſtern ſide of Africa, were trying to open a new paſſage to India.

The diſcovery of America, and the ſafe arrival of the Portugueſe to Calicut, by doubling the Cape of Good-Hope, produced a ſurpriſing revolution in all Europe. The trade of Italy ſunk, and Liſbon became the general magazine of the Indian commodities. The Portugueſe, ſold, at a moderate price, what the Venetians and Genoeſe were forced to pay dear for to the Arabs or the Perſian caravans. Luxury ſpread itſelf, and was fed with new objects; induſtry, encouraged by the gold and ſilver of America, brought all the arts to perfection, and created new ones.

The hanſe-towns had now begun to decay. Their ſituation on the ſea and large rivers, which at firſt was the cauſe of their flouriſhing, became afterwards the occaſion of their ruin. For their diſtance, which enabled them to render their commerce more extenſive, hindered them from aſſiſting one another when attacked by their enemies. This aſſociation, conſiſting of 72, and ſome ſay of 80 cities, had been formed at a time when the princes enjoyed but a precarious authority in their dominions; but, in proportion as they increaſed in power, they commanded the hanſe-towns in their territories to withdraw from the union. This immediately ſeparated from them all the cities of England, France, Spain, and Italy. The more the hanſe-towns perceived themſelves weakened, the leſs they were united together: and being deſirous, one at the expence of another, to repair the loſſes cauſed by their decay, they haſtened their ruin. This ſociety almoſt undone by their quarrels, which the Flemiſh and Dutch had wiſely availed themſelves of, loſt all hopes of retrieving their commerce, when they ſaw it carried on by the moſt potent nations themſelves.

There are five branches of commerce in Europe. The home trade of each ſtate in particular, the commerce of the Europeans among themſelves, and the trade to India, to America, and to the coaſts of Africa. It will not be a-

miſs to make here a few reflections on ſo important a ſubject.

The home trade does not of itſelf enrich a nation, ſince, ſuppoſing no exportation, there is no money imported; it is however the moſt uſeful, and ſerves for foundation to foreign commerce. Without excellent laws on this part of the government, a kingdom languiſhes in the midſt of the riches which ſhould be the fountain of its ſtrength and proſperity. Agriculture and all the other arts which are in the hands of the country people, deſerve the particular attention of the legiſlature; by encouraging them, induſtry, riches, and people are increaſed and abound, and conſequently the ſociety becomes capable of forming the greateſt enterprizes. If, on the contrary, the circulation is not free in the provinces of a ſtate, nature's bounties will be there ſpread in vain; the products will be ſpoiled for want of conſumption, and plenty will be dreaded almoſt as much as a ſcarcity, and men will labour leſs in order to ſell dearer. It is eaſy to ſee how many evils muſt reſult from this capital error, by reflecting on the intimate connexion between all the branches; but this is not the place to enlarge upon this ſubject, how intereſting ſoever it may be, nor upon the means uſed by political ſtates, to promote inland commerce.

Want binds all the nations together. From the north are brought timber to build, pitch and tar, corn, wax, fur, &c. France affords wine, brandy, ſalt, &c. Spain, England, in a word, all the ſtates of Europe have ſome particular products either from nature or induſtry. Properly ſpeaking, the nation in favour of which the balance of trade ſhould incline, is that which inhabits the moſt fertile climate. And yet Holland has immenſe treaſures, the fruit perhaps of the moſt extenſive trade in the world, though the produce of its lands cannot maintain the eighth part of the inhabitants, and, wanting the moſt neceſſary things of life, it has only butter, cheeſe, and a little coarſe wool. What makes well for Holland, is, that, far from improving their advantages, moſt nations live in a profound ignorance of their intereſts, and have their hands tied up by idleneſs, which is the effect of the bad conſtitution of their government.

The Hollanders profit by the fertility of all the countries to which they extend their commerce and navigation. The riches which a nation know not how to uſe become their own. They import and work up at home, ſilk, wool, thread, cotton, hair, and generally all the materials which can be uſed in manufactures. Their towns are rich magazines, where they have the art of collecting all the particular commodities of the ſeveral ſtates of Europe. They gain by the wine and brandy of France, by the corn of Poland and Livonia, by the timber of Norway and Ruſſia, by the copper and iron of Sweden, by the wool of Spain, by the ſilk of Italy and the Levant, &c.

The induſtry of the Dutch would ſoon ceaſe to enrich them, if all the nations, of whom they are the factors or carriers, ſhould follow the prudent example of England. In 1660 the parliament made a regulation, the wiſeſt that can be deviſed to increaſe and extend their commerce. By the act of navigation then paſſed, no goods are to be imported into, or exported out of, any of the Britiſh dominions, in any other ſhips but ſuch as belong to England or Ireland. All the articles of this act tend to one ſingle point, namely, the prohibition of the Britiſh ports, either in or out of Europe, to all foreign ſhips not freighted with the merchandizes wrought or unwrought of the nation.

If France, much richer in itſelf, had taken the ſame courſe, what immenſe riches would ſhe poſſeſs? But at the ſame time that England was combating all obſtacles, and by the encouragement of navigation forcing the Engliſh to carry on their commerce themſelves, the French neglected their moſt judicious maxim, and made foreigners partners in their trade.

In the reign of Lewis XIII. the importation of all merchandizes detrimental to the manufactures of the kingdom was prohibited. The foreign traders could vend their goods only at fairs, or at certain fixed places; precautions were taken to hinder frauds under a borrowed French name, and by an edict of that prince ſome foreign merchants were obliged to freight their ſhips with commodities of the growth of the kingdom to the value of thoſe they had ſold. The exportation of the firſt materials was forbid on ſevere penalties, and the importation of the ſame promoted by leſſening the duties. Above all things, it was not permitted to freight in the ports of France any foreign veſſels for the exporting of merchandizes.

The commerce of France was interrupted during the long wars ended by the Weſtphalian and Pyrenean treaties. Inſtead of reſtoring it at the peace by encouraging navigation, which had likewiſe much ſuffered, the prohibition to foreigners to freight in the ports of France was taken away. The goods and wares wherewith the kingdom was overſtocked, were profuſely exported; and it was thought a very politic thing. But this tranſient advantage produced a miſchief which was long felt. The merchants were uſed to ſee foreign ſhips laden with their goods, and were become only mere factors; deprived of the profits of freight, their fortunes diminiſhed; they purchaſed cheaper the merchandizes and wares of their fellow-ſubjects, and ſold them in leſs quantities. It is eaſy to perceive what a terrible blow this was to the nation: the price of lands fell; manufactures were diſcouraged; ſhipwrights and ſailors becoming uſeleſs, went into the ſervice of foreign powers, and enabled them more ſurely and longer to take advantage of the errors of France.

The permiſſion granted to foreigners to freight in the ports of France ſhould have laſted only till ſhips had been built or purchaſed, but the miniſtry perceiving the merchants had ſettled matters according to their ſituation, and dreading perhaps the impoſſibility of reſtoring navigation without a great expence to the king, they thought not of reviving the old regulations; on the contrary, they confirmed the grievances by ſettling this cuſtom of freight at fifty ſous a ton. The balance of trade, however, was ſtill on the ſide of France; and it was that which deceived a miniſtry, not ſo clear-ſighted as the preſent managers of this important branch of the government. It was concluded from thence that the adminiſtration was judicious, whereas it ſhould only have been inferred that the natural advantages of France over her neighbours, were ſuch as to enable her to commit errors with impunity.

The ſpeedieſt and moſt certain way to increaſe the commerce of a ſtate is to cauſe navigation to flouriſh. In vain are the wiſeſt laws made encouraging manufactures and the cultivation of the lands, if there are not merchants always to export the overplus of the goods and commodities. A nation who ſtays to ſell till purchaſers come, muſt often be overſtocked with wares, and conſequently neglect a manufacture which is not rewarded. If the truth of this is queſtioned, the Memoirs of John de Wit may be conſulted. That great man aſcribes to the Dutch fiſhery, not on account of its profits, but becauſe it is the ſoul of their marine, all their reſources to free themſelves from the dominion of Spain, to conquer the Indies, to form their commerce, and to acquire the regard they enjoy in Europe.

After the mention of the advantages of navigation relating to trade, it will be proper briefly to examine the maxim which ſays, He that is maſter at ſea, will be ſo at land. This ſort of axiom was formed about three thouſand years ago in Greece, during the war againſt Xerxes. Every one knows that under the conduct of Themiſtocles the Athenians equipped a large fleet which defeated that of the Perſians. Xerxes who could not poſſibly make a deſcent on the coaſts of Peloponneſus, whilſt his army was beſieging the Iſthmus of Corinth, deſpaired of ſubduing the Grecians. He was ever afraid that, after they had made themſelves maſters at ſea, they would cut off his retreat by breaking down the bridge over the Boſphorus, and haſtily retired into Aſia. Greece was delivered from the impending danger, and, owing her ſafety entirely to her marine forces, was convinced of their importance.

It was natural for the Grecians to conſider the ſea that parted them from Aſia, as a barrier againſt the Perſian king; but this barrier was of no ſervice, unleſs it was covered with ſhips. Beſides, Greece being compoſed wholly of iſlands and maritime republics, that ſtate whoſe marine was flouriſhing, muſt neceſſarily have exerciſed a kind of dominion. This was enough to give authority to the maxim in queſtion.

It was no leſs true with reſpect to the Romans, when their ambition led them to extend their power beyond Italy. How could theſe proud conquerors have ſubdued the iſles of the Mediterranean, triumphed over Spain, Carthage, Greece, and eſtabliſhed their empire in Aſia, if their fleets had not been ſuperior to thoſe of their enemies? Would it have been poſſible for them to preſerve their conqueſts, if ſome power, by becoming maſter of the Mediterranean, had cut off their communication with their provinces?

The Romans therefore were in the right to adopt the political axiom of the Greeks. But is this maxim alſo true, in regard to the moderns? The reſpective ſituations of the powers of Europe are very different from that of the Grecians, or of the Roman republic with reſpect to the countries out of

of Italy. And indeed, during the three centuries in which the marine has been increaſing in Europe, actions at ſea have never decided the fate of wars. The taking of certain places and deciſive battles which have laid open the whole provinces to the conqueror, is what now-a days determines the deſtiny of ſtates, and what will continue to do ſo, as long as by their ſituation ſome powers who have the chief influence in the affairs of Europe, will not concern themſelves about what paſſes out of the continent.

The dominion of the ſea would give univerſal monarchy to a nation, but it muſt be a dominion like that of the Romans over the Mediterranean, and which is impoſſible now when our navigation, as extenſive as their's was confined, requires an infinitely greater expence. What nation can have ſhips and ſailors enough to rule all the ocean, and, like the Romans, oblige other ſtates to keep but ſuch a number of ſhips? On the contrary, in the preſent ſituation of things, the dominion at land muſt lead to that of the ſea; and it may be advanced as an undeniable truth, that it is the fault of the moſt powerful nation at land, if it is not alſo the moſt powerful at ſea.

If the ſuperiority at ſea does not lead to univerſal monarchy, it procures at leaſt great riches, and enables a ſtate to carry on their trade with equal ſucceſs in war and in peace. A nation that equips large fleets, is a neighbour to all other ſtates; they can, at pleaſure, make themſelves feared, loved, and reſpected; and, their alliance being preferred before that of a ſtate more powerful in itſelf, they will often act a more conſiderable part in the affairs of Europe.

Before Columbus had diſcovered America, and the pilots of Liſbon had doubled the Cape of Good Hope, the Portugueſe had made rich ſettlements on the coaſts of Africa, which extended from the kingdom of Gualata to the country of Cafraria. In India, they built forts in Soffala and on the coaſts of Zanguebar, and took the iſland of Moſambic. They remain maſters of theſe laſt conqueſts which open to them the rich trade of Monomotapa and Abyſſinia; but they were forced to ſuffer other Europeans to have forts in Guinea and Congo.

Africa, the inland parts of which are not known, is inhabited by moſt barbarous and ignorant nations. The African trade is the more advantageous, as, in exchange for wine, brandy, ſilk, and woollen ſtuffs, linens and iron wares, it produces gums neceſſary for dying, drugs, hides, wax, ivory, ebony, cloves, gold, ſilver, and ſlaves.

What riches ſoever Guinea, Monomotapa, and the kingdoms of Soffala and Zanguebar ſpread among us, Africa is ſtill more advantageous by the traffic of ſlaves, which is carried on from the river Senoga to Banguela-Nova. Without the ſlaves, which the Europeans buy and convey to America, they would be forced to abandon the provinces they poſſeſs in the new world. By the negroes alone it is that the mines are worked, the lands cultivated, the ſugars made, tobacco prepared, and conſequently they are the ſoul of the richeſt commerce of Europe.

One of the greateſt advantages of the negro trade is neglected. Many ſtates want men to cultivate lands, and work manufactures; why, therefore, do not the princes of Europe permit their ſubjects to purchaſe ſlaves in Africa? Whatever the lot of theſe wretches might be, it would not be ſo hard here as in the Weſt Indies. In devoting them to the loweſt and moſt laborious functions of ſociety, they would fare no worſe than our freemen, who are obliged to do that ſervice, and who might be put to better uſes.

The objections that are urged againſt ſlavery, do not deſerve notice. Since it is allowed in the American colonies, there is no reaſon it ſhould not be permitted among us, when policy, which knows its utility, ſhall eſtabliſh the cuſtom. Let it not be thought a degrading of humanity to have ſlaves; the liberty which every European thinks he enjoys, is nothing more than a power to break his chain and chuſe a new maſter. Want makes ſlaves, and they are the more unhappy, as no law has provided for their ſubſiſtence. What really debaſes mankind is beggary, which is neceſſary only to nations where there are none but freemen.

This ſubject ſhall be concluded with ſhewing in part the advantages that would accrue to a kingdom like England or France. It is certain, the merchants, taking ſlaves of Guinea in exchange for the wares of their country, would promote agriculture no leſs than manufactures. In the next place, the ſale of their negroes at their return would open a new way of circulation; it would multiply the contracts of ſale, and conſequently the profits of the ſubjects, becauſe every bargain ſuppoſes an advantage to the buyer and ſeller.

The negro trade would produce new riches in the ſtate. The Africans are known to be robuſt, dexterous, and intelligent; their owners would make an advantage of theſe qualities, and put them to learn profitable trades. From hence would reſult two great benefits; the firſt, that the manufactures would no longer flouriſh at the expence of agriculture, from which they always take the neceſſary hands; the other, that the manufacturers, ſelling their wares at a lower price than at preſent, would eaſe the people and enlarge their ſale.

It is impoſſible to calculate all the advantages which would be produced from the eſtabliſhment of ſlaves. What lands, now lying waſte, would be cultivated? What undertakings, which the expence renders impoſſible, would become eaſy? But no more ſhall be ſaid of a ſcheme which perhaps after all will be deemed a chimera.

In 1498, the Portugueſe, after having ſurmounted all the obſtacles on their way to India, arrived on the coaſts of Malabar. The eſcaping of the dangers of the ſea was nothing, in compariſon of the diſpoſſeſſing of the Mahometans of the commerce of Aſia of which they were maſters; ſettlements were to be conquered and kept; the Indians to be intimidated and flattered; and, to ſay all in a word, confidence was to be inſpired by making of conqueſts. This by the prudence and courage of the Portugueſe was accompliſhed. They built forts in the places moſt convenient for their purpoſes, tamed the inhabitants of ſome countries, intimidated others, and acquired at laſt the dominion of the Indian ocean.

Portugal, perhaps, would enjoy the fruits of their labours, if it had not become a province of Spain after the death of king Henry. Compelled to take part in the obſtinate wars excited by the revolt of the Netherlands, all its ports were ſhut up to the Dutch, and, in their deſpair, theſe growing republicans attempted to go themſelves to India for the merchandizes, they could not purchaſe at Liſbon: an example which was quickly followed by other nations.

The Dutch found the Indians well diſpoſed to receive them, and were looked upon by them as deliverers. The revolution was ſudden. The Hollanders ſubdued the Molucco iſlands; and, without mentioning their other ſettlements, it ſuffices to obſerve that they were become ſo powerful in India, in 1609, that Philip III. who deſpaired to drive them from their conqueſts, permitted them, by treaty, to continue their commerce in all the ſeas, and on all the coaſts where they had, till then, carried it. The war was renewed in 1621, and the Dutch retained their ſuperiority till the year 1640, when the Portugueſe threw off the Spaniſh yoke, and proclaimed the duke of Braganza king.

Not being enemies of the United Provinces, becauſe they had been ſubjects of the king of Spain, they ſpeedily ſought the friendſhip of the Dutch; but, inſtead of a laſting peace, they obtained only a truce of ten years, during which each party was to remain poſſeſſed of what they held in India. It was difficult faithfully to obſerve the articles of the treaty. The Dutch were uſed to conſider Aſia as their demean; they were afraid, their dominion was not ſecure, ſo long as the Portugueſe hoped to ſhare it; and it behoved them to increaſe their forts before the Engliſh and French, whoſe credit daily gained ground in India, were firmly eſtabliſhed. The circumſtances were the moſt favourable to complete this work; the hatred of the Indians to the Portugueſe was not to be ſuffered to cool, and beſides it was not likely, that the Portugueſe, taken up with their liberty and their new king, would mind any other affairs. However, the court of Liſbon exclaimed againſt the treachery of the Dutch, and declared war againſt them. The Portugueſe drove them out of the Braſils; but they loſt almoſt all their ſettlements in India. The Dutch, raiſed upon their ruins, have ever ſince been the moſt conſiderable power in that part of the world.

The commerce carried on by the Europeans in thoſe rich countries is ruinous of itſelf. We go thither to fetch ſilks, cottons, ſpices, china, &c. but as it is not in exchange for ours, that the Indians give us their goods, there ariſe from thence two diſadvantages; we hurt the progreſs of our manufactures, and we loſe every year a great part of our ſilver and gold, which is amaſſed in the Indies, and never returns. Probably, Europe, which is exhauſted at laſt, would learn to live without the ſuperfluities of Aſia; but America, which very fortunately was diſcovered about the ſame time that the Portugueſe doubled the Cape of Good Hope, ſends us more ſilver and gold than we export to the Indies, and enables us to gratify our luxury at a dear rate.

This commerce would ſoon be reduced to nothing, and become

become a charge to the ſtates which carry it on now with the greateſt ſucceſs, if all the nations of Europe ſhould trade directly to India, or if thoſe, who cannot ſend their ſhips thither, for want of ſtock, or becauſe they have by ſome treaty renounced that privilege, could prohibit the uſe of the Aſiatic commodities. It appears, at firſt ſight, that they ſhould reſolve at once upon one or the other of theſe two courſes, in order to reap themſelves the profit which is made by retailing to them what they want, or to baniſh a luxury which muſt drain them by degrees. But let it be remembered, it is the intereſt of many nations to make uſe of Indian wares, though they have them not from the firſt hand, becauſe they buy them cheaper than the manufactures of their neighbours, which they cannot be without. In the next place, ſhould every ſtate to whom they are neceſſary, attempt to trade themſelves, they would find themſelves diſappointed of their expectations. The expences would ſwallow up the profits, and the merchandizes of Aſia would come dearer to them than by purchaſing them from the warehouſes of England, Holland, or France.

The ſtates who have ingroſſed the whole traffic of the Eaſt Indies, will conſtantly oppoſe all others from having a ſhare in it. They ſhould not, however, conſider, as a miſfortune, a revolution that ſhould intirely ruin that trade. It is true, one of the fountains of their treaſures would be dried up, but the others would become the more full. The leſs goods the Engliſh, French, and Dutch imported from India, the more of their own would be ſold, and the profits from thence would make them ample amends for the loſs of the Indian commerce.

There is no need to ſpeak of the ſeveral companies which trade to the Indies. It ſhall only be remarked, that the Dutch have in thoſe vaſt countries many advantages over all other Europeans. Independently of the places, they poſſeſs in the moſt convenient ſituations of India, and on the coaſts of China; Japan is open to them alone. They are become ſo powerful in thoſe ſeas that all the trade from port to port is in their hands. They are maſters of all the countries where cinnamon, nutmegs, and cloves grow; and theſe ſpices, much more uſed in Aſia than in Europe, ſerve them inſtead of ſilver and gold, which the Engliſh and French muſt have to make their purchaſes.

What has been ſaid of this commerce of India is applicable to that of Perſia and China. For that purpoſe it may not be amiſs to mention the grand projects of Peter the Great, Czar of Muſcovy. This monarch intended to eſtabliſh by the Caſpian ſea a trade with the northern provinces of Perſia, and to form a general magazine at Aſtrakan, from whence the merchandizes might be conveyed to Peterſburg by the Volga, and by ſome canals which would make a communication between that river and the Volchoiva. Purſuant to ſtill more extenſive views, he thought of ſettling a correſpondence between Peterſburg and Pekin. It muſt be owned, greater or more noble deſigns cannot be deviſed, but is the execution of them poſſible!

If the memoirs, compoſed on this ſubject by perſons of knowledge, are to be credited, the communication is eaſy between Peterſburg and Aſtrakan. All the riches of the provinces bordering on the Caſpian ſea, ſuch as ſilks, colours for dying or painting, medicinal drugs, rhubarb, ſena, all theſe are conveyed from Aſtrakan to the Ruſſian metropolis at an eaſy rate; and the Ruſſians might have the larger vent of theſe commodities, as they would ſell them cheaper than the merchants of Smyrna and Conſtantinople, who vend them for the Armenians. On the other hand, the ſcheme of a traffic by land from Moſcow to Pekin muſt be deemed a chimera. In the way from one of theſe cities to the other immenſe Deſarts or countries inhabited by barbarous nations muſt be croſſed. What commerce is ſo gainful as to furniſh the expences of the caravans to convey to Muſcovy the merchandizes of China?

America is rather the treaſure of the Europeans. Here they find a quick and ſure vent for all their goods and all their commodities; they are paid for in ready money or exchanged for cocoa, indigo, cochineal, or other precious effects. We do not permit the Americans to cultivate our arts and to live without us. The more their country, of which we know little, beſides the coaſts and the ſides of the great rivers, is civilized, the more extenſive will be the European trade: even at this time, it would be much more advantageous, if the nations who have colonies in America, conducted themſelves by wiſe principles.

The Spaniards poſſeſs the richeſt provinces of America, maſters of all the ſilver and gold of the new world, they would have been in condition to give law to Europe, if inſtead of enjoying Mexico, Peru and Chili, as ſo many demeans: they would only have formed ſettlements which would have thrown out of their hands the whole trade of thoſe kingdoms. Spain, very populous before the expeditions of Cortez and Pizaro, has weakened itſelf to conquer and preſerve its American poſſeſſions. The Spaniards flocked in crowds to a country where fortune is laviſh of her favours. The court of Madrid themſelves countenanced theſe tranſmigrations; but they perceived at laſt, that Caſtile and Arragon, when ſtocked with people, were a more precious treaſure than the mines of Peru and Chili.

In truth, the fields in Spain were deſerted, the manufactures decayed, and the arts ceaſed to be cultivated. In this ſituation, of what benefit to the Spaniards are their American poſſeſſions? The Engliſh, the French, and the Dutch carry on the trade in their name, and of all the treaſure that comes to Cadiz there remains to Spain only the ſums levied by the king for his indulto, and given to the natives of the country, who lend their name for the commerce. But it muſt be obſerved that all this money and the ſums which come to Madrid, otherways than by trade can hardly pay for the foreign goods and wares, which the Spaniards conſume and are obliged to purchaſe.

It is commonly ſaid to be a happineſs for Europe that Mexico, Peru and Chili, are poſſeſſed by ſo idle and indolent a nation. This is an undeniable truth. But it is added, that if an active and ſtirring nation like the French, Engliſh, or Dutch, had ſubdued theſe kingdoms, they would make themſelves maſters of all the riches of the old and new world, and eſtabliſhing their grandeur upon that foundation, they would quickly conquer their neighbours. This does not ſo plainly appear. In the firſt place, it would be a ſilly undertaking to deſire the conqueſt of the Spaniſh dominions in America: the late Abbot du Bos has plainly demonſtrated this propoſition. In the next place, ſuppoſe this conqueſt is made, ſuppoſe the Spaniards are driven from all their maritime places, and the conqueror had penetrated into the country and ſubdued the Americans. On this ſuppoſition, they who have any knowledge of the government of the Spaniards in the new world, of the ſtate of their forces and the nature of the country will agree that ſuch an undertaking will coſt the victorious nation prodigiouſly dear. There will be a neceſſity to keep the vanquiſhed under, and not to ſee a revolt in their new empire, as many troops at leaſt muſt be ſent as the Spaniards actually have there. Now it may be aſked, what power would not be drained by ſuch ſucceſſes? The conqueſt of the Spaniſh Indies will therefore ruin the nation that ſhould make it, and would conſequently cauſe no alteration in the affairs of Europe. For it little concerns trading ſtates, that Peru, Mexico, and Chili, are in the hands of the Spaniards or any other nation, provided the poſſeſſors of thoſe kingdoms are ſo weakened, that they cannot of themſelves carry on the trade.

What would produce a great revolution among us is, if America ſhould throw off the Spaniſh yoke and be governed by its own laws; very probably, the rebels to bribe the Europeans not to aſſiſt the Spaniards againſt them, would open all their ports and pour forth their riches; but this would be a tranſient proſperity. The Americans would ſoon have our arts, and manufactures; their lands would produce our fruits, and conſequently having no occaſion for our goods and merchandizes, Europe would ſink again into the ſame ſtate of indigence in which it lay about four centuries ago.

Happily there is not the leaſt appearance of ſuch an event, the dominion of the Spaniards as mild now as it was formerly terrible, is eſtabliſhed over the natives of the country. The ſpirit and manners of the Spaniards have paſſed into America, and the government of Madrid is ſettled in ſuch manner, that a viceroy of the Indies cannot think of making himſelf independent, though nature ſhould have given him the ambition and talents of a Sylla, a Cæſar, or a Cromwel. America was ever attached to its duty during the war of 1701, if there was in thoſe vaſt kingdoms any ſeeds of rebellion, they ſprung up doubtleſs at the time when two princes were contending for the ſucceſſion of Charles II. and when neither of them had an abſolute authority. The inquiſition is likewiſe a ſtrong fence againſt revolutions; it accuſtoms people to think always the ſame way, and unites them by the ſame faith; and in a monarchy like the Spaniſh, where the prince holds in his hands all the forces of the ſtate, diviſions and troubles can ariſe only from difference of opinions in religion, who can ſay, that if the doctrines of Luther or Calvin ſhould creep into Spain, they would not have the ſame conſequences as heretofore in Germany and France.

Spain

Spain ſeems by the form of its government to be ſecured from all revolution. But there ſometimes ariſe in the body politic unforeſeen maladies, the rapid progreſs whereof no remedies can ſtop. Hiſtory affords a thouſand events, perhaps more extraordinary than the revolution in queſtion; we ourſelves were very near being witneſs of a remarkable one, if it is true, that in the diſtreſſes of the war 1701, Philip I. reſolved to abandon Spain to his rival, and go with his court to the Weſt Indies, and eſtabliſh the ſeat of a new empire.

By this ſhort ſketch upon trade, it may be perceived that it forms too conſiderable an object not to be neceſſarily regulated by laws. This is a thing of immenſe extent. Conventions of little importance will not be mentioned, ſuch as can only cauſe proceſſes among private perſons and are cognizable only by the judges of the admiralty. But after a particular account of what concerns the common law of nations at ſea, and the general terms which ſerve for a baſis to all the treaties of trade and navigation, the mutual engagements ſhall be related, which the powers of Europe have entered into.

GENERAL CONVENTIONS, Concerning TRADE and NAVIGATION.

The merchant ſhips forced by a ſtorm or other accident into a port, pay cuſtoms only for the goods they land, and are free not to unload but what they think fit. As to men of war, it is cuſtomary to ſettle the number of thoſe that may enter into a port, which number is generally five. However if a larger ſquadron is forced for ſome weighty reaſons to take ſhelter, the governor is to be informed of the place it intends to come to, the cauſe of its arrival, and the time it deſigns to ſtay.

Maſters of ſhips, pilots, ſailors, are not to be detained nor their ſhips and goods to be ſeized, by virtue of any general or particular order, on any account whatſoever of war or otherwiſe, not even under pretence of being ſerviceable in defence of the country. The ſeizures however and arreſts of juſtice in the uſual forms for debt, bonds, and contracts are excepted.

In caſe of war, it is allowed to trade with the contending powers, with an exception of all contraband goods; by which are meant all things uſed in war, offenſive or defenſive; but not thoſe things which ſerve for the ſuſtenance and ſupport of life. In general all commerce whatſoever is prohibited with a place beſieged or blocked up.

A ſhip is not to go to ſea without teſtimonials, paſſports, and certificates, declaring the name of the ſhip and its port, the habitation of the maſter or captain, the ſorts of its cargo, the country from which it comes, and to which it is bound, that it may be known whether it carries any prohibited goods, and that frauds may be prevented. Generally a form is agreed upon for the teſtimonials, paſſports, and certificates, and who ſhall deliver them.

When one ſhip viſits another, it muſt not come within gunſhot of the other, but ſend a boat with two or three men, to whom the maſter ſhall produce his paſſport, and teſtimonials, to which all manner of credit is to be given. If any prohibited goods are found, they ſhall be forfeited, but not the ſhip or the reſt of the cargo, unleſs the maſter of the ſhip throw his papers over board, or refuſes to lower his ſails.

When the United Provinces were contending with Spain for their liberty, they publiſhed an ordinance declaring that every ſhip which ſhould be met ſailing to any port of Spain, ſhould be good prize. No one complained of this conduct, either, becauſe the moſt conſiderable powers of Chriſtendom were at war againſt Spain, or becauſe the veſſels of the States-general reſpected the ſhips of the nations, who were able to avenge themſelves of any violences committed againſt them. The 22d of Auguſt, 1689, England and Holland ſigned a treaty at Whitehall, by which they agreed to notify to all the ſtates who were at war with France, that they ſhall attack and declare as good prize, all ſhips going or coming from any port of that kingdom. The neutral powers thought this treaty contrary to the uſual cuſtoms. The Swedes and Danes, ſome of whoſe ſhips were taken, complained of it in vain, but making a league the 17th of March, 1693, to obtain a ſpeedy and juſt ſatisfaction, they were going to commit hoſtililities when the reſtitutions demanded were granted them.

It is prohibited to ſeize the contraband goods found in a ſhip, before an inventory is made by the judges of the admiralty, unleſs the maſter conſents to deliver them in order to purſue his voyage.

A nation may confiſcate all the effects of a neutral power found on board an enemy's ſhip, if the lading was not made before the declaration of war, or within a certain term agreed on. Theſe terms are a month for the Baltic and North Sea, from the Naz in Norway to the Channel; and ſix weeks from the Channel to Cape Vincent; from thence to the Mediterranean, and to the Equinoctial Line ten weeks; and eight months beyond the Line. In this manner it is generally agreed by England, France, Holland, Spain, and the Hanſe Towns. The northern powers aſſign other terms in their treaties, and the difference conſiſts in eight, twelve, or fourteen days more or leſs, according to the diſtance of the ſeas.

However if a cargo laden before the declaration of war, or within the preſcribed terms, contains contraband goods, they are ſeizable upon payment of their value, or elſe the maſter of the ſhip ſhall bind himſelf to bring a certificate, to prove that he has not landed them in an enemy's country.

In the treaties of commerce, liberty is always granted to the ſubjects of the parties to carry all the merchandizes to one anothers ports that are not prohibited by law, with a clauſe of forfeiture for the reſt. The merchants are protected, and that they may not be moleſted, there ſhall be at the cuſtom houſe tariffs, or books of rates for all the duties upon imports and exports. They ſhall have liberty of conſcience, and may make uſe of ſuch lawyers, proctors, notaries, and ſolicitors, as they ſhall think fit, and may keep books of trade and correſpondence in what language they pleaſe. If it is neceſſary that theſe books ſhould be produced to decide any proceſs, the judge ſhall take cognizance only of the articles concerning the affair in conteſt, or which ſerve to eſtabliſh the credit of the books.

A prince always engages to forbid, under ſevere penalties, all his ſubjects taking commiſſions or letters of repriſals from any ſtate at enmity with the power he is treating with. He promiſes alſo not to grant letters of repriſals, but in caſe of denial of juſtice; and this denial is not to be held valid, unleſs the petition of him who demands repriſals be communicated to the conſul of the prince, againſt whoſe ſubjects they are to be granted, that he may juſtify or give ſatisfaction within ſuch a time. The injuries or damages committed by private perſons contrary to the tenor of the treaties, ſhall not diminiſh their force; but the offenders ſhall be puniſhed and obliged to make reparation.

If a ſhip is driven by ſtorm or otherwiſe on the coaſts, whatever ſhall be ſaved of the wreck, ſhall be reſtored to the owners provided they pay the charges of ſalvage, and make their claim within a year and a day. Neither party is to receive pyrates or exiles, it is uſual for the maſters or commanders of an armed ſhip for war or cruiſe, to give ſecurity before they ſail, to repair the damage that may be done by them whilſt at ſea contrary to the treaties.

In caſe of a rupture it is alſo agreed, that the ſubjects of the parties ſhall be allowed a certain fixed time after the declaration of war (generally ſix months) to retire and withdraw, or ſell their effects; till the expiration of the term they are to enjoy full liberty.

Without this convention, which is of no long ſtanding, the merchants would never be eaſy; at the leaſt appearance of a war they would haſtily withdraw their effects in order to avoid their ruin; and it is very viſible how detrimental to commerce ſuch interruptions would be.

What protection ſoever the trading powers grant their merchants, it falls very ſhort of the end preſcribed by their intereſt. Why ſhould two contending nations immediately prohibit all mutual commerce? this ſeems to be a relict of Barbariſm, or rather the effect of a cowardly perſuaſion that the reception of the ſubjects of an enemy is dangerous. It is imprudent no doubt, to grant them in time of war, the ſame freedom they enjoyed during peace; but what inconvenience would there be for two nations to allow one or more free ports for the merchants to reſort to? The intention in prohibiting trade is to annoy the enemy, but ſurely the prohibiter does himſelf conſiderable damage; there is no ſtate but what feels this want of circulation. The merchants are over-ſtocked with goods which decay in their warehouſes, manufactures languiſh, and the manufacturers which make the riches of a country, are a charge to it; the products of the land are loſt for want of conſumption. Beſides if the commerce turns upon neceſſary goods, it will continue in contraband, in ſpite of all prohibitions, and the ſtates will find themſelves diſappointed of the fruit of their cuſtoms.

This grievance ſo fatal to merchants, and ſo univerſally felt in its conſequences, cannot be redreſſed, before another

ſtill more pernicious and which increaſes without neceſſity the calamities of war, be aboliſhed; namely, the cuſtom of exerciſing of piracy upon the merchantmen, the moment a war is declared. How is it that nations, who conſider trade as the moſt ſolid foundation of their grandeur, and uſe ſo many efforts to extend their correſpondence, have not to this day diſcovered, how advantageous it would be to them, to agree upon ſome articles proper to ſecure the navigation of their merchants in time of war? Aſk the Dutch, and the trading part of the Engliſh, Spaniſh, and French nations; and their anſwer will be the ſame. They behold with horror the privateers, and would with the greateſt ſatisfaction hear, that the contending powers would not for the future permit their ſubjects to exerciſe piracy, nor their ſhips of war to inſult and take the merchantmen.

How advantageous this would be to the Spaniards and the Dutch, is viſible to any one who is the leaſt verſed in theſe matters. And it would not perhaps be very difficult to prove, that it would be alſo the intereſt of the Engliſh and French, to ſuffer trade to be carried on under proper reſtrictions during war. But this would be too long a digreſſion, and therefore to return to our ſubject.

It may be obſerved that the treaties of commerce may be ranked under two claſſes. The firſt claſs, which are not made for any limited time, are laws which cannot be abrogated without the mutual conſent of the contracting parties. The other claſs are particular conventions for a certain term of years, which loſe all their force, if at the expiration of the term preſcribed, they are not renewed by a freſh treaty. Of theſe there will be no farther mention at preſent, but the firſt claſs ſhall be fully handled in the following ſections.

PORTUGAL, relatively to ENGLAND, to the UNITED PROVINCES, to SPAIN, and to FRANCE.

"The ſubjects of England and Portugal ſhall be treated in one another's countries as the natives. They ſhall enjoy all the privileges and franchiſes that ſhall be granted to the moſt favoured nation. The Engliſh ſhall trade with all ſorts of merchandizes in all the dominions, the king of Portugal poſſeſſes in Europe."

This treaty, concluded at London in 1642, between England and Portugal, was made as appears by the date when the Portugueſe had thrown off the Spaniſh yoke. If the union of their crown with that of Caſtile, was the cauſe of the loſs of a great part of their ſettlements in both the Indies and in Africa; it may be ſaid that the revolution which advanced the houſe of Bragança to the throne, completed the ruin of their trade. To gain friends, the king of Portugal made treaties contrary to his intereſt, and his allies afterwards taking advantage of his diſtreſſes, ſcrupled not to ſtretch their privileges far beyond the bounds they had agreed on.

"The papers, accounts, merchandizes, and other effects of the ſubjects of England dying in the dominions of Portugal, ſhall not be ſeized by the judges of the orphans and abſent; but they ſhall be remitted to factors or merchants who ſhall return them to the lawful heirs, or thoſe that have a right to them.

"The Engliſh (by which word is meant, all the ſubjects of the king of England, except thoſe who are ſettled in their colonies) ſhall continue to trade freely in the lands, places, caſtles, ports, and coaſts of Africa, Guinea, Bine, the Iſle of St. Thomas, &c. where it ſhall be proved that they had any traffic in the time of the kings of Caſtile and at preſent, and they ſhall pay no higher duties than the allies of Portugal.

"The Engliſh ſhall be allowed to continue their commerce with the enemies of the Portugueſe, and to carry arms and war-like ſtores, provided they do not take them from any port of Portugal.

"The Engliſh ſhall not be moleſted on account of religion in the territories of his Portugueſe majeſty, but they ſhall behave with prudence and reſerve. In caſe of a breach between the two parties, neither the perſons nor goods of the merchants ſhall be ſeized. Both ſides ſhall be allowed two years to ſell, or withdraw their effects, and to retire where they pleaſe.

"The king of Portugal promiſes in his own, and the name of his ſucceſſors, to admit for ever hereafter, into Portugal, the woollen cloths, and the reſt of the woollen manufactures of Britain, as was accuſtomed till they were prohibited by the laws, nevertheleſs upon this condition, that the wines of the growth of Portugal ſhall be admitted into Britain, ſo that at no time (whether there be peace or war) any thing more ſhall be demanded for theſe wines by the name of cuſtom or duty, than what ſhall be demanded from the like quantity or meaſure of French wine, deducting or abating the third part of the cuſtom or duty."

This ſhort treaty conſiſting of three articles was concluded at Liſbon, the 27th of December, 1703, between Great Britain and Portugal. Notwithſtanding this treaty, it was agreed by queen Anne's miniſtry in their intended treaty of commerce with France, that the duties on French wines ſhould be no higher than thoſe on Portugueſe wines, by which means the trade of England with Portugal would have been entirely ruined. But the treaty was rejected by the parliament.

"The ſubjects of the United Provinces ſhall enjoy all over Portugal, the rights and privileges granted to the Engliſh, or that ſhall be granted hereafter by any treaty or by virtue of any cuſtom whatever."

This treaty of the Hague the 6th of Auguſt, 1661, between Portugal and Holland has been ſpoken of in the third chapter; by it was ended the war which the Dutch declared againſt Portugal, after having been driven out of Braſil.

"The United Provinces ſhall be free to carry on in Braſil all ſort of commerce except Braſil wood."

Braſil wood belongs to the king of Portugal, who alone trades in it and gains by it a large yearly ſum. The commerce of Braſil is carried on by the Portugueſe veſſels. Foreigners are not ſuffered to ſend ſhips thither, and the king cannot even grant them that privilege ſince his treaty with Spain, at Utrecht in 1715. The Europeans that ſend their goods to the Bay of All Saints, to Pernambuco, or to Rio-Janeiro, are obliged to load them in the ports of Liſbon or Oporto, and to borrow the name of ſome Portugueſe merchant.

The Dutch were not much concerned at being deprived of the liberty of trading directly to Braſil without paſſing by Portugal. They reaped no advantage by it, not only becauſe the freight paid at Liſbon and Oporto for the paſſage of the merchandizes to Braſil, is a trifle. The Portugueſe give their ſailors very ſmall wages, and they live at ſea with great ſobriety, which enables them to ſend their goods much cheaper to the colonies than foreigners could do.

"The king of Portugal conſents that the Dutch ſhall trade in all the places of Africa, where the Engliſh have extended their traffic. They ſhall be allowed to ſettle there and have houſes and magazines.

"The Dutch ſhall trade with all ſorts of merchandizes in the kingdom of Portugal; they ſhall be treated as the natives, and ſhall pay no higher duties for exports and imports than what is cuſtomary in May, 1753. The Portugueſe ſhall enjoy all the privileges allowed to the ſubjects themſelves of the States-general.

"The Dutch ſhall not be AUBAINS in the dominions of Portugal, that is to ſay, in caſe of death their effects ſhall not be ſeized by the judges of the orphans and abſent.

"The conditions ſtipulated by the Engliſh and Portugueſe in the 11th, 17th and 18th articles of the treaty of London, ſhall be agreed upon in favour of the Dutch in the 12th, 1ſt and 16th articles of the treaty of the Hague. The Portugueſe ſhall exact no contributions of the Dutch for the maintenance of the chapel of St. George.

"The commerce ſhall be ſettled between Spain and Portugal on the ſame foot it ſtood before the re-union and in the reign of Don Sebaſtian. The Portugueſe ſhall enjoy in the Spaniſh territories in Europe, all the privileges granted to the Engliſh by the treaty of Madrid the 23d of May, 1667. The Spaniards ſhall not be treated leſs favourably in the kingdom of Portugal."

This treaty of Liſbon the 13th of February, 1668, between Spain and Portugal, put an end to the war, which the Portugueſe had waged ſince 1640 for the recovery and defence of the liberty.

"Spain reſigns to the king of Portugal the colony of the Sacrament, ſituated on the north ſide of La Plata, on condition that he will not ſuffer there any foreign commerce. The Portugueſe ſhall not trade in any manner with the Spaniſh America, nor countenance the foreigners who ſhould ſend thither any merchandizes.

"The treaty of Liſbon of the 13th of February 1668, ſhall be maintained in full force.

"The king of Portugal grants to the merchants of Spain, and the king of Spain to the merchants of Portugal, all the advantages and privileges hitherto granted or that ſhall hereafter be granted to the moſt favoured nation. The two kings reſerve to themſelves alone and for their ſubjects, the right of trading in their reſpective dominions both in the Indi-

Indies and in America, excepting the Aſſiento-contract concluded between Spain and Great Britain, the 28th of March, 1713.

" In caſe of a breach between the two crowns, their reſpective ſubjects ſhall be allowed ſix months to withdraw their effects where they pleaſe.

" Trade ſhall be carried on in France and Portugal in the ſame manner as it was before the war of 1701, and the ſame privileges which the French enjoy in Portugal ſhall be granted to the Portugueſe in France."

The 1ſt of June 1641, Lewis XIII. and John IV. king of Portugal, concluded at Paris a treaty of alliance, wherein it was ſtipulated in the 7th and 8th articles, that commerce ſhould be ſettled between the two nations upon the ſame foot, it was in the time of the antient kings of Portugal, and that their ſubjects ſhould export reſpectively from their dominions, all the goods and merchandizes they ſhould want, paying only the ſame duties as were paid by the moſt favoured nation.

" The king of France engages not to ſuffer his ſubjects of La Cayenne, or others to trade in La Maragnan, or in the mouth of the river of the Amazons; he ſhall forbid them to paſs the river of Vincent Pinſon. On the other hand, all commerce in La Cayenne ſhall be prohibited to the Portugueſe.

" For the convenience of their trading ſubjects the parties ſhall ſettle conſuls to one another's kingdom, with the ſame privileges and liberties as thoſe of France uſed to enjoy in Portugal.

" In caſe of a breach between the French and Portugueſe, they ſhall have ſix months to withdraw their effects and retire where they think fit."

SPAIN, relatively to the UNITED PROVINCES, to FRANCE, to ENGLAND, to the COURT of VIENNA, to TUSCANY, to the HANSE-TOWNS.

" The Spaniards ſhall keep their navigation to the Eaſt Indies, in the ſame manner as they hold it at preſent, without the power of extending it farther; and the merchants of the United Provinces ſhall not frequent the places which the Caſtilians have in the Eaſt Indies."

This is part of the 5th article of the treaty of Munſter, in 1648, between Spain and the United Provinces, which deſerves a particular attention. The maritime powers alledged it as an inconteſtable bar to the emperor Charles VI, when he attempted to eſtabliſh in the Tuſtrian Netherlands an Eaſt India Company. The emperor at firſt was ſatisfied with giving leave to ſome Flemiſh and Brabant merchants to go and trade to the Indies at their own peril and fortunes. This made the Engliſh and Dutch very uneaſy; but the loudeſt complaints came forth, when by his letters of grant, the company was going to be firmly eſtabliſhed.

It is certain, the emperor's pretenſions were not well grounded. It had been ſtipulated in the treaties of Utrecht, and in that of the Barrier concluded at Antwerp, in 1715, that the emperor ſhould poſſeſs the Spaniſh Netherlands only with ſome rights and privileges, as Charles II. had enjoyed them. Now Charles II. could not in his demeans eſtabliſh an Eaſt India company; how then could his ſucceſſor aſſume ſuch a privilege?

Though Charles VI. could have juſtly defended his Oſtend company, it is probable, ſuch an eſtabliſhment would have kindled a war over all Europe. On this occaſion, the conduct of the Engliſh and Dutch may be remembered, when Denmark attempted in 1728 to form a new Eaſt India company at Altena. The maritime powers forbid his ſubjects to be concerned in the ſcheme, and conſidered it as a rupture on the part of the Daniſh king; they notified to him that 'the eſtabliſhment of an Eaſt India company at Altena was prejudicial to the trade of England and Holland, and very repugnant to the rules of friendſhip, and to the regard which princes and ſtates are wont to have for each other.' It was added, that 'the king of Great Britain and the States-general would not diſpenſe with oppoſing this eſtabliſhment by all the juſt means conſiſtent with the law of nations. But they hope that his Daniſh majeſty, according to his great wiſdom and equity, will reflect on the inconveniencies which reſult from his undertaking, and which might create fatal miſunderſtandings.'

" The Dutch ſhall forbear ſailing to or trading in the demeans of the king of Spain out of Europe, whether the places are fortified or not. All commerce is equally prohibited to the Spaniards on the coaſts, or in the harbours, ports and places poſſeſſed by the Dutch in the Indies and in America. The Spaniards conſent likewiſe not to traffic in the places of Braſil, which the Portugueſe (in 1641) took from the Dutch, and which they now hold, ſo long as they ſhall continue in the hands of the Portugueſe.

" The ſubjects of the king and the ſtates trading in the dominions of either, ſhall not pay higher duties than are paid by the natives of the places. The imports eſtabliſhed by the court of Madrid, during the twelve years truce ſhall be eſtabliſhed."

The 3d of July, 1667, the Dutch merchants obtained the privilege of carrying into the dominions of Spain all ſorts of India goods and merchandizes, after proving they came from their conqueſts, factories and colonies. It muſt be obſerved, the treaty of Munſter does not regard only the kingdom of Spain, but alſo all the provinces that were taken from it by the peace of 1713, and which are poſſeſſed by the court of Vienna and the king of the two Sicilies. The following articles relate only to the commerce between Holland and the demeans of the houſe of Auſtria in the Netherlands.

" The king of Spain and the States-general ſhall not levy beyond their reſpective limits any duties or gabels for export or import, on any other account upon goods in their carriage by land or water. Their ſubjects ſhall continue to enjoy the ſame immunity from tolls, they were poſſeſſed of before the beginning of the war.

" The king of Spain ſhall take off all the tolls along the Rhine and the Maeſe, which before the war were under the juriſdiction and within the diſtrict of the United Provinces, and particularly the toll of Zealand; provided however that the proprietors of theſe tolls do pay the annual rents that were mortaged before the year 1572.

" White boiled ſalt imported into the king of Spain's dominions from the United Provinces, ſhall pay no other duty than bay-ſalt; and ſalt carried from the Spaniſh provinces to thoſe of the States-general ſhall pay no more duty than their own.

" The different branches of the Scheld and the canals of Gas and Zwyn and other inlets to them from the ſea belonging to the States ſhall be ſhut up.

" Ships and goods paſſing from the ports of London ſhall continue liable to the ſame duties as thoſe pay which go up and down the Scheld or the forementioned canals.

" The ſubjects of the two parties ſhall behave with prudence and modeſty to one another with reſpect to the public exerciſe of religion. Decent burying places ſhall be appointed by the king of Spain for the ſubjects of the United Provinces, that ſhall die in his dominions.

" An equal number of judges ſhall be appointed on each ſide to reſide in the Netherlands, ſometimes in places under the ſtates and ſometimes in places ſubject to Spain. They ſhall have regard to the trade of the inhabitants of the Low-Countries, and to the duties which on both ſides ſhall be laid upon merchandizes. This tribunal ſhall examine into the breaches of this treaty in the Netherlands and the reſt of Europe; and ſummarily and fully determine therein; and their ſentences and determinations ſhall be ſpeedily executed by the ordinary judges where the breaches are committed.

" The Hanſe-Towns with all their inhabitants ſhall enjoy as to trade and navigation in the dominions of Spain all the privileges that are now granted or ſhall hereafter be granted to the ſubjects of the United Provinces. And the inhabitants of the United Provinces ſhall have the ſame rights as the Hanſe-Towns have obtained for the eſtabliſhing of conſuls in the capital and maritime towns of Spain. They ſhall alſo enjoy all the immunities that the Hanſe-Towns ſhall obtain after the concluſion of this treaty."

The treaty here mentioned was concluded between Spain and the Hanſe-Towns at Munſter the 11th of September, 1647. It would be needleſs to ſay any more of it, as it contains nothing material beſides the ſettling of conſuls in the territories of Spain. The Hanſe-Towns ſigned alſo a treaty at Munſter the 3d of May, 1648. It runs upon objects of little importance.

Philip V, and the States-general confirmed in 1714, the treaty of Munſter, in 1648, as may be ſeen in the 10th article between Spain and the United Provinces.

" The merchants of the United Provinces and their conſuls ſettled in Spain, ſhall enjoy all the privileges granted to the Engliſh, the French, and the moſt favoured nation. The Spaniards ſhall have the ſame favour in the territories of the United Provinces.

" When the ſubjects of the two parties have once paid the duties of import according to the tariffs, they ſhall

nor

not be obliged to pay again in exporting their merchandizes from one province to another of Spain or of Holland.

" The king of Spain ſhall preſerve to the ſubjects of Holland the power of having judge conſervators in all the trading towns of his kingdom, where they had them in the time of Charles II. and even where other nations now have them.

" The Dutch dying in Spain ſhall not be Aubains, their effects ſhall be remitted to their heirs. The ſubjects of the two powers ſhall inherit each other by will or birth.

" The king of Spain ſhall not permit any nation of Europe to trade to his American dominions, and upon occaſion the United Provinces promiſe to aid him with all their forces againſt any power that ſhall attempt to trade thither."

It is not to be doubted that it is the intereſt of the king of Spain, that all commerce to the Spaniſh Weſt Indies ſhould be carried on by the way of Cadiz. By permitting foreigners to go directly to Mexico or Peru, he would be deprived of part of his revenue, and perhaps even ſhake the foundations of his empire in America. All the trading powers who treated at Utrecht with Philip, required the ſame ſtipulation as may be ſeen, in the 8th article of the treaty of Great Britain, and the 17th of that of Portugal. It is feared that in time ſome extraordinary circumſtance may happen which might authoriſe the miniſtry of Spain to think it convenient to permit ſome nation to trade to America. This would ſo great a misfortune, that it has been deemed neceſſary to obviate it, however remote, or even chimerical it may ſeem. Indeed, if the liberty of commerce to the Spaniſh Weſt Indies was granted to a nation, it is not to be queſtioned but that nation would in a ſhort time engroſs the whole traffic and riches of Europe.

Spain has faithfully obſerved hitherto her engagements; but the ſame cannot be ſaid of other ſtates: it is known how many interlopers there are in the Pacific ocean and the ſea of Mexico. The Engliſh cannot conceal, that their contraband trade in the Weſt Indies is the richeſt branch of their commerce. They ſtrangely abuſed the permiſſion of the South-ſea ſhip, granted by the Aſſiento contract; and Jamaica is a general warehouſe, from whence they clandeſtinely ſend their goods to the places where they have artfully got correſpondents. The court of Madrid has often complained of this breach of the treaties without obtaining any ſatisfaction. The conteſts of the Spaniſh gard de coſtas and the contraband Engliſh veſſels, became a ſort of open war, wherein exceſſes were committed on both ſides. To ſtop the diſorder, a convention was ſigned at Pardo in 1739, founded on the antient treaties, of which ſome articles were explained and commented upon. This negotiation was fruitleſs, the parliament of England diſapproved of the convention of Pardo, all the nation exclaimed as if they had been robbed of one of their privileges; and the miniſtry, forced to give way to the torrent, declared war againſt Spain, the event of which is well known.

" The commerce of the United Provinces, and of the places held by the States-general in the Eaſt and Weſt Indies, ſhall continue upon the ſame foot as at preſent. As to the trade of the Canary iſlands, the laws and cuſtoms eſtabliſhed under Charles II. ſhall be obſerved.

" In caſe of a breach between Spain and Holland, their ſubjects ſhall be free for one year to ſell their effects or withdraw them where they pleaſe.

" The ſubjects of France in all the dominions of Spain, and the ſubjects of Spain in France, ſhall be treated as the moſt favoured nation; paying only the ſame duties as the Engliſh and Dutch.

" The parties ſhall have power to ſettle conſuls in each others dominions.

" The ſubjects of each party ſhall have liberty to ſell, give, change, alienate or otherway diſpoſe of, as well by deed as by will, goods, effects moveable or immoveable, that they ſhall poſſeſs in the dominions of the other party. Every one ſhall be free to purchaſe them, ſubject or not ſubject, without any other permiſſion whatſoever than the preſent treaty.

" In caſe of war between Spain and Holland, ſix months ſhall be allowed to retire with their effects."

It is to be obſerved, that the king of the Two Sicilies is bound by the Pyrenean treaty, as ſucceſſor of Philip IV. The ſame muſt be ſaid of the empreſs queen of Hungary, who poſſeſſes in Italy and the Netherlands ſeveral demeans, for which Spain has ſtipulated in the treaty of the Pyrences.

At the peace in 1714, the plenipotentaries of France ſhould have expreſly confirmed, in the treaties of Radſtad, and Baden the Pyrenean, as the court of Vienna was bound by it. They were contented to do it implicitly, by agreeing that the ſubjects of the emperor and moſt Chriſtian king, ſhould continue to enjoy, in point of commerce, all the privileges they were poſſeſſed of; as appears in the 34th article of theſe treaties. France and Spain ſettled nothing with reſpect to trade in the treaties of Aix-la-Chapelle, Nimeguen and Ryſwic; they only revived the articles of the Pyrenean treaty.

" The Engliſh ſhall pay in the territories of Spain no higher duties of export and import than the Spaniards themſelves, and they ſhall enjoy all the immunities and prerogatives granted to France, the United Provinces, and the Hanſe-Towns.

This is the 5th and 38th articles of the treaty of Madrid, concluded the 23d of May, 1667, between Spain and England, which treaty they confirmed in the peace of Utrecht 1713.

" The Engliſh ſhall be permitted to carry into Spain all ſorts of merchandizes of the growth of their kingdom and of their colonies. They ſhall alſo traffic there with Eaſt-India goods, proving by the teſtimony of their Eaſt-India company that they came from the Engliſh factories. As to America and the other countries out of Europe and ſubject to Spain, the ſame privileges are granted to the Engliſh merchants as were granted to the Dutch by the treaty of Munſter."

That is to ſay, the liberty of trading thither was denied them. This treaty of Madrid of 1667, was ſtill more preciſely expreſſed in a treaty between Spain and England, ſigned at Madrid the 8th of July, 1670, which ended the hoſtilities of their ſubjects againſt one another in America. It is there ſaid that, " each king ſhall forbear to navigate in the ports, havens, roads, &c. which the other poſſeſſes in America. But if a ſhip of one party is forced by a ſtorm, or other accident, to ſeek refuge in the ports of the other, the crew ſhall be well received and provided with what they ſhall want."

This treaty of 1670, is alſo confirmed by the treaty of commerce concluded at Utrecht between Spain and England. " The Spaniſh or Engliſh ſhips in their reſpective dominions, ſhall not be viſited by the judges of contraband, or by any other perſon whatever. No ſoldier or officer ſhall be put on board, till after the maſter of the ſhip ſhall have unloaded the merchandizes or declares he does not intend to land."

This article has been cited as exempting the Engliſh from being liable to the ſearch of the Spaniſh gard de coſta, but it is an evident miſtake. For it is plain that the queſtion here is only about the countries where the trade is allowed.

It is the cuſtom in England, that a foreign merchant pays no duties of export when he reſhips the goods he has imported. He is alſo repaid half the duties of import which he has paid, if his return be within a year after his arrival, ſo every Engliſhman who having unloaded his effects in any place of Spain, ſhall load them again to carry them to any Spaniſh port without paying any duty.

" The conſuls of the two parties ſhall be treated as thoſe of the moſt favoured nations. The Engliſh ſhall not be moleſted on account of religion; they ſhall have a burying ground in the principal cities of Spain, they ſhall not be liable to the law of Aubaine; and the Spaniards ſhall enjoy the ſame privilege in England. In caſe of a declaration of war between Spain and England, their ſubjects ſhall have ſix months to retire with their effects.

" The exerciſe of navigation and trade to the Weſt-Indies ſhall remain upon the ſame foot as in the reign of Charles II. Spain ſhall not ſuffer any ſtate to carry merchandizes to her American dominions, and engages not to reſign, ſell or alienate any part thereof."

The inhabitants of Guipuſcoa ſhall preſerve their right of fiſhing round the iſle of Terra-nova.

The Aſſiento treaty comes under the ſecond claſs of treaties, being only for 30 years, from 1713 to 1743. and therefore will not be enlarged upon here, nor the treaty of commerce concluded at Utrecht between England and Spain, nor that ſigned by the ſame princes at Madrid the 14th of December 1710.

The 13th of June 1721, the differences of Spain with France and England, were entirely ended by a treaty of peace and alliance concluded at Madrid. Philip V. confirms in the 6th article, all the privileges which the Engliſh and French enjoyed in his dominions by virtue of their former treaties. The treaty of Seville of the 9th of November, 1729, in the 4th article makes the ſame diſpoſitions.

The treaty of commerce between the emperor Charles VI. and the king of Spain at Vienna, 1725, ſhall not be mentioned,

tioned, as being annulled. The emperor renounced his Oſtend company; the king of Spain on his part declared in the treaty of Seville, that in contracting with the emperor, in 1725, he did not pretend to derogate from his former engagements. Beſides, this treaty is not confirmed in thoſe of Vienna the 22d of July, 1731, and of the 18th of November, 1738. It may perhaps be pretended that the articles relating to the trade of the Weſt-Indies remain in force.

"The merchants of Tuſcany ſhall be maintained in Spain, in the poſſeſſion of the ſame immunities and privileges as thoſe of the moſt favoured nations."

This is the 5th article of the treaty of Florence the 25th of July 1731, between Spain and the Grand Duke.

FRANCE, relatively to ENGLAND, to the UNITED-PROVINCES, to the Cities of LUBEC, BREMEN, HAMBURG, to the EMPIRE, to the Houſe of AUSTRIA, to the Court of TURIN, to the SWISS CANTONS.

"The ſubjects of England may freely bring and ſell in France all ſorts of ſilk and woollen ſtuffs of their own fabrication. The French ſhall be allowed to trade in England, Scotland and Ireland, with their wines and all ſorts of wares of their own growth."

This is the 5th article of the treaty of Weſtminſter, concluded the 3d of November, 1655, between France and Cromwell, who then governed England, in order to end ſome differences between the two nations concerning trade.

"The French merchants ſhall not pay any more in the ports of England the duty called 'head money,' nor ſhall the Engliſh be liable to that called 'l'argent du chef."

The ſame ſtipulation is inſerted in the 8th article of the treaty of trade and navigation ſigned by Lewis XIV. and queen Anne at Utrecht the 11th of April 1713.

"The Engliſh ſailing to Bourdeaux by the Garonne, ſhall not be obliged to take out their guns and arms at the caſtle of Blayne.

"The Engliſh dying in France may diſpoſe of their effects by will, gift or otherwiſe, without being liable to droit d'Aubaine.

"The inhabitants of Jerſey and Guernſey ſhall enjoy the ſame privileges in France as the French do in thoſe iſlands.

"In caſe of a war, the merchants ſhall have ſix months to ſettle their affairs and remove their effects."

By the 4th and 6th articles of the treaty of Breda, concluded the 31ſt of July, 1667, France and England agreed, that the liberty of trade and navigation ſhould be eſtabliſhed upon the ancient foot, and that all the edicts and arreſts, which one of the parties had publiſhed in prejudice of the other, ſhould be annulled. The ſame engagements only were renewed by the treaty of peace, ſigned at Ryſwic the 20th of September, 1697.

"The king of France promiſes that he will not endeavour to obtain any other uſage of trade and navigation to Spain and the Spaniſh Indies, than what was practiſed in the reign of Charles II. or ſhall be granted to other nations."

This article is inſerted not only in the treaty of Utrecht, 1715, between France and England, but alſo in that between France and the United Provinces.

"The French ſhall be excluded from all kind of fiſhing in the ſeas, bays, and other places on the coaſt of Nova Scotia, that is, on thoſe lying towards the eaſt within thirty leagues, beginning from Sable iſland, and thence ſtretching along towards the ſouth-weſt. They are likewiſe prohibited from ſettling in Newfoundland and the adjacent iſles, which ſhall belong to the Engliſh. Only it ſhall be allowed to the French to catch fiſh and dry them on land from Cape Bonaviſta, round northward to point Riche.

"The French of Canada ſhall give no moleſtation to the five nations of Indians ſubject to Britain: and the Engliſh ſhall behave peaceably to the Americans friends of the French; and on both ſides they ſhall enjoy the liberty of going and coming on account of trade."

The Dutch Weſt-India company agree, that the French India company may enjoy the iſle and fort of Arquin as their property. The Dutch renounce all their pretenſions, and reſign to the French company all their rights to the ſaid fort and iſland.

This is the firſt article of the convention ſigned at the Hague the 13th of January, 1727. And in a reſolution of the States-General of the 13th of April, in explanation of that convention, the Dutch declare,

"That by virtue of the ceſſion made to the French company, the French may behave in the iſle of Arquin as they pleaſe, that if they think proper to raze the fort and keep the iſland, it ſhall not be inferred from thence, that the iſland is abandoned by the French."

"The Dutch agree to an excluſive trade of the French company on the coaſt of Africa, which ſtretches along from fort d'Arquin to beyond Porto Darco, that is, to the river Serrelione. The Dutch ſhips ſhall not land unleſs forced by a ſtorm or ſome other unforeſeen accident."

Theſe are the 2d and 5th articles of the Hague convention, by the 4th article of which the French India company bound themſelves to pay the Dutch Weſt India company, the ſum of 130 thouſand guilders.

"In caſe of a war, the ſubjects of France and the States ſhall have nine months to remove their effects."

The treaties between France and the States concluded at Nimeguen, Ryſwic, and Utrecht, contain nothing particular; they always took care to ſign ſeparate articles for the affairs of trade and navigation, which being only temporary are not in force now.

"The navigation of the Rhine ſhall be free for the ſubjects of the Empire and of France, no new tolls ſhall be impoſed nor old ones increaſed; trade ſhall continue to be carried on in the adjacent provinces of this river, in the ſame manner as when Alſatia belonged to the houſe of Auſtria."

"The Imperialiſts and French ſhall have liberty to ſell, exchange, or otherwiſe diſpoſe of the goods and effects moveable and immoveable which they poſſeſs in one another's country; and all perſons, natives or foreigners, may buy them by virtue of this treaty.

"The inhabitants of the Imperial and Hanſe-Towns ſhall enjoy in the dominions of France, the immunities granted them by treaties or eſtabliſhed by antient cuſtom."

This is the 7th article of the treaty of Vienna of 1731, France and the empire agreed to make a treaty of commerce after the ratification of the peace; but that affair was neglected.

"The inhabitants and ſubjects of Lubec, Bremen, and Hamburg, ſhall freely trade in all the European dominions of France, and ſhall not pay higher duties for imports or exports than the French themſelves. The French ſhall enjoy in the ports of the Hanſe-Towns, all the privileges and rights which are granted to their own citizens."

Theſe are the 1ſt and 3d articles of the treaty of Paris the 18th of September, 1716, between France and theſe three Hanſe-Towns, from which treaty the following articles are taken.

"The merchants of the Hanſe-Towns ſhall not pay the import of fifty ſous a tun, laid upon foreign ſhips, except in caſe they load merchandizes from one port of France, to import to another of that kingdom. The French ſhall not pay the duty of freight called Laſt Gheldt, which is raiſed at Hamburg.

"As for the Levant-trade in France, the Hamburghers ſhall not pay the 20 per cent. except in caſes where the French themſelves pay it. They ſhall have all the privileges that the king ſhall grant hereafter to the Dutch and the northern nations; they ſhall not be Aubaines in France, but ſhall diſpoſe by will or otherways of all their goods and effects."

As to the trade which the Hanſe-Towns may carry on in the time of war with the enemies of France, all the general conventions mentioned in the beginning of this chapter were agreed on.

"The French captains and thoſe of the Hanſe-Towns, armed for cruiſe or war, ſhall give, before they leave the port, a ſecurity for 15 thouſand livres Tournois, to repair the damages they may commit contrary to the preſent treaty."

"That a ſhip may be deemed to belong to the Hanſe-Towns, 1ſt, It muſt be of their own or the fabrication of a neutral nation, or purchaſed of an enemy before the declaration of war. 2dly, The captain, maſter, pilot, ſupercargo, muſt be natives of the Hanſe-Towns, or naturalized three months before the declaration of war. 3dly, Two thirds of the crew muſt be natural ſubjects of the Hanſe-Towns, or of ſome neutral power, unleſs they were naturalized before the declaration of war.

"The ſhips of Hamburg, Bremen, and Lubec, ſhall ſtrike their colours, and lower their ſails when they meet the banner of France."

" In caſe of a war between the empire and France, the ſubjects of the Hanſe-Towns, ſhall be reputed neutral in regard to France, provided they obtain from the emperor the like neutrality for the French merchants who ſhall load in their ports."

This is the 1ſt ſeparate article of the forementioned treaty of Paris.

" If a breach ſhould ariſe between France and the Hanſe-Towns, their ſubjects of both ſides ſhall have nine months to remove their effects.

" The navigation of the Lys, from the mouth of the Deule, in ſailing up ſhall be free; no new tolls ſhall be eſtabliſhed. The mutual abolition of the right of Aubaine with regard to the ſubjects of France and the Auſtrian Netherlands is confirmed.

" The trade to Italy ſhall be carried on and maintained as it was ſettled before the war of 1688. In the kingdom of France, and in the ſtates of the duke of Savoy, ſhall be obſerved what was practiſed in the reign of Emanuel II, both with regard to the road of Suza as of Savoy, of the bridge of Beauvoiſin and of Villafranca. The French couriers ſhall paſs as heretofore, through the demeans of his royal highneſs, and ſhall pay the uſual duties for the merchandizes they ſhall be charged with."

This is the 6th article of the treaty of Turin, the 29th of Auguſt, 1696, between France and Savoy; and the 10th of the treaty of Utrecht between the ſame powers.

" The Swiſs are reckoned as natives in France, they ſhall not be liable to the cuſtom of Aubaine or of Traieforaine*. The French ſhall enjoy the ſame privileges in the Swiſs Cantons, trade ſhall be free between them, the merchants of both ſides may export the money they have received for their goods, provided however they make their declarations and take out paſſports, in order to avoid frauds."

Theſe are the 24th, 25th, and 26th articles of the treaty of the 9th of May, 1715, between Lewis XIV. and the Swiſs Cantons.

The prohibition of exporting gold and ſilver money, is general all over Europe; and it may be ſaid that there is not a more trifling or ſilly law. A little treatiſe of the famous Mr. Law, and the reflections of Mr. Du Tot upon trade, have exhauſted this ſubject.

ENGLAND.

Relatively to DENMARK, SWEDEN, UNITED PROVINCES, Houſe of AUSTRIA, and the HANSE-TOWNS.

In relating the engagements between England and Denmark, with regard to trade, reference ſhall be had only to their treaties of London the 13th of February 1660, of Breda the 31ſt of July 1667, and of Weſtminſter the 9th of December 1669, from whence are taken the following articles.

" The ſubjects of England and Denmark ſhall be treated in the dominions of both parties as the moſt favoured nation; and the Engliſh ſhall continue to pay, for paſſing of the Sound, the ſame toll as in the year 1650.

" The Engliſh that ſhall go to the Baltic through the Sound, may defer the payment of the tolls till their return, provided they give ſecurity to pay them three months after their paſſage in caſe they do return.

" The Engliſh ſhall not frequent the ports of Denmark and Norway that are prohibited. The parties ſhall each have magazines and conſuls in the others dominions, and ſhall not be liable to the right of Aubaine.

" The Danes ſhall import into England, only goods and merchandizes of their own growth, or thoſe that come from Germany by the Elbe.

" It is agreed, that Gottenburg in Sweden, and Plymouth in England, ſhall be free ports, where the Engliſh and Swediſh merchants ſhall enjoy reſpectively the right of ſtaple, with all the privileges thereof. The Swedes may import to Plymouth all ſorts of merchandizes from the Baltic and the maritime provinces of Sweden. The Engliſh may ſell at Gottenburg all kinds of wares except thoſe of the Baltic and Swediſh provinces."

The 5th article of the treaty of Stockholm the 26th of February 1666, between England and Sweden, is not practiſed now, though it was never annulled. The foreign merchandizes pay ſo high duties in Sweden, that the Engliſh carry thither at preſent little elſe but wines, brandies, Spaniſh ſalts, and money in exchange for what they take there. The Swedes ſeem reſolved to have nothing to do with all other nations. They have prohibited the importation of all ſorts of ſilk and woollen manufactures, and iron wares. This regulation is ſo ſtrictly obſerved, that if a Swede ſhould import any foreign ſtuffs, he would be condemned to be fined. Some ſpeculative perſons think this proceeding very wrong; but others believe it may be defended. It muſt not be thought that Sweden is to be governed by the ſame maxims as England, France, and Holland; what enriches theſe powers, would entirely ruin the Swedes. By the way, it may be remarked, that policy has no method of trading that will agree with all nations. Each ſtate muſt be guided by principles relative to its government, and to its own and the ſituation of its neighbours.

" The ſubjects of England and Holland ſhall trade in each other's European dominions, and ſhall be treated there as the moſt favoured nation. The Dutch ſhall conform to the regulation made by the parliament of England, 1660, and ſhall not import into Britain, goods or merchandizes of Germany, but thoſe they receive by land or by ſome river, and which are ſent to them on purpoſe to be exported.

" All the declarations made during the war, to the prejudice of one of the parties ſhall be annulled. In caſe of attack or inſult from what quarter ſoever, the Engliſh and Dutch ſhips that are at hand ſhall mutually aſſiſt one another.

" On both ſides no ſhip ſhall be allowed to be armed for war or cruiſe, till after ſecurity is given to repair the damage the captain may do, contrary to the articles of the treaty.

" If war ſhould be declared, the ſubjects of each party ſhall have ſix months to remove their effects. The United Provinces engage not to appoint for captain-general, admiral, ſtadtholder, &c. one who does not promiſe upon oath to obſerve the conditions agreed upon."

The treaty of the 15th of April 1655, between Cromwell and the ſtates, and ſeveral other engagements concerning trade between the Engliſh and Dutch are omitted, as containing only general conventions, ſuch as are mentioned in the beginning of this chapter.

" The treaty of Munſter 1648, between Spain and the States-general, is confirmed. All the articles of it concerning the commerce of the Netherlands ſhall be faithfully obſerved. The merchandizes brought from England or Holland, ſhall pay only the duties of import and export according to the tariff ſettled at Bruſſels the 6th of November 1715."

This is the 26th article of the barrier-treaty between the emperor and the United Provinces, concluded at Antwerp 1715.

" The Engliſh merchants ſhall have in the kingdom of Sicily, all the preogatives they enjoyed in the reign of Charles II.

" The ſubjects of the Hanſe-towns have the ſame liberty of trading in all the European dominions of England; they ſhall be treated there as the moſt favoured nation; but they ſhall be bound not to uſe borrowed ſhips, and ſhall make oath that the ſhips are their own property, and that the greateſt part of the crew are natives of the country. They may import into Britain all ſorts of goods and merchandizes of the growth and manufacture of Germany."

By ſuch acts of conceſſion, and not by treaties, the Hanſe-towns have obtained theſe privileges.

UNITED PROVINCES.

Relatively to SWEDEN, to DENMARK, to DANTZICK, to the Houſe of AUSTRIA.

" The treaties of Elbing, of the 11th of September 1656, and of Elſinor, the 9th of December 1659, are annulled by all their parties."

This is the third article of the treaty of the Hague, the 28th of July 1667, between the Swedes and Holland. It had been agreed by the treaty of Elbing, that the Dutch ſhould not pay higher duties in the ports of Sweden than the natives. How plain ſoever this clauſe was, it did not fail to create many difficulties on both ſides. The parties met at Elſinor, to prevent a rupture, and it was agreed that the Dutch merchants ſhould be treated as the Swedes, as to their goods, but ſhould pay one per cent. more on account of their ſhips. This ſubtlety ſatisfied the Dutch and the Swedes. The Dutch agreed alſo, that they would declare the price of the goods which they imported to Sweden, and the king might take them upon his own account, adding a fifth above the ſet price.

* A duty upon certain goods imported or exported.

" The

"The ſubjects of Sweden and of Holland ſhall trade freely, and mutually enjoy the privileges granted to the merchants of other nations."

The Dutch have almoſt engroſſed the whole trade of Sweden, by the large advances they have paid to the farmers of the copper mines, and to the merchants of pitch and tar. They have theſe goods ſo cheap, that they can ſell them at Amſterdam at the ſame price that foreigners buy them at Stockholm.

"The Swedes ſhall forbear to trade to Cabo-Corſo, and along the coaſt of Guinea. They ſhall not land there, unleſs attacked by pirates, or forced in by a ſtorm."

The United provinces having always carried on a very rich trade in the Baltic, carefully ſought the friendſhip of Denmark. Theſe powers have treated together at Chriſtianople the 13th of Auguſt 1645, and at the Hague the 22d of February 1647, the 11th of February 1666, and the 12th of February 1669. Some articles only ſhall be mentioned here of the treaty of 1666, which concern the Daniſh African company, and the Dutch Weſt India company.

"The king of Denmark deſiſts from all his pretenſions to Cabo-Corſo, Tocquoray, and Anamabo, and reſigns them to the States-general.

"At the expiration of the grant of the kings of Denmark to their African company, that is, at the beginning of the year 1630, Fredericſburg, Orfu, otherwiſe called Chriſtianſburg, ſhall be given in full property to the Dutch Weſt India company."

Some diſputes ariſing between the Danes and the Dutch, they concluded the 6th of July 1688, under the mediation of the elector of Brandenburg, a proviſional treaty, by which they confirmed and revived the above-mentioned treaties, till their miniſters, who were to meet at Hamburg or Altena, ſhould have made new regulations. The wars with which Europe was then troubled, hindered the concluſion of this affair, and the proviſional treaty became in ſome meaſure definitive. It was not till the 25th of June 1701, that theſe powers concluded at Copenhagen, for twenty years, a treaty of commerce, wherein that of 1645 was confirmed. Every thing was ſettled relating to the liberty of navigation in the ſeas, ports, and rivers, of the two parties. The duties each ſhould pay, and the immunities each ſhould enjoy, were regulated.

"The ſubjects of the United Provinces ſhall pay to Dantzick no higher duties of import and export than the Dantzickers themſelves. The parties ſhall treat one another as they treat the moſt favoured nations."

This is the 26th article of the barrier treaty concluded at Antwerp in 1715, and the 4th of the act of acceſſion of Holland to the treaty of Vienna the 16th of March 1731.

"The Dutch ſhall continue to have in the kingdom of Sicily all the privileges they enjoyed under Charles II."

The NORTHERN POWERS.

Relatively to their Intereſts, and to the EMPIRE.

"The commerce between Sweden and Poland ſhall be reſtored upon the ſame foot as before the war. Their ſubjects and the Courlanders ſhall freely trade on the Dwina and the Bulderau. No new impoſts ſhall be eſtabliſhed, nor the old ones raiſed higher, in the two rivers or in the ports and cuſtom-houſes of Livonia. The merchants of Great Poland ſhall not pay at Stetin any new duties or gabels that may be levied there. Dantzick, and the other cities of Pruſſia, ſhall enjoy in Sweden the ſame privileges as before the war.

"The Hanſe-towns ſhall trade freely in all the demeans of Sweden and Denmark."

It has been obſerved in the ſecond chapter what privileges the Swediſh ſhips obtained in the paſſage of the Sound: they were confirmed by the treaties of Fontainebleau and Lunden, 1679, and by that of Copenhagen of the 18th of May 1680. Afterwards Sweden was obliged to renounce theſe privileges. The treaty, which was concluded at Stockholm in 1720, between Sweden and Denmark, ſubjected the Swedes, in the paſſage of the Sound, to the ſame tolls as are paid by the Engliſh, Dutch, or moſt favoured nation.

"The ſubjects of the emperor, the empire, and particularly the Hanſe-towns, ſhall be reſtored to all the privileges of commerce, they enjoyed before the war, in the territories of Sweden. The Swedes, the Livonians, &c. ſhall trade alſo in full liberty within the empire.

"There ſhall be an entirely free trade between the ſubjects of Poland, Lithuania, and Ducal Pruſſia. The differences which may ariſe upon this article, ſhall be judged by arbitration. The parties may eſtabliſh, by mutual conſent, new duties or tolls in their territories. Their ports ſhall be reſpectively open to them, and they ſhall be permitted to purchaſe of one another all ſorts of warlike ſtores.

"The commerce between Sweden and the territories of the king of Pruſſia, ſhall be reſtored and favoured.

"There ſhall be no impediment to the navigation of the Pehne, or the inlets of the ſame. The king of Pruſſia ſhall not eſtabliſh new, or raiſe the old tolls. His ſubjects, as well as other foreigners, ſhall have for their ſhips the free uſe of the port of Grunſchwart to retire to and remain there. They ſhall pay no impoſt in that port; and ſhall enjoy the ſame privilege at Rugen, provided they pay at Wolgart the uſual cuſtoms before the war. The ſubjects of Swediſh Pomerania ſhall have the ſame liberties with regard to all the ports, havens, coaſts, rivers, which are ceded to the king of Pruſſia.

"Inſtead of hindering, the king of Pruſſia ſhall favour, the commerce of timber, which the Swedes have heretofore carried on in Pomerania, and his other dominions. They ſhall continue to traffic on the Oder and the Warthe; and care ſhall be taken that the navigation of theſe rivers ſhall be free. In fine, the ſubjects of the two parties ſhall enjoy with one another, in reſpect of trade, all the privileges that ſhall be granted to the moſt favoured nation.

"The ſubjects of Sweden and Ruſſia ſhall freely trade with one another, and ſhall be allowed to have magazines in their reſpective dominions.

"Poland and Ruſſia mutually agree upon a full liberty of commerce."

END OF THE APPENDIX.

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